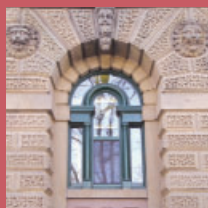


*“a full
and candid
account”*



Using Special Accommodations and Testimonial
Aids to Facilitate the Testimony of Children

BOOK

3

Witness Screens

*by Alison Cunningham
and Pamela Hurley*

The opinions expressed herein are those of the authors and do not necessarily reflect those of the Department of Justice Canada or the Government of Canada.

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Twelve-year-old Nina was scheduled to testify at a preliminary inquiry several months after she disclosed sexual abuse by her step-father. As the court date approached, she started seeing a child therapist because of sleep problems. During pre-court preparation sessions, she learned about being a witness and how to manage her testimony-related anxieties. Nina felt okay about being in the courtroom, knowing her grandparents would be there. But she did not want to see her step-father in court. Just seeing one of his “mean looks” would unnerve her to the point of silence. During the court orientation visit, Nina saw a screen set up in front of the witness box. She sat in the witness box to see what that would feel like. Then Fay, the victim-support worker, sat in the witness box and let Nina look at her from the other side. It was clear to Nina that her step-father would see her but that she would not see him. Arrangements were made for Nina to use an alternate entrance to the courtroom to avoid passing by the accused. Despite one “scary bit” when she was startled and distracted by her step-father coughing, Nina gave a clear and complete account of her evidence. She later decided to use a screen for the trial.

According to s. 486.2 of the Criminal Code, witnesses under the age of 18 years can testify from behind a screen or other device.

A witness screen is a device positioned to shield a testifying child from seeing the accused in the courtroom. The most common device is the one-way screen, as illustrated on this handbook's cover. The witness sees only the screen itself. Less commonly, we find other screening arrangements and courtroom configurations using physical barriers to block the child's view of the accused. This arrangement for the courtroom designed with children in mind is also described here. As in all handbooks in this series, the goal is to help court personnel support children to provide a complete and accurate account of evidence to the Court.



Section 486.2 also refers to testimony outside the courtroom, a topic addressed in handbook No. 2. When using a witness screen, a designated support person is an added benefit, as described in handbook No. 5.

Witness Screens: Introduction

Canadian child witnesses were first permitted by law to use screens in 1988. The logic behind the idea is simple. Shielding testifying children from seeing the accused helps them focus on the evidence instead of on their anxieties. Facing your accuser is a key tenet of our legal tradition and some observers thought the screen would be ruled unconstitutional. The Supreme Court of Canada settled the issue in the 1993 case of *R. v. Levogiannis*, by ruling that using a witness screen does not compromise the principles of fundamental justice.



To understand the testimony-related worries and fears of children, see handbook No. 1.

Witness screens, sometimes called sequestration screens, are readily available, portable, easy to use and reasonably priced. Setup is possible in any type of courtroom or any room used as a courtroom. No training or specialized technology is required. Witness screens could well be the most commonly used testimonial aid in Canada.

One-way screen in the courtroom

Witness screens vary in size and design. Typically screens sit on or stand beside the witness box. They can be moved and used in any courtroom within the courthouse building. Less commonly, a screen is lowered from the ceiling to block off an area of the courtroom.

Portable screens for travel

Lightweight and compact screens are also available. Some screens are easily transported in vehicles or small air planes for use in remote court locations.

Screened-off area in the courtroom

A permanently screened-off section is a feature of a small but growing number of courtrooms. The private area accommodates the child witness and a support person, often in the direct sight line of the judge. A camera relays the child's image to a monitor in the courtroom, permitting the accused and the public to view the testifying witness. This setup is illustrated later in Figure 3. Opaque screens can also be set up in a courtroom on a temporary basis.

Presumption

It is presumed that a child can testify using a witness screen or other device, upon application. The exception would be if the presiding judge or justice ruled that using such as measure would interfere with the proper administration of justice.

Why Use a Witness Screen?

Using a witness screen improves the quality of children's evidence by reducing their stress and blocking the on-going distractions of a courtroom. Any of these circumstances could suggest a witness screen might be useful.

- Both the CCTV setup and the screen are demonstrated to a child and he or she selects the screen as the preferred option.
- A child indicates he or she cannot testify in front of the accused and the screen is the only barrier available.
- Your professional judgment is that a child cannot testify in front of the accused and the screen is the only barrier available.
- A child wants to testify in the courtroom (e.g., knowing supporters are in the gallery) but does not want to see the accused.
- When witnesses think they can testify but panic when faced with the task, a screen is a quick back-up plan.
- When traveling to remote court locations or with a circuit court, a portable screen is a light and practical option to have available when needed.



