



SFO

serious
fraud
office

Appearing as a witness in the Crown Court

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At the Serious Fraud Office (SFO) we are committed to supporting the victims of economic crime and we work to get justice for them

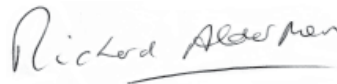
Witnesses are a key element in bringing offenders to justice. By giving evidence in court they make it possible for the judge and jury to understand what really happened. It is only by hearing and considering the evidence that the courts can find someone guilty or not guilty of a crime.

We have identified you as a witness in one of our cases. We value your help because the criminal justice system cannot work without the evidence provided by witnesses.

We appreciate that you may be worried about being a witness and appearing in court. We will do all we can to support you in the run up to and at court.

The advice in this booklet is just one way of supporting you. We also have a team of dedicated Witness Care Officers to help you. You will find the name and contact details of your Witness Care Officer at the end of this booklet.

Thank you for agreeing to act as a witness for us.

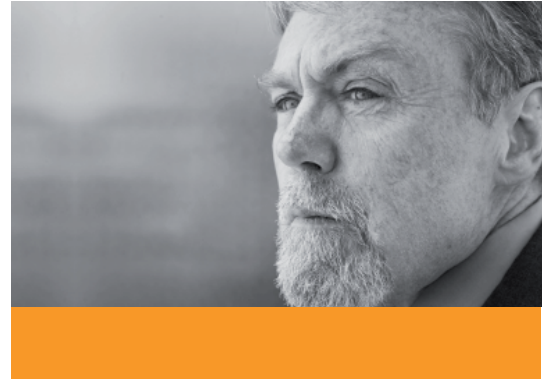
A handwritten signature in black ink that reads "Richard Alderman". The signature is written in a cursive style and is positioned above a thin horizontal line.

Richard Alderman
Director

Why have you been asked to be a witness?

You may be asked to be a witness if you:

- know something about a particular case of economic crime, for example if you are a victim
- have specialist knowledge on a subject that would be useful in deciding the facts in a trial (you will then be a professional or expert witness)
- you know one of the people involved in a case (you will then be a character witness), in which case you will be asked to answer questions about, for example, whether the person is trustworthy.



What is it like being a witness?

You may not know what to expect if you are called as a witness – or you may find it very different from what you expected. It is not unusual for people to feel anxious about giving evidence in court.

At the SFO we understand that the experience can be new or strange for you. We will therefore do what we can to support you and make sure you are treated with respect and sensitivity.

This booklet will help prepare you for what will happen. It explains:

- where you can find more help and advice on being a witness
- where you will give your evidence
- who's who in the courtroom and what some of the legal language means
- what happens before you go to court.

Where to find help and information about giving evidence

We appreciate that this may be a new or strange experience for you.

Remember, if you have given a statement and are then asked to go to court to give evidence, you must do so.

We will allocate a Witness Care Officer to assist you. They will be available to answer questions, make the necessary practical arrangements for you to attend court and provide general guidance.

In addition, you can talk to a trained volunteer from the Witness Service before you go to court, and a volunteer will be at the court to help you. They cannot discuss evidence or give legal advice, but they will be a friendly face who will show you around the court and tell you what will happen. There is a Witness Service in every criminal court in England and Wales. This service is run by the independent national charity, Victim Support, and helps victims and witnesses (both prosecution and defence) and their families and friends, before, during and after trials.

You can find details of the Witness Service in the phone book under the name of the court, or alternatively you can call the Victim Support Line on **0845 30 30 900**. In addition, you can always contact your SFO Witness Care Officer if you are experiencing any difficulties.

There is also a charter for the Crown Court called the Charter for Court Users. This sets out the important standards that you can expect when you come to court. You can get a copy from the court or by phoning **020 7189 2000**.

Preparing to come to court

If you have given a witness statement and are asked to go to court to give evidence, we will write to you to tell you when and where you need to go to court.

