

# Picture this... Helper's Guide

## A Guide to the Criminal Justice System

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Edition  
2012

The criminal justice system can be a complex and intimidating place for anyone who is dealing with the police and the courts. However, when victims or witnesses of crimes have challenges understanding or communicating, they may find that the existing support systems and explanatory materials are not helpful or accessible to them. The revised handbook called *Picture this... A Guide to the Criminal Justice System* uses pictures and words that attempt to offer a realistic, though simplified, overview of the criminal justice system.

Parents, guardians and support people can use the handbook to help explain the court system to a victim or witness of a crime who has an intellectual disability. It may also be a useful tool for people working with victims who are children or who

have low literacy skills. As a resource for justice officials such as police, Crown prosecutors, and victim services coordinators, it may complement the information they already provide about the criminal justice system process.

To assist people who are using the *Picture this* handbook, we have produced this "Helper's Guide" to accompany the handbook. It is intended to provide information and tips on how to make good use of the handbook. It offers additional information for discussing the criminal justice system in simple and clear language, making your messages understandable, and using examples. It points to some important things that you should "do" and "not do" when talking to victims or witnesses.

### 1 What happens if you are a victim or witness of a crime?



*1.1. It is wrong if somebody harms you by stealing your things, hitting, touching or bothering you in a way that makes you feel uncomfortable. If what they did is against the law, it is called a crime.*

*1.2. If you are the person who was harmed you are called the victim.*

*1.3. If you saw someone else get harmed or know something about the crime, you are called a witness.*

*1.4. If you have been harmed, or have seen someone else being harmed, you can tell your story to the police.*

### Helper's Guide TIPS

**1.1** Explain what it means, "to be against the law". Keep your words simple. You might start by stating what happened. For example, "Someone taking your purse or wallet is a crime because we have a law that says so. It's called stealing or theft." You might have to explain that some things that hurt us are not crimes because they do not "break a law". For example, if somebody accidentally bumps in to you and knocks you down, that's not a crime.

**1.2 and 1.3** Discuss what it means to be a victim or a witness, but avoid discussing the details of the crime. If you do so, it could influence the victim or witness, which would impact negatively on the case. Only the police or the Crown prosecutor should question victims or witnesses about the crime. However, you can reassure victims that it is helpful for witnesses to tell their story to the police and other professionals. Remind witnesses that what they saw is also very important. Tell them about victim services coordinators and volunteers who will help them.

**1.4** Explain that the police want to help people who have been harmed by a crime. The police will listen to their story.

### 2 What do the Police do?



*2.1 The police are there to help you.*

*2.2 You can tell the police what happened and who did it. If you don't know who did it, the police will try to find out.*

*2.3 When the police find the person they think harmed you, they ask him or her to tell their side of the story. If the police charge the person with a crime, he or she is called the accused.*

*2.4 The police will give you a card about Victim Services. You can call them for help.*

### Helper's Guide TIPS

**2.1** Let the victim know that he or she is not alone feeling afraid. It can be scary to be a victim and have to talk to people who wear a uniform and have a gun. The police just want to find out what happened and help.

**2.2** Try to avoid using pronouns when you explain something. For example, when you discuss how the police try to find the person who committed the crime, you could say, "The police may talk to other people who saw what happened. The police may find things where the crime happened. Maybe the person who harmed you dropped something with his / her name on it. The police might find this. This is called evidence."

**2.3 and 2.4** Explain that if a person is charged with a crime, the victim and the witnesses might have to go court. However, the court date may not be for few months.

**2.4** Explain that before going to court, the accused person may not have to go to jail. It depends on how serious the crime was. Remind the victim to tell the police or other helpers if the accused person tries to talk to him or her, or if the accused person tells him / her not to tell their story. Emphasize to the victim or witness that they can find out more about going to court from Victim Services.

### 3 What is Victim Services?



*3.1 If you are worried, scared or always thinking about what happened, someone from Victim Services will make sure there is someone you can talk to.*

*3.2 Someone from Victim Services helps you to get ready to tell your story in court if you have to go there. Victim Services will explain what going to court means and what you have to do to get ready.*

*3.3 If you are scared to go to court, Victim Services can make sure someone is with you.*

## Helper's Guide TIPS

3.1 Reassure victims and witnesses that there are people who can help and support them.

3.2 Here are some ways that Victim Services help the victims.

- Explain what happens in court
- Tell victims about the status of the case
- Go with victims to court before the trial and show them where people sit
- Explain who will be in the court and the role of the victim or witness
- Arrange for someone to be there with the victim during the trial
- Help the victim understand how to prepare a Victim Impact Statement
- Explain other services like counselling and crime compensation

3.3 Discuss how important it is for victims to have people to support them. Ask the victim if he or she would like somebody to go to court with him or her? Check for understanding but do NOT ask, "Do you understand?" Ask the victim "What do you think this means?" Do not ask questions that offer alternatives.

