

A dedicated Advocacy Worker in your local area can offer information, support and advocacy to you, family and friends, before, during and after:

- Reporting to the police
- The investigation
- The court process

Your local centre is:

Contact:

Telephone:

Or phone the National Rape Crisis Helpline
on Freephone 08088 01 03 02

Experienced sexual violence at any point in your life?

Thinking about reporting to the police?

Already reported and looking for support through the justice process?

We can help.



- Sexual violence is what happens when you do not provide consent to a sexual act.
- You are not to blame for what happened to you
 - No one ever deserves or asks to be abused
 - There is no right or wrong way to feel or act after sexual violence
 - Your feelings and emotions are an understandable reaction to a traumatic experience
 - You can get support to help recover from sexual violence
 - People can and do heal from sexual violence

The National Advocacy Project is coordinated by Rape Crisis Scotland and is a free and confidential service which provides support and advocacy to survivors of sexual violence.

Reporting to the police, the investigation and the court process can be a difficult, confusing and stressful time for survivors of sexual violence, their family and friends.

You may be considering reporting abuse to the police or it may be that you have already reported and you are looking for some further information and support as you go through this process.

This leaflet contains information about the police process and justice system for survivors as well as ways an Advocacy Worker could be of support throughout. This may help you with your decision or provide you with further information about what you can expect.

You can contact an Advocacy Worker at your local centre with any questions or concerns you may have about any part of the legal process, whether you have reported or not.

① Reporting to the police

You can choose to give your statement in a place that you feel comfortable in. This could be in your home, a Rape Crisis centre or a police office.

You may be able to have someone with you when you are giving your statement. This could be a friend, family member or an Advocacy Worker.

The person who accompanies you must not have been present at the time of the incident or made aware of the details of the incident by you, as they could be considered as a witness in the Police investigation.

You should always be designated a SOLO (Sexual Offence Liaison Officer). This Police Officer will be present during the statement process and any medical examination you may require. It is normal for the SOLO to have regular contact with you, especially at the early stages of the investigation.

As the investigation progresses, your SOLO will also be responsible for maintaining contact and providing you with updates. When and where this takes place is something you agree mutually. You can discuss with your SOLO any questions you may have in relation to your investigation and what happens next as they are also there to help you.

If you have an Advocacy Worker, you can request that all police contact is made through them, allowing you to be more in control of when and where you receive information.

② The investigation

The Police will investigate your report thoroughly and, where there is evidence available to support your complaint, will report the case to the Procurator Fiscal (PF). If insufficient evidence is gathered to charge the person responsible, this does not mean the Police do not believe you. The Senior Investigation Officer along with the SOLO will explain the reasons to you.

The Crown Office and Procurator Fiscal Service (COPFS) is the public authority responsible for the investigation and prosecution of crimes in Scotland.

After a case has been reported by the Police to the COPFS, teams who specialise in investigating and prosecuting sexual offences will review the case and often carry out further investigation. They may wish to meet with you and speak to you about the case. This may involve taking a 'precognition' from you, where they ask questions about what happened during the incident and about some of the things you told the Police about in your original statement.

The case will be referred to the PF's 'Victim Information and Advice (VIA) Service', who will keep you up to date with the progress of the case and you can also contact them for information about your case or the criminal justice process.

There may be a period of time between reporting a sexual crime to the police and being contacted by the PF's office. This is normal but you can call the PF, VIA service or ask an Advocacy Worker to do this to keep you informed.

Once the case has been fully investigated, specialist sexual offences prosecutors will decide whether there are to be criminal proceedings.

If they decide to take no further action in your case, it does not mean that you have not been believed. It may be that there is not enough evidence for the case to proceed to court. The PF will explain the reasons for their decision and also provide you with information about how you can request a review of the decision not to prosecute. You can request a meeting with the PF to discuss a decision to take no action and you can bring a supporter to the meeting.

If the case proceeds to court, you can ask the PF and the Police to ensure that your address is given as care of the Police Office.

③ The court process

Once a decision has been made to prosecute the case, the case will be prepared for trial.

An accused person will either be kept in custody for trial or be released on bail. Unless the accused has breached bail, has previous convictions for serious offences, or is considered likely to re-offend or abscond, it is likely that they will be released on bail. A standard condition of bail will be that the accused does not interfere with witnesses. The PF will request additional special conditions of bail that the accused does not approach, contact or communicate with you, or attempt to do so. VIA will advise you of the bail conditions and if you feel the accused is breaching the bail conditions in any way, you should report this to the Police immediately.

If the trial is going ahead you will receive notification that you must appear as a witness to give evidence for the prosecution. If the accused pleads guilty you will not have to go to court to give evidence. VIA will keep you informed about all proceedings. You can ask that your Advocacy Worker be kept informed on your behalf too.

If you are giving evidence about domestic abuse or sexual violence that happened to you, then you should be considered a 'vulnerable witness' and eligible for special measures in court to assist you in giving your evidence. A range of measures are available, including having a supporter with you during your evidence, giving evidence from behind a screen or via a televised link from another location out with the court room. VIA will contact you to discuss what measures would assist you and apply for these to be put in place.

VIA can also arrange for you to have a pre-trial visit for you to see a court room and ask questions about being a witness. Your Advocacy Worker could accompany you on this visit.

It may be possible to see your original police statement before the trial. You can speak to VIA or your Advocacy Worker about this.

A lawyer for the defence may contact you for a 'precognition statement', to ask you questions about your evidence. You do not have to provide a precognition statement to the defence but it can assist the progress of the case to do so. If you decide to provide a precognition statement, your Advocacy Worker can accompany you.

Rape cases are always heard in the High Court and other sexual offences may be heard in the Sheriff Court or High Court. A Procurator Fiscal (in the Sheriff Court) or Advocate Depute (in the High Court) will prosecute the case.

If the accused is remanded in custody the trial has to call in court within 140 days. If the accused is on bail the trial has to call within a year. It is possible for these periods to be extended and for trials to be adjourned to another date but you should be kept informed about any changes.

In rape cases the public benches will be cleared when a victim is giving evidence. By convention, the names of rape victims are not published in the media

There are 3 possible verdict in Scotland – guilty, not guilty or not proven. To find someone guilty of a criminal offence, the jury has to be satisfied that the case has been proved beyond reasonable doubt. A verdict of 'not guilty' or 'not proven' does not mean that you have not been believed. It may mean that looking at all the evidence in the case, the jury was not satisfied that the case was proved beyond reasonable doubt.

Someone from the PF's office will contact you to tell you about the verdict, or you can contact them or ask your Advocacy Worker to do so.