

# Vulnerable Victims of Crime



## MAKING IT EASIER TO TESTIFY IN COURT



### Vulnerable Victims of Crime... Making it Easier to Testify in Court

Participating in the criminal justice system can be a traumatic or frightening experience for any victim of crime. This is especially true for children and other vulnerable persons. Although the law has had protections in place for them, additional protections have been added, making it easier now to testify in court.

#### Who are vulnerable victims of crime?

Vulnerable victims are children under 18 years, and any victim or witness with a mental or physical disability that impairs their ability to testify. Vulnerable victims are *automatically* eligible for testimonial aids and other protections. Other victims may also apply, and the Court will decide if they are eligible for the protections by considering their age, the nature of the offence, and their relationship to the accused.

#### At what age may children testify?



Any child victim or witness may be able to testify. Children 14 to 18 years may be "sworn in" to testify in the same way as adults. Children under 14 years may testify on "a promise to tell the truth" if the Court feels they are able to understand and respond to the questions.

### What special protections are available to vulnerable victims?

#### Testimonial Aids

Vulnerable victims may find it hard to tell the Court what happened because the accused or certain persons are in the courtroom. They may ask the Court to let them testify from a place outside the courtroom or from behind a screen. The following testimonial aids may be available:



**Screen** - is a barrier that is placed in front of the vulnerable victim when they testify in the courtroom. Although the victim/witness cannot see the people in the courtroom, except the judge, the people in the courtroom can see them.



**Closed Circuit TV** - is equipment that allows two-way communication, both visual and oral, between a victim who is testifying from a special room outside of the courtroom and the people in the courtroom.

#### Court Support Person

This is a person who accompanies a vulnerable victim to court to help him or her feel comfortable and safe. A vulnerable victim may ask the court to have a court support person. This may be a family member or friend, or a Victim Services Court Support Volunteer. Support persons cannot answer questions for the victim/witness, and cannot be someone who is also a witness in the same proceedings.

#### Publication Bans

The Court may order that the media and others not publish, broadcast or transmit in any way, information that can identify a victim or witness. This protection is mandatory for witnesses under the age of 18 years and for victims of any age in violent or sexual offences. Other victims may request a publication ban and the Court may grant the request.

A vulnerable victim may ask the Court to have a court support person.

#### Videotaped Evidence

The Court may admit a videotape of a vulnerable victim's complaint to the police about what happened. This spares them from having to retell their story. However, the vulnerable victim must be present in Court to state that everything on the tape is the truth and the defence counsel may ask the victim questions about the content of the videotape.

#### Exclusion of the Public

The Court may require all or some members of the public to leave the courtroom during all or part of the court proceedings.

#### Cross-Examination by Accused

When people accused of a crime choose to represent themselves, the Court will not allow them to question children under 18 years. The Court would instead appoint a lawyer to conduct the cross-examination of the young person. This is also a mandatory protection for victims of criminal harassment and sexual offences.

#### How do vulnerable victims request these protections?

With the exception of videotaped evidence, vulnerable victims and/or their parents/guardians must apply to the Court for these protections. They can advise the Victim Services Coordinator, Crown prosecutor or the presiding judge at any time prior to or during the criminal proceedings. The Court will usually grant the application to those persons eligible for the protections; however, the Court may deny these protections where it thinks that they would harm the justice process.

### Where can victims and witnesses go to ask for more information or help?

Children and their parents/guardians, and other vulnerable victims can turn to Victim Services for help and support throughout the court process. Victim Services will also brief victims and their families after any court proceeding and explain what has happened. For more information about assistance for vulnerable victims, contact the nearest Department of Public Safety, Victim Services office:

Bathurst	547-2924
Bouctouche	743-7251
Burton	357-4035
Campbellton	789-2388
Edmundston	735-2543
Fredericton	453-2768
Grand Falls	473-7706
Miramichi	627-4065
Moncton	856-2875
Richibucto	523-7150
Saint John	658-3742
Shediac	533-9100
St. Stephen	466-7414
Tracadie-Sheila	394-3690
Woodstock	325-4422

Other resources that may be helpful to vulnerable victims and witnesses include:

*"Service for Victims of Crime"*

*"Victim Impact Statements"*

*"Picture this...a guide to the criminal justice system"*

*"Being a Witness"*

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