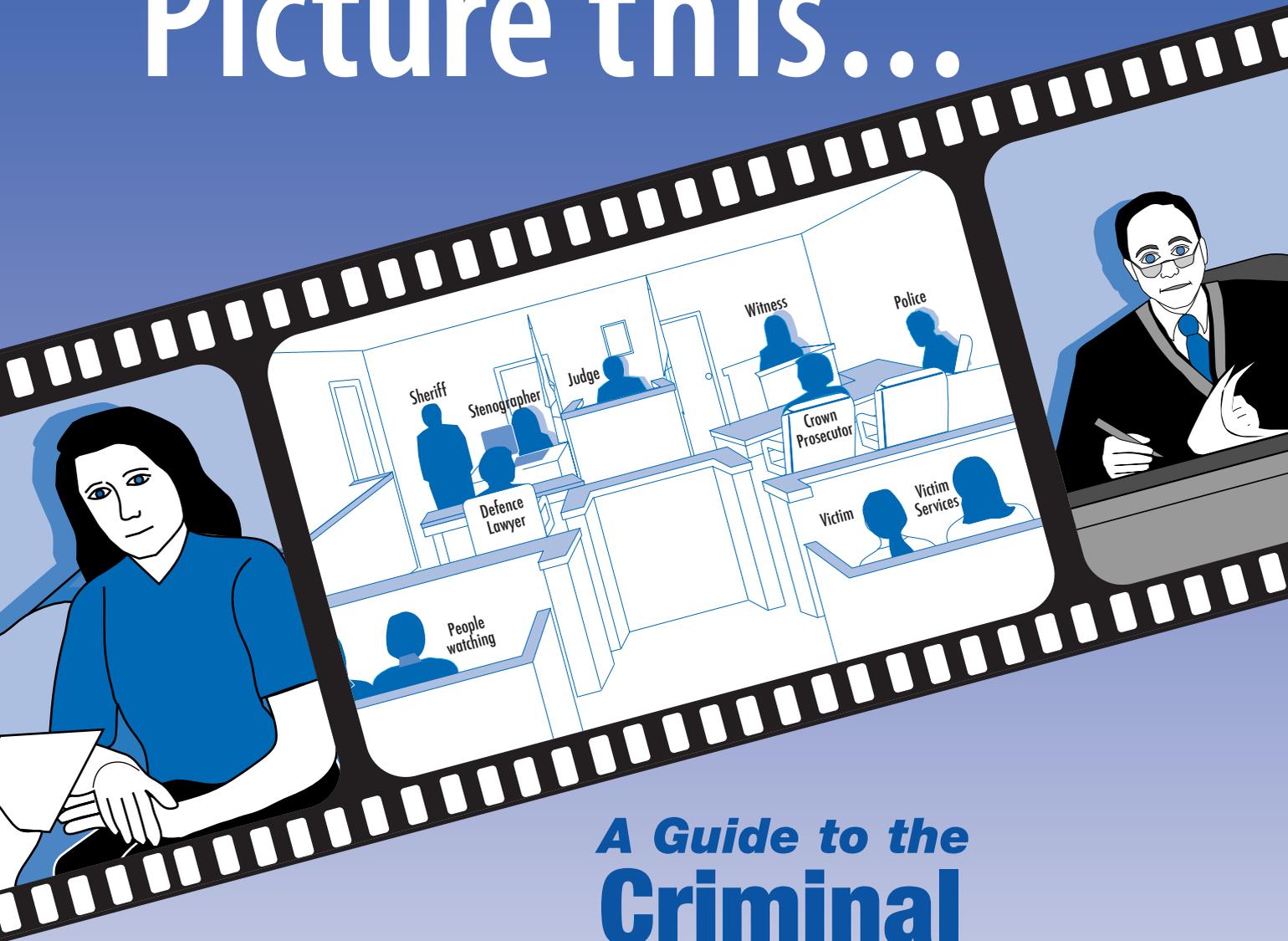


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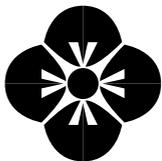


A Guide to the
**Criminal
Justice
System**

Public Legal Education and Information Service of New Brunswick (PLEIS-NB) is a non-profit organization. Our mission is to provide plain language law information to people in New Brunswick. PLEIS-NB receives funding and in-kind support from the Department of Justice Canada, the New Brunswick Law Foundation and the New Brunswick Office of the Attorney General. Project funding for the original development of this guide to the criminal justice system for persons with an intellectual disability was provided by the Department of Justice Canada. The purpose of the guide is to help both justice officials and “support persons” to explain the justice system to victims and witnesses with an intellectual disability in clear, concise, plain language. It tells victims and witnesses what to expect if they go to court, who will be there, what might happen and who will help them. The handbook does not contain a complete statement of the law in relation to victim services and court process. Anyone requiring advice on his or her specific situation should speak to a lawyer.