PRACTICE TIP: There are some situations in which the use of a screen is not recommended, specifically:

- *when being in the same room as the accused could trigger a traumatic response; or,*
- *when the child cannot cope with the task of describing intimate details of a sexual assault in an open courtroom.*

Testimony outside the courtroom should be considered in these cases.

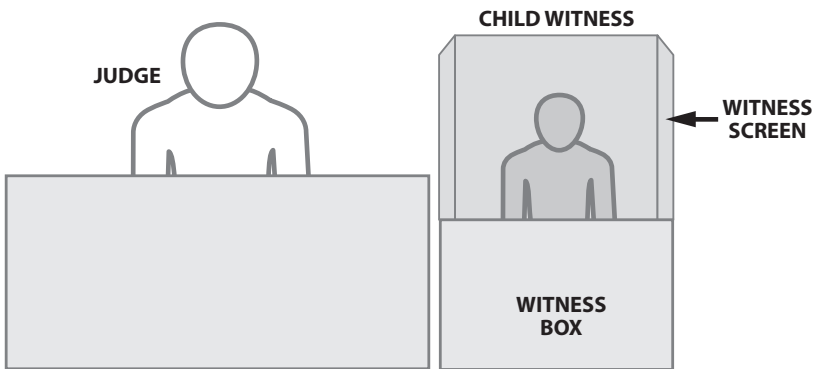
Relative to the CCTV option, there are some advantages offered by the screen.

- It is cheaper than the sophisticated equipment of the CCTV option.
- You will not encounter technical glitches and delays.
- It is easily moved from courtroom to courtroom and stored between uses.
- It can be erected at the last minute or kept on standby as a backup.

Diagrams of Four Possible Configurations

Figure 1

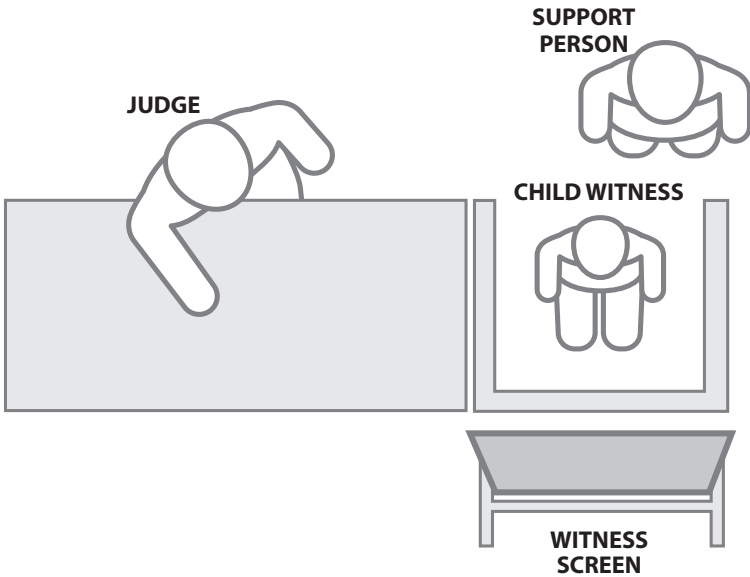
This type of screen sits on the edge of the witness box or immediately beside it. The screen has one-way viewing meaning that the accused observes the testifying child but the child does not see the accused. A basic screen has one front panel. Newer models have side panels for extra shielding.



PRACTICE TIP: The benefits of screened testimony are instantly diminished (perhaps negated) if the child glimpses the accused while walking to the witness box. Make arrangements for the witness to use another door, or for the accused to be absent from the courtroom when the child enters and leaves.

