

15 steps from report to court

**A condensed version of
the process from reporting
sexual violence to the police.**



sexualviolencesupport.co.uk

From report to court

It takes incredible strength and bravery to speak out about sexual violence. It is your personal choice as to whether you want to report the incident, but know that it is your right to do so, regardless of how and when it happened.

If you are considering whether to report an incident, here are some reasons other survivors have chosen to contact the police:

"Reporting can assist you emotionally as part of the process of recovery."

"Where sexual violence occurred in a relationship, reporting may help you to end the relationship and live free from violence."

"Reporting may be the first step towards a successful prosecution."

"Reporting may bring the perpetrator and their behaviour to the attention of the police, which may assist the police in solving other cases and prevent them from committing further offences."

"Reporting may make it possible for you to claim compensation for any harm you have experienced."

Whichever route you choose, there are organisations out there to support you. It is not your duty to report the offence to the police, this is your personal choice.

If you decide to report the crime to the police, you need to be aware of the process and the support available to you during this challenging time.

Independent Sexual Violence Advisors (ISVAs) are available throughout the process and are there to support you along the way. They can advise you on your options, answer any questions you have, and provide you with the information you need to make an informed decision about how you would like to proceed. They are usually based in local Sexual Assault Referral Centres (SARCs), rape crisis organisations, hospitals or police stations.



Pre-Trial Therapy

Pre-trial therapy is a form of counselling that is offered to victims or witnesses while the criminal justice process is ongoing, or a trial might be possible. This is different to the type of support you are offered at the end of the trial because you are requested not to discuss your testimony with anyone in any detail before you give evidence in court.

This usually means that you should not talk about the event that happened to you, what you said in your police statement or anything else that might be relevant to the case.

Although this might seem difficult, this form of therapy is there to help you and to ensure that your case has the best chance in court. If you were to discuss these things with a counsellor beforehand, it could be argued that you have been 'coached' about what to say in court. This could influence the way your evidence is viewed by the court and potentially impact the outcome of the trial.

Pre-trial therapy does have its benefits though. You can use it to discuss your thoughts and feelings, work on coping strategies and raise any concerns you may have about the trial process. To access this support, ask your local sexual violence support service or police contact for more information.

If you have therapy before you are due to give evidence in a criminal trial, you should make the Crown Prosecution Service (CPS) aware by telling your police contact.

To find your local specialist sexual violence support organisation, visit www.sexualviolencesupport.co.uk



Here is an idea of what the process from report to court may look like:

1. You contact the police and make the report. This can be done over the phone or in person. Whichever way you choose to report should not affect how the police respond to you or treat your case.

a. If you dial 999, the police should attend your location and speak to you there.

If you call 101, the police will arrange for you to either go to the police station yourself or arrange for an officer to meet you at a time and place to suit you.

If you report directly to a police station, you should first speak to the officer on the front desk and briefly tell them that you need to report sexual violence. After this they should escort you to a private room to make the report to a police officer.

b. You can then ask to speak to a male or female police officer and where possible, your initial account should be taken by a Specially Trained Officer (STO). This initial account enables the police to start their investigation.

2. During the initial account you should not be asked detailed questions about the incident. Instead, you may be asked a series of questions about your medical needs, the type of incident, if you know the person responsible, where it took place, if there were any witnesses and if you have told anyone else. Notes will be taken during this time so they can be used if your case goes to court.

a. Once you have made the report, the police will issue you with a crime reference number and sometimes a CAD or ICAD reference. Keep these safe as they will help identify your case when contacting the police in the future.

