

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

More information on your right to review a decision not to prosecute is published on our website.

advice

For Victims Of Sexual Crimes
(Solemn Proceedings)



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

© Crown copyright 2008 APS Group Scotland DDDAS12583 6/15
revised August 2015

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

What happens next?

You are likely to be wondering what happens now that the case has been reported by the police to the Procurator Fiscal (responsible for investigating and prosecuting crime in the area). You may be worried about:-

- your safety
- dealing with unfamiliar procedures and language
- speaking about very personal or intimate issues
- how people will react to you and what has happened
- coping with the physical and emotional aftermath of the crime

Procurator Fiscal staff will treat you professionally and sensitively. They are not here to judge you or make assumptions about you. Their job is to find out all they can about what happened and decide whether the case should be prosecuted.

About Victim Information and Advice (VIA)

VIA is part of the Crown Office and Procurator Fiscal Service but VIA staff are not investigators or prosecutors. We are here to:-

- provide you with information about how the criminal justice system works and what to expect
- keep you up-to-date on progress and key developments in your case
- help you get in touch with organisations that can offer you practical and emotional support (please see list at end of leaflet)
- discuss what support may be available to help you give evidence or attend court if the case goes to trial

If you do not want VIA's help, just let us know. If you then change your mind, please contact us.

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

What happens when someone is accused of a sexual crime?

The police will investigate the allegation and only where the police think there is sufficient evidence to support the allegation, will a report be sent to the Procurator Fiscal.

The Procurator Fiscal will then consider the police report at this preliminary stage and decide if there is sufficient evidence and if it is in the public interest to begin criminal proceedings against the accused. The Procurator Fiscal may also instruct the police to carry out further enquiries before deciding whether to begin criminal proceedings against the accused.

If the Procurator Fiscal decides to begin criminal proceedings, the accused will appear in court. The judge will decide whether the accused should be kept in custody (prison) or released on bail while the case is prepared. VIA will tell you if the accused has been granted bail (and, if so, what conditions apply) and what will happen next.

Does this mean there will be a prosecution?

Not necessarily. At this stage, the Procurator Fiscal will still be investigating the circumstances of what happened. The case will be allocated to an experienced Procurator Fiscal Depute or Precognition Officer (case investigator), who is part of a dedicated and trained specialist Sexual Offences Team, to prepare. As part of the investigation the Procurator Fiscal or precognition officer will normally meet with you to take a statement (precognition). They will take statements from other witnesses and consider what other evidence (for example medical or forensic) is available. Once the investigation is complete, a report will be prepared which sets out all of the evidence.

This report will be considered by senior prosecution lawyers (called Crown Counsel) in the National Sexual Crimes Unit based in Crown Office in Edinburgh. They will then decide if there is sufficient evidence, and it is in the public interest, to prosecute the accused. If so, they will decide what charge(s) the accused should face and where the case should be prosecuted (Sheriff Court or the High Court).

What does “public interest” mean?

Where there is sufficient evidence in a case, the Procurator Fiscal will require to consider a number of additional factors when deciding whether criminal proceedings should take place. This is often referred to as assessing the ‘wider public interest’. It means that the Procurator Fiscal will look at the case from the point of view of the wider community, as well as that of the victim and the accused.

The Procurator Fiscal will look at a number of factors – for example, the nature and seriousness of the crime, its impact on the victim and other witnesses, the wider circumstances of what happened and who was involved. If you would like further information about a decision taken in your case, you can ask the Procurator Fiscal for this.

How will I find out if there will be a prosecution?

The Procurator Fiscal or VIA will let you know. If there is to be a prosecution, they will tell you what type of charge(s) the accused will face. If the decision is not to prosecute, the Procurator Fiscal will offer to meet you to explain the reasons for this.

What if you decide not to prosecute?

You, as a victim of crime in Scotland, have the right to a review of a decision by us not to prosecute, made on or after 1 July 2015. You should if possible apply for a review within one month of the date you are informed of our decision not to prosecute. Generally you would be told of the review decision within 20 working days.

Do I need to speak to the defence lawyer before the trial?

You do not need to speak to a defence lawyer before the trial. However, like the Procurator Fiscal, the defence lawyer (or a precognition agent) might also ask you to give a statement. However, the Procurator Fiscal will encourage you to give a statement to the defence lawyer as it will give them a better understanding of the evidence against the accused to help them advise the accused. This sometimes means that a trial can be avoided or your evidence can be agreed so that you do not need to go to court at all. The VIA leaflet Information about giving your statement (precognition) tells you more about this.

