




# Victims of **Crime**

information leaflet



SCOTTISH EXECUTIVE

**Working together for a safer Scotland**



If you have been a victim of crime this leaflet is to help let you know about how to find support and help and to tell you about the criminal justice system.



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# Support after crime

## What should I do if I am a victim of crime?

If you have been a victim of crime, the first thing you should do is to **report the crime to the police.**

Crime can affect everyone differently - you might feel distressed, hurt and angry, and either you or someone you care deeply about may have been injured and you may be anxious and worried. These feelings are all quite normal and you should not be afraid to talk about them. This leaflet is to let you know where you can go for help and support, to help you understand what will happen in the investigation of the crime and to explain how you can receive information about the offender.

The police, the Procurator Fiscal, the courts, social work departments, the Parole Board and the Scottish Prison Service may all become involved in your case. All these agencies care about you but each has a different job to do. Importantly too, you can get help, advice and support from voluntary organisations like Victim Support Scotland.



# Support after crime

## Reporting a crime and getting some help

### Reporting a crime

If you have been a victim of crime, or affected by crime, you should contact the police. Tell them exactly what has happened and do not leave anything out. The more you tell them the more help you will be giving them to solve the crime.

### Getting some help

The police will tell you that, unless you do not want them to, they will pass your details to Victim Support Scotland, which can help in a number of ways. They will offer a listening ear if you want to talk about the crime, they can offer help with insurance claims, advice about going to court, or being a witness and

can help with any questions you might have about what happens next. If you are a victim of violent crime, you may also be entitled to compensation from the Criminal Injuries Compensation Scheme, provided that the crime has been reported to the police. Victim Support Scotland can give you advice about how to make a claim.

You may also be able to get some help from your solicitor, or from a social worker, if you have one.

Victim Support Scotland will get in touch with you direct. This may be by visiting you soon after they are told about the case, or by telephoning or sending a letter first. If it is not appropriate for them to contact you at home because, for example, you are a victim of domestic abuse, the police will ask you how you want to be contacted before passing your details on.

# Support after crime

If you decide **at any time** that you do not want them to get in touch, or you no longer want their help and support, just let them know. It is **your** decision about whether to keep in touch with them.

There are also other organisations in Scotland which can offer help and support. This includes groups like Rape Crisis and Women's Aid, and there are often other local groups who can offer support and assistance. Victim Support Scotland can give you advice about who to go to for specialist help. You do not have to wait for Victim Support Scotland to contact you, you can contact them on their helpline **0845 60 39 213** or **0845 30 30 900**, or, alternatively, you will find their nearest local office listed in your phone book.

A list of useful contact numbers is included on the back of this leaflet. There is also a website for victims of crime and the website address is printed at the bottom of every second page in this leaflet.



# Support after crime

## Getting information about your case and what will happen next

Once you have reported a crime, the police should give you a **crime number**, which is the reference number for your case. You may need to quote it on an insurance claim or if you want to speak to the police later about your case, **so keep it safe**.

If you want to know anything about how your case is progressing, contact your police station (you will be told which one to get in touch with after you have reported the crime). If there is enough evidence, and the offender is over 16, the police will prepare a report on your case for the Procurator Fiscal. If the offender is under 16 years old, the case will normally be dealt

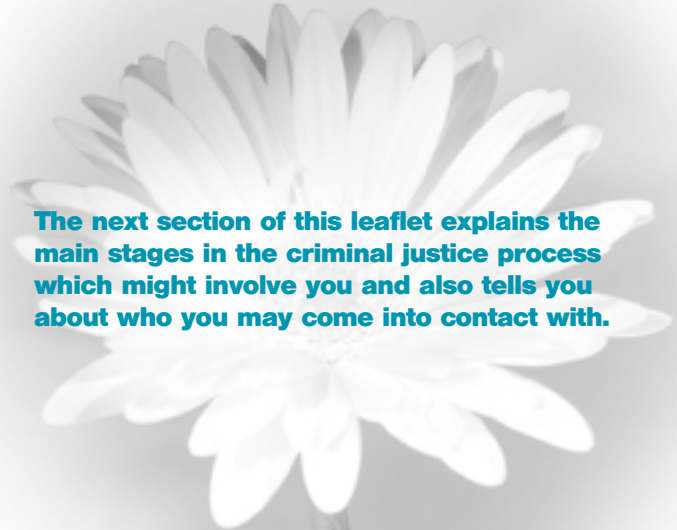
with through the Children's Hearings system. More information on the Children's Hearings system is given later in this leaflet.

