

## **Cowichan Valley Regional RCMP Victim Services**

6060 Canada Ave  
Duncan BC V9L-1V3  
250-746-2160

### **Court Witness Information**

As a witness, you have become a very important participant in the Criminal Justice System. Police and the courts can only enforce the laws of our country if we as citizens consider it our basic duty to testify when called on, so the truth may be known and appropriate action taken.

You could be required to participate at a trial or preliminary hearing for different reasons. For instance, you may have been personally involved in an incident that led to a court case. In any situation it is important that your statement on the witness stand be true, complete and honest.

#### **Preparation**

You will receive a notice called a subpoena from the Crown Council's office requesting your attendance in court as a witness. This is a legal order given by the court to cause you to appear and give testimony and/or bring some specific document with you. A subpoena is either served by mail or by the local RCMP Detachment. Crown Counsel, who is conducting your case, may request an interview with you prior to you testifying in order to explain what they will need from you.

If you have questions about testifying or other concerns, you should contact the **Duncan Crown Counsel office at 250-746-1229.**

Keep Crown Counsel advised of your current address and telephone number, and notify them of any changes.

If there is a reason why you prefer not to state your address, or have it written on your subpoena, please advise Crown Counsel's office.

Retain and bring to court any notes that you made at the time of the incident.

Although you cannot read your testimony in court, you may be given a quick review of your statement will help refresh your memory on the day of the trial.

The courthouse is located at **238 Government Street, Duncan BC**, next to the round building. Free parking is located in the gravel lot behind the courthouse. Parking on the streets is pay parking (metered) and strictly enforced.

#### **Victim Services**

We realize that court attendance can be inconvenient for witnesses, therefore we thank you for your cooperation and involvement. Our justice system depends upon you the witness.

The Cowichan Valley Regional RCMP Victim Services Program provides services to assist victims/witnesses of crime with preparing a Victim Impact Statement for sentencing and assisting with application forms for Crime Victim Assistance where appropriate, forms available upon request.

If you require court preparation and/or court accompaniment please contact the RCMP Victim Service Program at 250-746-2160 and a worker will assist you as you go through the court process. The service is free.

### **Preparing For Court**

Review all notes and reports relevant to the hearing. If you have given a statement to the police it will be made available to you by Crown Counsel.

Organize your time and activities so that you will arrive at court well prepared, rested and alert.

It is best to dress neatly and conservatively (but comfortable).

Food and water are not allowed in the courtroom.

Cell phones must be turned OFF.

No chewing gum is allowed in the courtroom.

Do not discuss your testimony with other witnesses.

### **Court Procedure**

Bring your subpoena with you to court. Before you testify, or if you have a break during testimony, do not discuss your evidence with other witnesses.

At the beginning of the trial there will be an "Order of Exclusion of Witnesses." This requires all witnesses to leave the courtroom so that they will not hear each other's evidence.

After this order is made you will be required to wait outside the courtroom until your name is called over the intercom system. Once your name is called, come into the courtroom and approach the witness box. You will be asked to remain standing to take an oath.

When taking an oath, stand directly facing the court clerk administering the oath.

You will first be questioned by Crown Counsel regarding your involvement in the matter – **Direct Examination**. Defense Counsel will then be given an opportunity to question your testimony – **Cross Examination**.

Refer to the Judge as Your Honor and direct your answers towards him/her.

Your testimony will be recorded by a microphone by the witness box but you will need to speak more loudly than you would normally as this microphone will not amplify your voice.

When your testimony is done the Judge will excuse you and, if allowed, you may sit in the courtroom to watch the remainder of the trial.

## **Witness Testimony**

The court is interested in what you have to say about the case. Remember to be as clear as possible about your evidence.

Try to face the Judge when answering questions.

When speaking use commonly understood words. Speak clearly and concisely so that the rest of the courtroom can hear properly. Be as confident as possible.

Be impartial, do not exaggerate. Be serious and courteous. Relate the details of the incident in a clear and logical order.

If you do not feel qualified to answer a question, or to make an estimate, simply say so. Do not guess.

Give the facts as you witnessed them. If you are sure that something occurred, make that very clear. If you can't remember a detail you are questioned about it is ok to say so but again, do not guess at something you do not know or remember.

The court generally does not allow people to describe what other people have told them about an event. This is called "hearsay". If the information is important discuss it with Crown Counsel.

Make sure your statement makes sense in court records. For instance, do not point to your body and say "He hit me right here." It is better to say "He hit me on the right side of my chin."

If you do not understand the question, ask that the question be repeated or rephrased. It is important that you understand what is being asked.

Do not rush. Take your time and think of how you want to answer.

Answer only what is asked of you. Keep your answers as brief as possible while making your point and do not volunteer information unless it is necessary to clarify your answer.

Be sure of the date, time of the day and location of the incident. Before giving your testimony carefully think about your involvement and any particular details.

If you make a mistake, acknowledge your error and correct it at the first available opportunity.

Do not argue with counsel or the Judge.

If the identity of the accused is an issue in the trial, you will be asked to describe that person as he/she appeared at the time of the incident.

You will be asked to point out the person if he/she is in the courtroom. Take your time, and remember that appearance can change somewhat over time.

If you need a break during your testimony, or if you would like water or a tissue, ask Crown Counsel or the Judge.

## Cross -Examination Techniques

It is the Defence Counsel's job to question your testimony, to find inconsistencies, information you are not sure of, and to ensure the accused person has a fair trial. Remember this is not a personal attack – try to stay calm and focus on telling the truth as you remember it.

**Technique:** Rapid fire questions

**Example:** One question after another with little time to respond.

**Purpose:** To confuse the witness, an attempt to force inconsistent answers.

**Witness Response:** Take your time to answer, be deliberate in answering, ask to have questions repeated and stay calm.

**Technique:** Condescending counsel.

**Example:** Over sympathetic in questioning to the point of ridicule.

**Purpose:** To give impression the witness is inept or may not be a reliable witness and lacks confidence about their fact.

**Witness Response:** Firm, decisive answers. Ask that questions be repeated or re-phrased.

**Technique:** Friendly counsel.

**Example:** Very courteous, polite. Questions asked tend to take witness into Defence's confidence.

**Purpose:** To lull witnesses into favorable sense of security where the witness may give answers in favor of the counsel's side.

**Witness Response:** Stay alert; bear in the mind the purpose of the opposing counsel is to discredit the effect of your testimony.

Check out our website – [www.cowichanvictimservices.ca](http://www.cowichanvictimservices.ca) for videos with more information about testifying in court.