

Crown Office and Procurator Fiscal Service

Our Commitments to Victims and Prosecution Witnesses

Information Booklet



Crown Office and Procurator Fiscal Service
www.copfs.gov.uk



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Introduction

We know the impact that crime can have on victims, witnesses and their families. Being a victim or a witness in a criminal case can be stressful. We are here to help you through the prosecution process. We will treat you with respect and offer you a professional service at all times.

Scotland includes people from many different backgrounds and with many different needs. We aim to provide a service that takes account of and respects each person.

This booklet tells you what you can expect from us during the prosecution process. It sets out our commitments to you and explains what we will do to meet our commitments.

This booklet is for victims and prosecution witnesses but it will also be useful for parents of child witnesses, carers of witnesses with extra needs and family members in cases involving death.

Our Commitments to Victims and Prosecution Witnesses

We will:

- 1. Give you respect and a professional service at all times.**
- 2. Communicate with you clearly and effectively.**
- 3. Give you the information you need when you need it.**
- 4. Deal with your case as quickly as possible.**
- 5. Require you to give evidence in court only when we have to.**
- 6. Ensure you can communicate with us if your first language is not English.**
- 7. Take account of any extra support you may need.**
- 8. Give the judge information about the effect of the crime on you.**
- 9. Tell you how to claim expenses and deal with your claim as quickly as possible.**
- 10. Work with other organisations to help you get the services you need.**

Our commitments in detail

1. We will give you respect and a professional service at all times

We will:

- 1.1. Ensure that your personal information is treated with care and that we meet our responsibilities under the Data Protection Act.
(See our website for more information at www.copfs.gov.uk/FOI/PubScheme)
- 1.2. See you in a private room at our offices when we arrange to meet you. If you need to see us and don't contact us in advance we will also try and see you in private.
- 1.3. Try to arrange meetings at a time that suits you.
- 1.4. Respect your privacy. For example, we won't ask you to give your home address in court unless we need this to prove the crime.
- 1.5. Ask the judge to arrange for everyone who does not need to be in court to leave the courtroom in sex offences trials or where children are giving evidence.
- 1.6. Object to defence questions at trial that are abusive or inappropriate.
- 1.7. Give you the chance to say what you think about our service to you.
(See our website for details of our Customer Feedback Policy at www.copfs.gov.uk/Contacts/CustFeePol)

2. We will communicate with you clearly and effectively

We will:

- 2.1. Explain clearly who we are, why we are contacting you and what is expected of you.
- 2.2. Give you information that is easy to understand and in the way that suits you best.
- 2.3. Deal with your phone calls promptly, politely and professionally.
- 2.4. Reply to your letter or email as quickly as possible and not more than 20 working days after we get it.
- 2.5. Tell you who to contact so that you can discuss information we give you.
- 2.6. If there is time, introduce ourselves before trial to vulnerable witnesses (see page 7) and bereaved relatives in cases with a jury and in Fatal Accident Inquiries. We will try and do this in other cases too where we can.



A Fatal Accident Inquiry (FAI) is an inquiry by a judge into a death and is held in public.

3. We will give you the information you need when you need it

We will:

3.1. Give you:

- General information about the criminal justice system and/or how we investigate deaths.
- Information on your case.
- Information about where to get support (see page 9).

If you are eligible for help from our Victim Information and Advice service (see page 9) we will give you this information automatically. In other cases we will give information if you ask for it.

- 3.2. If you ask us, tell you as much as we can about the reasons for our decisions.
- 3.3. Let you know as soon as possible (and no later than the next day) about any special conditions of bail in place to protect you, and tell you what to do if the accused person breaches those conditions.
- 3.4. If you are to give evidence in court give you information about what to bring to court, what we know will happen and how to claim expenses.
- 3.5. Work with others (including the Scottish Court Service and the Witness Service) to tell you what is happening with your case while you are waiting at court to give evidence.
- 3.6. Try to answer any questions you may have about what happened in your case.
- 3.7. Tell you about the Victim Notification Scheme (VNS) if it applies to your case. Through the VNS victims can get information about the offender's release from prison where he or she is sentenced to 18 months or more.
- 3.8. Where we can't help you ourselves, put you in touch with someone who can.



