



Going to Court

A DVD and booklet for young witnesses



COURTS SERVICE
An tSeirbhís Chúirtseana

We have prepared this booklet for young witnesses in criminal cases but other people may also find it useful. It explains what a witness is, what a witness does, what happens at court, who's who in court and what happens after the trial.

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If you are the parent or guardian of a young witness, please read this booklet and try to make sure that they know what to expect.

1. Getting ready for court

Witnesses play an important part in our justice system. They help the courts by giving information about what they know or saw. This is called giving evidence. Many young people go to court as a witness.

Going to court is not an easy thing to do. It is normal to feel nervous about it. You will feel a lot better if you know more about what will happen on the day. This booklet tells you what to expect when you go to court.

Telling someone about how you feel

It can sometimes take a long time for the trial to happen. While you are waiting, you may feel frightened about going to court. There may be times when you feel that you don't want to be a witness. This is natural.

If you have any worries at all, talk to your parents or teacher or another adult that you trust. Let them know if you would like to have someone you trust sitting near you in court.

You don't need to tell your friends at school that you are going to be a witness. But it's a good idea if your teacher knows.

What are courts like?

Some courthouse buildings are quite big and old on the outside while others are modern. On the inside, most courthouses are more comfortable than you might expect. They all have rooms called courtrooms where the trials take place.

You might like to visit the courthouse before you go to court just to have a look around and see what it looks like. Just let someone (for example your parents or teacher) know that this is something you would like to do. If the trial is going to take place in a courthouse far away from where you live then a visit to a nearer courthouse might be easier for you. The inside of most courtrooms is very much the same.





Why do people go to court?

People go to court for lots of different reasons. A person over 18 could be asked to be part of a jury. A person could be a witness or maybe a victim of a crime, or both. Sometimes people go to court to support a member of their family or a friend. They might go along to the public gallery in the courtroom because they are interested in a particular trial.

The Gardaí or the Director of Public Prosecutions (see page 12) can bring a person to court if someone claims that a person has broken the law. Then there will be a court case or a trial to decide if the person did or didn't break the law. If they did break the law then it's up to the judge to decide what punishment or sentence to give them.

What are laws?

Laws are basically rules about how we should behave towards each other. When someone breaks these rules, they are breaking the law. Although we don't notice them most of the time, laws affect each one of us every day. For example, there are laws about such things as the water we drink, the food we eat, the cars, trains and buses we use and the things we buy. Laws also protect us and give us rights and freedoms.

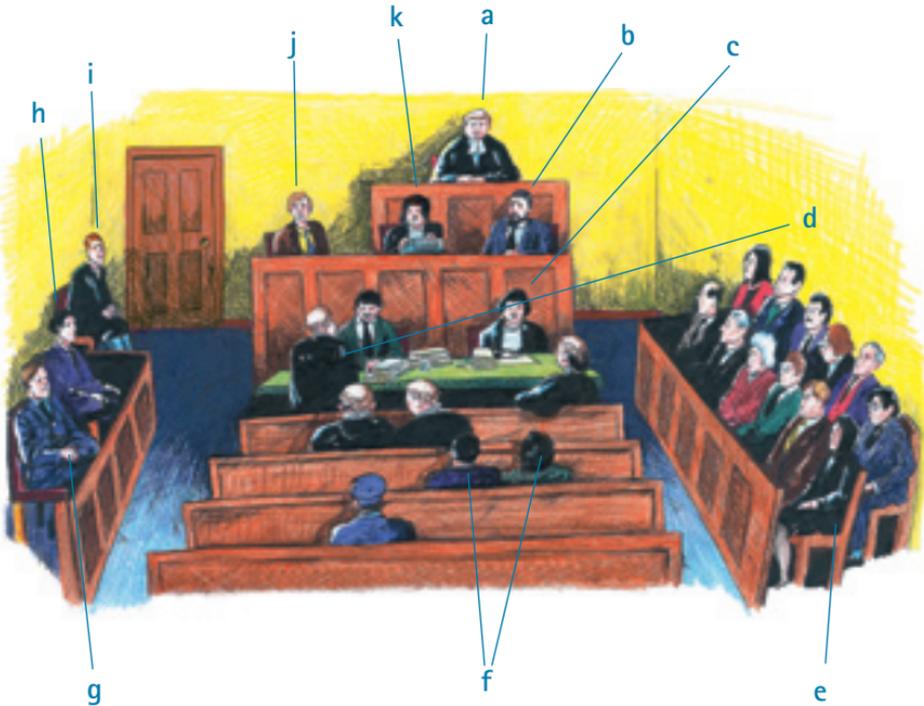
2. Information for parents or guardians

At the court, the adult who is with you can let the court staff know if you need anything.

When an adult helps you to prepare for court it's very important that they do not help you to practise your evidence. Nobody should tell you what to say.

3. Who's who in the courtroom?

Have a look at this drawing of a courtroom:



Of course not all courtrooms look exactly the same, some may be bigger or smaller, but they all have the same basic layout.