It may be some time since you made your witness statement. It may even cover quite complicated matters. To help you refresh your memory, we will send you a copy of your statement approximately three weeks before you are due to attend court. We will also send you copies of documents that you provided or referred to in connection with the case (these are called your exhibits). Please read these before you come to court.

We will always try to make sure that you get enough notice of your attendance to give evidence. However, the date and time can be subject to change due to matters outside our control. If there are any changes, we will contact you as soon as practicable.



Setting the trial date

When we took your statement, we asked you when you would be available to go to court. The court will do all it can to set a trial date that is convenient to everybody involved in the case. But witnesses also need to do everything possible to rearrange anything that clashes with them giving evidence.

Time off work

If you need to take time off work, you should show your employer your SFO 'witness warning' letter as proof that you have to go to court. Your employer does not have to pay you for the time off when you appear as a witness. But if you do lose pay, you can claim a witness allowance for loss of earnings (see claiming expenses). The loss of earnings payment may be less than your actual loss of earnings.

Holidays

You are expected to go to court even if the date clashes with your holiday plans.

Setting the trial date

It is a criminal offence to intimidate (frighten) a witness, juror or anyone helping us with our investigation.

Health problems

If you are too ill to go to court on the day you have been called to give evidence, get in touch with the clerk of the court or the person in the SFO who asked you to give evidence.

You should ask your GP for a medical certificate and send it to the person in the SFO who asked you to come to court. If you get the certificate on the day of the trial, you should call the court and then send or fax the form as soon as possible.

If your illness seems likely to last for a few days or longer, contact the person in the SFO who asked you to come to court and ask what other arrangements can be made for your evidence to be heard in court.

Other issues

Arrangements should have been made for any special requirements you need at the time you made your witness statement. You should tell us of any changes to your circumstances or if you have any other issues, such as:

- a development in a disability or other special need which means that you will need help in getting to the court or moving about in the court building
- you are worried about meeting the defendant, other witnesses, their friends or relatives, or anyone else involved in the hearing or trial
- you are harassed or threatened in any way before, during or after the trial.

Special measures for vulnerable or intimidated witnesses

Special measures are available to help vulnerable or intimidated witnesses give their evidence in court

You may be eligible for special measures if:

- you are under 17 years old at the time of the court hearing
- the court thinks that you might need extra help giving your evidence because, for example:
 - you suffer from a mental disorder
 - you have a physical disability or are suffering from a physical disorder
 - your evidence is likely to suffer because of intimidation.

Although any special measures should have been identified when you gave your evidence, your circumstances may change. As an application needs to be made for special measures, we suggest that you contact us as soon as you can. It is up to the court to decide whether you qualify for any special measures.

Special measures may include:

- a screen being placed around the witness box so that the witness and defendant cannot see each other
- a live link – this is where the witness sits in a room away from the courtroom where the case is being tried and gives evidence through a live TV link. The witness can see the judge, magistrates or district judge and lawyers, and people in the courtroom can see the witness
- evidence in private – this is where the public gallery is cleared except for one member of the press
- video recorded evidence-in-chief. Before the trial, the witness is recorded on video answering questions asked by, for example, a police officer. The video is shown as the witness's evidence-in-chief (main spoken evidence before cross-examination)
- aids to communication or the court will allow an approved, independent intermediary to help witnesses who are vulnerable because of their physical, mental or learning disability or disorder, communicate with legal representatives and the court.

If you don't turn up to court

If you have given a statement and are asked to go to court to give evidence, you must do so. If you have any problems or concerns about going to court, you must let the person in the SFO who contacted you about going to court know as soon as possible. If you have to go to court but the court does not think that you will go voluntarily, they may issue a witness summons against you. If you still fail to go to court without good reason, the court could find you 'in contempt of court' and issue a warrant for your arrest.



The Crown Court

Trials of SFO cases of economic crime are usually heard before a judge and jury in the Crown Court

The jury is made up of 12 people who are chosen to represent 'the general public'. After listening and considering the evidence, the jury tells the judge whether they find the defendant 'guilty' or 'not guilty'. The judge decides on matters of law. If the defendant is found guilty or admits that they are guilty, the judge will decide the sentence.

