

## **Short Case studies**

### **18-Year-Old Charged on Two Counts of Sexual Assault**

An eighteen-year-old young man had been charged on two counts of sexually assaulting the six-year-old grandchild of his foster father.

The young man's mother was an alcoholic, and he was born with Foetal Alcohol Syndrome which resulted in an unusual facial appearance, deficiency in his physical growth and cognitive impairment.

The intermediary found that the young man had very poor attention and verbal comprehension. He was extremely anxious about going to court and had little understanding of the court process. The intermediary recommended that he should not have to stand in the dock throughout the trial and the judge agreed to this. The intermediary stayed with him throughout the trial explaining what was happening and what the evidence meant. The intermediary had noted that he was very eager to please, had limited understanding and was easily confused. The judge agreed that he should not be asked "leading questions" and that all questions should be simple and "concrete" and asked in chronological order. The young man replied confidently when he was cross-examined.

### **3-Year-Old Girl as the Sole Witness / Prosecution**

A three-year-old girl was the sole witness to the fatal stabbing of her mother.

An intermediary assessed the girl's speech and language and made recommendations to the police on the best ways to help her give an account of what she had seen. Through play activities, including dolls and drawing, she was able to tell what happened to both the police and to the jury at the trial.

She was cross-examined by the defence barrister via TV link to the court. The intermediary was with her while she answered questions to make sure she understood everything she was asked and to clarify her answers to ensure that everyone in the court could understand them.

### **6-year-old girl**

A six-year-old girl was punched so hard in her stomach that part of it burst and she nearly died.

The police officer was able to obtain accurate evidence assisted by an intermediary who provided props and communication aids when necessary to enable the girl to talk about what happened. The case went to trial with the intermediary present at the court visit, before and during cross examination.

## Adult Witness with a Neurological Condition

Tom, aged 85, had a severe stroke which left him paralysed down his right-hand side. He struggled to talk except in single words and a few short phrases, and he had some hearing difficulties.

While living in his own bungalow, with much community support, Tom discovered that a care worker had been stealing money from him while 'helping' by collecting his pension from the bank each week. He reported and the police were called. Tom gestured and waved his bank book to the policewoman, who understood, in essence, what had happened. She realised, having now met Tom, that she would have extreme difficulty interviewing him. But he was clearly eager to tell his story and have the support worker brought to book.



A male RI was requested and went with the police officer to visit Tom, check the extent of his speech and understanding difficulties, and find out more about his hearing.

Despite the language difficulties endured by Tom as a result of his stroke, it was still possible for him to communicate in a range of ways. Strategies employed included pictures, rough sketching by Tom, use of an alphabet board and number chart, pointing at everyday objects; and questioning in very short bursts to avoid tiredness. The RI sat very close to Tom so that he would be able to lip read whenever he failed to hear a question.

The officer and RI then planned an interview together. Tom worked with huge concentration and determination to give his evidence, with the intermediary by his side. In the interview, Tom used lip reading, gestures, a very rough sketch, visual aids provided by the RI and some items pulled from the bag on his wheelchair. This video recorded interview spanned much of a whole day, including breaks; and a substantial amount of evidence was obtained.

Much to the disappointment of Tom, the officer and the intermediary, who had all worked very hard, the case did not reach court. The case hinged on one person's word against another meaning that some supporting evidence was necessary for court. His bank book

showed regular, sizeable withdrawals, about which Tom had no knowledge. But unfortunately the CCTV at the bank had been faulty so the support worker was not caught on camera using the 'hole in the wall'.

Despite his disappointment, Tom was pleased he had been able to explain to the police what happened. His evidence could be used in the future should the young woman be caught taking advantage of another elderly person.

### **Child witness with autism**

Eleven-year-old Vicky's autism spectrum difficulties made it hard for her to fit in with other children: she was always on the outside of groups. She found it easier talking with grown ups. One thing she felt good at was drawing. At home and in every school break, she'd draw different breeds of dogs.

On the way to the corner shop, she often met a friendly man who always looked at her pictures or gave her a sweet. It was great being the centre of attention. When he invited her to see his own pictures, she remembered about not going with strangers – but this man wasn't a stranger any more. She got in his car: he said it wasn't far.