We wish to acknowledge and thank our partners, the New Brunswick Department of Public Safety, Victim Services and the New Brunswick Association for Community Living. Their expertise and dedication in the development of the materials was instrumental to the success of the project. We also wish to thank others who reviewed and commented on the draft materials including Public Prosecutions, Department of Justice, Policing Services and various Victim Services Coordinators. Finally, we wish to acknowledge the inspiration and encouragement for this project, which came after reviewing the “BC Legal Pixs”, developed for persons with an intellectual disability by the Law Courts Education Society of BC, and their partner the Kindale Developmental Association.

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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 the person 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**.

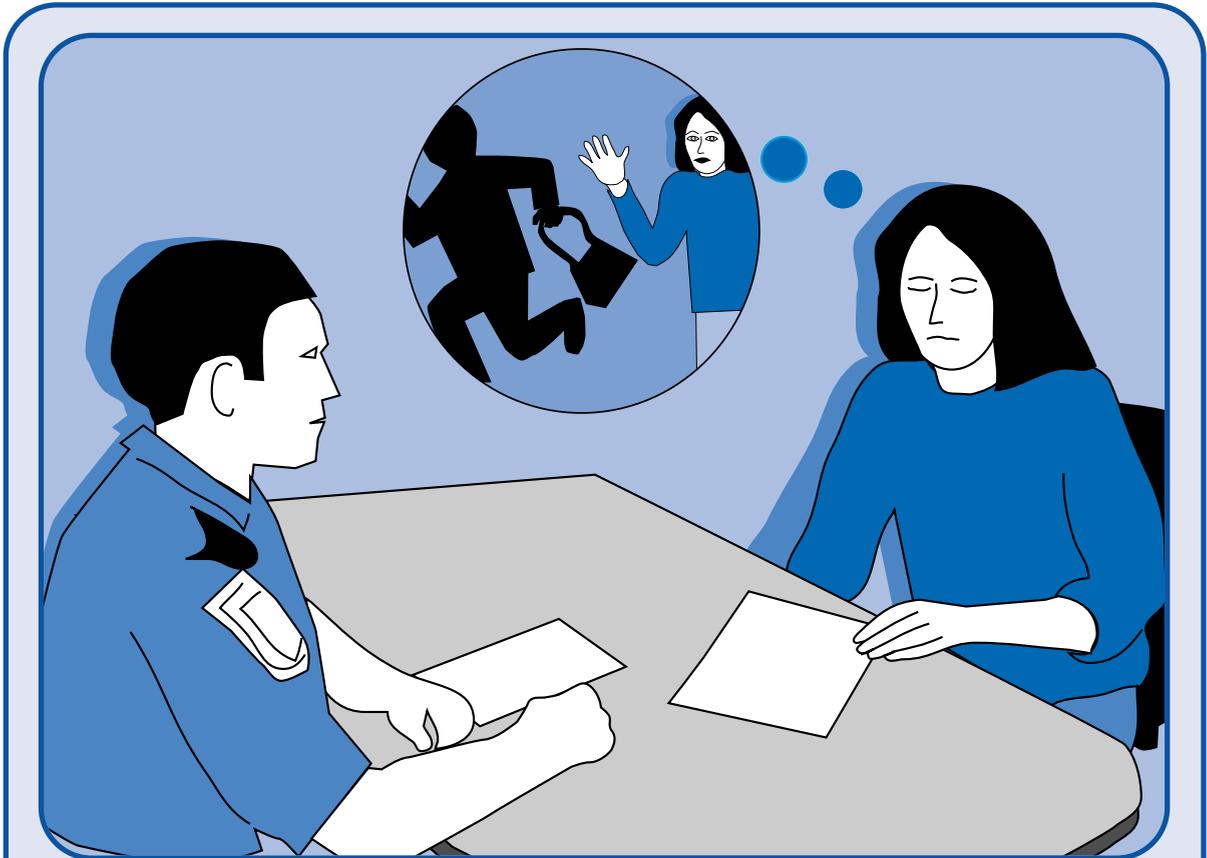


1.3

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

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



1.4

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

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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.