### 4 Who is the Judge?



*4.1 The judge is the person who sits at the front of the courtroom. The judge wears a black robe and listens to everyone's story about what happened.*

*4.2 The judge is the person who decides if the accused is guilty or not guilty of the crime.*

*4.3 If the person is guilty, the judge says what the guilty person has to do to make up for the crime.*

## Helper's Guide TIPS

4.1 When you change topics, for example, when you start to talk about the judge, deliberately say that you are changing topics. For example: "Now I want to talk to you about the role of the judge."

4.2 Explain that the judge has a very important role at the trial. Everyone should show respect to the judge. That means that people should be very polite when they speak to the judge.

4.3 The judge thinks very carefully about everything he or she has heard before making a decision. Remind the victim that making up for a crime is called the "sentence". There are many different ways that a judge can make a guilty person make up for a crime.

### 5 Who is the Crown Prosecutor?



*5.1 The Crown prosecutor is a lawyer who works for the government. He or she usually wears a black robe in the courtroom. He or she talks about the crime.*

*5.2 If there is a trial, a Crown prosecutor tells the judge what happened and why he or she thinks the accused person is guilty.*

*5.3 The Crown prosecutor asks you questions in court.*

*5.4 If the accused is guilty, the Crown prosecutor tells the judge how he or she thinks the guilty person should make up for the crime.*

## Helper's Guide TIPS

5.1 Tell the victim or witnesses that the Crown prosecutor may want to talk to them about what happened before the trial. Their stories are very important.

5.2 If there is a trial, explain that the victim and witnesses will get a piece of paper in the mail telling them to come to the trial. This is called a "subpoena".

5.3 At the trial, the first person to ask the victim and witnesses questions is the Crown prosecutor.

5.4 Making up for a crime could mean the accused goes to jail, or pays money to the court (called a fine) or stays in their home some of the time, or does work for free in the community. Sometimes the guilty person has to do several of these things.

### 6 Who is the Defence Lawyer?



*6.1 The defence lawyer works for the person accused of doing harm. He or she usually wears a black robe in court.*

*6.2 If there is a trial, a defence lawyer tries to show that the accused person is not guilty.*

*6.3 A defence lawyer asks you questions at the trial.*

## Helper's Guide TIPS

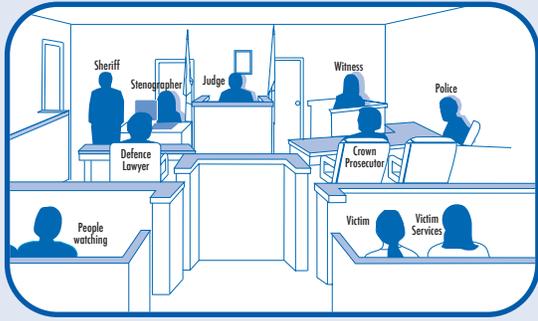
6.1 When the police charge a person with a crime, the accused person has certain rights. In Canada, the accused person is considered innocent unless proven guilty. The accused person has the right to have a lawyer and to have a trial.

6.2 The defence lawyer will ask the victim and the witnesses questions. The accused person may decide not to speak in court. The accused person has the right not to speak.

6.3 Explain that the victim will have to answer the questions that the defence lawyer asks in court unless the judge tells him or her not to answer.

## Helper's Guide TIPS

### 7 Who could be in the Courtroom?



Review the picture and point out all the people who might be in the courtroom. Then, ask the victim if he or she can point to some of the people who might be in the courtroom. Occasionally you could ask, "Do you know who this is?" If the person you are working with has the correct answer, say "yes, that is the Crown prosecutor." If they have the wrong name for a person, simply say something like: "No, that's the judge, the police sit over here." The person accused of breaking the law will be somewhere in the courtroom. If the victim seems fearful of the accused person, reassure him or her that the sheriff is there to keep everyone safe.