If the police have prepared a report on your case for the Procurator Fiscal, you can contact the Procurator Fiscal's office for information about your case. The Crown Office and Procurator Fiscal Service is setting up Victim Information and Advice (VIA) offices. There are currently VIA offices in seven of the eleven Procurator Fiscal areas and offices will be established in all eleven areas during 2003. VIA will be able to inform you about how your case is progressing (including information on bail decisions), provide information and advice, and put you in touch with relevant agencies that can offer practical and emotional support.

# Reporting and investigating a crime

You may be called as a witness if the case goes to trial. If you have never been to court before, you can find out more about what will happen. All Sheriff Courts in Scotland now have a Witness Service, which is managed by Victim Support Scotland and provides help and support for all witnesses. The volunteers who run it are trained to answer questions of a general nature about what happens at court. They can also arrange pre-trial visits to the court and can sit with you while you wait to give evidence. This service will also be available in High Courts from Autumn 2003.

The Scottish Court Service can also provide support to you when you are at court. You will normally wait in a witness room if you are to give evidence and a court officer will let you know what cases are being heard and in which room.



**The next section of this leaflet explains the main stages in the criminal justice process which might involve you and also tells you about who you may come into contact with.**



# Reporting and investigating a crime

## Reporting and investigating a crime

### The police

The police investigate the crime, collect the evidence and, if the evidence gathered justifies further action in relation to the crime, will send a report to the Procurator Fiscal. Tell the police everything you can think of, including any worries or concerns you may have, especially concerns about your safety.

If someone is arrested for the crime, the police may keep him or her in custody until the next court day. When they appear in court they are entitled to apply for bail and, unless the Procurator Fiscal can argue that there are good reasons why the person should not get bail, they will be released from custody until the trial.

If they are released on bail, they will be told not to interfere with you, or any other witnesses, in any way. Sometimes other conditions will be attached to their bail. **If the person does approach you or bother you, you must tell the police straight away as they can arrest the person if they are breaking their conditions of bail.**

### The Procurator Fiscal

The Procurator Fiscal is responsible for prosecuting crimes. He or she will look at the evidence and decide whether an accused person should be prosecuted and, if so, what should happen next. If the Procurator Fiscal decides not to prosecute, the accused may be referred to a mediation and reparation scheme or to a diversion scheme, a fixed penalty may be imposed, or a warning letter sent.

# Preparing for and going to court

Cases which are prosecuted will be tried either under summary procedure (before a judge only) or on solemn procedure (before a judge and jury).

The Procurator Fiscal might also want to investigate the case further before deciding about prosecution and may want to interview you or other people before making a final decision.

## **The Defence**

If someone is accused of a crime, they will usually get a lawyer to help them. This lawyer will act on their behalf in connection with the court proceedings.

## **Precognition**

Precognition is just a legal word for an interview. The precognition will be carried out by someone on behalf of the Procurator Fiscal or the defence lawyer,

both of whom might want to interview you about the crime and about the evidence you will give. The defence should only invite you to a precognition if you are the victim of a serious crime, which is being considered by a judge and jury. If you wish to be accompanied by someone when you are interviewed by the defence, this can be arranged. Any defence interview can be arranged for a time and a place of your choosing.

## **Waiting for your case**

Getting a case ready for court can take some time. This is because it is important for everyone that the case has been properly prepared and that all the information is accurate. You can get information from Victim Information and Advice (VIA) or the Procurator Fiscal about how your case is progressing.