Will there be a trial?

Where a decision has been made by the Procurator Fiscal to prosecute and the accused pleads not guilty, a date will be set for a trial. If the accused pleads guilty there will not be a trial. VIA can explain to you how the court system works and will keep you informed of progress in the case.

What key developments will I be told about?

Where a decision is taken to prosecute, we will tell you about the following:-

- dates of court hearings
- whether the accused pleads guilty to the charge(s)
- outcomes of court hearings
- decisions about bail (and any changes to bail conditions)
- the trial verdict (you are entitled to be present if you wish)
- sentence (may be passed on the same day as the verdict or later)
- any appeal against sentence or conviction

You will also be informed if the prosecutor is considering accepting a guilty plea to a significantly reduced charge from the one with which the accused was originally charged or if there is any decision to discontinue

proceedings prior to the case calling for trial. If either of these decisions are made, you will be offered a meeting with the prosecutor to discuss the reasons for the decision.

I am worried about attending court

VIA staff will explain the court process to you and will ask you if you would like to visit a court before the trial to get a better idea of what to expect.

If you are worried about seeing the accused or their family or friends at court, we may be able to make arrangements to help with this. If you have any concerns about your safety, let the police or court staff, and VIA, know.

I am worried about giving evidence

You are entitled to special measures to help you give your evidence. These include:

- a screen in the courtroom. This means that you will not be able to see the accused person but you will still be able to see the judge, the prosecutor, lawyers and other court staff
- using a live television link. The link may be from another room in the court or from another building
- having a supporter in court with you. This means that you could have someone sitting with you, for example someone from a support organisation

I am worried about the types of questions I may be asked while giving evidence

There are rules about this and the judge must make sure these are followed.

The defence (or the prosecutor) must ask the judge in advance if they want to ask questions about your character or sexual history. VIA will tell you if this happens and what the judge decides. If particular

questions are allowed, the Procurator Fiscal or the Precognition Officer (case investigator) dealing with your case will speak to you again and may take another statement (precognition) from you.

Will my personal details be disclosed in court?

Your address should not be read out in court unless it is where the crime took place. But it may come out at the trial if the crime was seen from that address or an item was recovered from it but even if that is the case, care will be taken to ensure that, where possible, your privacy will be respected. You should not be identified in the newspapers, on radio or television. If you are worried about this, you should contact the Procurator Fiscal or VIA to discuss your concerns.

Support Agencies

VIA can help put you in touch with the following organisations for practical and/or emotional support:

SUPPORT AGENCIES FOR FEMALE AND MALE VICTIMS OF SEXUAL CRIME

Archway Glasgow

Forensic, health and support services for anyone aged 13 or over living in the Glasgow area who has been raped or sexually assaulted within the last 7 days.

T: 0141 211 8175 W: www.glasgowarchway.com

Central Scotland Rape Crisis and Sexual Abuse Centre

Provides emotional support and practical information to survivors of rape, sexual assault and child sexual abuse.

T: 01786 471771

W: www.rapecrisiscentralscotland.co.uk

Fife Rape and Sexual Assault Centre

Support for anyone aged 12 and over who has been raped or sexually assaulted at any time in their lives.

T: 01592 642336 W: www.frasac.org.uk

Health in Mind

One-to-one and group support for male and female survivors of abuse (domestic violence, adult rape or sexual assault and childhood sexual abuse). Based in Edinburgh.

T: 0131 225 8508 W: www.health-in-mind.org.uk

Health in Mind

One-to-one and group support for male and female survivors of abuse (domestic violence, adult rape or sexual assault and childhood sexual abuse). Based in Edinburgh.

T: 0131 225 8508 W: www.health-in-mind.org.uk

Lesbian and Gay Switchboards

Offer confidential telephone counselling.

Lothian: 0131 556 4049 W: www.lgls.co.uk

Strathclyde: 0141 847 0447 W: www.sglis.co.uk

The Meadows (Child and Adolescent Sexual Trauma Service)

A service for children and young people (up to age 18 years) and their families who are experiencing emotional, behavioural and mental health difficulties following allegations of sexual abuse.

