

INITIAL WITNESS ASSESSMENT

YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

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URN: 62CA123456

Witness's Name: SMITH , Paul

Age: 48yrs

Date of Birth: 21/09/71

Step 1 Identification of Witness

This Act aims to assist certain vulnerable groups of witnesses to give evidence at court with the assistance of 'Special Measures'. Ticks to show which of the group(s) below apply to this witness.

Vulnerable

- a) Child under 17 ☐
- b) Witness with a mental disorder ☐
- c) Witness with learning disabilities ☐
- d) Witness with a physical disability/disorder ☐

Intimidated

- e) Witness in fear or distress about giving evidence ☒
- f) Complainant in sexual case ☐

Step 2 Eligibility for 'Special Measures'

a) and f) are automatically eligible for Special Measures. Go to Step 3.

For b), c), d) and e), explain briefly below the nature of the vulnerability, fear or distress and show how this is likely to diminish the quality of their evidence in terms of their evidence being complete, coherent and accurate. Coherence refers to their ability to understand the questions put to them and to give an appropriate answer.

Note guidance in respect of e).

Nature of disorder/impairment or witness fear/distress and effect on evidence. (Expert advice may need to be sought.)

The victim has expressed grave concerns about attending court to give evidence in the presence of the defendant. The defendant is a known criminal and has many associates who have already threatened the victim not to give evidence. The victim states that he will not attend court if he is to give evidence whilst the defendant and his associates are in the public gallery and will be able to see him. The victim was stabbed during an unprovoked and racist attack and is aware of the further violence that can be used against him.

e) Consider and note these factors

- The circumstances of the offence.
- The age of the witness.
- Their social and cultural background/ethnic origins.
- Their domestic and employment circumstances.
- Any religious beliefs or political opinions.
- Any behaviour towards the Witness by the accused, his/her Associates, family or anyone else.

Step 3 Special Measures

If a child witness is under 17, tick to show if the case is:

- a) Sexual offence ☐
- b) Offence involving violence, cruelty or abduction ☐
- c) Any other offence ☐

If either a) or b) apply, then the child witness is 'in need of special protection' and the admission of a visually recorded interview if available, is mandatory and any other evidence must be given by a live link.

Which Special Measures(s) is/are likely to improve the ability of the witness to give evidence, and why? Consider: the needs of the witness, age, development or disability, communication difficulties, the state of mind (distress, shock); the type and severity and/or the circumstances of the offence (offender known to the witness); the purpose and likely value of a visually recorded interview on this occasion, perceived fears about intimidation and recrimination.

Special Measures	Check box If required	State how this will improve the quality of the witness's evidence
Screens	☒	The victim's evidence will be enhanced if he does not have to go through the intimidating and traumatic experience of having to come face to face with his assailant. He feels that if he reveals his identity at court then this will then be known to the defendant's associates. He has already received anonymous threats.
Live link	☐	
Evidence in private	☒	
Removal of wigs & gowns	☐	
Visually recorded evidence	☐	
Video cross-examination	☐	
Intermediaries	☐	

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Communication aids	☐	
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Step 4

Please attach supporting evidence, e.g. birth certificate, medical report (if available).

Step 5

Give the views of the witness as to why the measures sought are required.
He will NOT give evidence if he has to face the defendant.

Step 6

If appropriate, what are the views of interested parties? e.g. parent, carer, doctor, nurse, guardian, etc.

Step 7

Details of other agencies involved, e.g. Social Care Services, CPS, Schools, etc. (include results of any communications and contact numbers, details and addresses).

Step 8

If you decide not to collect evidence from a child witness by visual recording, explain why:

Step 9

Please indicate on form MG6 if a Special Measures meeting is required.

Assessing Officer (print name, rank/job title, number): Special Measures are referred to in both the MG6 and victim statement.	Date: 1/4/18
Contact details (telephone, mobile, e-mail):	DC 999 Jones - 02920 222111 EXT 34 590