




**P I L O N**

# Regional Guidelines for Prosecutors and Witness Support Officers to support Vulnerable Witnesses through the Prosecution of Sexual and Gender Based Violence Offences

September 2023

- Part 1** The public interest in prosecuting sexual and gender based offences
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**This publication has been developed by the PILON Sexual and Gender Based Violence (SGBV) Working Group, through the Advisory Panel established by the SGBV Working Group.**

**SGBV Working Group members** include Samoa (Chair), American Samoa, Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Republic of the Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Solomon Islands, Tonga, Tokelau, Tuvalu and Vanuatu.

**Advisory Panel members** include Cook Islands, Federated States of Micronesia, Nauru, Papua New Guinea, Republic of the Marshall Islands, Samoa, Solomon Islands, and Vanuatu, with the support of the Australian Attorney-General's Department (AAGD).

# Regional Guidelines for Prosecutors and Witness Support Officers to support Vulnerable Witnesses through the Prosecution of Sexual and Gender Based Violence Offences September 2023



**Members of the Advisory Panel: (Top row, left to right)** Francis Puleiwai (Nauru), Chase Whitfield (AAGD), Margaret Suifa'asia (Solomon Islands), Sasae Walter (PILON), Suzanne Mayhew (Vanuatu) and Mercy Tamate (PNG) **(Bottom row, left to right)** Rosy Mario (PILON), Bola Leitiritmanu Masauvakalo (Vanuatu), Robert Nakasone Jr. (FSM), Hellen Bennett (Solomon Islands) and Sophie Russell (AAGD) **(Not pictured)** Abunaba Takabwebwe (RMI) and Jamie Crawford (Cook Islands).

# Chair's foreword



**Tālofa lava. For over a year our Working Group has been developing these 'Regional Guidelines for Prosecutors and Witness Support Officers to support Vulnerable Witnesses through the Prosecution of Sexual and Gender Based Violence Offences' (the Regional Guidelines) to capture best practice across the Pacific. I am pleased to present to my Pacific colleagues these Guidelines which I have no doubt will lead to greater support being provided to vulnerable witnesses in sexual and gender based violence (SGBV) cases across our region.**

## Why SGBV prosecutions keep failing

SGBV is a global pandemic and rates in our Pacific region are some of the highest in the world. Despite the prevalence of these offences occurring reporting rates remain low and for the minority of cases that are heard by the court, conviction rates are even lower.

SGBV prosecutions often depend on the evidence of the complainant. However, the adversarial criminal justice system can present challenges for complainants and other vulnerable witnesses to be able to give their evidence. Recounting and reliving distressing memories in a courtroom environment can be retraumatising. Further, delays in matters being listed for trial can impact memory recall, particularly for child witnesses. These issues can affect the quality of evidence that is put to the court and the court's ability to reach a just and fair verdict in light of the defendant's right to a fair trial.

## A sustained focus on vulnerable witnesses

Since 2021 I have chaired the Pacific Island Law Officers' Network's (PILON) SGBV Working Group. Our Working Group has been taking steps to address these challenges and improve access to justice for vulnerable witnesses in SGBV prosecutions for nearly a decade. This has included publishing the *Model Provisions and Explanatory Text: Supporting vulnerable witnesses in cases involving SGBV* (Model Provisions). The Model Provisions provide practical law reform drafting guidance to implement special measures, which are repeatedly referenced throughout these Guidelines.

## Building on previous work to create a regional resource

As part of these efforts, truly encouraging examples of best practice procedures have emerged from members of our Working Group. A subcommittee of our Working Group, known as the Advisory Panel, was established to capture these examples and adapt them into a regional resource. I congratulate the Advisory Panel on succeeding in their task.

The benefit of a regional approach is we learn from each other's success as we work towards the collective aim of seeking to ensure a fair trial. The Regional Guidelines have been contributed to and tested in a range of jurisdictions with different resourcing levels to ensure they are fit for all regional contexts.

We have seen the positive impact of the Regional Guidelines and the practices they promote in jurisdictions where they have been implemented. They have been proven to reduce delays in SGBV prosecutions and support witnesses to provide their best evidence. In turn they lead to greater numbers of cases proceeding to trial, more convictions and improved confidence in the justice system.

Notably, the Regional Guidelines also empower vulnerable witnesses to give their evidence in Court which can be an important step in their healing process regardless of the outcome of the trial.

## The substance of these Guidelines

The Regional Guidelines provide best practice guidance for prosecutors and witness support officers to perform their duties in a way that improves support for the witness and ensures the court hears the best evidence.

We have learnt that supporting vulnerable witnesses requires a tailored approach. Here we share a framework for how to do this and promote the important role of witness support officers, and others persons supporting witnesses, in providing this support.

The Regional Guidelines showcase how witness support officers, and others performing witness support functions, build the confidence of vulnerable witnesses so they are more prepared to give their evidence in court.

## An encouragement to you

Our Working Group's vision is that you will consider your role in implementing change in your jurisdiction. Whilst some aspects may be aspirational at this stage I want to personally encourage you to start implementing the Regional Guidelines at any stage you can. Reflect on your organisation's strengths and consider where you can do more to improve the court experience for vulnerable witnesses.

I recognise that resourcing will be an ongoing challenge. It may be necessary to be creative and selective when adapting these aspirational Regional Guidelines in your jurisdictions' circumstances.

## Continuing this vital dialogue

In the coming years, I look forward to discussing your experiences in implementing these guidelines. I encourage you to continue to reach out to our Working Group for both support and reassurance. Together with all of you, it has been a privilege to be part of these efforts to generate practical guidance and action.

To conclude I would like to thank each of the Working Group member countries who contributed to this important work.

### **Su'a Hellene Wallwork**

Attorney General, Samoa

Chair of the PILON SGBV Working Group

# Statement from the Advisory Panel



I must first of all appreciate the God given intuition and wisdom imparted to us for the much-needed support for complainants of SGBV across the region.

I represent the PILON SGBV Advisory Panel, a team comprising of experienced legal officers and two witness support officers. The panel members are representatives of Cook Islands, Federated States of Micronesia, Marshall Islands, Nauru, Papua New Guinea, Samoa, Solomon Islands and Vanuatu supported by the Australian Attorney-General's Department support team. You will appreciate these brilliant hard-working members featured in this Guidelines.

Together we acknowledge that each jurisdiction would have in place their own legislation, legal procedures, evidential rules, internal systems and processes that govern how they prosecute SGBV cases. Some have more complex systems than others, and so the Advisory Panel represents shared experience, common challenges and ideas combined to formulate the Regional Guidelines.

## The need for the Regional Guidelines

I am humbled to share with you the genesis of the Regional Guidelines. It came about as a result of recognising the limitation in the prosecution process of SGBV cases. My personal experience will hopefully contextualise what I mean. I joined the Office of the Director of Public Prosecutions of the Solomon Islands in 2012, and when I had my first sexual offense case, I honestly did not know that we had a provision in the *Evidence Act 2009* (Evidence Act) for special measures for vulnerable witnesses. The Evidence Act would have been fairly new at the time. In that case I had a vulnerable witness give evidence in open Court, with the perpetrator in the same Court room. But I had sought leave for her grandmother to sit as a support person. Auspiciously, her evidence came to proof and the case resulted in a conviction. Nevertheless, one could only imagine the trauma she had to go through to give her evidence in that setting. I personally acknowledge my inexperience and insensitivity at the time. More experience down the lane allowed for me to prepare well and ensure to make the relevant applications for special measures under our Evidence Act. Yet, business was, read the files, present the case, send the witnesses home. I sensed that the human element was still missing in the process.

## The success of the Solomon Islands' ODPP Guidelines

Nine years later I was given the opportunity to participate in the 2021 Remote Twinning Program with the AAGD. From that course, birthed the Solomon Islands very own Guidelines for Prosecutors and Support Officers for supporting witnesses through the prosecution of sexual offences. It was launched in July 2021 and we started implementing the Guidelines pace by pace. It is therefore worth sharing some of the positive impacts of the Solomon Islands Guidelines here. We have seen our first meet and greet sessions with our vulnerable witnesses proved very helpful in reducing fear and anxiety. They are more informed of the prosecution processes, what is expected of them in Court, the options of special measures for them to give their evidence etc. It was an opportunity to speak to the witnesses to clarify their statements and our Prosecutors had the benefit of reviewing charges. In effect, the Guidelines have contributed to reduce delay of prosecuting sexual offence cases. We saw cases were resolved by guilty pleas, and trials listed and heard swiftly.

It followed that in October 2021 I presented the Solomon Islands Guidelines to the PILON SGBV Working Group who were happy then to adopt a similar guideline for PILON members.

## The drafting process

In May 2022 the SGBV Advisory Panel set to work on the Regional Guidelines. It was a vigorous experience working collaboratively with great minds. The team had been working on the Regional Guidelines through a series of virtual meetings. It involved discussions and working in smaller groups. At times not all members were available at the called meetings, however we resolved to delegate tasks and commit to deadlines. The enthusiasm and hard work from all members enabled completion of a first draft. The next challenge was the consultation process and for this part, each panel member reverted to their relevant stakeholders within their jurisdictions. This approach was to get feedback and consider mutual concerns from relevant representatives who will be users of the Regional Guidelines both directly and indirectly. We appreciate the time taken by stakeholders to respond to this important project and it has been helpful for the finalisation of the Regional Guidelines. The next step led to the in-person meeting in March 2023 when the panel members came together for a two days workshop held at Tanoa Tusitala Hotel, Apia, Samoa. The dynamics of the discussions in those two days concluded with a presentation to the PILON SGBV Working Group, a final draft of the Regional Guidelines.

## The Regional Guidelines for all

We together acknowledge that the Regional Guidelines are both practical and inspirational. It is available for each jurisdiction to apply with much flexibility to suit their context.

