



**NATIONAL
JUDICIAL
COLLEGE**
of Australia

Witness Assessment Program 2012

Dates: 17-18 May 2012

Location: Cliftons' Conference Rooms 200 George St SYDNEY

The assessment of witness credibility (honesty) and reliability (memory) is a daily task of trial courts. It is of central importance in cases such as historical sexual assaults, domestic violence and criminal proceedings involving identification issues. It is important that appellate courts understand where the trial court has an advantage (or lacks advantage) in relation to the assessment of witnesses. The program encourages a rigorous and evidence-based approach to the assessment of witnesses, rather than one based on stereotypes.

The delivery of the program is based on interactive learning principles and includes a variety of learning methods.

Learning Objectives

The overall program objective is that participants will be able to make more accurate decisions about witness reliability and credibility, and communicate their findings in cogent, reasoned judgments.

The program's specific objectives are to give participants the skills:

- to make an informed assessment of witness credibility (honesty), for example, by taking into account some common social context issues, demeanour and language.
- to make an informed assessment of witness reliability (memory and recall), for example having regard to the issues affecting some vulnerable witnesses.
- to deliver clear and persuasive reasons for accepting or rejecting a witness.

Program outline

Day 1 will focus on witness memory, and day 2, on witness credibility. In particular the program will look at the effect of social context issues on the assessment of credibility and memory. A draft program is attached

To register or obtain further information please telephone Anne O'Connell (Tel 02 6125 6655) or email witness@njca.anu.edu.au.

Witness Assessment **Draft** Program

17-18 May 2012

Time	Session Title and Learning Objectives	Presenter/Facilitator
9:15 am	<p>Day One – Witness Memory</p> <p>Welcome to Country</p> <p>Overview of the program:</p> <p>Day One objectives: Participants will</p> <ul style="list-style-type: none"> • be able to identify factors that are properly relevant to assessing witness reliability, and will understand issues relating to encoding, retention and recall; • be able to give reasons for accepting or rejecting a witness on the basis of reliability. • be able to formulate jury directions (where appropriate) in relation to witness reliability. • appreciate the factors that affect eyewitness identification and be able to give relevant reasons and jury directions (where appropriate) 	<p>Chief Magistrate Steven Heath (Western Australia) Judge Helen Murrell (District Court NSW)</p>
9:30am	<p>Witness Reliability Plenary and Small groups</p>	<p>Facilitators: Judge Helen Murrell Justice John McKechnie (Supreme Court of WA)</p>
10:45 am	<p>Morning Tea</p>	

Time	Session Title and Learning Objectives	Presenter/Facilitator
11:00 am	General Introduction to the Psychology of Memory Lecture followed by small group discussion	Associate Professor Richard Kemp, School of Psychology UNSW Facilitators Judge Wayne Chivell (District Court of SA) Dr Mark Nolan (ANU College of Law), Ms Jenny Green Academic Director (NJCA)
12:15 pm	Groups report back	
12:40 pm	Lunch	
1.30pm	Witness Reliability	Chief Magistrate Steven Heath Judge Helen Murrell
2:00 pm	Eyewitness identification Lecture and audience discussion	Dr Richard Kemp
2.30pm	Opportunity to apply skills Separation of large group into small groups according to whether they sit in summary matters or run jury trials. Skills based activities Group discussion	Steven Heath Helen Murrell
3.00pm	Report Back	
3.45	Afternoon tea	
4:00 pm	At the end of this session participants will be able to appreciate the difficulty with identification evidence. Activities will include scenarios and other material	Steven Heath Helen Murrell
4:50 pm	Summary of Day 1	Helen Murrell
7:00 pm	Dinner: Venue TBA	

DAY 2 Witness Credibility

Time	Session Title & Learning Objectives	Facilitators/Presenters
7.00am – 7.30am	Yoga & Meditation Session Series of gentle stretches and a short meditation practice.	Jenny Green
9:00 AM	Welcome Learning Objectives: (1) Participants will be able to identify the factors that are properly relevant to the assessment of credibility and those that are merely the application of myths and stereotypes. (2) Participants will be able to give reasons for accepting or rejecting a witness on the basis of credibility. (3) Participants will be able to formulate jury directions (where appropriate) in relation to witness credibility.	Dr Mark Nolan
9:15 am	Current research on credibility Lecture and discussion	Professor Jane Goodman Delahunty Australian Graduate School of Policing; Charles Sturt University
10.00am	Credibility in civil proceedings Plenary and group session	Mark Nolan, Wayne Chivell
10.45am	Morning tea	
11:30 am	The evidence- based approach to assessing Credibility: A Psychologist and Court of Criminal Appeal judge discuss the issues surrounding the Evidence Act and the traditional approach of courts (noting that only three states and the Commonwealth have adopted the Uniform Evidence Act).	Jane Goodman –Delahunty (Judicial Officer to be confirmed)
12.30pm	Lunch	

Time	Session Title and Learning Objectives	Presenters/ Facilitators
1.15pm	<p>Learning Objectives for afternoon sessions:</p> <p>1) Participants will be able to identify myths and stereotypes surrounding some cultural, religious and social groups.</p> <p>(2) Participants will be able to analyse the impact of some social and cultural factors on witness assessment.</p> <p>(3) Participants will be able to identify possible cultural differences, while avoiding the pitfall of cultural stereotyping.</p> <p>Brief presentation of research on cross cultural issues in witness assessment.</p>	Mark Nolan
Time	Session Title & Learning Objectives	Facilitators/Presenters
1.30pm	Preparation for panel discussion – formulation of questions in groups.	Mark Nolan
1.45pm	<p>Panel Session</p> <p>At the end of this session participants will be able to identify possible cultural differences, while avoiding the pitfall of cultural stereotyping.</p>	Associate Professor Sandra Hale UNSW (two panel members awaiting confirmation)
2.45pm	Afternoon tea	2.45pm
3.00pm	<p>Discussion with Panel members</p> <p>Plenary and small groups</p>	
4.15pm	Report back	
4.30pm	Summary of 2 day program	Mark Nolan
4.40pm	Complete program evaluation form	
4:45 pm	Close	