In the courtroom, there are rules that everyone must follow. Each person has a different job to do, everyone has a particular place to sit and nobody is allowed to speak out of turn. The judge is in charge of the courtroom and can have a person removed from court, or even sent to prison, for interrupting what is being said or for not following the rules. Some of these rules may seem strange to you at first, but they are there for good reason.

a. The judge

The judge is in charge of the court and sits at a desk called 'the Bench.' The judge listens carefully to what everyone says and makes sure that everyone follows the rules. The judge takes notes of what happens and what people say.

b. The clerk (or registrar)

The clerk or registrar looks after the court papers during the trial. They also ask the jury and witnesses to take the oath. You can find out more about this in 'Taking the oath' on page 7.

c. The solicitor

Solicitors are the lawyers who prepare the case for the trial by collecting evidence and organising the witnesses. They also prepare all the paperwork and choose the barristers to present the case in court.

d. The barrister

Barristers are the legal people most of us know best from films and television. They are the ones who stand up and speak in court. They ask the witnesses questions and make speeches at the beginning and at the end of the trial.

Barristers are also called 'counsel'. Usually there are two barristers in each trial: one speaks for the prosecution and one speaks for the defence. Sometimes there will be more than one barrister on each side.

e. The jury

The jury is made up of 12 people. They will not know anything about the case before they arrive. Some of them may even be visiting a courtroom for the first time, like you. They have an important job to do. They must listen carefully to the evidence on both sides and then decide if the defendant did or didn't break the law.

f. Members of the public

There is a public area in the courtroom where people may sit quietly and listen. The public can go into any court unless the case is being held 'in camera', which means in private. This is to protect the privacy of the people in the court.

g. The prison officer

Prison officers have a uniform and look a bit like gardaí. Their job is to stay with people they bring to court from prison and bring them back to prison if necessary. Sometimes the defendant is sent to prison before the trial, usually to make sure that they don't run away or try to speak to the witnesses.

h. The defendant (or the accused person)

This is the person who has been brought to court because someone claims that they have broken the law.

i. The tipstaff (or crier)

This is the judge's special assistant. One of the crier's jobs is to come into the courtroom just before the judge and ask everyone to stand. They sometimes say, "Silence in court, all rise." Then the judge arrives and starts the trial.

j. The witness

A witness is someone who tells the court about something that has happened. Being a witness means telling the court the truth about what you know or what you saw. This is called 'giving evidence'. Most trials have several witnesses.

k. The court reporter

The court reporter makes a record of everything that is said in court during the case, including the evidence given by the witnesses. This record is known as a 'transcript'.

The prosecution

This is the team of solicitors and barristers who present the case in court against the defendant.

The defence

This is the team of solicitors and barristers who speak for, or represent, the defendant.

The garda

In court a garda in uniform helps the judge keep order in the courtroom. Other gardai may be in the courtroom because they are witnesses.

The press reporters

Newspaper reporters sometimes take notes in court and write an article about the trial for their paper.

4. What happens in court?

To begin with, the clerk or registrar asks the defendant if they are pleading guilty or not guilty. If the defendant says "guilty" they are saying "Yes, I did it." If this happens, the judge may decide not to have a trial so you will not have to be a witness.

If the defendant says "not guilty" they are saying "No, I didn't break the law." When this happens, there will be a trial to decide if the defendant is guilty or not and the court may need you to be a witness.



Waiting for your turn

You may have to sit in a waiting room for a long time before it's your turn to be a witness, but you can have somebody wait with you so you're not alone.

Video link

Some courts have a special TV room for young witnesses where you can give your evidence without having to be in the courtroom. This is called video link. The video link room has a TV screen with a camera and a microphone for you to speak into. When you are in the video link room you can see what's happening in the court room on your TV screen. The people in the courtroom can see you on a TV screen in the court.

If you use the video link room there are some things you should remember:

- » If your court has a video link room, you could try it out before the trial. Ask someone you trust to contact the court before the trial to arrange a visit to the court. They can come with you on your visit.
- » A person from the courts will stay with you in the video link room to help you so you won't be alone.
- » The judge and the court reporter write down the things you say. This can be quite slow, so don't worry if there are times when nobody is talking between the questions.



Where will I sit on the day?

If the court decides to hear your evidence through video link, you will have to go to the video link room and sit in front of the TV.

If your court does not have a video link room, don't worry. There is a special seat, called the witness box, for people to give evidence.

Taking the oath

Before you give evidence in court you must promise to tell the truth. This is called 'taking the oath'. If you are under 14 years of age, the judge may decide that you don't have to take the oath, but you must still tell the truth.

If you do need to take the oath, there is no need to worry because it's part of the clerk or registrar's job to help all witnesses with the oath.

This is what will happen. The clerk or registrar will ask you to take a copy of the Bible (or other holy book) in your hand and repeat certain words. They may be the following: "I swear by Almighty God that the evidence I shall give shall be the truth, the whole truth and nothing but the truth." You just repeat what the clerk or registrar says.

5. Your job as a witness

As a witness you have an important job in the trial. You are helping the court by telling what you know or saw. The court's job is to find out if the defendant is guilty or not guilty. Your job is to:

- » listen carefully,
- » answer carefully, and
- » tell the truth.