### **Margaret A. Suifa'asia**

Chief Legal Officer

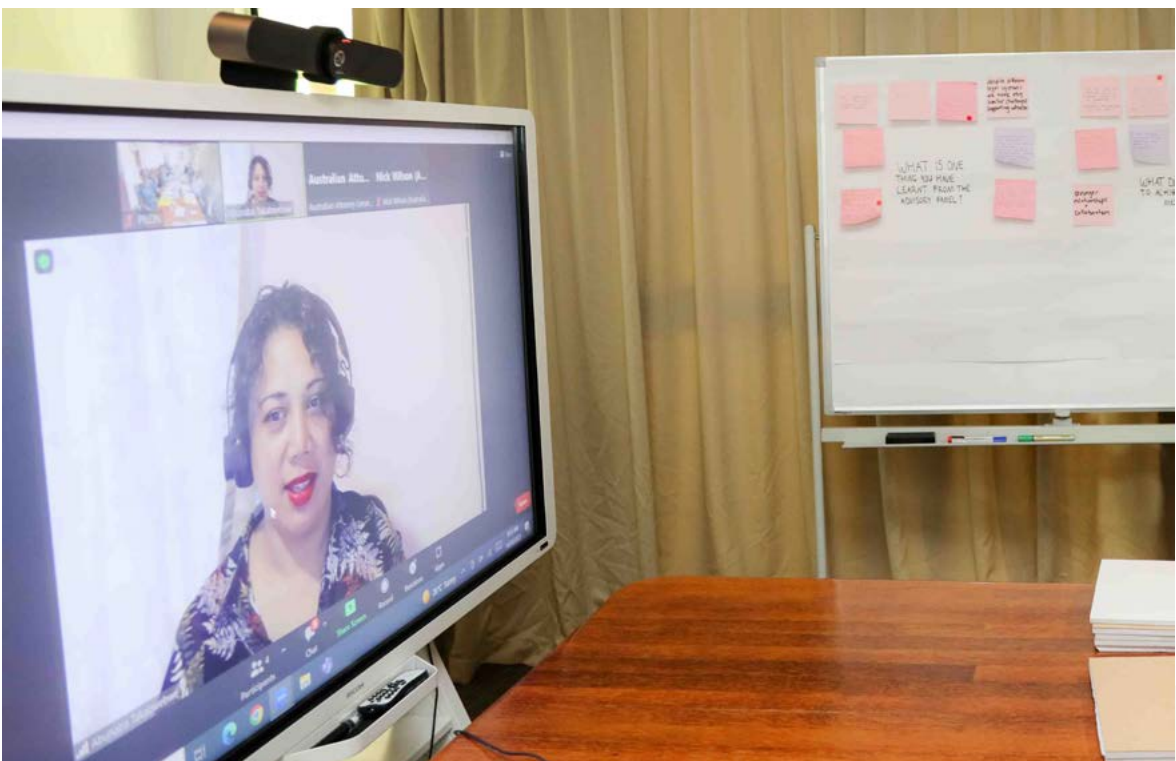
Office of the Director of Public Prosecutions, Solomon Islands

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**Pictured above (left to right):** Bola Leitaritmanu Masauvakalo, Francis Puleiwai and Rosy Mario (PILON Secretariat) reviewing proposed changes to the Regional Guidelines at the Apia Workshop, March 2023.



**Pictured above:** Abunaba Takabwebwe virtually contributing to drafting efforts during the Apia Workshop, March 2023

# Terminology

## Terminology used in these guidelines

The terminology used throughout these guidelines is in line with current international best practice guidance. It is recognised that different terminology or definitions may be used across jurisdictions.

These guidelines use the term 'witness' to capture both *complainants* and *other witnesses* in sexual and gender based violence offence cases.

## Use of the term 'complainant'

Complainants, other witnesses and lay people may find legal terms confusing and potentially upsetting because a 'complainant' might be interpreted as someone 'complaining' rather than being a term that conveys the seriousness of what the person experienced. These guidelines accept that anyone giving evidence for the State in sexual and gender based violence offence cases will either see themselves as a complainant or a witness speaking about what happened to a complainant.

These Guidelines use the legal term 'complainant' when it is necessary to retain the correct legal characterisation of the witness being discussed. Moreover, it is important to understand and distinguish when to apply the correct term in discussions relevant to a witness of sexual and gender based violence cases.



**Pictured above:** A two-day event was convened to finalise the Regional Guidelines, including questions on terminology.

Term	Meaning within these Guidelines
<b>Carer</b>	refers to a person who regularly has responsibility for assisting or looking after a person such as a child, elderly person or a person with a disability.
<b>Complainant</b>	usually refers to a person who allegedly experienced a sexual or gender based violence offence(s). This term may also be used to describe someone who made a report or complaint to the police that such an offence was committed against another person.
<b>Gender based violence offence</b>	refers to any form of violence or harm caused to another person(s) on the basis of their gender or sexual orientation. It can include violence against women, domestic violence against women, men or children living in the same domestic unit.
<b>Sexual offence</b>	refers to any sexual act or act of a sexual nature that is criminalised in the relevant jurisdiction.
<b>Support person</b>	refers to someone who is providing informal, ad hoc moral or emotional support to a person on occasion (in a professional or personal capacity).
<b>Survivor</b>	is often used by counsellors and other support service providers to refer to a person who is recovering after having been a victim of a sexual crime. It is a term used to focus on the person's strength and resilience.
<b>Victim</b>	refers to a person who has experienced a sexual or gender based violence offence(s) whose perpetrator has been successfully prosecuted and convicted.
<p data-bbox="229 1305 531 1384"><b>Vulnerable Witness</b></p> <div data-bbox="229 1384 520 1525" style="background-color: #e6f2e6; padding: 5px;"> <p data-bbox="248 1400 469 1503"><b>Attachment A2</b> is a Vulnerability Risk Assessment.</p> </div>	<p data-bbox="531 1305 1402 1384">means a witness who is:</p> <ul style="list-style-type: none"> <li data-bbox="563 1368 1366 1406">a) the complainant in a sexual or gender based violence prosecution; or</li> <li data-bbox="563 1413 1203 1451">b) under the age of 18 years at the time of the hearing; or</li> <li data-bbox="563 1458 1390 1525">c) who has vulnerabilities which may require particular support including on the grounds of: <ul style="list-style-type: none"> <li data-bbox="600 1532 1334 1570">i. physical, intellectual, psychological or psychiatric impairment;</li> <li data-bbox="600 1576 831 1615">ii. trauma suffered;</li> <li data-bbox="600 1621 1214 1659">iii. fear of intimidation or a credible risk of intimidation;</li> <li data-bbox="600 1666 1222 1704">iv. linguistic or cultural background or religious beliefs;</li> <li data-bbox="600 1711 1214 1749">v. the nature of the evidence they are expected to give;</li> <li data-bbox="600 1756 1203 1794">vi. their relationship to any party in the proceeding; or</li> <li data-bbox="600 1800 1390 1868">vii. any other circumstance the Court considers places the witness at a special disadvantage if required to give evidence in Court.</li> </ul> </li> </ul> <p data-bbox="531 1912 1390 2074">Witnesses with more than one of the above vulnerabilities are likely to be particularly vulnerable. Prosecutors and witness support officers should assess vulnerability on a case-by-case basis noting that this is not an exhaustive list.</p>

# Part 1

## The public interest in prosecuting sexual and gender based violence offences

### 1.1 Introduction

#### **The severe impact of sexual and gender based violence**

The PILON SGBV Working Group acknowledges the severe impact that sexual and gender based violence offending can have on complainants, other witnesses and the community. Recognising this, the PILON SGBV Working Group presents the Regional Guidelines to assist in upholding the public interest in prosecuting sexual and gender based violence offences.

#### **The Regional Guidelines as an accessible best practice guide**

The Regional Guidelines are an accessible best practice guide for prosecutors and witness support officers to support vulnerable witnesses through the prosecution of sexual and gender based violence offences. They are designed to provide direction on how to approach, understand and take measures to reduce trauma to vulnerable witnesses through the prosecution process and ensure the court hears the best evidence. This includes prioritising such cases and providing a uniform standard of support to vulnerable witnesses.

The Regional Guidelines are in line with current international best practice and can be adapted and contextualised to suit the processes of any Pacific jurisdiction.

## 1.2 Structure of the Regional Guidelines

### The Guidelines have three sections

The Guidelines are organised into the following three sections:

1. The first section addresses the public interest in prosecuting sexual and gender based violence offences and the importance of the “no drop policy”.
2. The second section is a step-by-step guide throughout the following 6 stages of prosecution:
  - Stage 1** - Prosecution Process – Registration, Allocation and Risk Assessment
  - Stage 2** - First Meeting with Complainant
  - Stage 3** - Pre-hearing Phase
  - Stage 4** - Hearing Phase
  - Stage 5** - Post-Conviction Phase - Sentencing
  - Stage 6** - Case Conclusion
3. The third and final section provides the relevant attachments which are easy-to-use tools intended to be used by prosecutors and witness support officers to support vulnerable witnesses of sexual and gender based violence offences.

#### Attachments

<b>Attachment A1</b>	Case Information Template
<b>Attachment A2</b>	Vulnerability Risk Assessment
<b>Attachment B</b>	Sample Events Triggering Contact
<b>Attachment C</b>	Record of Contact Template
<b>Attachment D</b>	Record of Request for Withdrawal
<b>Attachment E1</b>	Victim Impact Statement (Standard)
<b>Attachment E2</b>	Victim Impact Statement (for Vulnerable Witnesses)
<b>Attachment F</b>	PILON’s General Principles for obtaining the best evidence from vulnerable witnesses in SGBV matters

### Encouragement to adapt the Guidelines

All jurisdictions are encouraged to adapt the Guidelines to their practices and contextualise them to suit their jurisdiction, including by providing training on the necessary skills and knowledge relevant to the context and work role of the prosecutors, witness support officers and other support staff involved in their implementation.

## 1.3 The decision to prosecute

### A. The “No Drop” Policy

#### What is a “No Drop” policy?

In most jurisdictions, whilst the views of the complainant are important in the assessment of the public interest in prosecuting sexual and gender based violence offences, they do not determine the decision to prosecute. Many prosecution agencies have a policy whereby they will not withdraw a charge or discontinue a prosecution simply because the complainant or witness does not wish to proceed with the prosecution. This is known as a “No Drop” policy.

#### How “No Drop” policies can be experienced

There are many reasons why a “No Drop” policy can be upsetting for complainants and other witnesses. In cases involving family members, some may worry about the impact on ongoing relationships within the family unit, or the financial impact of having a family member face charges. Others may feel guilty if a family member is removed from their family’s life to face prosecution and potential imprisonment. These concerns may cause complainants to seek to withdraw or change their statement, which can jeopardise the prosecution. Complainants should be advised that depending on the circumstances, a request to withdraw may be deemed as an interference with the course of justice.

#### Managing the implementation of “No Drop” policies

Implementing a “No Drop” policy may result in the complainant or witness becoming an unfavourable or hostile witness. It may also involve exposing the complainant or witness to the prospect of: arrest if they do not answer a summons or undertaking to appear, contempt proceedings if they refuse to give evidence or perjury of proceedings if they choose to give false evidence.

In jurisdictions which adopt a “No Drop” policy it can be helpful to emphasise to the complainant that they do not “own” the prosecution and are not responsible for the prosecution. It is the responsibility of the prosecution agency to prosecute on behalf of the community. It is not for complainants to decide whether to “press or drop” criminal charges and they should not feel responsible to do so.

