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It Happens Here
Oxford SU
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HAVING A REPORTED CRIME GO TO COURT

RESOURCE PACK 2024

****This is not legal advice. This is a pack of information gathered from various available resources in order to make the information more easily accessible.**

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DECIDING TO GO TO COURT

WHO DECIDES IF THE CASE WILL GO TO COURT?

- Once a report has been made, and if you decide to press charges, there will be an investigation.
- Following this, the police and the Crown Prosecution Service (CPS) will determine whether or not a case should go to court.
- If they decide that there is enough evidence, and that it is 'in the public interest' to charge the suspect, the case will go to court.
- This does not happen in every instance. If the police and the CPS decide that there is not enough evidence, or it isn't 'in the public interest', they may not charge the suspect. This means that the case is closed, and will not go to court.

HOW LONG DOES IT TAKE TO DECIDE IF THE CASE WILL GO TO COURT?

- Every case is different, particularly cases of sexual violence, so it is impossible to say how long it will take before the police and CPS come to a decision.
- However, you should be prepared for the fact that this part of the process may take months, rather than weeks.

BEING INFORMED

- If it is decided that you will go to trial, the police officer in charge of the case will let you know of this.
- They will be able to answer any questions you may have at this stage, and will keep you updated with the dates of the hearings.

PRE-TRIAL HEARINGS

- The first step in a trial process is the first hearing, sometimes called an arraignment. This is where the defendant will be asked to enter a plea of either guilty or not guilty of the offence(s) they have been charged with.
- If the defendant pleads 'guilty', they could either be sentenced at this hearing, or at a later sentencing hearing.
- If the defendant pleads 'not guilty', the case will have to move to a trial by jury, and a date will be set.
- In the case of a 'not guilty' plea, you will be allocated a Witness Care Officer, who will keep you up to date about what's happening in the trial, and answer any questions you may have. This includes whether the suspect has been bailed or held in custody, dates and locations of court hearings, and whether you will be required to give evidence.

BEING CALLED AS A WITNESS

- If the defendant pleads 'not guilty', it is highly likely that you will be required to give evidence in the trial.
- If you need to testify, you will receive a 'witness warning'. This will let you know that you need to testify, so that you have due warning. It may also specify how long the trial is expected to last, and provide either a fixed date for the trial, or a 2 week window when it is likely to take place.
- It would be useful to ensure that you have this time free from work, studies, etc, and let necessary individuals know in advance- i.e., employers or a tutor.
- However, it is important to note that the date of the trial can be changed unexpectedly, so it's important that you allow flexibility if you can. Also, the length of the trial may be longer or shorter than initially expected.

VICTIM PERSONAL STATEMENT

- A Victim Personal Statement can be taken from you by the police. It is a statement that may be used in the trial at sentencing, and it may be taken at the same time as your Witness Statement, or further down the line. For example, when the suspect has been charged.
- It differs from the Witness Statement, in that it gives you the space to voice the impact of the incident on your life. This can be the past or continuing effects, and can include anything relevant to your experience, including emotional, financial, or physical impact, among others.
- The Victim Personal Statement will be used as part of the prosecution's case, but it will only be used as part of the sentencing.

- There are many charities and organisations that can provide support and advice on the Criminal Justice Process.
- There are links to the services mentioned in this section at the end of the booklet

THE WITNESS SERVICE

- The Witness Service is run by Citizens Advice.
- The aim of the Witness Service is to help prosecution witnesses, and their families and friends, to deal with the experience of going to court and giving evidence.

The Witness Service can:

- Provide information about the court process
- Show witnesses the courtroom before the trial
- Be there to talk in confidence
- Accompany witnesses when they give their evidence
- Give support on the day of the trial
- Help witnesses claim expenses

Pre-trial courtroom visit:

- You can request to visit the courtroom before the trial. The Witness Service will arrange a date with you to show you the court, and they'll answer any questions you may have.
- In the visit, a volunteer will show you where the entrance to the court is, what a witness waiting room can look like, and what will happen when you're in one, and where individuals will sit in a courtroom.

AN INDEPENDENT SEXUAL VIOLENCE ADVISOR (ISVA)

- Independent Sexual Violence Advisors are trained sexual violence and criminal justice system specialists.
- Their main role is to provide information and support to survivors who have reported to the police, or who are yet to decide if they want to report.