3. The next stage is for the police to take a formal statement from you which will include more detailed questions about the offence. This can be taken in writing by a police officer or it can be a video interview. The officer interviewing you should be your STO.

a. The interview will take place in private and in a language of your choice. If English isn't your first language or you have a disability, the officer can arrange an interpreter or intermediary who can help address any communication needs. It's a good idea to ask for this to be arranged before the interview.

b. You can ask to be interviewed by a police officer of the same sex as you if this makes you feel more comfortable. You can also ask to have someone with you as support, but this person must not be linked to the case and will not be allowed to answer any questions for you. The interview should be at a pace you feel comfortable with and you can take breaks to rest or get refreshments when you need to.

c. Usually, sexual violence statements are recorded on video and are often shown in court if there is a trial. Doing it this way can help limit the time you will have to spend giving evidence in court and hopefully make the experience easier for you.

d. If the statement is not recorded, then a police officer will write a written statement and you will be given the opportunity to read through and check everything before signing it. It is important that you check the statement is accurate and describes what happened in your words.

4. Types of questions to expect during interview – When making the statement, you should give the police as much information as possible.

To begin with, you will be asked for your personal details such as age, where you live and your occupation. You will then be asked to describe what happened to you, where it took place, when and how.

The police have no right to ask you about any previous relationships (with people other than the offender), your sex life or whether you have been raped or assaulted in the past unless you raise these issues first. These kinds of questions relate to your previous sexual history and are not relevant to the investigation. Therefore, they are unlikely to be allowed to be used as evidence at trial.

The police will ask when the last time you had consensual sex, what is your relationship with the suspect and if any drugs/alcohol were consumed. The purpose of these questions is to understand if there could be any DNA or forensic evidence and to understand whether you had the capacity to consent.

5. Once you have made your statement, you have an option to make a Victim Personal Statement (VPS). You can do this either straight away or at any time before the defendant's sentencing. The VPS gives you the opportunity to tell the court how the crime made you feel and how it's impacted your life. It can be as short or as long as you wish to disclose, and you can include your feelings on giving evidence at trial.

The VPS is given to the court and can help influence their decision on the sentencing. However, if you state exactly what the punishment should be, the court will not use this when deciding how to sentence the defendant.



6. The police investigation is the next step, and they may contact any witnesses, visit the scene, conduct enquiries, seize evidence etc. This can take some time.

- a. Identification – If the suspect is a stranger, you may be asked to identify them by looking through photographs of known sex offenders. You may be asked to work with a police artist to create an image of them or if they have a suspect, take part in an identity parade. If you reported the offence recently, the police may drive you around the local area and ask you to identify the suspect.
- b. Arrest and interview – A suspect may be arrested as part of the investigation. This allows the police to question them or carry out further enquiries. The police should inform you of an arrest within 24 hours of it. After being arrested, the suspect may be put on bail and this gives the police the opportunity to continue their investigations. There are two types of bail which both require the suspect to return to the police station on a set date.

Conditional bail requires conditions which the suspect must comply with such as being banned from certain locations, contact restrictions etc.

Unconditional bail means the suspect is released without conditions. Breach of bail conditions is a serious matter and if you are aware of any breaches you should inform the police.

- c. After all evidence is collected and the suspect has been interviewed, the police will usually pass on the investigation evidence to the Crown Prosecution Service (CPS). The CPS will decide whether the suspect can be charged with an offence.

7. The Crown Prosecution Service (CPS) –

Once the evidence has been received, the CPS will make the decision on whether there is enough to charge the suspect with a criminal offence. The decision to charge will be based on two elements; is there sufficient evidence to provide a realistic prospect of conviction, and is it in the public interest to prosecute?

- a. The CPS have specialised lawyers who deal with sexual offences. CPS lawyers are called Crown Prosecutors. Only lawyers who have undertaken specific training courses and demonstrated the right skills can prosecute rape cases.

8. If the suspect is not charged, no further action will be taken against them. The case will be closed but the information on the investigation should be kept on file in case further evidence is obtained, or if the suspect commits another offence. At this stage you have a few options:

- a. You have the right to request a copy of the information and data held about you in the form of a Subject Access Request. This could be useful if you decide to challenge a police decision not to prosecute or for other court proceedings.
- b. The Victims' Right to Review Scheme (VRR) allows you to obtain a review of the decision not to charge the suspect.
- c. When the CPS makes a decision in your case, you can request the decision to be reviewed. Sometimes the police don't agree with the CPS decision either, so it is worth speaking to the officer in the case as the police can also request a review of the decision.