Figure 2

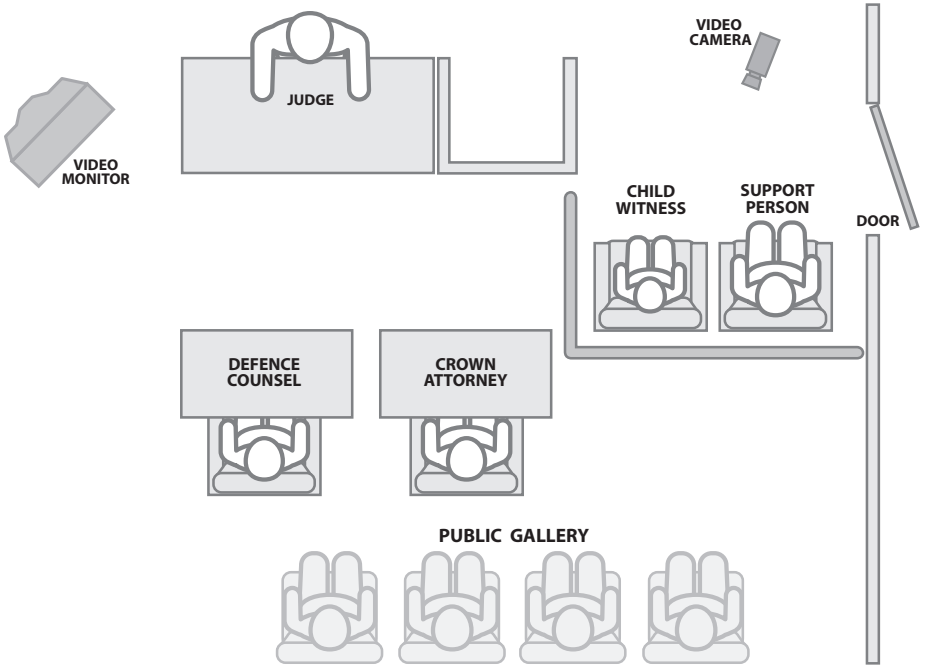
The presence of a support person reassures children who feel isolated behind a screen. A support person sits close to and slightly behind the witness but positioned to be visible by the accused and others in the courtroom.



PRACTICE TIP: *If you have never used a screen, ask a few colleagues to help you set it up and try it out. Sit in the witness box to see what it looks and feels like. You will better understand the child's perspective.*

Figure 3

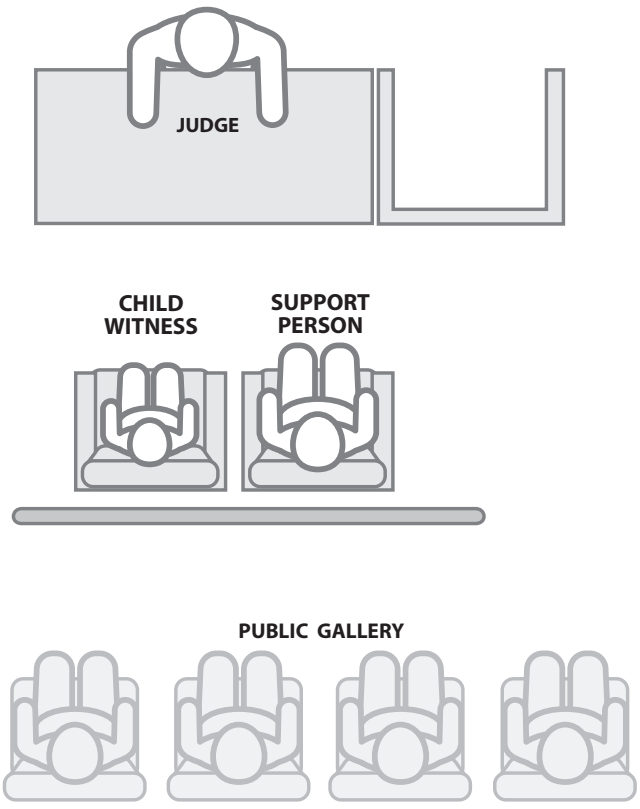
This diagram shows a relatively new configuration, specifically a screened area in the courtroom with a CCTV link. This arrangement is similar to the CCTV setup described in handbook No. 2, but the witness testifies from inside the courtroom. The child sits in a screened off area, typically in a front corner of the courtroom. The judge directly observes the child. The child and the support person each have a seat. A video camera relays the child's image to a large courtroom monitor for all to view.



PRACTICE TIP: Equipment for in-courtroom screened testimony need not be expensive. Camcorder-style cameras can be used with commonly available room dividers.

Figure 4

In this arrangement, the witness sits on a raised platform facing the judge at eye level. One seat is for the child and one is for a support person. The child cannot see the accused, who sits in another location in the courtroom. In a variation of this configuration, some courtrooms have witness boxes that pivot so the child faces the judge and not the accused.