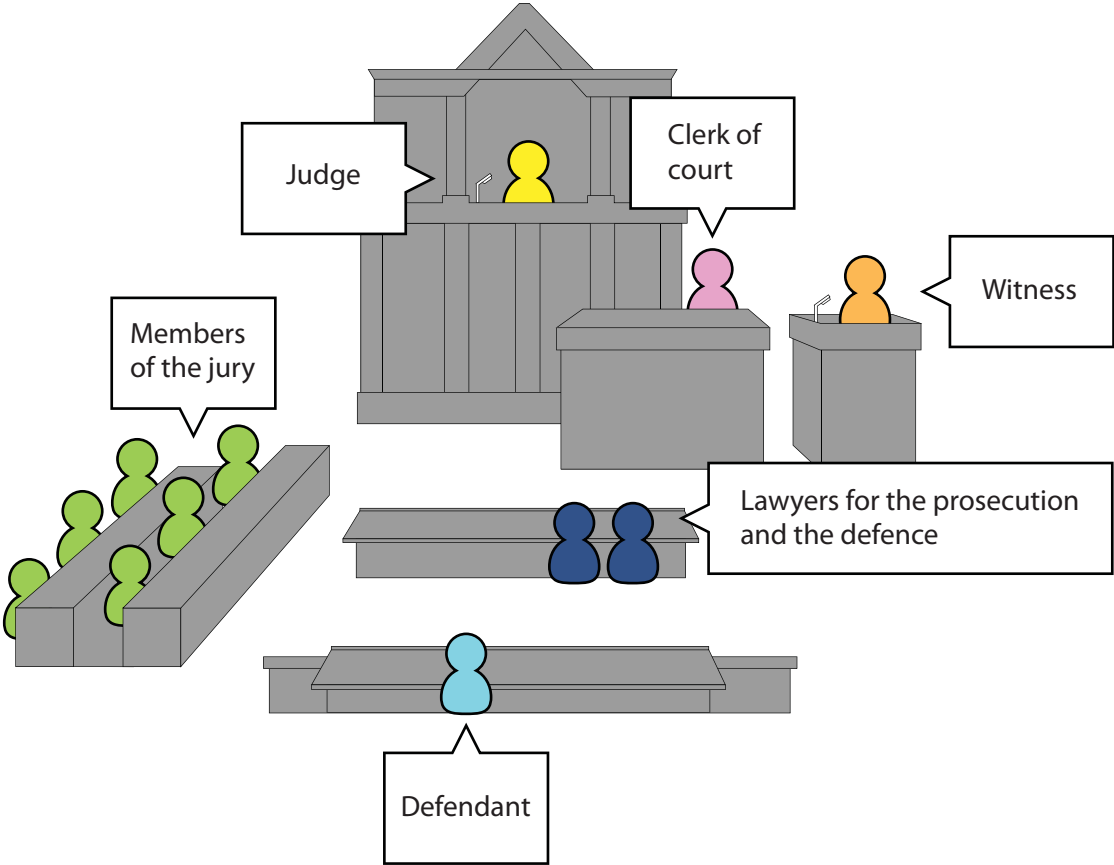
In court there will be a lawyer (or a team of lawyers) who speaks for the prosecution, and a different lawyer (or team) who speaks for the defendant. The defendant (also known as 'the accused') is the person charged with an offence. If there is more than one defendant, there may be a different lawyer (or team) for each defendant. Both lawyers try to persuade the magistrates or jury how the evidence shows the truth of what really happened.

In your case we will carry out the prosecution on behalf of the Crown (the Queen). This is why you will see or hear the case talked about as R v 'defendant's name' where R stands for 'Regina' or the Queen.

The clerk of the court makes sure that all the people who should be in court are there, and that what is supposed to happen occurs on time and in the right order. They may also look up the records of what happened in other trials if the judge needs the information. When the lawyer says in court that they want to call someone as a witness, the court usher is the person who actually goes outside the court and calls them in.