The barristers will ask you questions. First a barrister from the prosecution will ask you questions, then a barrister from the defence. Sometimes they will ask you the same questions. They may seem a bit scary, but just remember that you are not in court because you are in trouble. You are not on trial.



Telling the truth

- » Telling the truth is the most important thing a witness must do.
- » When you answer a question, make sure you say what really happened, and try not to leave anything out.
- » Never make anything up.

- » You might find some questions difficult to answer, or questions might be put in a way that confuses you. Don't let this worry you. Just keep on telling the truth.



Understanding and answering the questions

- » Think carefully before you answer and take your time.
- » Speak clearly and a bit louder than usual so that the people in the court can hear you.
- » Make sure you understand what each question means before you answer it. If you don't understand, just say "I'm sorry, I don't understand the question."
- » Someone may ask two or three questions together. If this happens, it is ok to say, "Please ask me one question at a time."
- » If someone repeats a question but uses different words, and you still don't understand it, don't worry. Just say "I'm sorry, but I still don't understand." It is very important that you understand the question before you give your answer.
- » If you don't know the answer to a question, it is OK to tell the court that you don't know.
- » If you can't remember something, it is OK to tell the court that you don't remember.
- » If you make a mistake, don't be afraid to tell the judge.
- » If someone interrupts you while you're talking, you can say "I haven't finished talking."
- » Some questions might make you feel embarrassed or upset. No one likes to talk about private or personal things in front of strangers. But don't worry, you can use any words you want to. The most important thing is that you tell the court everything you know.

- » It is OK to tell a secret to the court, as long as it is true. Nobody should tell you what to say. The court wants to know what happened in your own words.
- » Remember, you don't have to agree with the person asking you the questions, and you don't have to say anything to please anyone. Your job is to tell the truth.



You can ask for help

You can ask the judge for help at any time during the trial. To do this, just put up your hand. Even if you are in the video link room, the judge can always see you and hear you when the camera is turned on.

Let the judge know if you need to:

- » stop for a rest,
- » have a drink, or
- » go to the toilet.

Things to remember

Listen carefully

- » Always tell the truth.
- » Don't guess or make up an answer.
- » Take your time when you answer a question.

It is OK to say

- » I don't understand.
- » I don't know.
- » I can't remember.

You can ask for help

- » If there's something you forgot to say, tell the judge.
- » If you make a mistake, tell the judge.
- » If you need help, ask the judge.

6. When the trial is over

When you have given your evidence to the court and answered all the questions put to you, your job is finished. The judge will tell you when you can go.

When they have listened to all the witnesses, the jury leaves the courtroom. They talk to each other in another room to decide whether the defendant has broken the law. When they have made their decision, they return to the courtroom and tell the court what they have decided. If the jury have found the defendant guilty, the judge decides on the sentence. Some cases happen without a jury. If the trial is in the District Court, there is no jury, so the judge decides if the defendant has broken the law.



7. Useful contacts

Director of Public Prosecutions (DPP)

The DPP decides if there is going to be a trial. Find out more about the role of the DPP by visiting the website, www.dppireland.ie.

Court Support Service

The Court Support Service supports prosecution witnesses, families and friends who have witnessed a crime and are called to give evidence. The Service has a room where witnesses and their family can sit while waiting for a trial to start.

Address: Áras Uí Dhálaigh, Four Courts, Dublin 7

Phone: (01) 872 6785, 087 288 5521

Email: info@courtsupport.ie

Website: www.courtsupport.ie

Garda Family Liaison Officers

Liaison Officers are members of An Garda Síochána who are trained to help maintain relationships between the victim, the victim's family and the gardaí.

Address: Family Liaison Office, Garda Community Relations, Harcourt Square, Dublin 2.

Phone: (01) 666 3802

Email: crime_prevention@garda.ie

Website: www.garda.ie

Crime Victims Helpline

This is a national helpline that offers support to victims of crime.

Phone: 1850 211 407

Email: info@crimevictimshelpline.ie

Website: www.crimevictimshelpline.ie

Childline

Childline is a 24-hour service for children and young people up to 18 years of age available every day of the year, even Christmas Day. Calls to Childline are free and the number won't show up on the phone bill.

Freephone: 1800 66 66 66

Email: ispcc@ispcc.ie

Website: <http://www.ispcc.ie>

CARI

CARI's primary aim is to provide professional therapy and support services to victims of child sexual abuse in Ireland.

Address: CARI National Office, 110 Lower Drumcondra Road
Dublin 9, Ireland

Phone: (01) 830 8529 / (087) 993 7392

Email: cass@cari.ie

Website: <http://www.cari.ie>

Citizens Information

This is a website with a wide variety of information. Read the 'Justice' section to learn about the law in Ireland, including the courts system, crime, victims and witnesses.

Website: www.citizensinformation.ie

School groups are welcome to visit the Four Courts on a guided tour. To book a tour, contact the Courts Service Information Office:

Email: schooltours@courts.ie

Phone: (01) 888 6000



Courts Service Information Office
Phoenix House
Smithfield
Dublin 7.

Phone: (01) 888 6000

Website: www.courts.ie