See handbook No. 5 for information about how best to use a designated support person.

Criminal Code Section 486.2

Selected excerpts from s. 486.2† as amended by Bill C-2.

Testimony behind a screen or other device - witnesses under 18 or who have a disability

(1) Despite section 650 [Accused to be Present in Court], in any proceedings against an accused, the judge or justice shall, on application of the prosecutor, of a witness who is under age of eighteen years or of a witness who is able to communicate evidence but may have difficulty doing so by reason of a mental or physical disability, order that the witness testify outside of the court room or behind a screen or other device that would allow the witness not to see the accused, unless the judge or justice is of the opinion that the order would interfere with the proper administration of justice.

Application

(2.1) An application referred to in subsection (1) or (2) may be made, during the proceedings, to the presiding judge or justice or, before the proceedings begin, to the judge or justice who will preside at the proceedings.

Conditions of Exclusion

(7) A witness shall not testify outside the court room under subsection (1), (2), (4) or (6) unless arrangements are made for the accused, the judge or justice and the jury to watch the testimony of the witness by means of closed-circuit television or otherwise and the accused is permitted to communicate with counsel while watching the testimony.

No adverse inference

(8) No adverse inference may be drawn from the fact that an order is, or is not, made under this section.

† Sections 486.2(2) and (3) to (6) have been omitted.

Bill C-2: What's the Same? What's Changed?

Bill C-2 created the latest in a series of amendments to the *Criminal Code* and the *Canada Evidence Act* pertaining to child witnesses. When the Bill C-2 amendments came into force in 2006, these features of the provisions for screened testimony changed.

NEW

- no restriction on type of offence
- any witness under age 18
- presumptively available, unless using a screen would interfere with the proper administration of justice

PREVIOUS

- use was restricted to specified offences, mainly sexual offences and offences in which violence was used, threatened, or attempted
- only available to qualifying witness under age 18
- available at the discretion of the Court

These features did not change.

- Application is made by the Crown prosecutor (or the witness).
- No adverse inference should be drawn from the fact that an order is or is not made for screened testimony.



For more information on the Bill C-2 amendments, see the first handbook in the series called *Overview of Issues Related to Child Testimony*.

“The screen does not obstruct the view of the complainant by the accused, his counsel, the Crown or the judge. All are present in court. The evidence is given and the trial is conducted in the usual manner, including cross-examination. ... In my view, the main objective pursued by the legislative enactment presently challenged is to better “get at the truth,” by recognizing that a young child abuse victim’s evidence may, in certain circumstances, be facilitated if the child is able to focus his or her attention on giving testimony, rather than experiencing difficulties in facing the accused.”

Madame Justice L'Heureux-Dubé, *R. v. Levogiannis* (1993).

Basic Facts About Using Witness Screens

Screens can be used for any child witness in any type of criminal case.

Who qualifies to testify behind a screen or other device?

Any witness under the age of 18 who wants to (subject to judicial approval).

In what type of proceedings can a child testify using a screen?

In any criminal court or youth justice court proceeding.

When can the prosecutor make an application?

At any point, to the presiding judge or justice, ideally as early as possible prior to the day the child will testify.

Can the judge or justice refuse to permit testimony from behind a screen?

No, unless he or she is “of the opinion that the order would interfere with the proper administration of justice.”

Is the child alone behind the screen?

With judicial approval, witnesses can have a designated support person. Make an application concurrent with the application for using the screen.

The constitutionality of the screen provisions was challenged and upheld in the judgment of R. v. Levogiannis, [1993] 4 S.C.R. 475. A 12-year old boy who alleged sexual touching by a 28-year old volunteer mentor was permitted to testify behind a screen. The trial judge was satisfied that, according to the standard of the day, this measure was “necessary to obtain a full and candid account of the acts complained of.” The accused appealed his conviction. He argued that using the screen denied him the opportunity to confront his accuser and violated his right to a fair trial. The Court held that the one-way screen does not infringe any principle of fundamental justice. The requisite elements of confrontation remain because the accused observes the testifying complainant. The accused can cross-examine the witness and using the screen does not disturb the accused's right to be presumed innocent. A jury properly informed would not be biased by the use of such a device.

FAQs About Witness Screens

- Q.** *How do the lawyers question the child when she is behind a screen?*
- A.** There is no set method. Lawyers typically stand at a point where they have eye contact with the witness. But don't stand too close. Children, like most people, can be distressed if a questioner invades their personal space and zone of comfort.