The picture on page 11 shows a typical courtroom of the Crown Court. Judges and some lawyers wear wigs and gowns. The court clerk also wears a gown and, in some courts, a wig too. There is an area for the jury to sit and in some courts there is also a public gallery where members of the public are allowed to come and watch what happens. This can include friends and relatives of the people involved in the trial.

A typical courtroom of the Crown Court



Facilities at court

You will get a letter with details of when and where to go to court. You can call the court for more information about its facilities, such as parking arrangements and charges, whether food or drink will be available, or if a friend or relative can come to court with you. You may need to bring cash (including change) to cover costs like car parking and refreshments.

The court has an independent Witness Service and their representatives will also be happy to help you. Their service is free and confidential. You can even ask them to arrange for you to visit the court room before your appearance so that you can see what it is like.

Details for all courts are listed in the public phone directory and on Her Majesty's Courts Service website www.hmcourts-service.gov.uk. We can help here too.



Arriving at court

Remember: It is very important that you do not go into the court until you are told to

Make your way to the reception, show them your letter and ask them to call the SFO's Witness Care Officer to meet you. There should be clear signs to help you find your way around but, if the Court is not clearly marked, a member of the court staff will be happy to help you. Our representative can introduce you to the Witness Services Desk in the court building.

Your Witness Care Officer will be expecting you. They will find you in the waiting room and introduce themselves to you as soon as they can. There should be a separate room where you can wait before and during the trial. Our representative will be happy to answer any of your questions about court procedure. They will also have a copy of your witness statement if you wish to read it over again. But please note that the law does not allow them to discuss the details of your statement with you.

Also, do not talk to other people about your evidence before you go into the witness box. It could make the court wonder if you have made an agreement on what to say. You can speak to police officers and lawyers (both prosecution and defence) dealing with the case, although you cannot discuss your evidence with them.

Generally speaking, witnesses are not allowed to observe any part of the trial until after they have finished giving their evidence.

We want to minimise the amount of time that you may have to wait before you are called to give your evidence. But delays can happen and are generally for matters that we have no control over. Your Witness Care Officer will tell you if there is going to be a delay (and the likely length) and why. You may want to bring along something to read or do (eg puzzles) to pass the time on the day.

The usher, Customer Service Officer or Witness Service will let you look in the courtroom before your case starts, if you want to. You can do this first thing in the morning or at lunchtime. Please let your SFO Witness Care Officer know if you would like to do this.

Giving evidence

When your name is called to give evidence as a witness, an usher will show you to the witness box. This usually faces the jury.

You will then be asked to swear an oath that the evidence you are giving is the truth. You can take the oath on the holy book of your religion. If you prefer, you will be allowed to 'affirm' (promise) to tell the truth, the whole truth and nothing but the truth, instead of swearing on oath. Let your Witness Care Officer or the usher know if you have any concerns about this.

You will be expected to stand up while you are giving your evidence. You should let one of the ushers know if you think you will need to sit down. They will ask the judge to allow it.

Giving evidence in court is usually not the same as when you first made a witness statement. Instead, the lawyers will ask you questions – and they may seem to repeat questions or ask them in different ways.

Giving evidence

Please remember:

- in most cases, the defendant will have pleaded not guilty. Your evidence will help the court to decide whether they are guilty or not
- if you don't know or are not sure of the answer to any questions you are asked, say so. You can ask the judge for advice
- don't worry if you are told you cannot say certain things when you are giving evidence. This is because there are some rules about the kind of evidence the court can hear
- take your time and speak slowly and clearly to the jury, although the judge and the lawyers will also need to hear you
- ask for questions to be repeated if you don't understand or can't hear
- the judge won't know everything about your case, so take care not to leave anything out of your evidence
- witnesses are sometimes called to give evidence even when the defendant has pleaded guilty. This happens when there is a disagreement about the facts of the offence.