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2

What do the **police** do?



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**.

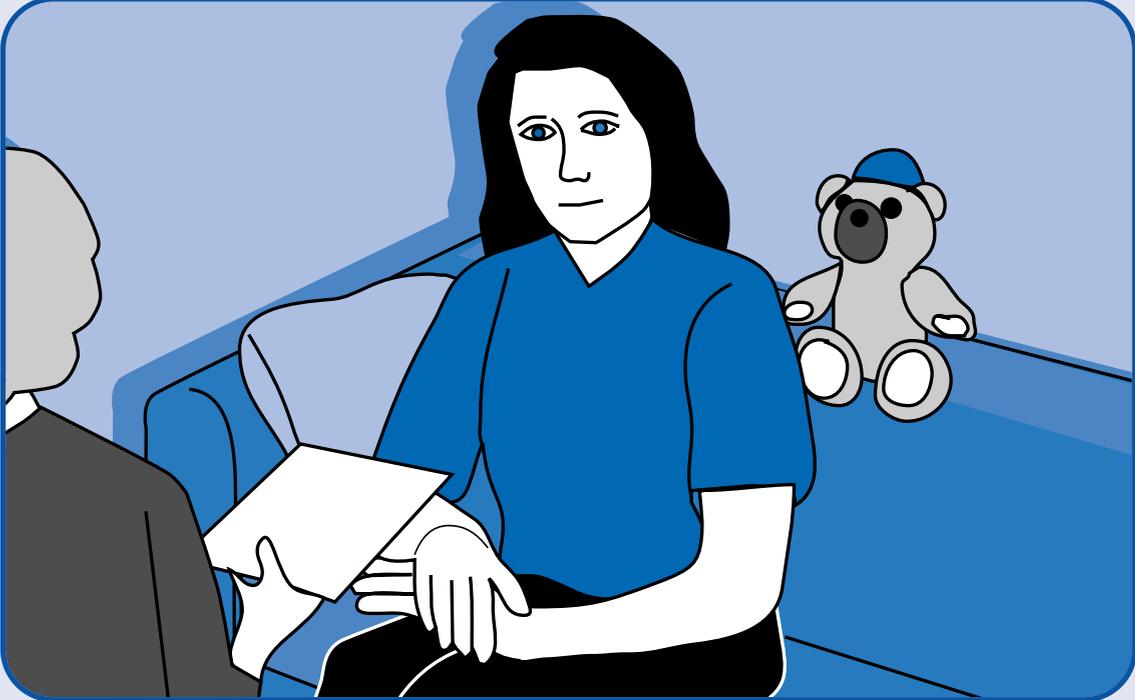
2.4

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

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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.

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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.