#### Raising public awareness of “No Drop” policies

Prosecutors are encouraged to work with police to raise public awareness on the “No Drop” policy. This should include awareness that any compensation to the complainant or their family will not affect the decision to prosecute. Once the community is aware that prosecutions are the responsibility of the State this will increase public confidence to report allegations of sexual and gender based violence offences.

Jurisdictions are encouraged to adopt a “No Drop” policy when determining whether a prosecution is in the public interest.

## B. Public interest considerations

Generally, the accepted position is that the more serious the allegation, the greater the public interest in proceeding with a prosecution - provided the prosecutor is satisfied the evidentiary threshold has been met. Given the serious nature of sexual and gender based violence offences, there is a strong public interest that should favour the prosecution proceeding. Prosecutors may also consider the following list of factors when deciding whether a prosecution is in the public interest:

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<b>Nature and circumstances of the offence</b>	<ul style="list-style-type: none"><li>• The seriousness or, conversely, the triviality of the alleged offence</li><li>• The complainant is dependent on the defendant or the defendant holds a position of trust or authority towards the complainant</li><li>• There is a marked difference between the actual or mental ages of the defendant and the complainant and the defendant took advantage of this</li><li>• The complainant of the offence was vulnerable, has been put in considerable fear, or suffered personal attack, damage or disturbance</li><li>• The offence was motivated by any form of discrimination against the complainant's race, colour, religion, beliefs, age, family status, culture, language, ethnicity, national or social origin, citizenship, gender, sexual orientation, political or other opinions, disability, status of birth, property or other condition, or the defendant demonstrated hostility towards the complainant based on any of those characteristics</li><li>• A weapon was used or violence was threatened during the commission of the offence</li><li>• The role of the defendant if the offence was carried out by a group</li></ul>
<b>Factors affecting the witness</b>	<ul style="list-style-type: none"><li>• The witness's views and willingness to give evidence, noting that this factor should be distinguished from circumstances where the witness is being pressured to end their involvement</li><li>• The extent to which a prosecution is likely to have a negative impact on the witness's physical or mental health, always bearing in mind the seriousness of the offence</li></ul>
<b>Community expectations</b>	<ul style="list-style-type: none"><li>• The prevalence of the offence and the need for deterrence, both personal and general</li><li>• There are grounds for believing that the offence is likely to be continued or repeated, for example, by a history of recurring conduct</li><li>• The need to maintain public confidence in the justice system</li><li>• The effect of the prosecution on the public morale and public order</li></ul>

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This list is non-exhaustive and jurisdictions can determine how to apply these factors.



**Pictured above:** Practical insights from active witness support officers such as Hellen Bennett (centre, far back) were invaluable during the in-person drafting workshop.



**Pictured above:** Francis Pulewai (in focus) shared Nauru's experiences during the in-person drafting workshop.



**Picture above:** Part 1 of the Regional Guidelines generated substantial discussion during the in-person drafting workshop, with Mercy Tamate (in focus) helping consolidate this feedback.



**Picture above:** Members of the Advisory Panel drafted the Regional Guidelines in sequence, according to the chronology of a prosecution.

# Part 2

## Supporting witnesses through the prosecution of sexual and gender based violence offences

### 2.1 Communicating to minimise trauma

#### Special attention is required

Witnesses in sexual and gender based violence matters are at risk of being further traumatised by the court process. These cases require special attention and oversight from the prosecutor allocated to each case. The prosecutor must ensure there is early and continuing engagement with witnesses throughout the course of criminal proceedings. If any issues or significant updates arise, the prosecutor should inform the witness and where appropriate, seek their views.

#### Tailoring the frequency and nature of contact

It is good practice to ask each witness to guide the level of communication they wish to have with the prosecutor. Some witnesses may desire more contact from the prosecutor, others may find regular contact distressing. The prosecution should be guided by each witness's feedback on the frequency and nature of their contact to achieve the best balance in each case.

#### Record keeping and handovers

Thought should also be given to minimising the number of times a witness is asked to describe events and details so as to avoid contributing to the potential retraumatising of the witness. Accurate and thorough recording of all personal details and contact with the witness can reduce the need to revisit certain issues.

Where a case is reallocated to another prosecutor, steps should be taken to ensure a smooth handover with a full briefing to the new prosecutor. The witness should be advised of the change in prosecutor and provided with their contact details as a matter of priority.

A close working relationship between the prosecution agency and the referring investigative agencies can help ensure the collection and provision of all relevant information in the initial investigation stage. This can help avoid or minimise the need for supplementary statements to be obtained and further details to be asked of the complainant at a later stage.

## How the templates in Part 3 can be used

### **Attachment A1**

is a Case Information Template to capture all key details.

### **Attachment A2**

is a Vulnerability Risk Assessment which is used to identify particular vulnerabilities of the witness.

### **Attachment B**

lists sample events in the prosecution process which prosecutors and witness support officers should consider as a trigger for contacting witnesses to keep them informed.

### **Attachment C**

is a Record of Contact Template used to record file notes of all contact with witnesses.

### **Attachment D**

is a Record of Request for Withdrawal which lists the steps to follow if the witness requests a withdrawal.

### **Attachment E1 and E2**

are Victim Impact Statement Forms with supporting guidance on their intended use.

## 2.2 Roles of prosecutors and witness support officers

### Complementing roles

Prosecutors and witness support officers play important roles to support witnesses through the prosecution process. They help to ensure witnesses are safe, free to express themselves and feel supported to give evidence without fear. Prosecutors and witness support officers also help witnesses by explaining the court processes, and the roles of other people involved in the case.

This part of the guidelines provides step-by-step instructions on how to support witnesses through the stages of a prosecution agency's involvement, from the initial registration of a new case through to its completion.

### Jurisdictions without dedicated witness support officers

In jurisdictions without dedicated witness support officers, the prosecutor with carriage of the case may perform some relevant witness support functions in addition to their role and functions as a prosecutor. A prosecutor may also request assistance from colleagues such as administrative support officers or from police officers, and they may perform certain functions of a witness support officer for the purposes of that case.

In jurisdictions where a witness support role or service is not established within the institutional framework, a non-governmental organisation (NGO) that provides assistance to survivors of SGBV by way of social work or case management services can adopt and apply these guidelines in consultation with the local prosecution office.

## General Roles and Responsibilities

### Prosecutor

- ✓ Prosecutors prosecute crime against State law. Prosecutors decide whether or not a case is strong enough to go to court and what charges should be laid. Prosecutors do not investigate crimes – this is done by other agencies such as police. In deciding whether or not a prosecution should proceed, prosecutors follow their respective agency's policies and guidelines.
- ✗ While prosecutors work with witnesses, they do not represent them. Their role is to act on behalf of the State and uphold the State law.

### Witness Support Officer

- ✓ Witness support officers act as a bridge between witnesses, their families and the prosecutor. They provide practical and emotional support and information to vulnerable witnesses to help ensure that they are able to understand and fully participate in court proceedings. They may also provide information on support services and referrals to other agencies and service providers. The term witness support officer also covers witness assistance officers, victim support officers and other comparable roles.
- ✗ Witness support officers do not provide counselling or other therapeutic support to witnesses or their families.

## 2.3 Step by step support through the stages of a prosecution

### A. Stage 1 Prosecution Process – Registration, Allocation and Risk Assessment

#### Summary of initial steps

1. The case file is received by the prosecuting authority and registered on the relevant case management system or database.
2. The case management system administrator ensures that all details of the complainant and the defendant are entered into the system and that the case receives a special tag or marking to signify “sexual and gender based violence offence” so as to indicate priority status.
3. The case is allocated to a suitable prosecutor by the person responsible for the allocation of cases. The suitability of a prosecutor is likely to be determined based on the prosecutor’s level of work experience and the particular needs of any witness.
4. A copy of the details of the case is referred to the witness support officer (where there is one) after it’s registered and tagged or marked as a “sexual and gender based violence offence”.

#### Role of Attachment A

[Attachment A1](#) and [A2](#) contain the **Case Information Template** and **Vulnerability Risk Assessment** which record relevant information about the case and guides the consideration of vulnerability factors.

#### Setting a timeframe for the first meeting

The prosecutor and/or witness support officer arranges the first meeting with the complainant within a specified timeframe. The specified timeframe will depend upon the resources and capacity of the particular jurisdiction. When setting a date and time for the first meeting, consideration must be given to the complainant’s preparedness to engage and communicate with the prosecutor for the first time. The first meeting may be carried out by telephone or other virtual means if it is impractical for the complainant to attend the prosecution office in person.

## Prosecutor

### Decision to prosecute

- Receives the case allocation and reviews the charges and the police brief.
- Makes an independent assessment of all available evidence and considers whether there is a prima facie case against the defendant and reasonable prospects of securing a conviction.
- Applies the public interest test.

### Decision to discontinue prosecution

- If a prosecutor considers there is a need to discontinue a sexual and gender based violence offence prosecution, they must promptly complete a written recommendation to the relevant decision maker (in most jurisdictions this will be the Public Prosecutor) listing the charges, the allegations and a detailed assessment of the factors relevant to the decision to discontinue.
- The prosecutor must consult with the complainant and the investigating officer to explain the reasons why the prosecution will be discontinued. The recommendation to discontinue must detail the views of the complainant and the investigating officer about discontinuing the charges. If the prosecutor cannot obtain those views, the recommendation must detail their attempts to consult with those parties.
- A decision to discontinue may be a significant and upsetting event for witnesses. A meeting may be required to explain the decision to witnesses.

### Initial Witness Vulnerability Risk Assessment

- If a prosecution is to proceed, the prosecutor completes a Vulnerability Risk Assessment form prior to the first meeting with the complainant ([Attachment A2](#)) and assesses whether to call the police case officer for further clarification or request an additional statement from the complainant or the officer who recorded the complainant's statement.

## Witness Support Officer

### Setting up meeting

- Receives the new case file, records the details and contacts the complainant to schedule an initial 'meet and greet' meeting with the allocated prosecutor – [Attachment C](#).
- Marks the case file as 'Scheduled for First Meeting' and inserts details on case management system.
- Notifies the prosecutor of scheduled first meeting.
- If the complainant is a child or has another particular vulnerability, the first contact and schedule of the first meeting may be made with the assistance and co-operation of their carer or support person.
- Ensure that the Record of Contact is updated – [Attachment C](#).

## B. Stage 2 – First Meeting with Complainant

The prosecutor and the witness support officer will meet with the complainant and any relevant carer or support person. The prosecutor should ensure that the meeting space is safe, friendly and private. The meeting may take place in person or virtually, if it is not practicable for the complainant to attend the office.