PRACTICE TIP: Although not frequently done, the screen can be placed in front of the accused. This may be necessary if the screen does not sit securely on the witness box.

- Q.** *If a child uses a screen at the preliminary inquiry, does that mean he will need it again at the trial?*
- A.** It depends. Ask for the child's opinion. Children may request the screen again, or it could be the only option available so you have no choice. A few children decide to forego a testimonial aid at trial after using one at the preliminary hearing. On the other hand, a child who had a difficult experience testifying in the witness box may need CCTV for their next turn at testifying.
- Q.** *Is the emotional impact of the child's testimony reduced by using a screen?*
- A.** Many observers believe that the trier of fact must watch a child's live testimony to accurately assess credibility. Others believe that seeing an upset witness increases the prospect of conviction. Neither idea is supported by research. Watching the live testimony of a child does not improve assessment of truth even compared with video-mediated testimony like when CCTV is used. Moreover, in most courthouses, the judge has a direct view of the child who testifies behind a screen. Research on video-mediated testimony finds that jurors may favour seeing the child witness in court, but the preference has no impact on the decision-making process or case outcome. When a child is distressed by seeing the accused, the quality of evidence can be negatively affected.

Q. We do not have access to a witness screen. How can we protect children from seeing the accused?

A. Changing the seating arrangements is one solution. Sit the child to face the judge. The accused can sit out of sight of the child, probably behind him or her. When nothing else is possible, the prosecutor or support person can stand in a place shielding the child. In this case, arrange for the child to enter and exit the courtroom without seeing the accused.

Q. How do I choose between testimony outside the courtroom and a screen?

A. Not everyone has the luxury of this choice. If you do have access to both aids, the following points can be considered.

Both options are helpful for children who are easily distracted or have limited attention spans. Both options also shield the child from seeing the accused. But there is one key advantage to testifying outside the courtroom. Even when shielded by a screen, some children are unnerved merely by knowing that the accused is a few metres away. This is especially important factor in small courtrooms. Also, the chance of an accidental sighting is increased.

The witness's preference is an important factor to consider. Not all children like using the screen (as discussed later in this handbook) and not all children like using a video-linked system (as discussed in handbook No. 2). If your professional judgment is that the testimony would be equally candid using either aid, demonstrate both and let the child decide.

Q. How does the child identify the accused when sitting behind the screen?

A. Ask the child to identify the accused only after he is finished testifying.

Q. We never did acquire a screen. Is it worthwhile to purchase one now?

A. Yes. A screen is a helpful backup to have if the CCTV system malfunctions. It can be quickly erected when a child unexpectedly panics. Also, as discussed on the next page, some children prefer this particular aid.

What Children Like About Screens

Some children speak of the device favourably, often because they want to be in the courtroom but are afraid of seeing the accused.

A child can testify in the courtroom while shielded from the accused

“I wanted to talk to the judge and say what happened, but I didn't want to see my dad.” (Tenika, age 10)

A screen can feel like physical protection

“The screen was like a wall between him and me. It helped me feel safe.” (Ajay, age 8)

A child may want to know what is happening in the courtroom

“It was important for me to be there [in the courtroom] and know what everyone was saying and doing. But I was glad to have the screen because I was afraid to look at him.” (Tom, age 15)

A screen can be installed in a hurry when needed

“I thought that seeing [the accused] wouldn't bother me. But I saw him in the security line at the courthouse and I just got really upset. I didn't want to go into that courtroom. The Crown asked the judge if I could have a screen and that was the only way I could have testified.” (Ayisha, age 14).

A screen helps children testify without being stressed

“There was a room beside the courtroom with lots of stuff for kids. I waited there until Jan brought me in through a special door to the witness box. I didn't have to see anyone in the courtroom and that was a good thing.” (Liam, age 8)



PRACTICE TIP: Young children are naturally curious and may look under the screen or peep around the side. Having an opportunity to try out the screen beforehand removes the novelty. Also, adjust the height of the screen or chair to match the size of the child.

What Children Don't like About Screens

On the other hand, a witness screen is not the preferred testimonial aid for some children nor does it offer effective assistance for them.