Vicky found the house very messy but his photos of animals and birds were brilliant. He offered her a drink then took her into a second room where the curtains were closed. When Vicky asked to go home, the man's tone changed completely. She was told to drink up and undress.

Found wandering in the streets far from home, dazed and frightened and without her coat, Vicky had extreme difficulty explaining to the police what had happened. She found their questions very hard to follow.

An RI was called in to assess her communication difficulties and advise the police before they interviewed her on video. Talk of a police video made Vicky panic that they wanted to film her like the man had done. The police interviewer and RI worked together to reassure her, and slowly but surely she was enabled to give details of the man, the car, the dark room and what happened in it.



The man was identified and charged with the trial date being set for ten months later. In the meantime, the RI had written a report. She met the judge and lawyers to explain aspects of Vicky's many communication difficulties. It was agreed that she could sketch details if that helped; and this she did on two occasions during her cross-examination. The RI sat beside her in a Live Link room, helping both the Defence lawyer and Vicky when difficulties arose with understanding questions or answers.

The trial was long; and Vicky learnt later that other children had gone to see photos at the messy house. The judge and jury at court had listened to what she said and were grateful for her help. Vicky drew the picture on the right for the RI to say thank you and the police passed it on.

### **Defendant in Late Teens with Anger Management Issues**

Andrew was in his late teens and had already experienced many difficulties through his life. Severe health problems, which had been poorly managed over the years, resulted in many hospital stays, erratic school attendance, low academic achievements and limited literacy. His attention span was extremely limited, his verbal reasoning poor, and his behaviour erratic. However, when helping his grandfather on their allotment or with DIY jobs, Andrew seemed 'a different boy'.

Never having been in trouble with the police before, but having experienced poor anger management at school, Andrew lost his temper one day and was arrested by the police for punching a younger neighbour and trashing his bedroom.

Before the trial, Andrew's Defence barrister and solicitor discussed how he might have extreme difficulty coping with a court appearance; would be likely to misunderstand challenging cross-examination questions; and could also have trouble concentrating for long enough to give his best evidence. An intermediary was sought.

At first, Andrew was suspicious of the need for an assessment of his listening skills and ability to express himself. But when he understood that an intermediary's role is to make sure people understand questions at court, he was able to talk about his fear of attending the trial, meeting strangers and feeling out of his depth.

Having watched the intermediary assessment, the solicitor was able to confirm to Andrew's barrister that he would really struggle at court if giving evidence alone. The intermediary submitted a detailed report to the court; was asked to meet with the judge and barristers for an early Ground Rules Hearing at a Youth Court; and was then present when Andrew was cross-examined.

On account of his very limited attention, the intermediary had recommended that Andrew be permitted to give his evidence via video link from a side room. Although this was not common practice, the judge agreed. Two-way communication between Andrew and the Prosecution barrister were supported by the intermediary on the day; and the judge commended Andrew for coping with the alien experience of cross-examination.

Andrew, in turn, was heard to comment that he could not have managed without the intermediary.

### **Deaf Woman Assisted by Deaf Intermediary**

Police officers visited a house where they found a young woman who had been kept in virtual slavery.

She was deaf and had had no exposure to language or education. An intermediary, who was also deaf, worked with her over 10 sessions to build rapport and create an effective method of communicating with her. The police filmed 14 interviews with her, assisted by the intermediary, where she disclosed allegations of rape and other serious offences.

The intermediary was present at the trial to facilitate communication while the witness gave her evidence over many days.

### **Defendant with learning difficulties**

An intermediary was asked to assist with communication of a defendant at a trial involving a 39-year-old man. Steve had a learning disability, had attended special needs schools and was unable to read or write. His language levels, including understanding and expressing himself, were similar to those of a child in Junior School.

Steve had been charged with possession of a large quantity of stolen goods. Although he pleaded guilty to this charge, he maintained that he had been asked to look after the items by a friend.

The intermediary prepared a report for the court, including the results of his assessment of Steve's communication abilities. He would have difficulty understanding the import of what was said to him; for example, and his ability to use reasoning skills was poor. Steve was also easily distracted, unassertive and had limited ability to express his opinions.