Prosecutor	Witness Support Officer
<p><b>Issues to Cover in First Meeting</b></p> <ul style="list-style-type: none"> <li>• Introduces themselves and witness support officers.</li> <li>• Reassesses the complainant’s vulnerability- (<a href="#">Attachment A2</a>).</li> <li>• Explains the role of the prosecutor, the witness support officer and other key roles such as the role of defence counsel and the magistrate or judge.</li> <li>• Explains the No Drop policy and the various steps in the court process.</li> <li>• Provides the complainant/carers with any information materials such as court brochures or court information sheets.</li> <li>• Discusses the possible availability of special measures in court such as closed court during their testimony, pseudonym or non-publication orders, the use of screens or audio-visual evidence etc. as per the relevant jurisdiction. Listens to the complainant and considers what would make them most comfortable, but does not promise anything that cannot be guaranteed.</li> <li>• Raises the prospect of bail applications and any implications/risks for the complainant where relevant. Collects the complainant’s views regarding their safety to assist with bail applications.</li> <li>• Cautions the complainant against speaking to other witnesses about their evidence and what happened to them.</li> <li>• Encourages the complainant to report any matters they may have omitted from their statement(s) and to correct any errors in their statement(s).</li> <li>• Warns complainants to report any indirect or direct interferences from the defendant or any associate of the defendant.</li> <li>• Explains the use and influence of Victim Impact Statements to tell the complainant’s story.</li> <li>• Discusses and agrees to checkpoints for contacting the complainant (for example, prosecutor to provide updates and check-ups every six months, including at every significant event e.g. bail application outcome, committal, first charging and trial date – <a href="#">Attachment B</a>).</li> </ul>	<ul style="list-style-type: none"> <li>• Arrange appropriate support needs, safety measures and referrals which may be required.</li> <li>• Updates the Case Information Template and Vulnerability Risk Assessment if necessary – <a href="#">Attachment A1</a> and <a href="#">A2</a>.</li> <li>• Ensures that the Record of Contact is updated – <a href="#">Attachment C</a>.</li> </ul>

### Prosecutor

- Confirms preferred methods of contact and contact details for the purpose of updating the witness about the case progression.
- Checks the complainant's understanding of what is happening and clarifies any questions asked, inviting questions and advising appropriately.
- After the meeting, the prosecutor and witness support officer debrief over the Vulnerability Risk Assessment and agree on steps which require action and any other follow up matters.

### Witness Support Officer

## Additional considerations for helping vulnerable witnesses

In cases involving vulnerable witnesses, consider the following:

- Attend the meeting on time.
- Take regular breaks if the witness would like to.
- Dress and speak less formally and use language appropriate to witness' age and communication abilities.
- Witness support officer to wait with the witness if the prosecutor is unavoidably delayed.
- Witness support officer to bring some toys or books into the meeting with a child witness to make them more comfortable.

### C. Stage 3 – Pre-hearing Phase

It is critical that sexual and gender based violence cases are prioritised for trial. Such cases should be reviewed at an early stage to identify all issues and ensure any pre-trial enquiries or applications are expedited. This will minimise delays in scheduling a trial date.

Prosecutor	Witness Support Officer
<p><b>Identification of issues and trial preparation</b></p> <ul style="list-style-type: none"> <li>Ensures all disclosure is provided to defence as early as possible. In cases where a witness has given a video interview, a transcript must be disclosed, however the video recording itself must be kept secure by the prosecutor or police and only viewed by defence counsel in a secure premise (such as the police station).</li> <li>Where available, applies to the court for any appropriate special measures for the witness according to the relevant criminal procedure/legislation.</li> <li>Determines whether expert evidence is required in the particular circumstances and seeks availability of appropriate experts (e.g. counter-intuitive evidence, medical evidence).</li> <li>Where available, determines whether a communication assistant or intermediary is required while the witness is giving evidence (particularly for child witnesses).</li> </ul> <p><b>Setting a trial date</b></p> <ul style="list-style-type: none"> <li>Seeks an expedited hearing date with the courts. All sexual and gender based violence offence cases should be given priority.</li> <li>Resists any applications for adjournments once the hearing date is scheduled, unless there are good reasons to adjourn. If the trial is adjourned the witness should be advised as soon as possible.</li> </ul>	<p><b>Logistics and Support for Witnesses</b></p> <ul style="list-style-type: none"> <li>Present during proofing.</li> <li>Arranges venue, time and date for witness proofing.</li> <li>Arranges a visit to court and other facilities.</li> <li>Provides information on safety plan for when witnesses attend court.</li> <li>Identifies and liaises with prosecutor to arrange safety measures.</li> <li>Arranges referral to support services if required.</li> <li>Engages interpreter if required.</li> <li>Updates the Case Information Template and Vulnerability Risk Assessment – <a href="#">Attachment A1</a> and <a href="#">A2</a>.</li> <li>Ensures that the Record of Contact is updated – <a href="#">Attachment C</a>.</li> </ul>

## Prosecutor

## Witness Support Officer

### Proofing witnesses

- Plays or reads out the police statement and any supplementary statements of the witness to refresh their memory.
- Explains to the witness their role and what to expect in court.
- Explains the role of the judge, prosecutor, defence counsel, interpreter, clerk, expert witness (if appropriate) and others.
- Ensures that the witness knows the WSO and any other support person are not allowed to speak during proceedings and cannot discuss the evidence with the witness.
- Reminds the witness about special measures in court to support them.
- Keeps record of proofing notes and assesses the need to make any disclosures to defence.
- Seeks and answers any questions/concerns from the witness.
- Warns the witness to not discuss their evidence before going to court.
- Reiterates the need for the witness to report any indirect or direct interferences from the defendant or any associate of the defendant.
- Emphasises to the witness that they must tell the truth and if they do not know the answer, to be truthful about that. They should ask to have the question repeated if needed.
- Explains to the witness the difference between the nature of questions the prosecutor will ask compared to the defence counsel (open vs. closed questions).
- Explains to the witness that they cannot talk to the prosecution when they are in cross-examination by the defence counsel if there is a break in proceedings. The prosecution is not avoiding them but simply cannot speak to them.

## D. Stage 4 – Hearing Phase

The trial can be a distressing and traumatising experience for witnesses, particularly for children. Prosecutors must ensure the trial runs smoothly and help to provide a supportive environment for witnesses to give their best evidence.

Prosecutor	Witness Support Officer
<p><b>Procedural matters</b></p> <ul style="list-style-type: none"> <li>• Where technology is to be used in trial (for example, video interviews or remote evidence), assists the court by ensuring the court knows what is required and has the opportunity to test the technology.</li> <li>• Where possible, organises for the witness to use a waiting room prior to entering the courtroom, and an alternative entrance and exit to avoid contact with the defendant and defendant’s associates.</li> <li>• Ensure the witness (particularly children) is called at the beginning of a sitting day. This may mean shorter sitting days or interposing other evidence in the afternoons/between the witnesses.</li> <li>• Takes frequent breaks if available (additional to the normal scheduled breaks) and is alert as to when the witness may require a break.</li> <li>• Where practicable, follows-up with the witness after their evidence to answer any questions they may have.</li> <li>• Provides regular updates to the witness on how the trial is progressing and likely timeframes, and ensures they are advised in a timely manner as to the verdict.</li> </ul> <p><b>Special measures (where available, and according to domestic legislation/criminal procedure)</b></p> <ul style="list-style-type: none"> <li>• <b>De-robing</b> – Counsel and Judge dispense with wigs/ robes while the witness gives evidence.</li> <li>• <b>Seating arrangements</b> – The courtroom seating arrangements are altered while the witness gives evidence to reduce confrontation and intimidation.</li> <li>• <b>Audio-visual evidence</b> – A pre-recorded interview with the witness is played as their evidence-in-chief at the trial. The prosecutor must review the audio-visual recording for any inadmissible evidence. In these circumstances, seek required approval from defence counsel and the court to remove inadmissible evidence from the recording and corresponding transcript. The witness may also be entitled to give their evidence at a pre-trial hearing.</li> </ul>	<p><b>Logistics and Support for Witnesses</b></p> <ul style="list-style-type: none"> <li>• Arranges transport to/from court.</li> <li>• Meets the witness and accompanies them to a private waiting area.</li> <li>• Briefs them about what will happen in court including etiquette.</li> <li>• Continues to evaluate a safety plan with the witness through checking in with them and monitoring through observation, including on days they are not in court.</li> <li>• Ensures the witness knows what to do/who to contact if anyone threatens or harms them during or after the hearing.</li> <li>• Ensures the witness is safely able to enter and depart the court.</li> <li>• Ensures all agreed special measures are in place.</li> <li>• Accompanies the witness to the hearing room and settles them in. If the witness has no one with them, stays with them during the hearing and provides assurance and support.</li> </ul>

## Prosecutor

- **Remote evidence** – The witness gives evidence from outside the courtroom via AVL/CCTV/Zoom. Ensure that the process has been explained to the witness and they have been introduced to the room where they will be giving evidence. If the witness prefers to give evidence from inside the courtroom, a screen may be used to screen them from the defendant.
- **Closed court** – The court is closed to the public while the witness gives evidence.
- **Support persons** – A support person accompanies the witness while they are giving evidence. The witness may choose their own support person, however, it should usually not be another witness but may be the witness support officer. The role should be explained to the chosen person.
- **Pseudonym or Suppression orders** – A court order which prohibits the publication of certain information about the witness, such as their name, contact details and any other identifying details. Ensures that any such orders or directions are communicated to the relevant parties.
- **Special directions (in jury trials)** – The judge directs the jury must, or must not, take certain matters into account. These directions often seek to overcome societal norms and biases specific to SGBV offences that may be prejudicial. For example, children are not inherently unreliable witnesses, and delays in reporting do not necessarily indicate the allegation is false.
- **Cross-examination** – Objecting or intervening when a question is improper, unfair, misleading, needlessly repetitive or too complicated for the witness to understand or is intimidating, aggressive or designed to humiliate. Questions relating to sexual reputation and experience are prohibited, except by order of the court. If the defendant is self-represented, they cannot personally cross-examine the complainant. Where appropriate, the prosecutor may request that defence counsel provide their cross-examination topics and/or questions in advance, which can be reviewed by the court. Once agreed, defence counsel may not ordinarily deviate from these topics/questions.
- **Interpreter** – An interpreter is a person who translates and/communicates information into the language preferred by the witness. An interpreter should be an independent person. If this same interpreter is required to assist in the hearing stage, the defence must be notified of this arrangement in advance.

