

- Address the judge as “Your Honour” or as “Judge” in Provincial Court , and as “My Lord” or “My Lady” in Supreme Court.
- The Crown Prosecutor will begin by asking you questions. This is called **direct-examination**. Listen carefully and take the time that you need to respond to the questions. If you do not understand the question, ask for clarification. If you do not remember what the Crown has asked you about, state that you do not remember. **Do not guess**. If you make an error, advise that you have done so, and correct the error as soon as you realize you have made it. **Tell the truth**.
- Once the Crown has finished asking you questions, Defense Counsel has an opportunity to ask you questions. This is called **cross-examination**. Again, listen carefully to the questions, ask for clarification if you require it, take your time in answering. **Tell the truth**.
- If one or both lawyers have any questions after direct-examination and cross-examination has finished, the judge may permit re-examination, and you will be asked some additional questions. This will allow for any additional facts or information to be brought forward.
- The Judge may also have some additional questions or may ask you for clarification. Do not be concerned by this, it is part of the process.
- **The Judge will tell you when you are finished and are allowed to leave**. You may stay for the remainder of the trial unless the Crown Prosecutor or the Defense Counsel requests that you leave the courtroom, for example, if they think that there is a possibility that you will be recalled by Defence Counsel. If you are testifying at a Preliminary Hearing, and will likely have to give evidence at a future trial, you cannot stay and hear evidence of others, as to do so might influence your future testimony.

FOR FURTHER INFORMATION ON YOUR ROLE AS A WITNESS AT CRIMINAL COURT, CONTACT:



VPD VICTIM SERVICES UNIT

vpd.ca (click on Victim Services)
P 604.717.2737 E vpd.vsu@vpd.ca

OTHER HELPFUL WEBSITES

VICTIM LINK

vcn.bc.ca/isv/victims.htm
P 1.800.563.0808

MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

gov.bc.ca/pssg/

(Click on the link to victim services court prep for a virtual court room tour)

THE JUSTICE EDUCATION SOCIETY

JusticeEducation.ca

(Click on the link to criminal law self help)

If you are an adult witness, click the video [Your Voice in Criminal Court](#).

If you are a youth witness, click the video [Choices for Youth](#).

courtprep.ca • coryscourthouse.ca • victimsinfo.ca



**BEING A PREPARED
WITNESS**



VICTIM SERVICES

VANCOUVER POLICE DEPARTMENT | *Beyond the Call*

604.717.2737

WHAT IS MY ROLE AS A WITNESS?

A witness contributes to our legal system by providing important information to the court. Your contribution helps the court make the right decision in finding the truth. If you have received a subpoena or civilian letter, it is because you have important information about the case. Although there are many different aspects to the court system your role as a witness is to simply **be honest and tell the truth.**

WHAT WILL HAPPEN IF I DISREGARD THE SUBPOENA OR THE COURT DATE CONFLICTS WITH OTHER LIFE COMMITMENTS?

As a witness who has been subpoenaed to testify in court, **you are required to do so by law.** If you choose to disregard the subpoena, a material witness warrant may be issued for your arrest. The document which you have received will have a contact name and number on it. Contact the Crown Counsel notifier named on the document as soon as you become aware of any conflict or concerns; the notifier will be able to answer any questions and speak to your concerns.

WHO ARE THE OTHER MAJOR PARTICIPANTS IN A CRIMINAL COURT CASE, AND WHAT ARE THEIR ROLES?

- The **Judge** listens to the evidence, applies the law to the facts, and decides the outcome of the case.
- The **Crown Prosecutor** is a lawyer who represents the interests of society. He or she will be the person who puts forward the case against the accused. The Crown Prosecutor assists you in presenting your evidence to the court.
- The **Defense Counsel** is the lawyer who acts for the accused. He or she will present the case on behalf of the accused.