The main purpose of the intermediary report is to provide guidance for communication during the course of a trial, including cross-examination if necessary. In this case, an enlightened judge had also noted how the defendant's stated difficulties had affected his behaviour.

### **Motor Neurone Disease Affecting Witness' Speech**

Donald, a 52-year-old man, had Motor Neurone Disease which severely affected both his mobility and his speech.

On returning slowly along the pavement from the barber's shop, he witnessed a brutal attack on a local woman who was frail and unable to defend herself. Donald could not come to her rescue because of his own condition but dialled 999; and an ambulance and police arrived soon after.

The woman sustained very severe head wounds and as a result spent many weeks in hospital. Donald was the only witness, but his speech difficulties made it extremely hard to give evidence that was audible and intelligible at his first camera recorded interview. National Crime Agency was contacted by the interviewing officer and an RI was requested.

The Registered Intermediary (RI) assessment involved testing the volume and clarity of Donald's speech; and assessing Donald's relative intelligibility of phrases of different lengths. It was useful to compare how effective Donald's speech was when he was seated in different positions, and when the microphone was positioned at different distances. Lastly, there was discussion of the timing of Donald's medications during the day. The RI and officer planned a second police interview, to be held at a time that suited Donald's medication regime. Donald was then enabled to give a more intelligible account of the attack.

Before the trial, some months later, the RI met the judge and barristers at a Ground Rules Hearing, to consider Donald's mobility limitations, his drug regime, optimal times for giving evidence, and other factors which tended to affect his speech. On the day of the cross-examination, Donald was equipped with a portable microphone and gave his witness statement from a separate video link room. He was therefore able to be heard in the court through the microphone. The RI would advise barristers how to rephrase some questions, if need be, so that his answers need not be long and complex.

## **Schizophrenia**

A man with schizophrenia was the victim of a violent hate crime.

He gave a written statement to the police. An intermediary was asked to assess him. His symptoms included visual and auditory delusions and paranoid thoughts affecting his communication, but the intermediary considered that he could give evidence with her assistance.

The prosecution's application for the intermediary to be present at trial was contested by the defence but agreed to by the judge. The intermediary made recommendations about how the lawyers should question the witness. These included avoiding muttering, covering their mouths or rustling their papers to avoid triggering his paranoid behaviours. During the trial, the man referred to a visual prompt card created by the intermediary, reminding him to listen to the questions and think before answering.

## **Two Intermediaries Working with a Defendant**

On occasion, if a trial is long, or if more than one vulnerable defendant is involved in a case, intermediaries may need to work in parallel. Prior to one such trial, it was agreed that two intermediaries would share responsibility for support of two-way communication at court. Each intermediary had additional work that would require them to be absent from court on certain days.

Mandy, a young woman with learning and slight hearing difficulties, was assessed jointly by the two intermediaries, who found she had several problems following questions or statements, and difficulty expressing herself clearly. The intermediaries then wrote a report on Mandy's communication skills and needs, and later attended a Ground Rules Hearing at which the report was discussed with the judge and barristers. Sound levels, as well as Mandy's comprehension difficulties and short attention span, were all considered.

During cross-examination, one intermediary stood next to her in the witness box, while the other sat just behind. A plan had been devised and agreed with the court: the intermediaries would swap over at convenient moments, namely during the frequent breaks. They were able to communicate with each other at such times, either verbally or by passing written notes with comments or ideas to assist.

Working jointly in this way required careful planning, and regular de-briefing. Meeting together proved invaluable, not only for keeping up with the progress of the trial, but also by providing an opportunity to reflect and discuss possible strategies to assist communication with this young and vulnerable defendant.

The value-added nature of the involvement of intermediaries has been acknowledged by police, lawyers, judges and carers. In certain long and complex cases, working together, as described above, can add a further, positive dimension

### **Woman with Cerebral Palsy and Speech Difficulties**

Sheila, a 45-year-old woman with Cerebral Palsy, learning disabilities and living in supported accommodation, alleged that her purse had been stolen while she was out shopping. Sheila had moderately good understanding but her speech was extremely difficult to follow due to her Cerebral Palsy. After a detailed assessment of her communication abilities, at the request of the police, the Registered Intermediary (RI) met with the interviewing officer for joint planning before supporting Sheila's video recorded interview.

