

Do I have to go to court?

If the accused pleads guilty, you will not normally have to go to court.

If the accused pleads not guilty, you may be asked to go to court as a witness and give evidence. This means you will have to tell the court what you know about the crime and the death.

The person accused of the crime will also be in court.

Even if you are not called as a witness in the case, it will normally be possible for you to go to court as a member of the public to watch the trial.

VIA can give you information about what is involved and help you through the process. VIA can also arrange for someone to show you round the court before the trial, so you know what to expect.

Will the accused find out where I stay?

In some cases your details may be given to the defence lawyers, but they are not allowed to give your address to the accused.

Also, you can tell the Fiscal if you would prefer your address not to be read out in court. However, if your address is where the crime took place, it will be necessary to refer to it during the trial.

Further Information

Please ask VIA if you would like any further information, there is anything you are unsure about, or you would like us to contact the Fiscal for you.

Support Agencies

You can also contact the following organisations for practical and/or emotional support:

Victim Support Scotland

Provides practical and emotional support to all those affected by crime

During office hours **0845 60 39 213**

Evenings and weekends **0845 30 30 900**

www.victimsupport.org

Cruse Bereavement Care Scotland

Provides information and support to the bereaved

National Office **01738 444178**

www.crusescotland.org.uk

PETAL (People Experiencing Trauma and Loss)

Provides practical and emotional support to those affected by murder or suicide

Office **01698 324502**

www.petalsupport.com

There may also be other organisations in your local area that offer help. Please ask VIA for details.

Further Information

Please contact your local VIA office at the telephone number on the enclosed letter if you would like any further information or if there is anything you are unsure about.

Alternatively contact our Enquiry Point by telephone on 01389 739557 or 0844 561 3000

or visit our web site at www.copfs.gov.uk

advice
For bereaved nearest relatives
in cases of crime-related deaths



Victim Information and Advice

A part of the Crown Office and Procurator Fiscal Service

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Please contact VIA if you would like this document in another language, large print, audio, Braille or another format. We welcome calls through RNID Text Relay prefix 18001.

Information and Advice

You may be the nearest relative (spouse, partner, child, parent, sibling or other relation) of someone who has died as a result of a crime. If so, you may become involved with the criminal justice system.

This can be stressful and confusing when you are also coping with the grief of bereavement. **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 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 support services.

Some people may need additional support, for example help with access into court or with interpreting facilities. Please tell VIA if you have any concerns or specific needs. We can also discuss if it is possible to apply to the Judge for you to give your evidence in different ways.

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

This leaflet answers questions that bereaved nearest relatives often ask VIA 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 dies as a result of crime?

The Fiscal is responsible for investigating all sudden, accidental and crime-related deaths.

The Fiscal may want to meet you to discuss what happened, so that s/he can better understand what took place and decide what action to take.

The Fiscal will prosecute if there is enough evidence of a crime and if they think it is in the public interest to do so. Public interest is a legal term which means that the Fiscal will look at the case from all angles, and not just from the point of view of victims and/or their families.

If there has been a crime, although not the main victim, bereaved nearest relatives are also seen as needing sensitive support, information and advice. VIA, the Fiscal, the police and the courts recognise this and will treat you with sympathy and understanding.

How long do investigations take?

The investigation into the death may take a few days or much longer, depending on the circumstances.

If there are criminal charges, 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 keep you updated about the progress of the 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.

The accused is not allowed to contact or approach any witnesses while on bail. The Judge may also order other restrictions. An accused who breaks any of the bail conditions can be arrested again.

If the accused has been ordered not to approach or contact you, you must not approach or contact them. If they do contact you, let the police know immediately.

VIA can inform you of any decisions about bail and the conditions.