### 8 What happens in Court?



*8.1 The accused person hears what laws the police think he or she has broken. Then the accused person tells the court if they are guilty or not guilty.*

*8.2 If the accused person says 'not guilty', there will be a trial in a courtroom. The trial is usually not on the same day.*

*8.3 At the trial, the Crown prosecutor and the defence lawyer ask witnesses to answer questions. The Crown prosecutor speaks first. The defence lawyer speaks second.*

*8.4 All witnesses promise to tell the truth in court. They sit at the front of the courtroom beside the judge in a place called the witness box. The Crown prosecutor and the defence lawyer ask the person sitting in the witness box questions. The judge may also ask questions.*

*8.5 After the witnesses answer all the questions, the Crown prosecutor tells the judge why the accused person should be found guilty. The defence lawyer tells why the accused person should be found not guilty.*

*8.6 The judge thinks about all the information that he or she has heard and makes a decision. The judge tells the court if the accused person is guilty or not guilty.*

*8.7 If the judge finds the accused person 'guilty', you, your family, and someone close to you, may make a Victim Impact Statement. It tells how being harmed or losing something made you feel. The judge, Crown prosecutor and defence lawyer will get a copy.*

*8.8 The judge reads the Victim Impact Statements and thinks about what victims have said. The judge may use the statements when he or she decides what will happen to the person who did the harm. You may ask to read your statement out loud to the court.*

*8.9 The Crown prosecutor and the defence lawyer say to the judge what they think should happen to the person who broke the law.*

*8.10 The judge tells the person who is guilty of breaking the law what he or she has to do to make up for the crime. This is called the 'sentence'. When this is done, you can leave the courtroom.*

*8.11 If the judge finds the accused person 'not guilty', he or she can leave the courtroom.*

## Helper's Guide TIPS

Here are some things you should consider or say when you explain the section on what happens in court.

- Sometimes an accused person says he or she is guilty. If that happens, then there is no trial. Even though there is no trial, the victim can still make a Victim Impact Statement to tell the judge how the crime affected him or her.
- If the accused person says "not guilty", the trial may only happen three or four months later. Everyone will have to wait.
- Remind the victim, if he or she is not sure about something the lawyer asks about, it is okay to say 'I don't know'. If the victim does not understand the question, it is okay to say, "I don't understand your question". The lawyer will ask the question again.
- When you are explaining what happens in court, do not use jargon and legal terminology. Use words that are easy to understand. For example, don't use words like cross-examination. Talk about the Crown prosecutor speaking first, and the other lawyer – the defence lawyer – speaking second.
- When you discuss 8.4 - which explains swearing in - you might ask: "Do you know what a promise is? Have you ever made a promise?" Explain to the victim or witness that when they go to court, they will have to promise to tell what really happened. That means they must promise to tell the truth.
- Explain that victim services can help people prepare their victim impact statement. The statement is their chance to tell the judge how the crime made them feel. Victims can tell the judge how the crime affected them emotionally, physically, financially and so on.
- You might want to talk about the different kinds of sentences. Explain that making up for a crime could mean the guilty person goes to jail, or pays money to the court (called a fine) or stays in his or her home some of the time. It could mean the guilty person does work for free in the community. Refer to the graphics above the judge in section 8. Sometimes the guilty person has to do several of these things.

## 9 What happens after Court?



*9.1 After you leave the courtroom, you can go with the person from Victim Services. He or she will explain the 'sentence' so you know what will happen to the person who broke the law.*

*9.2 You do not have to speak to the person who broke the law.*

*9.3 The person from Victim Services can answer your questions about what happened in the courtroom.*

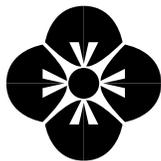
*9.4 If you have more questions later, you can call Victim Services.*

Emphasize that even though the trial is over, the victim or witness can still get help. They can ask Victim Services questions about what happened in court and about the sentence.

## TIPS for Explaining the Criminal Justice System

- Use the "Picture this..." handbook to talk about the criminal justice process. Refer back to the pictures and story line.
- Do not use legal jargon. Try to use everyday language. Refer to the person's personal interests to help explain the legal system or to define terms.
- Whenever you must use a word the person you are helping may not know, explain what the word means and then use it in an example.
- Look at the person, but do not demand eye contact. Some people find eye contact uncomfortable and may react negatively.
- Frequently encourage the person to ask questions if he or she does not understand, or has a question.
- Ask the person to repeat what you have said or give an example. Avoid repeating questions to check for truthfulness and never ask, "Do you understand?"
- Speak clearly and be sure not to speak too fast.
- Do not ask leading questions – questions that suggest what the answer should be. Remember, the victim or witness may pick up on this and try to give you an answer that he or she thinks might "please" you.
- Do not speak too loudly – just because someone has difficulty understanding does not usually mean that the person also has a hearing impairment.
- Watch for non-verbal clues that the person may not understand what you are saying. This could be looking away, shifting, shuffling, and facial expressions of puzzlement or vacancy, looking to someone else for help or muttering.
- When you ask a question, give at least 10 seconds for a response before speaking again. Think about what you should say next by assessing the non-verbal clues.
- Remember, only the police and the Crown prosecutor should ask for details about the actual crime. If you ask about these details, others might think that you have "contaminated" the evidence.

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