Although the RI role is not to generate questions for an interview, she/he is empowered to assist both witness and police when either questions or answers are not understood. Co-working between police and RI worked very well in this case. The RI organized communication aids, including familiar symbols and picture boards. She also helped the officer to keep his questions simple so that Sheila's replies could be short. At times it was necessary to help the interviewer when Sheila's speech sounds or longer words were hard to follow.

Following the interview, the RI wrote a full report on Sheila's communication difficulties and also noted the problems that had arisen at interview. This report was sent to the Crown Prosecution Service who considered all of the evidence obtained, including Sheila's video recorded interview, and made an application to the Court for further assistance from the RI at the trial.

At the trial, with the RI's support of two-way communication, Sheila was able to answer the questions put to her; and the lawyers and jury were enabled to understand her evidence. She stated that, without the assistance of an RI, she would not have managed.

### **Women with Cerebral Palsy Alleged Assault by a Care Worker**

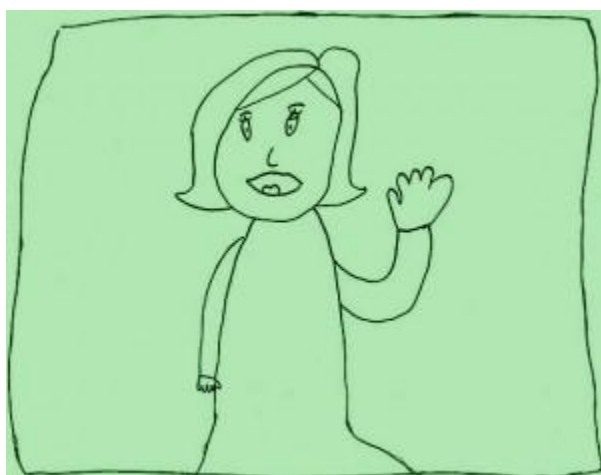
Two women with cerebral palsy alleged that they were assaulted by one of their care workers.

The intermediaries assessed the women's communication skills and assisted them when they were interviewed by the police. One witness communicated using an electronic aid with symbols and pictures. The intermediary added icons for the options 'I don't know', 'I don't understand' and 'not true'.

The other witness could answer only 'yes' and 'no' questions using eye movements. The intermediary helped to identify and document her responses. The questioning had to be carried out slowly with a great deal of planning.

### **Young Girl Using Visual Aids in an Alleged Sexual Abuse Case**

Lucy was 6 years old and attended a mainstream school. She needed to give evidence in court about alleged sexual abuse, having disclosed details some months before in a camera recorded interview. The recorded interview was in place of the written statement that an adult with no difficulties would have provided. Although, at first, Lucy appeared to be functioning as a typical child of her age, in her police interview, Lucy had not understood some adult vocabulary, sentence structures and certain question types such as 'Why did you not tell your mother before?'.



At the request of the Crown Prosecution Service, an RI visited Lucy at home and assessed her communication skills in depth. This assessment was carried out in the presence of a police officer, and was then written in a findings report. The RI recommended how Lucy could best be cross-examined within the constraints of her

language skills. She also proposed the use of some simple visual aids in court to support Lucy's narrative. These visual aids, which were also used at the assessment, included a small wooden doll, line drawings of furniture and some simple pictures which Lucy herself had drawn. All of these had helped Lucy to 'anchor' her thoughts to the places and events she described.

The RI met with the judge and barristers in advance of the trial at a Ground Rules Hearing to explain her recommendations and proposed the use of visual aids. She then sat alongside Lucy during cross-examination via a live TV link. If the barrister's questions were too complex, the RI had the power to advise on the use of simpler phrases. At times, alternative words were suggested, and in this way, the process of two-way communication ran more smoothly. Lucy used the visual aids when needed; and found it helpful to point to the pictures she had drawn. One picture represented her 'request' for questions to be asked more slowly so that she had more time to think.