



**PACT**

Support, Educate, Empower

## How to choose (and be) a support person for victims of crime



## Introduction

This resource is designed to help victims of crime choose the right person to support them through the court process. It also outlines the role of a support person, and provides strategies on how to support the victim in giving their best quality of evidence, so if you are asked to support a victim through the court process you can make an informed decision.

When a person is arrested and goes to court, the government prosecutes the case (also called a matter) on behalf of the state. While the victim in the matter is a witness, in this resource we'll use the term 'victim' to make it easier to understand (the terms 'witness, client, and victim' can be used interchangeably in this scenario). There may be witnesses to crimes who are not the victim. They too, may need support, so the information included is also relevant to witnesses.

## Things to consider when choosing a support person

When choosing someone to support you – the victim – through the legal process, it's important to remember that those closest to you are not always best placed to offer support in court.

**There are several reasons why:**

- Sometimes, people close to the victim are also witnesses in the matter, so they are unable to support the victim during the court process or hear their evidence.
- The support person will be exposed to the victim's personal information, the details of the crime, and sometimes other aspects of the victim's personal background. The victim needs to consider if the support person is someone they feel comfortable in knowing this information, and who can be trusted to keep it confidential.
- Victims may not be as open and honest in giving evidence if they don't want the support person to hear parts of their evidence.
- As a victim of crime, you want someone who is calm, reliable, organised, a good listener and patient. Understandably, people close to you will often be too emotionally attached to the case to remain objective and calm under pressure.
- The support person may also have their own views on whether the person accused of the crime/s is guilty or innocent. The support person must remain unbiased, and their views must not interfere or affect what the witness does or says, or influence the evidence they give.

It's natural to want to have your close friends and family around you as your emotional support network. However, for the specific role of a victim support person, choose someone who is best suited through the right characteristics or training to accompany you through the court process.





## The role of a victim support person

**T**he role of a victim support person can be extremely challenging. It is often stressful, takes a lot of planning and stretches over a long period (up to two years).

A support person should also be aware they will likely hear things that will be distressing and difficult. Throughout this time, it's important to have plenty of strategies in place to deal with issues that can occur, and to be as prepared as possible.

A support person could be asked to assist with any of the following:

- Confirm dates, times and details of when and how you'll meet the victim on days in court
- Make sure the victim won't have to wait alone inside or outside the courtrooms
- Provide emotional support and a physical presence
- Accompany the victim into the waiting rooms and remote witness suites if needed
- Sit with the victim (or sit in the courtroom) as they give evidence
- Help the victim leave the courtroom and court building
- Attending sentencing hearings if the defendant is found guilty

## Confidentiality is vital

Understanding confidentiality, and why it is so important to court proceedings, is a critical part of this role. Never share information the victim tells you about themselves, the alleged crime, or any other information you become aware of while supporting the victim, unless you think the victim or another person is at risk of harm.

### **PLEASE REMEMBER:**

If you believe the victim is in danger of self-harm or harm to others, you have a duty of care to report it. If in the court house, contact the bailiff or security. You can contact the victim liaison officer (VLO) at the Department of Public Prosecutions or PACT. If the person is in their own home, consider discussing the situation with your local police.

Confidentiality in this role is vital. There can be serious consequences if you breach confidentiality when you are told about aspects of the crime, or if you become aware of information while supporting the victim.



**There are several risks if you breach confidentiality in your role as victim support person, including:**

- The victim may be put in danger if their information is disclosed.
- The court proceedings could be in serious breach, harmed or even stopped, if information is disclosed.
- The victim is allowing you to be privy to many personal aspects of their life and the crime. It forms a trusting relationship if you maintain confidentiality about what you are told and exposed to.

#### **Dos and don'ts of confidentiality as a victim support person:**

- ✗ Don't ask the victim questions or details about the crime or their evidence.
- ✗ Don't talk or communicate with anyone about whatever the victim tells you, or things you may hear while providing support.
- ✓ Encourage the victim not to talk or share details of the case with anyone not directly involved.
- ✓ Remind the victim they cannot discuss their evidence until after the trial is over.

## **Getting ready for court**

In the lead up to the matter going to court, there are many things the support person can do to help the victim.

It's important to note that some victims may want to manage things for themselves. Having some degree of control over the situation can help reduce anxiety for some people. Always ask the victim what they want you to do. Regardless of what help they want from you, it is helpful for the support person to be familiar with the court process so, if needed, they can provide information, clarity and reassurance.

Some things that are important to know before attending court are where to go, what time you are needed, how long you are expected to be there, who will meet you and where, and what to bring. We'll talk about these details on the next page. It's also important to know the court protocols (manners and expectations), who will be in the courtrooms and what their roles are.

PACT has produced a resource called *Navigating the Court Process for Adults* which you can find on our website ([pact.org.au/resources](http://pact.org.au/resources)). It explains the various types of court proceedings, the hierarchy of the courts and has commonly used terms that you will hear in the legal and court systems. It also explains what happens in meetings with the prosecutor, often called a prosecutor's pre-court conference.



## Planning for the day in court

The day in court can be very long, tiring and involve a lot of waiting. The victim may even be required over several days. So it's important to prepare and pack things that will help if you are stuck in the court house for some time.