T: 0131 536 0574

Moira Anderson Foundation

Counselling, access to therapy, support through the court process for victims of child sexual abuse and their families. Based in Airdrie.

T: 01236 602890 W: www.moiraanderson.org.uk

Rape and Abuse Line

Support for men and women who have been raped or sexually abused at any time, and their family and partners. Can offer face-to-face support and/or counselling in some parts of the Highland region. Based in Dingwall.

T: 0808 8000 122 (men answer on selected nights)

0808 8000 123 (women answer most nights)

W: www.rapeandabuseline.co.uk

Rape Crisis Scotland

National helpline for anyone aged 13 and over who has experienced sexual violence, and their family and friends. Offers a minicom service for deaf or hard of hearing people, and can arrange for language interpreters for callers. Can also put you in touch with local member organisations.

T: 08088 01 03 02

W: www.rapecrisisscotland.org.uk

Rivers Centre for Traumatic Stress

For people aged 18-65 experiencing psychological or emotional problems following trauma in adulthood. Must be referred by your GP.

T: 0131 537 6874 W: www.riverscentre.org.uk

Roofie Foundation

Information and support for those affected by drug-facilitated sexual abuse.

T: 0800 783 2980 W: www.roofie.com

Safe Space

Counselling and support for adult survivors of sexual abuse. Based in Dunfermline (has links to Rape and Abuse Line).

T: 01383 739084 W: www.safe-space.co.uk

Sandyford Counselling and Support Services

Generic counselling service for women and men. Accepts self-referrals or referrals from GPs/other health professionals. Based in Glasgow.

T: 0141 211 6700

Sexual Health Helpline

Information and advice about all aspects of sexual health, including contact details for local services and clinics.

T: 0800 567 123

W: www.condomessentialwear.co.uk

Victim Support Scotland

Provides practical and emotional support for all victims of crime.

T: 0845 30 30 900 W: www.victimsupport.org

SUPPORT AGENCIES FOR FEMALE VICTIMS OF SEXUAL CRIME

Scottish Women's Aid

Offering information, support and / or safe refuge to women, children and young people experiencing domestic abuse.

W: www.scottishwomensaid.org.uk

TARGETTED SERVICES FOR MINORITY ETHNIC WOMEN

Amina Muslim Women's Resource Centre

Offers a confidential information, advice and listening ear service for women from all across Scotland. The helpline operators speak a wide variety of languages including English, Urdu, Punjabi, Arabic, Farsi and Swahili. They use Language Line for on-line interpreting so can cater for all language groups.

T: 0808 801 0301 **W:** www.mwrc.org.uk

Shakti

T: 0131 475 2399 **W:** www.shaktiedinburgh.co.uk

Hemat Gryffe

T: 0141 353 0859 **W:** www.hematgryffe.co.uk

SUPPORT AGENCIES FOR MALE VICTIMS OF SEXUAL CRIME

Breathing Space

Phoneline for anyone experiencing low mood or depression or in need of someone to talk to. Aimed particularly at young men.

T: 0800 83 85 87

W: www.breathingspacescotland.co.uk

Gay Men's Health

Support for gay and bisexual men living in Edinburgh/Lothians. Free counselling service but not a crisis one.

T: 0131 558 9444 **W:** www.gmh.org.uk

Men's Advice Line

Helpline for men experiencing domestic violence and abuse, offering emotional support, practical advice and information about specialist services; available for all men, in heterosexual or same-sex relationships.

T: 0808 801 0327 **W:** www.mensadvice.org.uk

Open Road Project

Information, advice, individual support and access to specialist services for males involved in prostitution within Greater Glasgow & Clyde who have experienced rape or sexual assault.

T: 0141 420 7284 **W:** www.nhsopenroad.org

Scottish Domestic Abuse Helpline

Puts men affected by domestic abuse in contact with local services and includes a link to an advice line for male victims or perpetrators of domestic abuse.

T: 0800 027 1234 / 01686 610 391 (male advice line)

W: www.domesticabuse.co.uk

Survivors UK

Telephone support for adult men who have been sexually violated at any time in their lives. Counselling service is London-based but male survivors and their carers in Scotland can use the helpline for emotional support and signposting to other services.

T: 0845 122 1201 **W:** www.survivorsuk.org

THRIVE

Counselling service for men over the age of 18 who were sexually abused when under 16. Based in Glasgow.

T: 0141 211 8133