## Witness Support Officer

- May arrange for someone from a support agency to accompany the witness. If possible should not be a police officer connected with the case and/or giving evidence to ensure no issues arise with their credibility.

## **E. Stage 5 of the Prosecution Process – After a guilty verdict-Sentencing**

### **The sentencing hearing**

If an offender pleads guilty to a criminal charge or is found guilty after a trial, the judge will hold a sentencing hearing. Sometimes the offender will be sentenced immediately after the verdict. In most cases, the court sets a date for submissions on sentencing brief. The court may set a date or invite parties to agree on a date for the sentence hearing. The prosecutor must ensure there is sufficient and reasonable time to prepare.

### **Using Victim Impact Statements**

At the sentencing hearing, if the victim wishes to prepare a Victim Impact Statement, the Judge will consider the Victim Impact Statement which may be presented in writing or read out in court by the victim. A Victim Impact Statement describes the physical or emotional harm, property damage or economic loss which the victim of an offence has suffered. The Victim Impact Statement must be confined to the harm suffered as a result of the offences that the offender has been found guilty of. The court must take the Victim Impact Statement into account when an offender is sentenced. Prior to the sentencing hearing the prosecutor should ask the victim if they would like to attend the sentencing hearing and deliver a verbal statement or submit a written Victim Impact Statement. The prosecutor may also ask the victim if they would like to deliver their Victim Impact Statement in camera (over zoom/CCTV or have it video recorded).

### **If the victim chooses not to attend**

If the victim chooses not to attend the sentencing hearing, the prosecutors can present on their sentencing brief and the Victim Impact Statement. After the sentencing hearing, prosecutors should inform the victim of the outcome/sentence. A hard copy or electronic copy of the sentencing order should be offered and provided to the victim if they have indicated they would like to receive it.

### **In the case of acquittals**

In the case of an acquittal, refer to Stage 6.

## Prosecutor

### Face-to-face meeting

- Organises face-to-face meeting with the victim and any carers before the sentence hearing and:
  - explains the sentencing process.
  - explains what a Victim Impact Statement is and why it is important to provide one to the court. Explains that the Victim Impact Statement is voluntary, however it is encouraged for the sentencing process.
  - provides the Victim Impact Statement form and instructions [Attachment E](#) to the victim and ask if they would like help to complete their Victim Impact Statement.
  - meets with the victim to help them develop their Victim Impact Statement. Allows victim to give their statement in their own words.
  - discusses the methods of delivering the Victim Impact Statement (including delivery through alternative methods - videotaped, zoom, audio recording or CCTV).
  - explains to the victim that they may appear in person at the sentencing hearing to make a verbal statement or the prosecutor can submit the written statement to be included in the sentencing brief.

### Preparation of Victim Impact Statement

- Family members should not help child victims to complete a Victim Impact Statement. Family members can write their own Victim Impact Statement to support a child victim.
- Guarantees any Victim Impact Statement is ready before the sentencing hearing.

### The sentencing hearing

- Arranges for appropriate special measures to be in place. Asks whether the victim would prefer to observe the hearing from an alternate location (if available).
- Assists the court with submissions to guide sentencing and presents any Victim Impact Statement.
- Explains outcomes of the sentencing hearing to the victim and what this means for the victim and the offender. Allows victim to ask any questions they may have.

## Witness Support Officer

### Assist with Victim Impact Statement

- Can assist a victim to write out their Victim Impact Statement – [Attachment E](#).
- Where appropriate obtains a report from other sources as supporting documents (e.g. social welfare report)
- May arrange a referral to a preferred support agency to assist a vulnerable victim to write out their Victim Impact Statement. In such cases:
  - Requests the support agency to complete the Victim Impact Statement as soon as possible.
  - Arranges for transportation of the vulnerable victim to the support agency.
  - Undertakes follow-up contact to check that the victim has been counselled or assisted by the support agency and if any other action needs to be taken.

## F. Stage 6 of the Prosecution Process – Case Conclusion

Prosecutor	Witness Support Officer
<ul style="list-style-type: none"> <li>Prosecutors should make sure that at the end of the case hearing the victim/complainant is told what has happened and that they understand. This is important when the case is dropped at court or lesser pleas are accepted. The sentence the defendant/offender has received and its effect should also be explained.</li> <li>Where the victim/complainant or their carer has asked for information on the outcome, the prosecutor should have a follow up meeting with the victim/complainant or their carer to explain the verdict and/or sentence and to allow them to ask any questions they may have. The prosecutor should provide hardcopies of the verdict/judgment.</li> <li>Where the prosecutor is of the opinion that a sentence imposed is not appropriate, they may consider an appeal against the sentence or acquittal. The prosecutor should also inform the victim/complainant or the carer before lodging an appeal.</li> <li>The prosecutor should also inform the victim/complainant if the defendant files an appeal against conviction or sentence.</li> </ul>	<ul style="list-style-type: none"> <li>Assist to convey the information of the outcome to the victim/complainant or their carer directly or through the case officer. Where possible, the prosecutor and witness support officer should both be in attendance at the meeting to explain the verdict/sentence.</li> <li>Meets with victim/complainant and provides contact information and access to counselling and other services in the community that will help with their healing.</li> </ul>



**Pictured above:** The PILON Secretariat was represented by Rosy Mario (back centre) and Sasae Walter (right) during the in-person drafting workshop.



**Pictured above:** Francis Puleiwai contributed on behalf of Nauru to discussions during the in-person drafting workshop.

# Part 3 Procedural templates

## Page 28

ATTACHMENT A – WITNESS PROFILE AND VULNERABILITY RISK ASSESSMENT (2023)  
SENSITIVE ONCE COMPLETED

File Number

### Attachment A1

#### Case Information Template

Support Officer name:	
Prosecutor name:	
Police contact name:	
Defendant's representative:	

Witness information	Defendant information
Witness' Name:	Defendant's Name:
Date of birth (if known):	Date of birth (if known):
Gender: <input type="checkbox"/> Male / <input type="checkbox"/> Female / <input type="checkbox"/> Other (specify) <input type="text"/>	Gender: <input type="checkbox"/> Male / <input type="checkbox"/> Female / <input type="checkbox"/> Other (specify) <input type="text"/>
Marital status: <input type="checkbox"/> Single / <input type="checkbox"/> Married / <input type="checkbox"/> De-facto / <input type="checkbox"/> Divorced / <input type="checkbox"/> Widowed	Marital status: <input type="checkbox"/> Single / <input type="checkbox"/> Married / <input type="checkbox"/> De-facto / <input type="checkbox"/> Divorced / <input type="checkbox"/> Widowed
Language: <input type="checkbox"/> (address)	Relationship to witness:
Address: Village: <input type="text"/> Island: <input type="text"/> OR	Offence(s):
Contact (tick if preferred): <input type="checkbox"/> (email) OR <input type="checkbox"/> (phone)	

SENSITIVE ONCE COMPLETED  
ATTACHMENT A – WITNESS PROFILE AND VULNERABILITY RISK ASSESSMENT (2023)

## Page 30

ATTACHMENT A – WITNESS PROFILE AND VULNERABILITY RISK ASSESSMENT (2023)  
SENSITIVE ONCE COMPLETED

File Number

### Attachment A2

#### Vulnerability Risk Assessment

**USER NOTE:** The risk rating assessment is to measure the level of vulnerability of the complainant based on the first impression of the police brief. Where additional information is provided about the physical or mental health of the witness, a request may be made for an assessment by a specialist.

Risk theme	Risk factor in the witness	Tick if true
Family Violence	I am aware the witness is currently fleeing family violence	<input type="checkbox"/>
	I am aware family violence has been experienced within last year	<input type="checkbox"/>
	The witness has shared past experience of violence (of any kind)	<input type="checkbox"/>
Child Protection	I am aware of issues requiring support by Child Protection Agencies	<input type="checkbox"/>
	I am aware of current involvement by Child Protection Agencies	<input type="checkbox"/>
	I am aware of past involvement by Child Protection Agencies	<input type="checkbox"/>
Health Status	I am aware of physical health needs	<input type="checkbox"/>
	Write any special actions (or over page) <input type="text"/>	<input type="checkbox"/>
	I am aware of psychosocial issues (mental health condition)	<input type="checkbox"/>
	I am aware of a cognitive impairment	<input type="checkbox"/>
	I am aware of a suicide attempt in last 3 months	<input type="checkbox"/>
Drugs or Alcohol	I am aware of a suicide attempt in past year	<input type="checkbox"/>
	I am aware of a suicidal thinking or planning	<input type="checkbox"/>
	I am aware that the witness is currently self-harming	<input type="checkbox"/>
	I am aware of a history of self-harm	<input type="checkbox"/>
	I am aware of past drug or alcohol abuse	<input type="checkbox"/>
Home situation	I am aware of current drug or alcohol abuse	<input type="checkbox"/>
	I am aware the witness requires support currently	<input type="checkbox"/>
	The witness lives in a remote or provincial location	<input type="checkbox"/>
	The witness does not appear to live in stable housing	<input type="checkbox"/>
	The witness and the defendant are immediate family or partner	<input type="checkbox"/>
Age	The witness is a caregiver for children	<input type="checkbox"/>
	The witness is a caregiver for elderly parents or other persons	<input type="checkbox"/>
	There is a pregnancy or new birth (<1yr) in the relationship	<input type="checkbox"/>
	There are children with special needs (e.g. disability)	<input type="checkbox"/>
	The witness is a toddler (1yr)	<input type="checkbox"/>
	The witness is a pre-schooler (2–5yrs)	<input type="checkbox"/>
	The witness is a school aged child (6–12yrs)	<input type="checkbox"/>
	The witness is a teenage (13–17yrs)	<input type="checkbox"/>

SENSITIVE ONCE COMPLETED  
ATTACHMENT A – WITNESS PROFILE AND VULNERABILITY RISK ASSESSMENT (2023)

## Page 32

ATTACHMENT B – SAMPLE EVENTS TRIGGERING CONTACT (2023)  
SENSITIVE ONCE COMPLETED

File Number

### Attachment B

#### Sample events triggering contact

**USER NOTE:** Users are encouraged to customise this list of events to reflect their circumstances.

Stage	Event trigger	Specific actions for prosecutor	Specific actions for witness support officer
1	Intro	1. Case File received	
		Make introductory phone call to set up first meeting	<input type="checkbox"/>
2	First meet	2. First meeting with complainant	<input type="checkbox"/>
			<input type="checkbox"/>
As applicable	Significant prosecution decisions	3. Decision is made to discontinue a prosecution	Contact complainant investigating officer, and other witnesses if necessary
		4. Decision is made to lay additional charges or significantly change charges	
		5. Decision is made to significantly change statement of facts at plea negotiations.	
Listing/committal	6. Matter listed for committal		