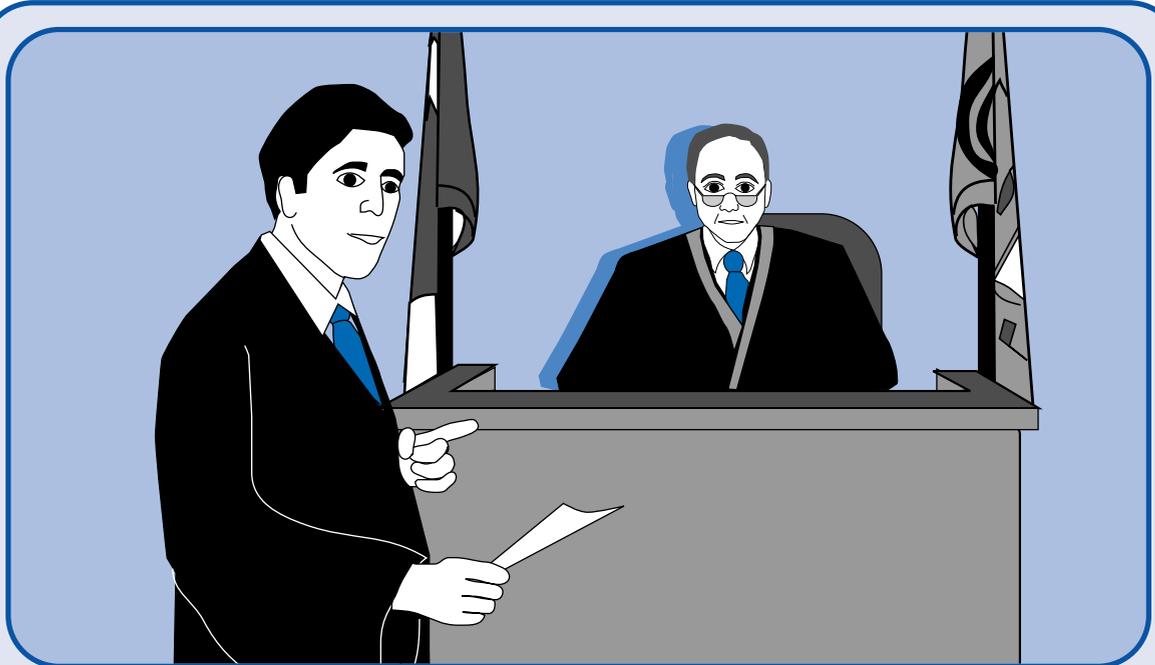
4.3

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

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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 accused person should make up for the crime.

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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.

6.4

A defence lawyer tells the judge how he or she thinks the accused person should make up for the crime if they are found guilty.

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7

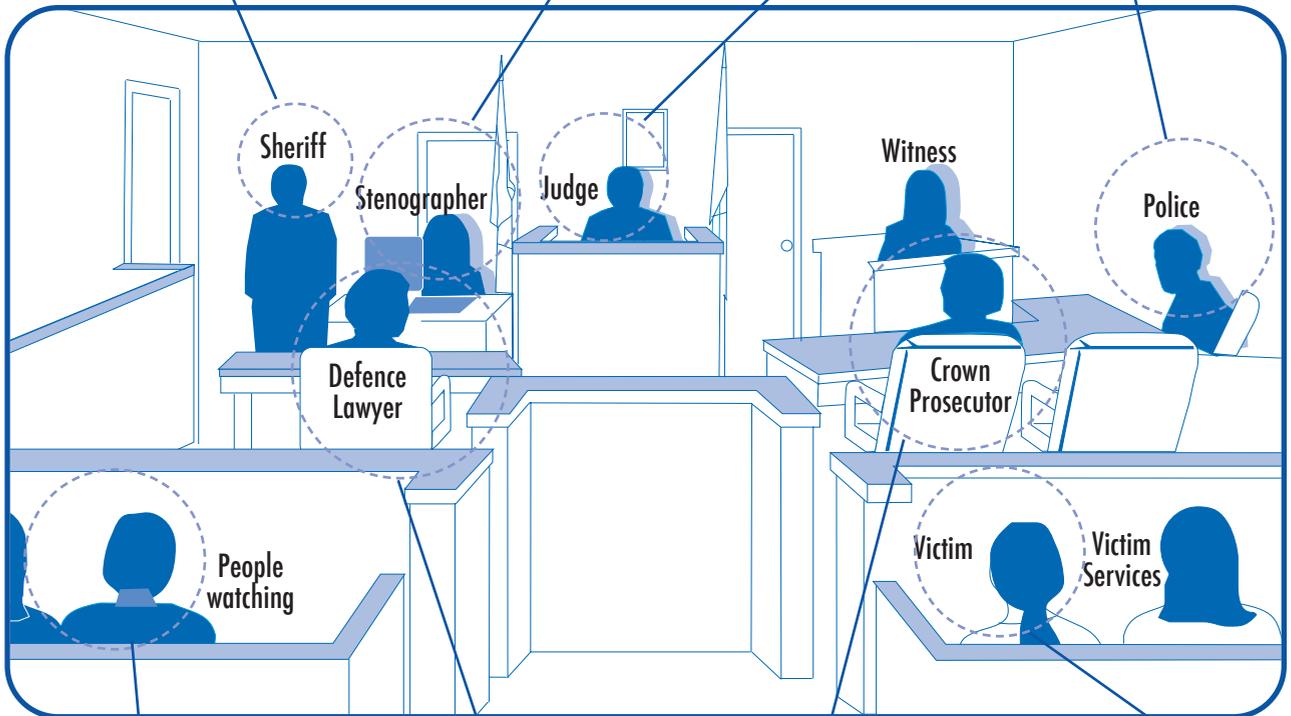
Who could be in the Courtroom?