- d. Alternate action may be taken instead of a charge. This may include a caution or formal warning. This is typically offered in very exceptional circumstances.

If the suspect is charged, they will either be released on police bail to attend court on a set date or be remanded in custody (held in prison) and taken to court the next day. Once charged, the suspect will then be referred to as the defendant.

9. First hearing or the first appearance

is the first time the defendant appears in court. The victim doesn't normally attend this hearing although you can attend if you would like to and sit in the public gallery. Although, there may be some exceptions to this if the gallery is closed or if evidence is being discussed that may impact on your evidence. The defendant will be asked how they plea, guilt or not guilty. If they deny guilt, a number of decisions have to be made about which court will hear the trial and whether bail will be granted.

10. Crown vs Magistrates' Court – The most serious offences like rape and assault by penetration are triable on indictment only, so they will most likely be tried in Crown Court. All other offences can be tried in either court.

- a. In a **Magistrates' Court** there are usually three magistrates who hear and make a decision on the case. These magistrates are non-legally qualified members of the public and the maximum sentence that one person can receive is 6 months imprisonment for one offence and 12 months for more than one. In some cases one judge called a district judge will hear the case and they are legally qualified.

- b. **Crown Court** is where the most serious cases are tried. This is where a jury, made up of 12 randomly selected members of the public, will decide on the outcome of the trial. There will also be a judge who will oversee the case and make decisions about the law. If the jury find the defendant guilty, the judge will decide the sentence and they can sentence a defendant to any term in prison up to the maximum sentence available in law.

If the trial is being heard in the Crown Court, the defendant will be asked to enter a plea of guilty or not guilty. If they plead guilty, the court will arrange a hearing on another date to decide the sentence and if they plead not guilty, the judge will set a trial date and give instructions to both parties about what needs to be done before the trial.



11. Preparation for trial may last for many months as the prosecution and defence prepare their cases.

- a. Under the Victim's Code, the Witness Care Unit should let you know the time, date, location and outcome of any criminal court hearing no later than one working day after receiving this information from the court.
- b. Between the Plea and Trial Preparation Hearings (PTPH) and the trial, there may be additional hearings called mentions. These are for the court to deal with any matters that have arisen in between and during this process. The Witness Care Unit or your police contact should keep you informed of any developments. During these mentions you can attend via the public gallery but the defence may object to your attendance. If you would like to attend it's best to make arrangements via your police contact or the Witness Care Unit.
- c. The criminal justice system tries to divert young offenders from prosecution by dealing with them in other ways. However, they can still be prosecuted, particularly if the offence is serious. Young defendants will usually be tried in youth court which is a part of the Magistrates' Court for those aged under 18. However, serious offences like sexual violence are usually tried in Crown Court. If the case is in youth court, it will not be open to the public and the press can report on the case but cannot publish any information which may identify the youth without permission from the court. The press also cannot report details about the victim if the case involves sexual violence.

- d. Disclosure means that the CPS must 'disclose to' the defence any evidence they have against them and any evidence that may undermine or weaken the prosecution's case or assist the defence's case. This evidence will include your witness statement if you made one, forensic medical reports and any other relevant evidence. Usually, a time frame will be imposed for the information to be shared.

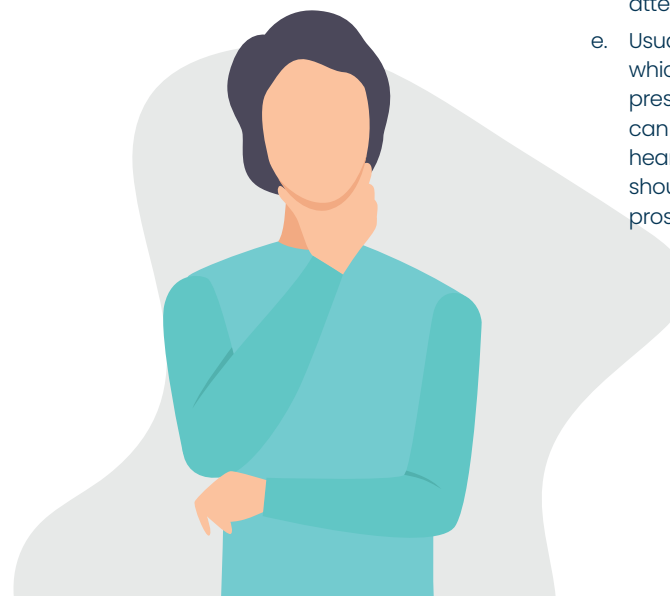
12. Withdrawal of your statement – You may decide to withdraw your case and not proceed with the criminal proceedings. If this is the case, you will need to speak to the police officer dealing with your case and ask to make a withdrawal statement. You can also ask for your Independent Sexual Violence Advisor (ISVA) to support you during this process.