Giving evidence

Lawyers for both sides in the trial will ask you questions

Lawyers for both sides in the trial will ask you questions. You are appearing as a witness for the prosecution and so the prosecution lawyer will take you through your evidence first. This is called 'examination-in-chief'. After this, the defence lawyer will ask you questions about your evidence. This is called 'cross-examination'. If there are a number of defendants, a number of defence lawyers may ask you questions. Finally, the prosecution lawyer may ask you further questions. The judge may ask you questions at any time.

Many people are surprised or worried about the cross-examination by the defence lawyer. It is important to remember that:

- it isn't personal – it is the lawyer's job to make sure you have not made a mistake
- you are not on trial. The lawyers are not trying to make people think you are stupid, or call you a liar. If the questions become too aggressive, we will ask the judge to stop the questions

- our law is based on the idea that the defendant is innocent until proven guilty. Making sure a witness's evidence really proves something is an essential part of the process.

Everyone involved in the trial process, including lawyers and judges, wants to make sure that you are given the opportunity to give your evidence fully and fairly. If the judge speaks to you, you should generally address him or her as "Your Honour" or, if he is a High Court judge, "My Lord" or "My Lady" if the judge is a woman. But do not worry about this - your Witness Care Officer will remind you on the day. If you have any difficulties giving your evidence (eg you feel unwell or have to leave the court), do not feel nervous about telling the judge.

After giving evidence

Remember: It is very important that you do not discuss the case with any other witnesses who have not yet given their evidence.

Lawyers from both sides will tell the judge that they have no more questions for you. The judge will thank you for your evidence and officially release you. This means that you can leave the court. Tell your Witness Care Officer if you would like to stay and listen to the trial. They will tell you if this is not advisable – for example, if there is a chance that you will be recalled as a witness at a later stage in the trial.

It is unusual to be asked for a second time to give evidence as a witness about the same crime or incident, but it does happen:

- because defendants convicted by a jury in the Crown Court have a right of appeal to the Court of Appeal. It is unusual, however, for the Court of Appeal to want to hear witness evidence again
- if the jury cannot agree on their verdict, a retrial may take place and you might be asked to give your evidence again before a different jury. This does not happen very often
- if a retrial is needed because there was a problem with the trial and the judge had to stop the case. If this happens, you will be told why it happened, when the retrial will be, and whether you should be there.



After the trial and claiming expenses

When you have given evidence in a trial, you may be interested in finding out what happens.

You may already know if you think the defendant should be found guilty or not guilty – but that may not always be what the court decides. If you want to find out the result of the trial please tell the person in the SFO who contacted you about coming to court.

Ask your Witness Care Officer for a claim form if you need one. The form sets out what you can claim for but, generally speaking, you are able to claim expenses for travel (if we have not arranged this for you), and an allowance for meals and loss of earnings or other financial loss, such as childcare. The amount you can claim will depend on the length of time you have to be away from home or work in order to go to court. You can claim expenses only up to when the court says you are released.

If a friend or relative comes to court with you to keep you company, they will not be able to claim anything back from the court to cover their travelling expenses or money they spend on food and so on while you are there. But if you need someone to come to court with you to help you, for example, to look after your child while you give evidence, or because you need help with your mobility, they may be able to claim expenses such as travel costs.

Please get receipts for your expenses and attach them to your claim. We do our best to pay claims within 10 days of receiving your claim form, provided it has been filled in properly.

Contacts details

Name of Witness Care Officer or officer dealing with your case or taking this statement:

Position:

Phone Number:

Email Address:

Case Reference Number:

Please keep these details somewhere safe for future reference

Contacting the Serious Fraud Office

If you believe that you have been the victim of a fraud there are a number of ways to contact the Serious Fraud Office. You can call the Fraud hotline on +44 (0)20 7239 7388 which is answered between 09:00 and 17:00. Out of hours messages can be left on the answering service. You can also contact us through our website www.sfo.gov.uk.

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10-16 Elm Street
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