The **sheriff** will open the door and keep everyone safe.

The **court stenographer**.

The **Judge** sits at the front of the Courtroom.

The **police**.



People may come to watch the trial.

The **defence lawyer**.

The **Crown Prosecutor**.

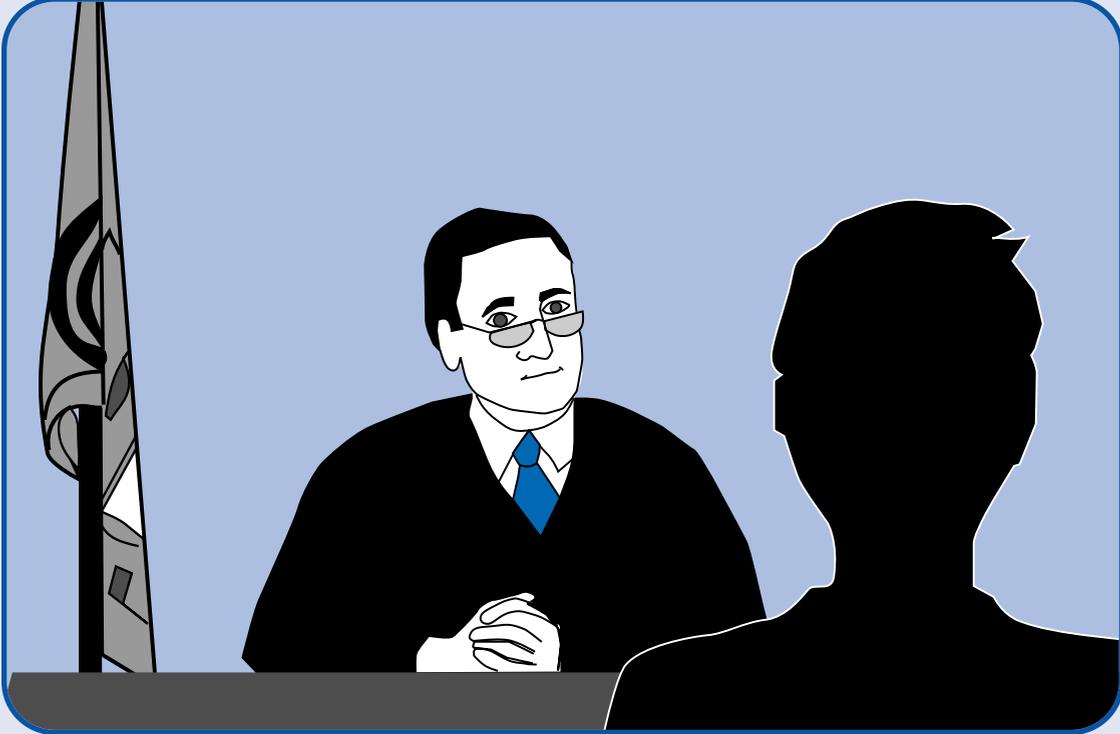
The **Victim and Victim Services**.

The person **accused** of breaking the law will be somewhere in the courtroom.

Picture this

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 not usually 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.

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this

8

What happens in Court?



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.

Picture
this

8

What happens in Court?



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.

Picture
this

8

What happens in Court?



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.

