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 will probably have 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.

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

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?

Although your details will be given to the defence lawyers, 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.

VIA can help if you are unsure what to do or if you would like us to contact the Fiscal for you.

Further information

Please ask VIA if you would like any further information or if there is anything you are unsure about.

Support Agencies

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

Domestic Abuse Helpline (national)
0800 027 1234
www.domesticabuse.co.uk

Victim Support Scotland
Providing practical and emotional support to victims of crime (both male and female)
During office hours **0845 60 39 213**
Evenings and weekends **0845 30 30 900**
www.victimsupport.org

Scottish Women's Aid
Offering information, support and/or safe refuge to women, children and young people experiencing domestic abuse
www.scottishwomensaid.org.uk

Targeted services for minority ethnic women

Shakti **0131 475 2399**
www.shaktiedinburgh.co.uk

Hemat Gryffe **0141 353 0859**
www.hematgryffe.org.uk

Amina MWRC **0808 801 0301**
www.mwrc.org.uk

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

Victim Information and Advice
A part of the Crown Office and Procurator Fiscal Service

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VIA Victim Information and Advice

advice

For victims of domestic abuse

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.

How we can help you

Information and Advice

Domestic abuse is the physical, mental and/or sexual abuse of a person by someone with whom they have, or have had, a close relationship. This often involves abuse of women by men, but is not always the case.

We are aware the effect on victims can be serious and long lasting, and may include physical pain, emotional distress, fear, anxiety and depression. Children can also be affected, by seeing their parent/carer being abused, and/or by being abused themselves.

Becoming involved with the criminal justice system, as a victim or witness, can also be stressful, particularly when you are asked to speak about details of an intimate nature. **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 next of kin.

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.

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 victims of domestic abuse 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 is accused of a crime involving domestic abuse?

If a person is accused of a crime involving domestic abuse they will generally be charged with Assault and/or Breach of the Peace. 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 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 the victim.

It is not possible for someone affected by a crime to “drop the charges”. The Fiscal makes this decision.

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 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 that the accused 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 contact 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 the police can arrest the accused for a **breach** of the bail conditions.

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

If you think you may need further legal protection from the accused, we would encourage you to contact a solicitor.

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