

STANDING together

against domestic violence

Special Measures Directions Procedure

at the

**Specialist Domestic Violence Court,
West London Magistrates Court**

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Registered Office:

Room 44D
The Polish Centre
238-246 King Street
London W6 0RF

Telephone: 020 8748 5717

Fax: 020 8748 5921

E-mail: admin@standingtogether.org.uk

Website: www.standingtogether.org.uk

Specialist Domestic Violence Court [in West London Magistrates Court] SPECIAL MEASURES PROCEDURES

WHAT ARE SPECIAL MEASURES

Types of Special Measures that can be applied for by CPS for domestic violence cases:

1. **Screens** – These will be put up in the same courtroom where the case is being heard to shield the victim/witness from being physically seen by the defendant; the defendant will only hear the victim's voice from behind the screen and vice-versa.
2. **Live TV link** – Evidence will be given by the victim/witness in a designated room for the TV link, within the West London Magistrates Court premises. The evidence will be transmitted to the courtroom and everyone in the court can see the victim/witness on the screen but the victim/witness cannot see the defendant in the dock.
3. **Closed Court** – This measure is available but should be used sparingly because of the principle that justice should be open to the public as much as possible. This can be used for very vulnerable witnesses who cannot give evidence with the public present. It is not necessarily all applications that are granted.

THE PROCESS OF APPLYING FOR SPECIAL MEASURES DIRECTIONS [SMD]

1. SMD is available for both prosecution and defence witnesses.
2. The court is required to consider whether the quality of evidence given by a witness is diminished by fear or intimidation.
3. To be so satisfied, the court must consider:- i] the circumstances of a case ii] views of the witness and iii] whether a SMD might inhibit the evidence being effectively tested by defendant.
4. If the court is satisfied that the quality of the evidence given would be improved by the making of a SMD, it must then consider which of the available SMD would enable best quality evidence to be given.
5. An application for SMD must first cross threshold tests and then consider appropriateness of i] screens or ii] live TV link or iii] closed court or iv] evidence through an intermediary, before deciding.
6. Applications should not just be for screens, without considering other types of measures.
7. Applicant to file the appropriate form.