### SUGGESTED PACKING LIST:



BOOKS



GAMES



MUSIC/MOVIES  
ON A DEVICE



FOOD



DRINKS



EARPHONES



MEDICATION



TISSUES



CHARGERS

### Other things to consider in planning for the day:

- **Transport**

Plan how you will get to court and home afterward. Take into account you may be required longer than you think. If you need help with transport or the costs involved, talk with the victim liaison officer or the prosecutors.

- **How you dress**

Courts are formal environments so it's important you wear smart clothing, when possible. You may be there for a long time, and since the court rooms are often cold, it's a good idea to dress formally in comfortable, warm clothing.

- **Have a copy of your (the victim's) witness statement**

It can be helpful to bring a copy of your witness statement to review while you wait to give evidence.

- **Organise childcare if needed**

There are no childcare facilities in court, and since legal processes can often be delayed and take longer than planned, it's important that any arrangements to look after children are organised beforehand.

- **Plan for any safety concerns**

If you have any safety concerns in attending court or concerns about seeing the defendant or others, you should discuss these with your victim liaison officer, the police or your prosecutor as early as possible. Special arrangements around entering and leaving the court building can usually be made.



### The day before court, contact the VLO or prosecutor and check:

- What time does the victim need to get to court? \_\_:\_\_
- Does the VLO/prosecutor need to meet with the victim before they give evidence?
- Will the VLO/prosecutor meet with the victim after they give their evidence?
- Confirm contact numbers in case you need to advise the court of issues or delays.

## Giving Evidence

**P**ACT's resource – *Navigating the Court Process for Adults* – explains what happens when evidence is given in court ([www.pact.org.au/resources](http://www.pact.org.au/resources)).

There are different ways giving evidence can happen: in the court room, in a remote witness room during the live trial, or sometimes the evidence is recorded before the trial and then shown to the court at the trial.

Before the victim is called to give evidence, the support person can remind them of the following:



### REMINDERS ABOUT GIVING EVIDENCE

1. Listen carefully to the questions. If you don't understand, it's important to say "I don't understand the question."
2. If you don't know the answer, it's OK to say "I don't remember" or "I don't know" if that's the truth.
3. If a lawyer says something you do not agree with, you can say "I don't agree."
4. You can ask for a question to be repeated if necessary.
5. When responding to a question use your voice to respond, do not answer by nodding or shaking your head.
6. Take your time and think about the answer when responding to a question.
7. You can ask for regular breaks to help you give your evidence calmly. If you need a drink, or to go to the bathroom, you can let the judge know you need a break. Simply say, "Excuse me your Honor, may we take a break?"

As a support person, there are ways you can support the victim during this time. It can take a long time until the victim is called to give evidence, so waiting with the victim and helping them remain calm, positive and focussed is a big part of the support role.

You may need to wait outside the remote evidence room while the victim gives their evidence. If the judge has approved it, you may be able to sit in the room with the victim while they give their evidence, which must be approved beforehand.



If this is the case you will usually remain off camera and must sit silently, limit your movement and not intervene, engage with or communicate in any way with the victim. You may also have your own views on whether the person accused of the crime is guilty or innocent.

**Remember:** Never let your personal views interfere or affect what the victim does or says, or influence the evidence they are going to give. You could jeopardise their whole case if you do!

When the victim gives their evidence, they are questioned by the defence and the prosecutor. Often, the questions feel too forceful, scary or argumentative. Our natural urge is to step in and speak up to protect the victim. It can be very difficult for the support person to hear and watch a victim giving evidence when they are anxious, tearful and distressed. It can be heartbreaking. But it's important to remember it's not your role to determine whether the tone, questions or style is appropriate.

**As a support person you cannot react while the victim is giving evidence.**

You need to maintain a neutral facial expression and not make any gestures to the victim or anyone else. Make sure the victim knows this, so they don't expect you to smile or nod as they are giving evidence. If you don't warn them of this, they may lack confidence as they give evidence, misunderstanding your neutrality to think they are not doing well. If you react or intervene you can jeopardise the evidence and in the worst case, damage the trial.

If the victim is giving evidence in court, try to choose a location in the courtroom where the victim can see you and know you are there with them. Once the victim has given their evidence they will be informed that they may leave. The victim may wish to leave, or wait to hear the outcome and remain in the building while the trial continues. It's good to check with the prosecutor about what you can do next. The victim will also be contacted by their victim liaison officer about the next steps.

## Emotional and Financial Support

**T**he court process can be incredibly stressful and traumatic. As a support person you will see many emotions displayed by the victim. Encourage them to seek help from professional services if they have not done so already. Observing and being exposed to the details of the matter and the victim's responses can also have a negative impact on the support person, so it's vital to monitor your reactions, care for yourself and seek professional help if you need it.

Some victims of crime are able to access funds or reimbursement through a financial assistance scheme run by Victim Assist Queensland. PACT has a resource guide to help you complete financial assistance applications (FAA) on our website ([www.pact.org.au](http://www.pact.org.au)).

You can also contact Victim Assist Queensland to discuss financial assistance and for information on referrals to support services for those impacted by crime. [www.qld.gov.au/law/crime-and-police/victim-assist-queensland](http://www.qld.gov.au/law/crime-and-police/victim-assist-queensland)





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