SENSITIVE ONCE COMPLETED  
ATTACHMENT B – SAMPLE EVENTS TRIGGERING CONTACT (2023)

## Page 36

ATTACHMENT C – RECORD OF CONTACT TEMPLATE (2023)  
SENSITIVE ONCE COMPLETED

File Number

### Attachment C

#### Record of Contact Template

**USER NOTE:** Attachment B lists events triggering contact with witness which this form designed to capture.

Support Officer:  Prosecutor:

Witness' Name:

Date	Via	Subject
	<input type="checkbox"/> Phone <input type="checkbox"/> Office <input type="checkbox"/> Court <input type="checkbox"/> Other	
	<input type="checkbox"/> Phone <input type="checkbox"/> Office <input type="checkbox"/> Court <input type="checkbox"/> Other	
	<input type="checkbox"/> Phone <input type="checkbox"/> Office <input type="checkbox"/> Court <input type="checkbox"/> Other	

SENSITIVE ONCE COMPLETED  
ATTACHMENT C – RECORD OF CONTACT TEMPLATE (2023)

ATTACHMENT D – RECORD OF REQUEST FOR WITHDRAWAL (2023)  
SENSITIVE ONCE COMPLETED

File Number

### Attachment D

#### Record of Request for Withdrawal

Filing	Court file number	<input type="text"/>
	Name of matter	<input type="text"/>
Roles	Prosecutor's name	<input type="text"/>
	Support Officer's name	<input type="text"/>
	Police Case Officer's name	<input type="text"/>
	Other support person (if any)	<input type="checkbox"/> None OR <input type="text"/>
Parties	Defendant's name:	<input type="text"/>
	Witness' name:	<input type="text"/>
Actions	Date of request (Once known) Date the prosecutor has communicated to police (by email and phone) any concerns the complainant has about safety (if relevant)	<input type="text"/>
	Date the request to police to investigate withdrawal request made	<input type="checkbox"/> Tick if same conversation as above

**This document and attachments must be disclosed to defence. It is noted that legal professional privilege is claimed over any opinion or recommendation provided to the public prosecutor in any form, whether it is in relation to this form or not.**

I have accurately completed this form and carried out required inquiries including:

- adequately explained the prosecution process to complainant
- advised complainant of the availability of witness support and protection services
- given complainant pamphlet from the witness support officer (where possible)
- made offer to complainant to make an appointment with witness support officer

Signature of prosecutor on file

SENSITIVE ONCE COMPLETED  
ATTACHMENT D – RECORD OF REQUEST FOR WITHDRAWAL (2023)

ATTACHMENT E – VICTIM IMPACT STATEMENTS (2023)  
SENSITIVE ONCE COMPLETED

File Number

### Attachment E1

#### Victim Impact Statement (Standard)

#### Guidance

Question	Guidance
<b>What is the purpose of a Victim Impact Statement?</b>	A Victim Impact Statement helps victims of crime, their support people and witnesses in the case to share the impact of the offender's actions on them or the victim. The court will take this into account when determining what sentence to give the offender. This form has been designed to help you write your statement. Please be aware that you don't have to use it. You can decide whether this form is the best way to communicate the harm you experienced and how it has impacted on you. While the statement is usually in writing, you may be able to provide a verbal statement in court.
<b>When is the Victim Impact Statement prepared?</b>	The Victim Impact Statement should be prepared after a conviction or a guilty plea.
<b>Who can make a Victim Impact Statement?</b>	For the purposes of a Victim Impact Statement, a victim may be the victim in the prosecution, or another person directly affected. In some jurisdictions legislation will provide for who can make a Victim Impact Statement, and in others it will be at the discretion of the court.
<b>How can I use this form?</b>	You can fill in this form by hand or type into it. If you need more space, you can write over the page or add typed or handwritten pages.
<b>Who presents this form in court?</b>	The prosecutor usually presents the statement in court. Ask the prosecutor if you would like to read yours aloud. Alternatively, someone else could read it out for you. However, if you would like to read your statement yourself, you can do it in camera/zoom/CCTV or other alternative methods where you don't have to face the offender.
<b>What should I include in this form and what documents can I attach?</b>	Follow the prompting questions across the five sections to guide your response. You may not have answers to all of the questions - this is okay. Just answer those that apply to you. Make sure you include your full name, the date and your signature. You can attach any supporting documents such as letters, photographs, drawings, medical reports, receipts or bills for medical treatment, particularly if it is ongoing. Refrain from giving opinions about the offender's behaviour unrelated to the offence.
<b>Who can help if I have more questions or require further assistance?</b>	If you need help filling out this form, the prosecutor, witness support officer, police officer or someone from a support agency can assist you.
<b>Is there a form for vulnerable witnesses?</b>	There is a separate form for vulnerable witnesses such as children, people with disabilities and other groups of vulnerable witnesses. Please ask the witness support officer or prosecutor for the 'Victim Impact Statement Form for Vulnerable Witnesses' if you are assisting a vulnerable witness.

SENSITIVE ONCE COMPLETED  
ATTACHMENT E – VICTIM IMPACT STATEMENTS (2023)

ATTACHMENT E – VICTIM IMPACT STATEMENTS (2023)  
SENSITIVE ONCE COMPLETED

File Number

### Attachment E2

#### Victim Impact Statement (for Vulnerable Witnesses)

#### Guidance

Question	Guidance
<b>What is the purpose of a Victim Impact Statement?</b>	A Victim Impact Statement helps victims of crime, their support people and witnesses in the to share the impact of the offender's actions on them or the victim. The court will take this into account when determining what sentence to give the offender.
<b>Do I need to use this form?</b>	Vulnerable witnesses do not have to use this form. You can decide whether this form will help them share the impacts of the crime. While the statement is usually in writing, witnesses may be able to provide a verbal statement in court.
<b>Who can help a vulnerable witness to prepare a Victim Impact Statement?</b>	Family members should not help vulnerable witnesses to complete Victim Impact Statements. There are other support people who can help though. If you need help, ask the witness support officer and they can help you or find someone else who can. If you are supporting a vulnerable witness, you can guide them through the form by reading out the headings and questions.
<b>How to use this form</b>	This form has blank spaces so vulnerable witnesses can write or draw pictures. If you are supporting a vulnerable witness, you can fill it in for them by reading the questions and asking the vulnerable witness how they would like to respond. You can add more pages if you run out of space.
<b>What should I include in this form and what documents can I attach?</b>	Read the questions and answer any that apply. You don't have to answer all of them. Make sure you include the vulnerable witness's full name and the date the form was completed. You can attach supporting documents such as letters, photographs, drawings, medical reports, receipts or bills for medical treatment, particularly if it is ongoing. Refrain from giving opinions about the offender's behaviour unrelated to the offence.
<b>When is the Victim Impact Statement prepared?</b>	The Victim Impact Statement should be prepared after a conviction or a guilty plea.
<b>Who can make a Victim Impact Statement?</b>	For the purposes of a Victim Impact Statement, a victim may be the victim in the prosecution, or another person directly affected. In some jurisdictions legislation will provide for who can make a Victim Impact Statement, and in others it will be at the discretion of the court.
<b>Who presents the Victim Impact Statement in court?</b>	The prosecutor usually presents the statement in court. You should let the prosecutor know if you would like to read out or explain their statement. Alternatively, someone else could read it out or explain it for them. You can do it in camera/zoom/ CCTV or other alternative methods where you don't have to face the offender.

SENSITIVE ONCE COMPLETED  
ATTACHMENT E – VICTIM IMPACT STATEMENTS (2023)



File Number

# Attachment A1

## Case Information Template

<b>Support Officer name:</b>	
<b>Prosecutor name:</b>	
<b>Police contact name</b>	
<b>Defendant's representative</b>	

Witness information		Defendant information	
<b>Witness' Name:</b>		<b>Defendant's Name:</b>	
<b>Date of birth (if known)</b>		<b>Date of birth (if known)</b>	
<b>Gender</b>	<input type="checkbox"/> Male / <input type="checkbox"/> Female / <input type="checkbox"/> Other (specify) <input type="text"/>	<b>Gender</b>	<input type="checkbox"/> Male / <input type="checkbox"/> Female / <input type="checkbox"/> Other (specify) <input type="text"/>
<b>Marital status</b>	<input type="checkbox"/> Single / <input type="checkbox"/> Married / <input type="checkbox"/> De-facto / <input type="checkbox"/> Divorced / <input type="checkbox"/> Widowed	<b>Marital status</b>	<input type="checkbox"/> Single / <input type="checkbox"/> Married / <input type="checkbox"/> De-facto / <input type="checkbox"/> Divorced / <input type="checkbox"/> Widowed
<b>Language</b>		<b>Relationship to witness</b>	
<b>Address</b>	<input type="checkbox"/> (address)  Village: Island:  OR	<b>Offence(s):</b>	
<b>Contact (tick if preferred)</b>	<input type="checkbox"/> (email)  OR		
	<input type="checkbox"/> (phone)		

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# Attachment A2

## Vulnerability Risk Assessment

**USER NOTE:** The risk rating assessment is to measure the level of vulnerability of the complainant based on the first impression of the police brief. Where additional information is provided about the physical or mental health of the witness, a request may be made for an assessment by a specialist.