A screen can block the witness's view of supporters in the gallery

*"I was relieved not to have to see [the accused], but I wish I could've seen my mom and dad who were in the benches in the courtroom. I had a support person with me, but she was behind me."
(Nev, age 13)*

Knowing the accused can see them is anxiety-provoking

*"It felt creepy knowing that he was just there, on the other side of the screen, looking at me. I wish I could've been in another room."
(Kira, age 14)*

Screens are ineffective when not in good repair

*"Part of the screen was torn and I could see through it. I kept looking through the hole even though I was scared, and I didn't really listen to some of the questions."
(Che, age 10)*

Screens are not sufficient protection for some witnesses

*"It was so flimsy. I thought it was going to fall off on top of me or fall down onto the floor. It wasn't really helpful."
(Mimi, age 14)*

*"It wasn't as helpful as I was told. I could see his shape. I wouldn't recommend it for other kids."
(Gaston, age 12)*

A screen may be a child's second choice

*"The CCTV wasn't working that day. They told me that a screen would be okay for me, but I don't think so. I hated being in the same room as him and I could hear him cough."
(Sue, age 10)*

*"I didn't want to be in the same room as him or the other kids from school. I saw a CCTV system on a web site for witnesses and asked if I could use it but they couldn't get it for me."
(Sean, age 13)*

Good Practice Guidance for Using Witness Screens

These points represent the optimal use of witness screens. Local contingencies and resource availability may necessitate some modifications.

1. Inform each child witness and his or her family about the testimonial aids available to them.
2. All children are candidates for using testimonial aids such as the witness screen, regardless of age or type of offence.
3. Demonstrate locally available testimonial aids for the child. When age appropriate, seek the child's input in choosing the aid(s) to best help them testify. When you cannot demonstrate the aids, a website or video showing the aids is an option.
4. As with all testimonial aids, ascertain the need for a witness screen early in the process to permit timely application and notice to the defence.
5. Let the child sit behind a screen set up in the courtroom, at least two to three weeks before the date upon which the child is expected to testify.
6. Knowing a witness will testify behind a screen does not obviate the need for victim support services with pre-court preparation services.
7. Ask if the child would like a designated support person when using a witness screen and, if so, ask the child to nominate such as person.
8. Ensure the child will not see the accused when walking to the witness box or when exiting the courtroom.
9. Have a screen at the ready for children who believe they can testify in open court but who panic when they see the accused.



PRACTICE TIP: *Overhead lighting reduces a screen's effectiveness if the witness sees a shadow or outline of the accused. This problem may be more prevalent with older models. Set up the screen ahead of time to ensure optimal placement. If there is natural sunlight in the courtroom, check the screen periodically as the light changes.*

Optimal Courtroom Configuration Designed with Children in Mind

The Child Witness Project is often contacted by court administrators or victim support programs engaged in new courthouse design or retro-fitting of older facilities. How would we design a courtroom with children in mind? While we appreciate that no one has *carte blanche*, here are our suggestions for an “optimal” configuration. These plans are limited by neither financial nor space constraints and can accommodate witnesses in all these situations:

- a child who wants to testify in the courtroom unshielded;
- a child who thinks he or she can testify unshielded but panics at the last minute;
- a child who can testify in the courtroom behind a barrier or via CCTV from inside the courtroom;
- a child who needs to testify outside the courtroom; and,
- a child who lives locally but is testifying remotely to another location.

A courtroom may never be a child-friendly place, but we can strive to create the best conditions for children who perform the public service of testifying.

Three physical components

There are three components to the optimal arrangement:

- a waiting area designed for children;
- a courtroom dedicated to hearing child witness cases (or those of other vulnerable witnesses); and,
- a testimony room for testimony outside the courtroom.

You may already have some of these features in your local courthouse.

The service component

Optimal facilities need coordinated, optimal services. Having all the “hardware” is only one step. These service features are a key part of our optimal plan.

- Prosecutors and victim-support workers are trained in child development and skilled in communicating with children.
- The good practice guidelines presented in this handbook series are adhered to including expedited processing of cases.
- Cases in which children are witnesses are scheduled so the child testifies in the morning.

The waiting room designed with children in mind

Children can spend long, tedious hours anxiously waiting to testify. Space is at a premium in most courthouses so available waiting areas are often cramped, uncomfortable and boring places. When finally called to testify, a child may be tired, irritable and stressed.



In this U.K. study, children waited over five hours on average before testifying. The shortest wait was 20 minutes and the longest was 20 hours spread over four days.