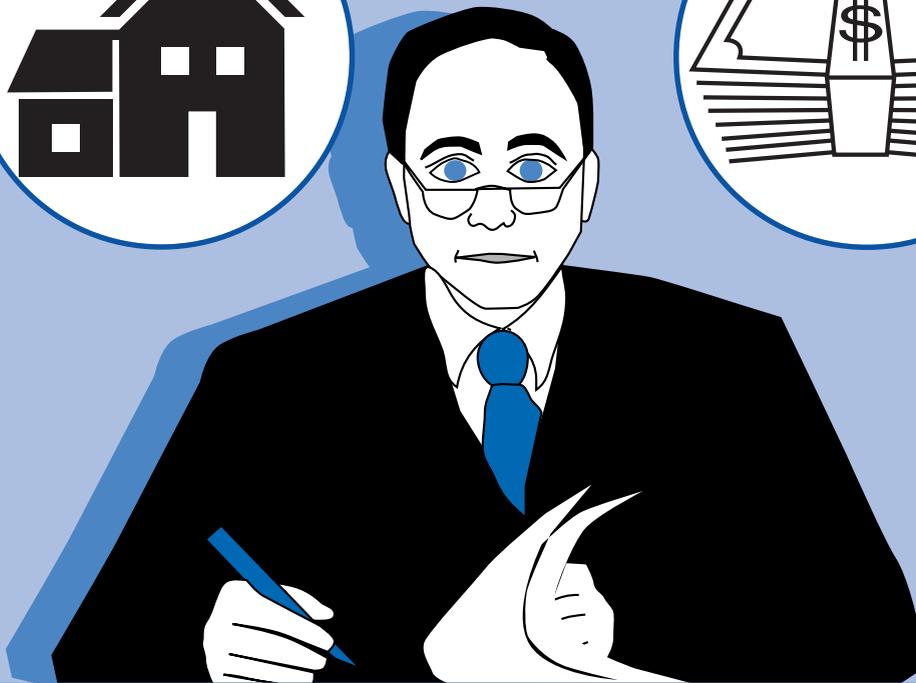
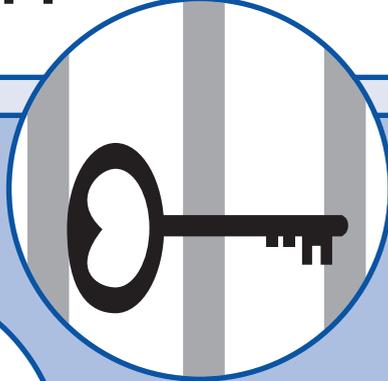
8.9

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

Picture
this

8

What happens in Court?



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.

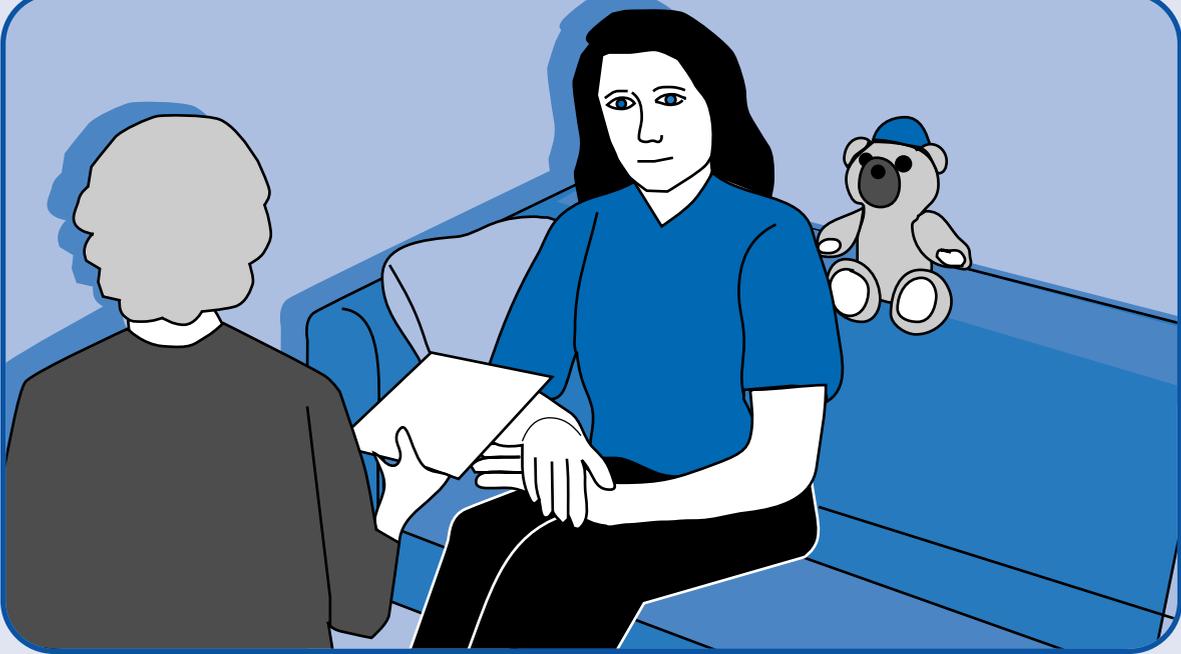
8.11

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

Picture
this

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.

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