

## **Q Why is it necessary to audio or video record the interview?**

**A** We want to safeguard the interests of the witness and the prosecutor and to make sure there is no suggestion that the prosecutor has “coached” the witness during the interview. The prosecutor is not allowed to tell the witness what to say or what not to say when giving evidence at court, or to try to make them change their evidence to suit the case.

We may have to satisfy the trial judge that the interview has been conducted properly and that the prosecutor has not influenced the witness’s evidence. An audio or visual recording of the interview is the best way of doing so if the need arises.

At the end of the interview you will be asked if you wish to change anything you have said during the interview and whether there is anything else you want to ask.

## **Q Will the defendant know what I said during interview?**

**A** The audio or visual recording of the interview will generally be made available to the defence solicitor unless it contains sensitive material. In most cases the defence will already have received a copy of your witness statement (and the statements of other witnesses) which are likely to cover the same ground. They will not have been given your address unless it is relevant to the case (e.g. the crime took place at your home).

## **Q Will my expenses for attending the pre-trial interview be paid?**

**A** Yes. You will be reimbursed any reasonable expense in line with the rules for the payment of witnesses attending court.

### **Further enquiries:**

If you have any further questions regarding pre-trial witness interviews, please contact:



# Pre-trial Witness Interviews

This leaflet explains what happens at a pre-trial witness interview

## **Q** What is a pre-trial witness interview?

**A** Prosecution lawyers have to decide whether or not cases should go to trial. In order to do this they have to go through the evidence collected by the police and make sure they understand it.

Sometimes it is helpful for the lawyer to meet you so they can make sure they understand your evidence and that they have all the information they need from you. For example, some evidence is very complex and you might be able to help the lawyer understand technical or very detailed evidence, such as the exact timing of events.

This will help them decide if a case can go to trial. If a lawyer decides that there is not enough information or that it is not clear enough, they may decide that the case will not go to trial. If this happens you will be informed as soon as possible.

## **Q** What happens if I do not wish to attend an interview?

**A** Your attendance is voluntary. If the interview does not take place, the prosecution lawyer will decide whether or not to go ahead with the case by reviewing the statements taken by the police.

## **Q** May I bring a friend who would be present throughout the interview?

**A** You may bring a friend or supporter with you although they cannot take any part in the interview or attempt to answer questions on your behalf.

Victim Support is an organisation that has trained volunteers who provide support to victims and witnesses. You may already be in touch with your local branch and you can ask them if they will come with you to this interview.

## **Q** What sort of questions will I be asked?

**A** First of all, you will be given the opportunity to read your witness statement (or in some cases view a video of your evidence), confirm its accuracy and say whether you wish to alter or add to it.

The prosecution lawyer will then ask some questions with a view to clarifying the evidence contained in your witness statement (or video). For example you may be asked about what you saw, how clearly you could see it, or how definite you are about the identification of the accused.

If the process results in you recalling additional evidence, you may be asked to make another statement to a police officer.

You will also be asked to confirm that you are able to go to court to give evidence.

## **Q** Will I know what other witnesses are going to say at court?

**A** No. For legal reasons, the prosecution lawyer cannot discuss the evidence of other witnesses with you.

Q & A