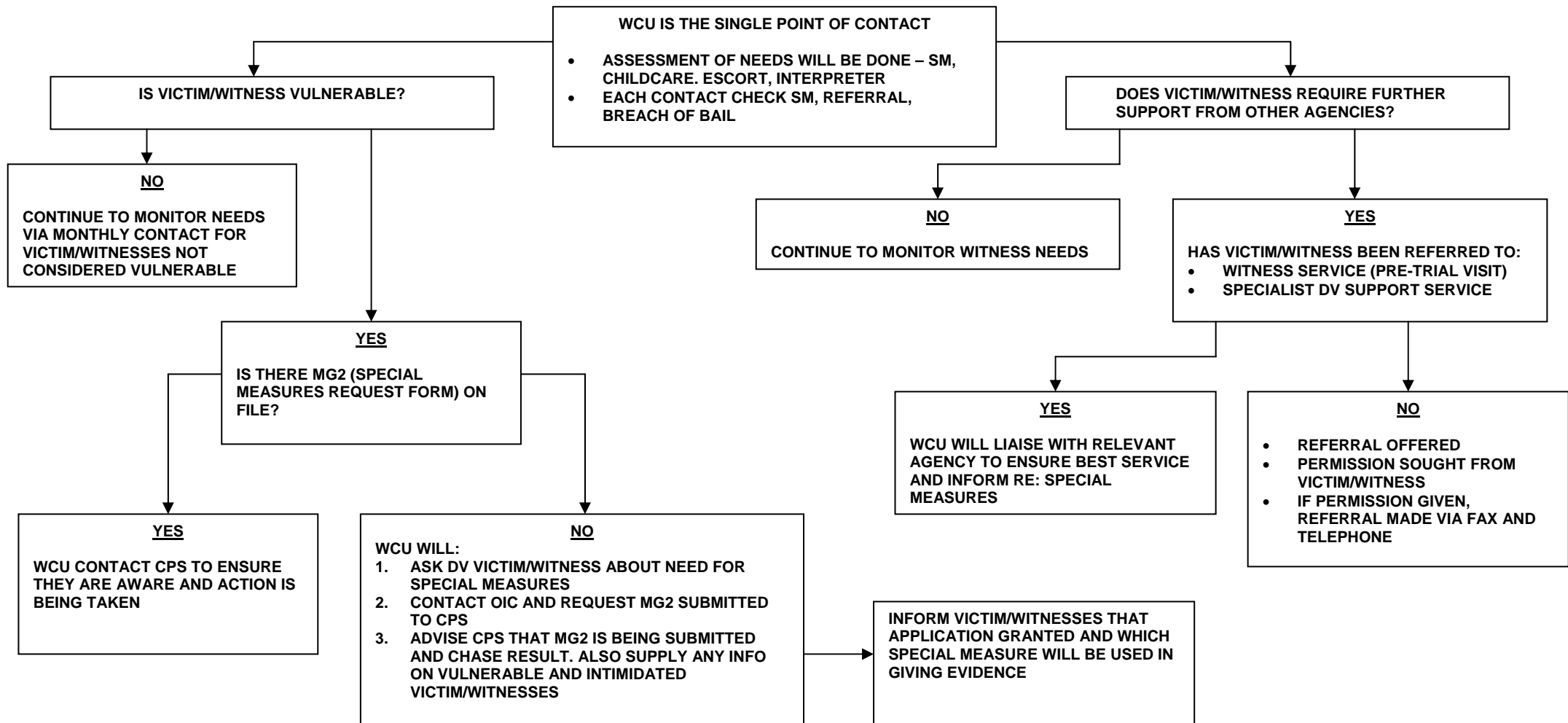
WHAT ARE THE STEPS?

1. Police will assess the victim at the time of the incident or shortly after and if considered vulnerable the police will forward the victim's special measures needs to the CJU.
2. The WCU will undertake early asking of all DV victim/witnesses about the need for SMD. The WCU will inform the OIC of any request made and will check that this request is passed on to the CJU.
3. The CJU will pass on the information to the CPS, using the MG2.
4. The CPS will apply in court for special measures direction [SMD] for victims that appear to be vulnerable or intimidated. The application is to be made preferably as soon as a not guilty plea is entered.
5. The CPS can apply for SMD at any point when CPS becomes aware of the need, up to and including the date of the trial or when the need for an application arises.
6. Case Progression Officers will notify the WCU on the day SMD is granted.
7. The Witness Service and the Advocates [ADVANCE and Eaves] will be informed by the WCU that SMD has been granted to cases that they are supporting.
8. If WCU is unsure that the case is being supported by either of the two agencies, they will inform the Witness Service no less than 1 week ahead of the trial date to enable them to arrange a pre-trial court orientation visit.
9. The Witness Service on the day of the trial will 'meet and greet' the victim/witness who will give evidence by Special Measures.
10. The Witness Service will show the victim/witness the particular special measures facilities that will apply in the victim/witness' case before the court session starts.

Amend Feb 2006

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SPECIAL MEASURES AND OTHER SUPPORT FOR VICTIM/WITNESSES



NOTE: WHERE A REQUEST FOR SMD OR OTHER SUPPORT IS MADE BY VICTIM/WITNESS TO ONE OF THE DVWSG AGENCIESX IN H&F OR K&C:

- CALL THE WCU
- SPEAK TO THE WCU CLERK OR THE CSU OFFICER IN THE CASE
- EXAMPLES OF SUPPORT REQUESTED COULD BE FOR INTERPRETERS, CHILD CARE ARRANGEMENTS, TRAVEL SUPPORT, ETC.
- ADD INFORMATION INTO DV CASE INFO FORM AND FORWARD TO WCU