Talking to an ISVA:

- Different charities and organisations have trained ISVA's, depending on where in the country you are.
- There are 3 national umbrella groups who provide ISVA services. These are:
 - **The Survivors Trust**
 - **Rape Crisis**
 - **Male Survivors Trust**

ISVA in Oxford

- The Oxfordshire Sexual Abuse and Rape Crisis Centre (OSARCC) operates 5 ISVA services. These are:
 - **Oxford University ISVA service:** for students at the University of Oxford
 - **Brookes University ISVA service:** for students at Oxford Brookes University
 - **Community ISVA service:** for survivors across Oxfordshire
 - **Specialist ISVA service:** dedicated to supporting older survivors, and survivors with physical, learning, or sensory disabilities across Oxfordshire
 - **CHISVA service:** dedicated to supporting young people ages 14-18 across Oxfordshire.
- Link to OSARCC's ISVA page here:

<https://www.osarcc.org.uk/need-support/advocacy/>

VICTIMS FIRST

- Victims First is an organisation that provides free emotional and practical support to all victims and witnesses of crime, as well as to family members of victims.
- It is available across Berkshire, Buckinghamshire, and Oxfordshire.
- It can provide help regardless of whether or not the crime has been reported to the police.

Victims First Specialist Service:

- Victims First has partnered with OSARCC and Trust House to provide specialist support to victims and witnesses of serious crime, such as sexual violence.
- They can offer practical support and advocacy, emotional support, support navigating the Criminal Justice System, restorative justice options, crisis intervention, and long-term support.
- Here is a link to their referral information:

<https://thamesvalleypartnership.org.uk/what-we-offer/victims-first-specialist-support-vfss/>

SPECIAL MEASURES

- If you are called to give evidence in a case, there may be certain measures that can be taken on the day you testify, for your safety and wellbeing.

Special measures include:

- **Alternative entrance:** entering the court from another entrance to avoid encounters with the defendant, or their family or friends. If you do a pre-trial visit with the Witness Service, the volunteer will show you or advise you on how to access this alternate entrance. Otherwise, your Witness Care Officer will pass this information on to you.
- **Screens:** These screen you from the defendant so they cannot see you and you cannot see them. If this is used, it is usually the case that the defendant and the members of the gallery will leave the room whilst you enter and you leave.
- **Live link:** Allows you to give evidence during the trial from a room outside of the court via a live TV link.
- **Evidence given in private:** members of the public can be excluded from the court whilst you give evidence.
- **Removal of wigs and gowns:** judges and lawyers remove their wigs and gowns to create a less formal environment. This is usually used for young witnesses.
- **Having an intermediary:** you can have someone with you to help you understand the questions being asked.
- **Aids to communication:** intended to help you if you need a device to communicate when giving evidence, i.e a hearing loop or interpreter.

Requesting special measures:

- Your witness Care Officer or the officer in charge of your case should talk to you about the special measures available. With the CPS, they are able to make a request for the special measures for you.
- It's important to note that the decision to grant special measures lies with the court, and so the request may not be granted.

ON THE DAY

- You will be given a specific date on which you will be called to testify.
- You'll be told in advance, but be prepared for the fact that this date can sometimes change with short notice.
- It is common to be asked to arrive at the court at 9am, although you could be waiting to be called to testify for most of the day.

Can I bring support?

- You can bring a member of your family or a friend to support you on the day. They are able to sit in the gallery or in the waiting room with you.
- You are also able to bring your ISVA if you have one, and wish to have them there.

Arrival:

- When you arrive, either by the main entrance or by the previously-arranged alternative entrance, a Witness Service volunteer will be waiting for you.

In the waiting room:

- You'll be shown to the waiting room, and given a copy of your Witness Statement to re-read before you are called to testify.
- You'll have the opportunity to request to speak to a member of the prosecution team. They will be able to answer any questions you have, and may give a brief overview of the defence's case, including potential questions they may ask you.

GIVING EVIDENCE

Giving testimony:

- When it is time for you to testify, a Witness Service volunteer will accompany you to the courtroom, and you'll be shown where to stand.
- You can request a glass of water, tissues or a short pause at any time whilst you're testifying.
- You can also ask that any questions are repeated, slowed down or rephrased if you need.

The gallery:

- Apart from exceptional circumstances, or if you've been granted a special measure to give testimony in private, the gallery of the courtroom is open to the public.
- This means that anyone can sit in on the court if they choose, including members of the press.