Risk theme	Risk factor in the witness	Tick if true
<b>Family Violence</b>	I am aware the witness is currently fleeing family violence	<input type="checkbox"/>
	I am aware family violence has been experienced within last year	<input type="checkbox"/>
	The witness has shared past experience of violence (of any kind)	<input type="checkbox"/>
<b>Child Protection</b>	I am aware of issues requiring support by Child Protection Agencies	<input type="checkbox"/>
	I am aware of current involvement by Child Protection Agencies	<input type="checkbox"/>
	I am aware of past involvement by Child Protection Agencies	<input type="checkbox"/>
<b>Health Status</b>	I am aware of physical health needs Write any special actions (or over page) <input style="width: 150px;" type="text"/>	<input type="checkbox"/>
	I am aware of psychosocial issues (mental health condition)	<input type="checkbox"/>
	I am aware of a cognitive impairment	<input type="checkbox"/>
	I am aware of a suicide attempt in last 3 months	<input type="checkbox"/>
	I am aware of a suicide attempt in past year	<input type="checkbox"/>
	I am aware of a suicidal thinking or planning	<input type="checkbox"/>
	I am aware that the witness is currently self-harming	<input type="checkbox"/>
	I am aware of a history of self-harm	<input type="checkbox"/>
<b>Drugs or Alcohol</b>	I am aware of past drug or alcohol abuse	<input type="checkbox"/>
	I am aware of current drug or alcohol abuse	<input type="checkbox"/>
	I am aware the witness requires support currently	<input type="checkbox"/>
<b>Home situation</b>	The witness lives in a remote or provincial location	<input type="checkbox"/>
	The witness does not appear to live in stable housing	<input type="checkbox"/>
	The witness and the defendant are immediate family or partner	<input type="checkbox"/>
	The witness is a caregiver for children	<input type="checkbox"/>
	The witness is a caregiver for elderly parents or other persons	<input type="checkbox"/>
	There is a pregnancy or new birth (<1yr) in the relationship	<input type="checkbox"/>
	There are children with special needs (e.g. disability)	<input type="checkbox"/>
<b>Age</b>	The witness is a toddler (1yr)	<input type="checkbox"/>
	The witness is a pre-schooler (2–5yrs)	<input type="checkbox"/>
	The witness is a school aged child (6–12yrs)	<input type="checkbox"/>
	The witness is a teenage (13–17yrs)	<input type="checkbox"/>

Risk theme	Risk factor in the witness (continued)	Tick if true
Language	I think the witness may require a translator Which language <input type="text"/>	<input type="checkbox"/>
Employment	I do not think the witness is in stable employment	<input type="checkbox"/>
Gender/ Identity	I think there is risk of harm or discrimination based on gender identity or sexual orientation Add any additional information if needed <input type="text"/>	<input type="checkbox"/>

Total number of ticks	Risk score guide
(Low 0-9) <input type="checkbox"/>	<ul style="list-style-type: none"> <li>Additional consideration <b>may</b> be given to the use of special measures throughout the prosecution process, safety planning and referrals which the witness may require.</li> <li><i>[Note: Jurisdictions should consider what specific steps to give effect to this level of consideration/risk]</i></li> </ul>
(Med 10-20) <input type="checkbox"/>	<ul style="list-style-type: none"> <li>Additional consideration <b>needs</b> to be given to the use of special measures throughout the prosecution process, safety planning and referrals which the witness may require.</li> <li><i>[Note: Jurisdictions should consider what specific steps to give effect to this level of consideration/risk]</i></li> </ul>
(High 21+) <input type="checkbox"/>	<ul style="list-style-type: none"> <li>Additional <b>heightened</b> consideration <b>needs</b> to be given to the use of special measures throughout the prosecution process, safety planning and referrals which the witness may require.</li> <li><i>[Note: Jurisdictions should consider what specific steps to give effect to this level of consideration/risk]</i></li> </ul>

Any additional information you wish to add

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# Attachment B

## Sample Events Triggering Contact

**USER NOTE:** Users are encouraged to customise this list of events to reflect their circumstances

		Event trigger	Specific actions for prosecutor	Specific actions for witness support officer
Stage <b>1</b>	Intro	1. Case File received  Make introductory phone call to set up first meeting		<input type="checkbox"/>
Stage <b>2</b>	First meet	2. First meeting with complainant	<input type="checkbox"/>	<input type="checkbox"/>
<b>As applicable</b>	Significant prosecution decisions	3. Decision is made to discontinue a prosecution	<input type="checkbox"/> Contact complainant investigating officer, and other witnesses if necessary	
		4. Decision is made to lay additional charges or significantly change charges	<input type="checkbox"/>	
		5. Decision is made to significantly change statement of facts at plea negotiations.	<input type="checkbox"/>	
	Listing/co mmittal	6. Matter listed for committal		

<b>As applicable</b>	<b>Plea</b>	7. Guilty plea entered Advise to affirm summary of facts	<input type="checkbox"/>		
		8. Not guilty plea entered Advise to await trial date	<input type="checkbox"/>		
	<b>W.O. A</b>	9. Warrant of arrest issued	<input type="checkbox"/>		
		10. Warrant of arrest executed	<input type="checkbox"/>		
	<b>Bail</b>	11. Bail applications and results Defendant applies for bail	<input type="checkbox"/>	Alert police case officer to contact the complainant asking if there are any grounds for objection	
		12. Bail application result is received (granted, reversed, varied or denied)	<input type="checkbox"/>	Prosecutor/police to inform complainant of outcome and any strict conditions	
<b>Stage 3</b>	<b>Trial date set</b>	13. Trial date is set Inform witness of any pre-trial hearing		<input type="checkbox"/>	
	<b>Witness conferencing</b>	14. Witness conferencing Liaise with police to arrange briefing	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Stage 4</b>	<b>Trial</b>	15. Commencement of trial Ensures all agreed special measures are in place	<input type="checkbox"/>	<input type="checkbox"/>	Arrange transport/accommodation for the witness
		16. Trial result Explain verdict to witness	<input type="checkbox"/>	<input type="checkbox"/>	Meet with victim to provide contact information and access to counselling and other services in the community

<b>Stage</b> <b>5</b>	<b>Sentencing</b>	17. Matter listed for sentencing Provide victim VIS template	<input type="checkbox"/>	<input type="checkbox"/> Contact witness to offer support completing VIS
		18. Victim wishes to read their VIS in court Ensures all agreed special measures are in place	<input type="checkbox"/>	<input type="checkbox"/>
		19. Where there is associated family violence offending Consider referring to agencies to apply for a protection order as part of the sentence.	<input type="checkbox"/>	
		20. Sentencing outcome received	<input type="checkbox"/>	<input type="checkbox"/> Meet with victim to provide contact information and access to counselling and other services in the community
<b>Stage</b> <b>6</b>	<b>Appeal</b>	21. Prosecutor appeals	<input type="checkbox"/>	
		22. Convicted Defendant files appeal Respond to appeal	<input type="checkbox"/>	

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File Number	
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# Attachment C

## Record of Contact Template

**USER NOTE:** Attachment B lists events triggering contact with witness which this form designed to capture.

Support Officer:		Prosecutor:	
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Witness information	
Witness' Name	

RECORD OF CONTACT		
Date Time Duration	Via	Subject
	<input type="checkbox"/> Phone <input type="checkbox"/> Office <input type="checkbox"/> Court <input type="checkbox"/> Other	
	<input type="checkbox"/> Phone <input type="checkbox"/> Office <input type="checkbox"/> Court <input type="checkbox"/> Other	
	<input type="checkbox"/> Phone <input type="checkbox"/> Office <input type="checkbox"/> Court <input type="checkbox"/> Other	

RECORD OF CONTACT		
Date Time Duration	Via	Subject
	<input type="checkbox"/> Phone <input type="checkbox"/> Office <input type="checkbox"/> Court <input type="checkbox"/> Other	
	<input type="checkbox"/> Phone <input type="checkbox"/> Office <input type="checkbox"/> Court <input type="checkbox"/> Other	
	<input type="checkbox"/> Phone <input type="checkbox"/> Office <input type="checkbox"/> Court <input type="checkbox"/> Other	

File Number

# Attachment D

## Record of Request for Withdrawal

<b>Filing</b>	<b>Court file number</b>	
	<b>Name of matter</b>	

<b>Roles</b>	<b>Prosecutor's name</b>	
	<b>Support Officer's name</b>	
	<b>Police Case Officer's name</b>	
	<b>Other support person (if any)</b>	<input type="checkbox"/> None OR

<b>Parties</b>	<b>Defendant's name:</b>		
	<b>Witness' name:</b>		
	<b>Is the witness a child?</b>	<input type="checkbox"/> No <input type="checkbox"/> Yes →	if <b>Yes</b> , write witness's date of birth:

<b>Actions</b>	<b>Date of request</b>	
	[Once known] Date the prosecutor has communicated to police (by email and phone) any concerns the complainant has about safety (if relevant)	
	[Once known] Date the request to police to investigate withdrawal request made	<input type="checkbox"/> Tick if same conversation as above

**This document and attachments must be disclosed to defence. It is noted that legal professional privilege is claimed over any opinion or recommendation provided to the public prosecutor in any form, whether it is in relation to this form or not.**

**I have accurately completed this form and carried out required inquiries including:**

- adequately explained the prosecution process to complainant
- advised complainant of the availability of witness support and protection services
- given complainant pamphlet from the witness support officer (where possible)
- made offer to complainant to make an appointment with witness support officer

<b>Signature of prosecutor on file</b>	
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Attachment checklist ✓		
	Scenario	Attachment required
Based on form of request (select one)	<input type="checkbox"/> request made in writing	<input type="checkbox"/> attach writing
	<input type="checkbox"/> request made verbally	<input type="checkbox"/> attach your notes
	<input type="checkbox"/> request made to police	<input type="checkbox"/> attach any correspondence
Based on whether the prosecutor has contacted complainant about request (select one)	<input type="checkbox"/> no contact since request	<input type="checkbox"/> attach explanation for reasons
	<input type="checkbox"/> yes, contact attempted	<input type="checkbox"/> attach information on method, date and details of communication
	<input type="checkbox"/> yes, contact made	Where applicable, attach: <ul style="list-style-type: none"> <li><input type="checkbox"/> additional reasons provided by the complainant for requesting the charges be withdrawn (if not covered previously);</li> <li><input type="checkbox"/> whether it appears that the views of the complainant have been freely expressed and are not the result of threats, coercion, inducement or intimidation;</li> </ul>

File Number

# Attachment E1

## Victim Impact Statement (Standard)

### Guidance

Form guidance	
Question	Guidance
<b>What is the <i>purpose</i> of a Victim Impact Statement?</b>	<p>A Victim Impact Statement helps victims of crime, their support people and witnesses in the case to share the impact of the offender's actions on them or the victim. The court will take this into account when determining what sentence to give the offender. This form has been designed to help you write your statement. Please be aware that you don't have to use it.</p> <p>You can decide whether this form is the best way to communicate the harm you experienced and how it has impacted on you. While the statement is usually in writing, you may be able to provide a verbal statement in court.</p>
<b>When is the Victim Impact Statement prepared?</b>	The Victim Impact Statement should be prepared after a conviction or a guilty plea.
<b>Who can make a Victim Impact Statement?</b>	For the purposes of a Victim Impact Statement, a victim may be the victim in the prosecution, or another person directly affected. In some jurisdiction's legislation will provide for who can make a Victim Impact Statement, and in others it will be at the discretion of the court.
<b>How can I use <i>this form</i>?</b>	You can fill in this form by hand or type into it. If you need more space, you can write over the page or add typed or handwritten pages.
<b>Who <i>presents</i> this form in court?</b>	The prosecutor usually presents the statement in court. Ask the prosecutor if you would like to read yours aloud. Alternatively, someone else could read it out for you. However, if you would like to read your statement yourself, you can do it in camera/zoom/CCTV or other alternative methods where you don't have to face the offender.
<b>What should I <i>include</i> in this form and what documents can I attach?</b>	Follow the prompting questions across the five sections to guide your response. You may not have answers to all of the questions - this is okay. Just answer those that apply to you. Make sure you include your full name, the date and your signature. You can attach any supporting documents such as letters, photographs, drawings, medical reports, receipts or bills for medical treatment, particularly if it is ongoing. Refrain from giving opinions about the offender's behaviour unrelated to the offence.
<b>Who can help if I have more <i>questions</i> or require further <i>assistance</i>?</b>	If you need help filling out this form, the prosecutor, witness support officer, police officer or someone from a support agency can assist you.
<b>Is there a form for <i>vulnerable witnesses</i>?</b>	There is a separate form for vulnerable witnesses such as children, people with disabilities and other groups of vulnerable witnesses. Please ask the witness support officer or prosecutor for the 'Victim Impact Statement Form for Vulnerable Witnesses' if you are assisting a vulnerable witness.