- a. Your statement should explain why you do not want to continue with the proceedings. You can put how you are feeling about the case and if you are being put under any pressure to withdraw your statement from someone.
- b. The police may ask you whether the original statement you made was true. A person who has given incorrect or misleading information to the police can be charged with wasting police time or perverting the course of justice. If you are concerned about this and what it means for you, you should seek legal advice.

- c. Withdrawing your statement doesn't necessarily mean the case will be dropped as the police and CPS can continue with the case depending on the evidence available.
- d. A witness summons is a court order that forces an individual to attend court and give evidence. The court will make the order following a request by either the CPS or defence. It will only be issued if the person is likely to be able to give important evidence or produce documentation, or if the court is satisfied that it is in the interest of justice to secure the attendance of that person. If this happens to you, it will be delivered directly to your address or given to you personally. If you are summoned and do not attend court, a warrant may be issued for your arrest.

13. Preparing yourself for court –

- a. The proceedings may take several days and therefore it's important that you consider wearing something that makes you feel comfortable.
- b. The lawyer prosecuting the case should come and meet you to explain what is going to happen in court. They will explain how the defence will challenge your account and what the defendant's account is. It could be that they are arguing you consented to the sexual activity or that they are not responsible for the offence.
- c. Although you cannot practice or rehearse your evidence with anyone, it may be useful to think about the questions you might be asked and how you might answer.
- d. Consider what support you may need at court. Do you want someone from the witness service or your ISVA to come into court with you, and sit near you when you give evidence? You might also want your friends or family to attend if the case is open to the public.
- e. Usually the case is heard in 'open court' which means the public, including the press, have access. However, a judge can order that some or all of the trial is heard in private. If you think your case should be heard in private, speak to the prosecuting lawyer or police contact.



14. The trial is presented by the prosecution (the CPS lawyer) who presents their case and the supporting evidence. The defence lawyer will challenge the case and the evidence. Here's a bit of insight into how the order of the trial may look. Please note that this can differ depending on which court your trial is heard in:

1. Preliminary matters – Any legal arguments relating to evidence are argued at this point or at any point in the trial.
2. The jury is sworn in after being chosen at random from the electoral roll for the local area.
3. The prosecution will make their opening speech.
4. The defence will make their opening speech.
5. Prosecution evidence will be presented including witness statements, exhibits etc. Usually, the victim of the crime is the first to give evidence.
6. Submission of no case to answer – The defence may make this argument when they think that the prosecution has not provided the jury with enough evidence to convict the defendant.
7. Defence case summary will be presented to the court including any witnesses other than themselves.
8. Defence evidence is optional. If they choose to give evidence then they will be questioned by their legal representative, then cross examined by the prosecution, and finally re-examined by their legal representative again. This may also include evidence to support their defence or any character witnesses who can speak about their knowledge of the defendant's character.
9. The prosecution will be allowed to make a closing speech. This will only be offered if

the defendant is represented, if they have called witnesses other than themselves to give evidence, or if the court allows.

10. The defence will then make a closing speech as this is their right.
11. The judge will then provide a summing up of the case and relevant facts to the jury before giving them direction on the law and what they need to make their decision.
12. Once the jury has returned their verdict, you will be informed of the outcome.
13. The defendant has the right to appeal against the conviction or sentence.