Joyce Plotnikoff & Richard Woolfson (2004). In Their Own Words: The Experiences of 50 Young Witnesses in Criminal Proceedings. London UK: National Society for the Prevention of Cruelty to Children.

The optimal waiting room is in a secure location, away from public areas of the courthouse and adjoining both the designated courtroom and the testimony room. These features are important:

- wheelchair access;
- sufficient space to accommodate children, families and support persons;
- a home-like decor reflecting a welcoming ambiance;
- comfortable seating for children, teens and adults including a day bed;
- an en suite washroom;
- an adjoining room where a witness can review a video-recorded statement and meet privately with the Crown prosecutor, police officer or victim-support worker;
- a play area for younger children and a separate area for teens;
- a DVD player, movies, books and activities for all age groups;
- a telephone for use by the family as they wait;
- a water cooler, kettle, coffee maker and refrigerator; and,
- healthy snacks and cold drinks for children.



PRACTICE TIP: *Don't paint bunny rabbits on the walls or otherwise decorate the rooms for young children. This is not a welcoming environment for teenagers or even older school-age children. Moreover, this suite of rooms could be used by vulnerable adult witnesses as defined in the Criminal Code.*

The courtroom designed with children in mind

This room is a welcoming environment for children who testify in a courtroom. Key features of this courtroom are the following.

- The child's entrance leads directly to the witness box.
- Two comfortable chairs (one for the child and one for a support person) face the judge on an elevated platform.
- A screened-off area has a video camera and monitors for witnesses who will testify using CCTV from inside the courtroom.
- Seating for the accused is behind the raised platform.
- The public gallery accommodates only a few observers.
- The highest quality electronic equipment is installed for clear sound and high-resolution video images including large monitors and excellent microphones.
- Plants and art soften the room.



PRACTICE TIP: For examples of two facilities already in operation, use the Internet to find information on the child-friendly courtrooms in Edmonton and Winnipeg.

The testimony room designed with children in mind

The optimal testimony room has two purposes. The first is for testimony outside the courtroom for children whose worries and fears preclude them from being in the courtroom, even when shielded from the accused. The second purpose is for local children giving remote testimony to a courthouse in another city. The technology in the room would accommodate both those functions.

An optimal testimony room designed with children in mind is:

- adjoining the waiting area so the child enters and exits unperturbed;
- soundproofed, well ventilated and kept at a comfortable temperature;
- large enough to accommodate the operational features described in handbook No. 2;
- small enough to help the child focus; and,
- brightly painted but minimally decorated.

The child's chair is comfortable and adjustable for size. Or use a cushion or other device to boost small children into camera range while seated.



We described the desirable physical and operational features of a testimony room in handbook No. 2.

Tips for Working with Developmentally Delayed Witnesses

It is sadly true that children and teenagers who lag in IQ behind their peers are highly vulnerable to victimization. It's important to help developmentally delayed witnesses have a voice.

General guidance for intervention

- Start early: you need more sessions to repeat and reinforce learning.
- Take the extra time to build rapport and maintain rapport.
- Involve the caregiver at all stages and watch their interactions for clues about communication style and the child's level of comprehension.
- Give lots of reassurance and praise at all stages.



PRACTICE TIP: Arrange a court tour as the first step to give the child a visual understanding of the layout. Some children will not readily link scenes on a video or pictures in a booklet to the parallel facilities in your courthouse until they have seen them. Arrange introductions to people who will be in court.

Guidance on communication

- Remove distractions and help them focus, including by cueing.
- Slow your pace of conversation and match the child's rate of speech.
- Wait: give the child time to process what you said before responding.
- Don't interrupt, and pause between questions.



Apply all the communication guidelines suggested on page 14 in handbook No. 1.

Preparing for cross-examination

- Roleplay question and answer as discussed in handbook No. 1.
- Conduct at least one roleplay in the testimony room using the video link.
- Emphasize that it is okay to say if you don't understand a question: many children are keenly aware of their differences and can be tempted to hide their limitations.



Roehrer Institute (1992). No More Victims. Addressing the Sexual Abuse of People with a Mental Handicap: Manual for the Legal Community. North York ON: Roehrer Institute.

Tips for Working with Child Witnesses who have Attention Limitations

Children who have short attention spans, impulsivity and high activity levels can present a challenge to the people who prepare and support them through the court process. These are some behavioural features you may notice:

- not carefully listening to a question before trying to answer;
- fidgeting and difficulty sitting in a chair for more than a few minutes;
- easily distracted by the smallest noise or movement in the room;
- easily frustrated;
- impatient and unwilling to wait; and,
- blurting out and interrupting as they listen to their internal thoughts rather than the conversation.

