

Information and Advice

Racist crime is any crime that is committed because the offender thinks that the victim comes from a particular racial or ethnic background, whether that is true or not.

Racially or religiously aggravated crime is crime that is made more serious because it was:

- committed due to a belief the victim was of a particular race or religion, or
- was accompanied or motivated by behaviour that demonstrates racial or religious prejudice.

The effect on victims can be distressing and can cause great fear and anxiety. Becoming involved with the criminal justice system, as a victim or witness, can also be stressful and confusing.

Victim Information and Advice (VIA) can help you.

About VIA

VIA is part of the Crown Office and Procurator Fiscal Service. The procurator fiscal (the fiscal) is responsible for investigating and prosecuting crime in Scotland.

VIA staff are not prosecutors. Our job is to assist victims, witnesses and also, in certain cases of sudden, unexpected or crime-related deaths, the bereaved nearest relatives.

VIA can help you during this difficult time by:

- providing information and advice about how the criminal justice system works and what you can expect
- keeping you updated on the progress of your case
- putting you in touch with other services for victims and their families

If at any point you do not want our help, just let us know. If you then change your mind, please contact us.

Additional support

If your first or preferred language is not English, you may need an interpreter to explain what is being said in court or to help you give evidence. This may be necessary even if you know enough English for everyday life.

You may also need to have any documents, such as letters from the fiscal, given to you in your preferred language.

Some people may need additional support, for example help with access into court.

Please tell VIA if you have any concerns or specific needs. We can also discuss if it is possible to give your evidence in different ways.

We hope this leaflet answers some of the questions you may have about the legal process. Please ask us if there is anything else that you would like to know or are unsure about.

What happens when someone is accused of a racist or religious crime?

These crimes are taken very seriously by the fiscal and courts. Usually, a charge(s) against the accused will include wording to reflect that the offence has a racial or religious element. The fiscal will prosecute if there is enough evidence and if they think that it is in the public interest to do so.

Public interest means that the fiscal will look at the case from all angles – from the point of view of the wider community, as well as of the victim and the accused. It includes a number of factors – for example, the nature and seriousness of the offence, its impact on the victim and other witnesses, and the wider circumstances of what happened and who was involved.

Will there be a trial?

The accused person has to go to court and plead guilty or not guilty to the crime.

If the accused pleads guilty, the judge can pass sentence immediately, or after considering more information.

If the accused pleads not guilty, a date will be set for a trial.

If the case is to go to trial, VIA can explain to you how the court system works, and will keep you updated with information about the progress of your case.

Will the accused be kept in prison before the trial?

The judge decides what will happen to the accused before the trial.

The judge may order the accused to be remanded in custody. This means they are kept in prison until the trial.

However, the judge may agree to release the accused on bail until the trial. This means they are released on condition that they do not re-offend. A judge may grant bail even for a very serious charge such as murder.

If released on bail, the accused is not allowed to intimidate or cause alarm or distress to you or any witnesses. The judge may also order them not to come near you or where you stay. If the accused breaks any of these conditions, contact the police immediately as they can arrest the accused for breach of the bail conditions.

If the accused has been ordered not to approach or contact you, you must not approach or contact them.