15. Aftercare support is available no matter the outcome of the trial.

- a. Victims of rape, assault by penetration, sexual assault and causing someone to engage in sexual activity without consent are given lifelong anonymity in criminal proceedings under the Sexual Offences (Amendment) Act 1992. This means that if you report to the police your identify, personal information and any photographs should not be published. If this is broken, then the person who shared this information can be prosecuted. There should also be no publicity about the offence or offender that identifies you as the victim. The law does not give anonymity to the defendants in sexual offence trials except where their name would reveal the identify of the victim or if they were under 18.
- b. By this point in the proceedings, you should have been offered support by an Independent Sexual Violence Advisor (ISVA), although availability may vary depending on location. They are usually based in local Sexual Assault Referral Centres (SARCs), hospitals, rape crisis organisations, or police stations and their purpose is to support you throughout your experience.

- c. Counselling and support – previously you may have been offered pre-trial therapy. Once the trial is over, you can access more in-depth counselling and therapy from your local sexual violence charity. They will work with you to understand your needs and provide any support that can aid in your recovery.

Here is some information on the different organisations and people who will be involved:

The police is responsible for protecting the public and investigating crimes. Therefore, when you make a report of sexual violence they should investigate and collect evidence.

Sexual Assault Referral Centre (SARC) is a specialist medical and forensic service for anyone who has been a victim of sexual violence.

Independent Sexual Violence Advisors (ISVAs) are trained and professional sexual violence specialists who work independently from the police. They are available to support you. ISVAs provide advice, information, and both practical and emotional support. They will stay with you throughout your journey.

Specially Trained Officers (STOs) are also referred to as Sexual Offences Investigative Technique Officers (SOIT Officers), Sexual Offences Investigation Trained Officers (also called SOIT Officers) or other terms depending on the police force concerned. Their role is to provide you with support throughout the investigation and they should try to meet you in person as soon as possible. This person should take your initial report, arrange any forensic medical examinations if appropriate, take your statement, keep you updated on developments of your case, and support you by providing information on the criminal justice system and other organisations.

The Crown Prosecution Service (CPS)

is made up of lawyers who prepare and present cases at court. They will present your case to a court however they do not directly act for you. The CPS must prove that the defendant is guilty.

Defence lawyers represent the defendant and give advice to them, acting on their behalf in court.

Witness is the name you will be referred to as. This is because you are the victim of the crime. You will not have your own lawyer and there may be other witnesses in the case too. A witness can be someone who saw the crime or can give evidence about it.

Magistrates' or Crown Court

Although all criminal proceedings start in the Magistrates' Court, trials relating to rape or assault by penetration are most likely heard in the Crown Court. The maximum sentence for someone convicted of the offence in Crown Court can be life imprisonment.

Sexual assault can be dealt with in either the Magistrates' Court or the Crown Court depending on the nature and seriousness of the offence. The maximum sentence that a person can receive in the Magistrates' Court is six months imprisonment for one offence and 12 months imprisonment for more than one offence.

Provided there is sufficient evidence to prove the case, the Crown Prosecution Service will usually prosecute.

Witness Care Unit

Witness Care Units were set up in 2005 and are predominantly police staffed units who provide information and support to victims and witnesses in cases progressing through the criminal justice system.

A Witness Care Officer (WCO) will act as a single point of contact for victims and witnesses going through the court process. They make contact following the first hearing and will keep everyone updated until the final outcome. They will undertake a needs assessment if victims and witnesses are asked to attend court to give evidence, can arrange special measures like screens to make you feel more comfortable, and take note of any problems anyone has in attending. The units also offer support to enable victims and witnesses to attend court i.e. child care, transport, and referral to Witness Service, who are based at court and can arrange a pre-trial visit. Witness Service is there solely to support victims during the day.

The WCO does not attend court with the victims and witnesses. All contact is made via phone call, letter, text or email. Once the WCO talk to the witnesses, they start to collate important information that may be essential for the case progressing through court. Part of the role of the WCO is to keep people engaged in the process.