## Victim Impact Statement Form (Standard)

Topic 1: About you		
<b>Questions</b>	1.1 What is your name?	
	1.2 How old are you?	
	1.3 If you are not the victim, what is your relationship to the victim?	
	1.4 What is the name of the offender and what were they charged with?	

Topic 2: Emotional suffering or psychological harm		
<b>Questions</b>	2.1 What emotions and feelings do you feel because of your experience (e.g. hurt, grief, anger, shame, fear)?	
	2.2 How has the crime impacted on your wellbeing (e.g. trouble sleeping, nightmares, changes in behaviour)?	
	2.3 Do you now require treatment for psychological effects of the crime including for depression, anxiety or stress?	

Topic 3: Physical harm		
Questions	<b>3.1</b> Did you sustain physical injuries as a result of the crime (e.g. broken bones, nerve damage)?	
	<b>3.2</b> How have these injuries impacted on your life?	
	<b>3.3</b> Do these have long term impacts?	
	<b>3.4</b> Do you require current or ongoing medical treatment to manage your physical injuries?	

**Topic 4: Economic (financial) loss**

<b>Questions</b>	<p><b>4.1</b> As a result of the crime, have you lost money due to an inability to work?</p>	
	<p><b>4.2</b> As a result of the crime, have you had to make new purchases (home security) or pay to replace items that were damaged?</p>	
	<p><b>4.3</b> Have you had to pay for travel to appear in court because of the crime?</p>	
	<p><b>4.4</b> Have you had to pay for medical treatment due to injuries arising from the crime?</p>	

Topic 5: Social harm		
Questions	<p><b>5.1</b> As a result of the crime have your interactions with family or friends changed? If so, please explain</p>	
	<p><b>5.2</b> Have your other relationships changed as a result of the crime?</p>	
	<p><b>5.3</b> Have your work or study relationships changed?</p>	

Topic 6: General comments	
<b>Questions</b>	6.1 How different do you think your future will be as a result of the crime?
	6.1 What you miss most about your life before the crime?

**I certify that this statement is true to the best of my knowledge and belief. I make it knowing that if it is tendered in evidence, I will be liable to prosecution if I have knowingly stated anything that is false or misleading in any particular.**

<b>Number of pages</b>	
<b>Date of completion</b>	
<b>Signature of victim</b>	
<b>Witness to the signature</b>	

File Number

# Attachment E2

## Victim Impact Statement (for Vulnerable Witnesses)

### Guidance

Form guidance	
Question	Guidance
<b>What is the purpose of a Victim Impact Statement?</b>	A Victim Impact Statement helps victims of crime, their support people and witnesses in the to share the impact of the offender's actions on them or the victim. The court will take this into account when determining what sentence to give the offender.
<b>Do I need to use this form?</b>	Vulnerable witnesses do not have to use this form. You can decide whether this form will help them share the impacts of the crime. While the statement is usually in writing, witnesses may be able to provide a verbal statement in court.
<b>Who can help a vulnerable witness to prepare a Victim Impact Statement?</b>	Family members should not help vulnerable witnesses to complete Victim Impact Statements. There are other support people who can help though. If you need help, ask the witness support officer and they can help you or find someone else who can. If you are supporting a vulnerable witness, you can guide them through the form by reading out the headings and questions.
<b>How to use this form</b>	This form has blank spaces so vulnerable witnesses can write or draw pictures. If you are supporting a vulnerable witness, you can fill it in for them by reading the questions and asking the vulnerable witness how they would like to respond. You can add more pages if you run out of space.
<b>What should I include in this form and what documents can I attach?</b>	Read the questions and answer any that apply. You don't have to answer all of them. Make sure you include the vulnerable witness's full name and the date the form was completed. You can attach supporting documents such as letters, photographs, drawings, medical reports, receipts or bills for medical treatment, particularly if it is ongoing. Refrain from giving opinions about the offender's behaviour unrelated to the offence.
<b>When is the Victim Impact Statement prepared?</b>	The Victim Impact Statement should be prepared after a conviction or a guilty plea.
<b>Who can make a Victim Impact Statement?</b>	For the purposes of a Victim Impact Statement, a victim may be the victim in the prosecution, or another person directly affected. In some jurisdictions legislation will provide for who can make a Victim Impact Statement, and in others it will be at the discretion of the court.
<b>Who presents the Victim Impact Statement in court?</b>	The prosecutor usually presents the statement in court. You should let the prosecutor know if you would like to read out or explain their statement. Alternatively, someone else could read it out or explain it for them. You can do it in camera/zoom/ CCTV or other alternative methods where you don't have to face the offender.

About you		
<b>Questions</b>	Who is completing this form?	
	If you are not the victim, is this form being completed on behalf of the victim?	
	If you are not the victim, what is your relationship to the victim?	
	What is the victim's name?	
	What is the victim's age?	
	What is the name of the offender and what were they charged with?	

Before the crime	After the crime
<b>Q1 Your feelings</b> How did you feel about your life before the crime?	<b>How do you feel now?</b> For example, do you feel hurt, grief, anger, shame, or fear? Do you have nightmares or trouble sleeping?
→	
<b>Q2 Physical harm</b> Did you have any injuries before the offender hurt you?	<b>What injuries do you have now?</b> Do you need to keep taking medicine or treatment for these injuries? Can you still do all of the things you used to do?
→	

<p><b>Q3 Interactions with friends and family</b> What sorts of things would you do with friends and family before the offender hurt you?</p> <p style="text-align: right;">→</p>	<p><b>Do you still want to do these things?</b> If you don't do these things anymore, how do you spend your time now?</p>
<p><b>Q4 School or study</b> What sorts of things would you do at school or study before the offender hurt you?</p> <p style="text-align: right;">→</p>	<p><b>Do you still want to do these things?</b> If these things have changed, what is different?</p>

<b>Q5 The future</b> Before the crime, how did you feel about your future?	<b>How do you feel about the future now?</b>
→	

**I certify that this statement is true to the best of my knowledge and belief. I make it knowing that if it is tendered in evidence, I will be liable to prosecution if I have knowingly stated anything that is false or misleading in any particular.**

**USER NOTE:** This form is designed for vulnerable witnesses. If there are issues about capacity to sign this form, do not sign and instead document these issues.

<b>Number of pages</b>	
<b>Date of completion</b>	
<b>Signature of victim or carer</b>	
<b>Witness to the signature</b>	

## Attachment F – PILON’s General Principles for obtaining the best evidence from vulnerable witnesses in SGBV matters

- 1. Dignity and Respect** – Vulnerable witnesses should be treated in a compassionate and sensitive manner, so as not to increase any feelings of helplessness, shame or distress. The manner in which they are treated should take into account their personal situation and immediate needs, ensure that interference in their private life is minimised as far as possible and the person is treated in a way that is respectful and preserves their autonomy and physical, mental and moral integrity.
- 2. Best Information** – Vulnerable witnesses should be informed promptly and fully about the availability and best ways of accessing any available support service, such as health, counselling or emergency financial and housing support. The procedures and processes of the criminal justice system should be explained clearly, including the timing and location of hearings and other relevant events, the person’s role and the ways in which they might be asked to participate. They should be advised how decisions could be reviewed and the progress of the case, in particular the apprehension, arrest or release of the accused and any protective measures that might be available. Participation of vulnerable witnesses should be planned ahead of time, as much as possible, so they can be provided with certainty and a clear understanding of what to expect.
- 3. Coordinated Assistance** - Vulnerable witnesses should have access to services by professionals who are relevantly and adequately trained. Services should be linked up as much as possible to minimise the number of contacts with the justice system and times the vulnerable witness is required to recount the trauma. Service providers should ensure that, where possible, the person is provided with continuity of care. Assistance should be provided in a timely manner, in accordance with the needs and wishes of the person. Such assigned professionals should be aware of, and thereby make vulnerable witnesses aware of, alternative methods of giving evidence that can be sought or applied for by prosecution.
- 4. Safety** – The safety of vulnerable witnesses should be protected at every stage of the criminal justice process. It is important that appropriate safeguards are put in place to reduce potential instances of intimidation, threats or harm to vulnerable witnesses and that direct contact with or questioning by alleged perpetrators is avoided. This includes steps to offer and facilitate alternative methods of giving evidence. Steps should also be taken to protect their safety after the conclusion of the proceedings, such as when the person is released following a period of incarceration.
- 5. Privacy** – The privacy of vulnerable witnesses should be protected to the maximum extent possible, by restricting the disclosure of information that could identify the witness and by prohibiting the public and the media from the courtroom, where possible. Personal information should not be disclosed to others without the person’s consent, unless necessary.
- 6. Non-discrimination** – Vulnerable witnesses should not be discriminated against, irrespective of their race, colour, religion, beliefs, age, family status, culture, language, ethnicity, national or social origin, citizenship, gender, sexual orientation, political or other opinions, disability, status of birth, property or other condition. Professionals working in or with the criminal justice sector should be aware of individual differences that can impact a person’s ability to fully participate in the criminal justice process.

- 7. Individual Expression** – Vulnerable witnesses should be treated as autonomous individuals with their own needs, wishes, thoughts and feelings. Every effort should be made to enable them to give their evidence and tell their story in their own words. It is also important to allow the person to be able to freely express their concerns and views about the criminal justice process, including concerns regarding their involvement, ways in which they would like to contribute and how they feel about the outcome. Professionals should demonstrate that they have considered the person’s views and concerns and explained reasons why they might not be able to be accommodated.
- 8. Victim Impact and Compensation Principle** – Vulnerable witnesses, who are victims/survivors, should be assisted to make a victim impact statement, in the most appropriate way possible. Information about compensation or restitution for any harm suffered should be provided along with assistance in accessing such measures.



More information about these principles can be read here: <https://pilonsec.org/?download-file=1449>









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