AFTER GIVING EVIDENCE

- Once you've given evidence, you will not have to attend court again.
- If there are other witnesses, or the trial includes a lot of evidence to be heard, then the trial may continue for several more days before a verdict is heard.
- When the jury reaches a verdict, your Witness Care Officer or the officer in charge of the case will contact you with the outcome.
- You are allowed to sit in the gallery to watch the trial, but only after you've given evidence. If you decide to sit in, you should inform the court beforehand.
- However, it is very likely that family or friends of the defendant will also be in the gallery, so bear that in mind.

VERDICTS

Not-guilty:

- If the defendant is found not guilty, the case is over.

Guilty:

- If the defendant is found guilty, they will now be called the offender.
- The judge will decide on a sentence (punishment) at a sentencing hearing. It might be right away or at a later date.
- You can choose to be present in the court when this happens. Your Victim Personal Statement will be read aloud in court, and you may have the option to read this yourself. If not, it will be read for you. The judge may consider your statement when deciding on the sentence. There is more information on the types of possible sentences below.

Jury delivers no verdict:

- If the jury cannot agree on a verdict, the CPS will decide whether or not to hold another trial.
- If they decide not to, the defendant will be found not guilty.

POSSIBLE SENTENCES

- **A custodial sentence:** the offender will face time in prison.
- **A suspended sentence:** the offender will not be sent to prison immediately, but may do if they commit another offence, or do not comply with any conditions set by the judge.
- **A community order:** There are multiple orders that could be given. For example, a curfew for the offender, or a specified amount of unpaid work to be undertaken.
- **A fine**
- **A discharge:** The offender is released from court without any further action, but they do have a criminal record.

LOOKING AFTER YOURSELF

- Going through a trial, especially giving evidence, can be incredibly stressful, scary, and triggering.
- It's important that following the trial, regardless of the verdict, you take some time to allow yourself to relax and heal.
- As well as spending time with loved ones, or focussing on hobbies that relax you, there is professional support available for dealing with the trial, the feelings and memories it may bring up, and the verdict.
- For example, there are many services that provide counselling and therapy specifically for survivors.
- If you are concerned about your mental or physical health, reaching out to a GP could also be beneficial, if you feel comfortable doing so.

It's important to remember that healing and coping with these emotions is a process, which takes time. There is no time frame for when you can or should seek support.



SAFELINE

- Provide counselling and therapy; ISVA services; a national male survivor helpline and support service.
- <https://safeline.org.uk/>

RAPE CRISIS ENGLAND AND WALES

- Counselling; ISVA services; anonymous and confidential information and emotional support.
- <https://rapecrisis.org.uk/get-help/support-and-services/>

SURVIVORS UK

- Dedicated to supporting male and non-binary survivors.
- Provide a national online helpline; individual and group counselling; ISVA services; and emotional support through the justice system.
- <https://www.survivorsuk.org/ways-we-can-help/#section-1>

GALOP

- Support for LGBTQ+ survivors of abuse and violence.
- Offer a helpline; support services; and general resources
- <https://galop.org.uk/get-help/>

OXFORD UNIVERSITY SEXUAL HARASSMENT AND VIOLENCE SUPPORT SERVICE

- The service can provide support and advice for survivors at the university. Here's a link to more information and a referral form:
- <https://www.ox.ac.uk/students/welfare/supportservice>

ISVA SERVICES IN THE UK

- The Survivors Trust provides a list of ISVA services in the UK.
- They have a resource in which you can enter your postcode and see local ISVA services.
- Here is the link to the Survivors Trust ISVA services resource page:
- <https://www.thesurvivorstrust.org/independent-sexual-violence-advisers>

ISVA SERVICES IN OXFORDSHIRE

- OSARCC provides ISVA services for survivors across Oxfordshire as well as counselling services and resources:
- <https://www.osarcc.org.uk/make-a-referral/>

WITNESS SERVICES

- Here is a link to a page providing more information, and a referral form:
- <https://www.citizensadvice.org.uk/law-and-courts/legal-system/going-to-court-as-a-witness1/get-help-and-support-being-a-witness/witness-referral/>

VICTIMS FIRST SPECIALIST SERVICE

- As mentioned in section 3, Victims First can provide free emotional and practical support to victims and witnesses of crime.
- Here is a link to more information:
- <https://www.victims-first.org.uk/crimes/victims-first-specialist-service/>