# Preparing for, and going to, court

## Citation

If you are going to give evidence in court you will be sent a letter from the Procurator Fiscal letting you know when you should come to court to give evidence. This letter, which is called a citation, tells you the date to go to court, which court to go to and what time you should be there. It is important to follow the instructions in the letter. The letter also tells you about time off work and claiming expenses. If the trial cannot go ahead on the expected date, the citation is cancelled, and you will be sent another citation for another court date.

## Types of Court

There are different kinds of court used for different types of crimes. A **District Court** deals with lesser crimes, is usually quite local to where the crime was

# The outcome of a case

committed and just involves a trial judge, but no jury. There are also **Sheriff Courts** and the **High Court**.

Sheriff Courts have **summary** and **solemn** criminal proceedings, and the most serious cases are heard in the High Court, which hears **solemn** proceedings only. Summary proceedings are where the trial judge sits alone and decides on whether the accused is guilty or not, after all the evidence has been presented. In solemn proceedings, there is a judge and a jury, and the jury decides whether the accused is guilty or not.

## The outcome of a case

If a person is found **not guilty**, or the case is **not proven** then the accused is free to go, and cannot be prosecuted again on that charge.

# Getting Information

If someone is found **guilty** the Judge will decide on the most appropriate sentence. There is a wide range of sentencing options depending on the nature of the crime. These include an absolute discharge, an admonition, a fine, imprisonment, a community sentence such as probation, or compensation, where the law allows it.

## Appeals

The right of the person who has been found guilty to appeal against their sentence or conviction is subject to the granting of leave to appeal by the High Court. If leave is given, then the offender can challenge either the verdict of guilty and/or the sentence. If a convicted person is in custody the High Court may occasionally agree that they can be released from custody on bail until the appeal is decided.

## Getting information about the offender's release from prison

### The Victim Notification Scheme

Under the Victim Notification Scheme, victims of offenders who have been sentenced to 4 years or more for a violent or sexual offence can ask to be told about when that person is going to be released from custody. After the accused person is sentenced to prison, the Procurator Fiscal will give you a form that you should fill out and send to the Scottish Prison Service if you want to receive information. Once you have signed up for the scheme, you can opt out of it at any time. You can contact the Scottish Prison Service if you want more information about the scheme.

# Children's Hearings system

## The Children's Hearings system

If the offender is under the age of 16 (or, in certain circumstances, up to 18 years old), the police will report the case to the Children's Reporter, who is an official employed by the Scottish Children's Reporter Administration. The case will normally be dealt with through the Children's Hearings system. The Reporter will decide whether or not a Children's Hearing needs to consider compulsory measures of supervision and can decide to take action with the young offender to address the offending behaviour without holding a hearing.

A Children's Hearing is a panel of three people, who are specially selected and trained members of the public. They consider and make decisions on the

needs of the child or young person before them and have the scope to attach a wide range of conditions. For example, it can require the child to:

- be supervised by the local authority;
- stay away from certain locations or individuals;
- live away from home, sometimes in secure accommodation; or
- attend and co-operate with specialist programmes to address his or her offending behaviour.

More information on the Children's Hearings system is available on the Children's Hearings website at [www.childrens-hearings.co.uk](http://www.childrens-hearings.co.uk) Victim Support Scotland can also offer support and advice to victims of young offenders.

# Complaints Procedure

## **Complaints Procedure**

If you are not satisfied with the service you have received from any of the agencies involved in the criminal justice system, or any other organisation mentioned in this leaflet, it is important that you tell them. Every agency has its own complaints procedure, and if you have experienced difficulties they will try to resolve them. Please write direct to the agency or organisation concerned.

## Notes



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## National contact numbers for victims

Victim Support Scotland	0845 6039213 or 0845 3030 900
Samaritans	08457 90 90 90
Scottish Women's Aid	08457 023468 or 0131 475 2372
Rape Crisis	0131 556 9437
Childline Scotland	0800 11 11
PETAL (Families Bereaved by Murder)	01698 324 502
Malicious Phone Calls	0800 666 700
Scottish Prison Service (Victim Notification)	0131 244 8670
Criminal Injuries Compensation Authority	0141 331 2726

website address: [www.scottishvictimsOfcrime.co.uk](http://www.scottishvictimsOfcrime.co.uk)

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