- The **Sheriff** is in charge of security within the courthouse in general, and courtroom in particular.
- The **Court Clerk** records what occurs in the courtroom, provides witnesses with an oath or affirmation, and provides the judge with the necessary paperwork throughout the trial.

HOW DO I PREPARE FOR COURT?

- Spend some time thinking about the event and about what you saw and/or heard. Refresh your memory with details of dates, times, actions, descriptions, and exact words.
- **Do not discuss your evidence with anyone other than the Crown Prosecutor.**
- Prior to appearing as a witness in court, you will have an opportunity to meet with the Crown Prosecutor for an interview. Depending on the nature of the case and the nature of your evidence, this interview may be scheduled for several weeks or days in advance of the trial date, or it may be set within the hour before the trial commences. If you learn that your interview is set on the trial date and you would prefer to meet with the Crown Prosecutor before that date, contact the witness notifier (**whose phone number is provided at the bottom of the subpoena or civilian letter**) and ask to arrange an earlier interview.
- Prepare any last minute questions or concerns that you have for the Crown Prosecutor.
- Visit a courthouse prior to your court date. This will allow you to gain first-hand information about the court process, as well as provide you an opportunity to observe other people giving evidence. **If you feel you require a support person, contact the Vancouver Police Department Victim Services Unit and they can assist you with accompaniment and/or referrals.**

- Prepare for unexpected delays in court; you may be required to wait for just a few minutes, a few hours, or several hours. Bring a book or magazine with you to pass the time.
- **Access the resources listed on this leaflet to assist you with becoming a prepared witness.**

WHAT IF I PREFER TO GIVE MY EVIDENCE IN A LANGUAGE OTHER THAN ENGLISH?

- There are translation services available to you. Contact the Crown Prosecutors' office in advance of the trial date and inform them that you will require translation services.

WHAT SHOULD I DO ON THE DAY OF COURT?

- Give yourself extra time on the day of court. Bring your subpoena as well as any other documents or notes that you may need or that the Crown Prosecutor has asked you to bring.
- If you are planning to drive your car to the courthouse, bring change for the parking meter. There is a cafeteria in the court house, but you may also bring your own snacks if you so choose.
- You will be required to go through security at the courthouse. At some courthouses, you will be required to walk through a metal detector. **If you have a pacemaker, inform the sheriffs of this prior to going through the metal detector.**
- The security process is similar to what you might experience at an airport; expect that you will be asked to empty your pockets and if you are carrying a purse or briefcase, expect that it will be searched by the sheriffs. Any items that the sheriffs feel are inappropriate for the court house will be tagged and stored for safety.

- Illegal items found by the sheriffs will not be returned to you.
- Attend the Crown Prosecutors' office and inform the receptionist that you are in attendance. Remain in the Crown Prosecutors' waiting room until you have been interviewed, and have been told by the Crown where to wait.
- If it is at all possible, bring a friend, family member, or community support person with you to court. There are often delays with court proceedings, so having the company of a support person can be of great assistance. **Do not discuss your evidence with anyone.**

WHAT HAPPENS IN THE COURTROOM?

- When you hear your name announced, enter the courtroom and go directly to the witness box.
- Once you are in the witness box, the court clerk will ask you to state your first and last name, and to spell your last name. You will then be asked if you would like to **"swear an oath" (on the bible)** or **"affirm the truth."**
- Swearing an oath on the Bible implies a belief in Christianity. Affirming means that you promise to tell the truth. It is for you to decide which is appropriate for you. You have the option of swearing an oath on a religious book other than the Bible. You will need to advise the Crown Prosecutor, in advance of the trial date, if you would like to swear on a religious book other than the Bible so that arrangements can be made to have that book in court.
- Once you have been sworn in as a witness, it is your choice to sit or stand while you give your evidence. Speak clearly and loudly as the recorder attached to the witness box does not amplify sound. **If you need a break at any point, ask the judge. This is your time to participate in what are very important proceedings; make sure that you are able to participate fully and as comfortably as possible.**