These behaviours may be magnified when under stress or pressure.



PRACTICE TIP: Some children with attention difficulties also have learning disabilities compromising comprehension of what they read and/or hear. If this is the case, check with parents or teachers to learn what accommodations have succeeded in the classroom to encourage listening, comprehension and learning.

Guidance for pre-court meetings

- Always be on time for appointments.
- Keep meetings short: never more than 30 minutes.
- Parents are invaluable resources for tips about how best to interact with their children and hold their attention.
- Sit at the child's level and maintain good eye contact.
- Use a model courtroom with model dolls if available to hold the child's attention.
- Change activities frequently for the same reason.
- Engage in role play and practise listening skills in each session.
- Ensure you have the child's full attention before you speak.
- Praise and reinforce new learning and skills.
- Teach and practise deep breathing and relaxation techniques.



The concept of roleplay and other aspects of pre-court preparation services are described in handbook No. 1.

Courthouse orientation

As with most children, those with attention deficits enjoy the courthouse tour and benefit from seeing the testimony room or witness box. There are some groups of child witnesses that prosecutors profit from meeting earlier and more often. This is one of those groups. At least two meetings before the day of testimony are recommended, to build rapport and also to practise communicating with the child.



PRACTICE TIP: For children taking medication for attention deficit, determine the daily administration schedule. Ask what time of day the child is best able to focus and when the medication's effect seems to wear off. The schedule has implications for the timing of testimony and also for your pre-court meetings.

Choice of testimonial aid

Our experience is that children with short attention spans focus best when testifying outside the courtroom using CCTV. The testimony room is quiet and has few distractions. A witness screen blocks most distracting courtroom activities and works well for some children with attention difficulties. However, use a support person to avoid escalation of stress.

Waiting

Waiting is difficult for these youngsters so try and arrange for their testimony to be received early in the day. As an added benefit, this may be the point of the day when their medication is most effective in helping concentration. With the help of the parents, choose activities for the child which keep them calm and content. For example, many video games will inspire an excited emotional state. Once a child is wound up, it's difficult to calm them and transition to a task such as testifying. For the same reason, don't have sugary drinks or snacks with food dyes in your supply of treats. The parents may have suggestions about foods to avoid. Having the opportunity to review their statement at this point helps children to understand what events you want them to think and talk about.

Testimony

Once the testimony is underway, monitor the child's attention to questions and if each question is understood before the child answers. Take a break when his concentration seems to wane. Remind the child that it's okay to admit if he missed hearing some or all of a question and to ask for the question to be repeated.

About the Handbook Series

This is one of seven handbooks written to aid front-line justice personnel who use special accommodations and testimonial aids for young victims and witnesses in criminal proceedings. The series title – “*A Full and Candid Account*” – reflects the legislative imperative of facilitating the conditions whereby a child witness can best communicate his or her evidence to the Court. The seven topics covered in the series are:

1. Overview of issues related to child testimony
2. Testimony outside the courtroom
3. Witness screens
4. Video-recorded evidence
5. Designated support person
6. Hearsay evidence and children
7. Children and teenagers testifying in domestic violence cases

These handbooks provide a concise and convenient summary of legislation, operational and logistical issues, FAQs, and helpful tips for working with children and teenagers.



The information, references and guidelines in this handbook focus on child witnesses (under age 18), although material may be relevant for some adult witnesses contemplated in the provisions for vulnerable witnesses.

Over two decades, our own research and experience at the Child Witness Project have clearly demonstrated how the stressful aspects of testifying can be ameliorated to maximize a child's ability to give “*a full and candid account*” of his or her evidence. Special accommodations and testimonial aids are important tools available for this purpose.

Every child witness in Canada has the right to ask for measures which include closed-circuit or remote testimony, witness screens, and recourse to a support person while testifying. Yet, there is wide variation in the frequency of use of the special accommodations and testimonial aids now provided for in the *Criminal Code*. The overarching goal of this handbook series is to ensure that no child is denied access to the appropriate accommodation or testimonial aid only for want of awareness or understanding. By creating these practical handbooks, we hope to fulfill the promise of special protections made available by Parliament so children and young people will not be traumatized by their experiences as witnesses.