An accused in custody can apply to be released on bail at any stage of the case. There are always standard conditions of bail but the judge can also impose other conditions - called 'special conditions'. For example, the accused may not be allowed to be in a particular place or area.

4. We will deal with your case as quickly as possible

We will:

- 4.1. Decide what action we should take within 4 weeks of receiving the Police Report in at least 75% of cases.
- 4.2. Try to make it easier for you by seeking to agree your evidence with the defence or to resolve your case before it goes to court.
- 4.3. Give priority to cases involving:
 - Children.
 - Sexual offences.
 - Domestic abuse.
 - Hate crime.
 - Vulnerable witnesses (see Commitment 7).
- 4.4. Work with the police to make sure that any items kept as evidence are returned to you sensitively and as soon as possible.



The police report criminal cases to the Procurator Fiscal on a standard form called the Standard Prosecution Report (SPR) or Police Report.

5. We will require you to give evidence in court only when we have to

We will:

- 5.1. Call you as a witness only if your evidence is needed for our case and cannot be agreed with the defence in advance (see 4.2).
- 5.2. Try to take account of any concerns you may have about giving evidence (see also Commitment 7).
- 5.3. Take account of what you tell us about your availability when we fix the date for a trial.
- 5.4. Ensure that, where possible, you get at least 4 weeks' notice of the date when you must go to court.
- 5.5. Give you as much notice as possible if you no longer have to come to court on the date you were given because:
 - The accused is pleading guilty; or
 - The trial has been put off to another time (adjourned); or
 - Your evidence has been agreed in advance by the defence.



It may not be possible to give as much as 4 weeks notice in all cases. Notice will normally be 3 weeks in those cases where an accused is in custody or where an early trial has been fixed because there are child witnesses or other vulnerable witnesses.

6. We will ensure you can communicate with us if your first language is not English

We will:

- 6.1. Let you have information about the case in the language you choose.
- 6.2. Arrange for a trained interpreter to be present if we ask to meet you before any trial.
- 6.3. Provide a trained interpreter if you give evidence at any trial.
- 6.4. Arrange for a sign language interpreter to be present if we ask to meet you before any trial and also if you give evidence at trial.

7. We will take account of any extra support you may need

We will:

- 7.1. Give you extra help through our Victim Information and Advice service (see page 9).
- 7.2. Give you information in a way that meets your particular needs.
- 7.3. Help in making arrangements for you to get to court if you are a witness and have a disability. Please just ask us.
- 7.4. If you are a 'vulnerable witness':
 - Discuss with you what support you may need at court to help you give your evidence.
 - Explain what support is available.
 - Tell the judge your views.
 - Ask the judge to let you use 'special measures' if you need them to help you give evidence.
 - Tell you what the judge decides about the use of special measures in your case.



The Vulnerable Witnesses (Scotland) Act 2004 is there to make it easier for all child witnesses (those under 16) and adult vulnerable witnesses to give their evidence in court.

The Act allows for special support measures to be used in certain cases. For example, where there is a significant risk that the quality of an adult witness' evidence will be affected by a learning disability or mental health condition then this witness will be defined as 'vulnerable'.

These support measures include: giving evidence from behind a screen; giving evidence through a live TV link; and having a support person with you.

If you are eligible for special support measures we will explain the options to you and ask your views about what would be helpful. We have to apply to the court for these measures. It is the judge who decides if these will be allowed and what they will be. You can get more information about this from the Scottish Government website: www.witnessesinscotland.com.

8. We will give the judge information about the effect of the crime on you

We will:

- 8.1. Tell the judge what we know about the likely impact on you if the accused was to be released on bail. This will happen in cases where we are opposing bail (the release of the accused person from custody).
- 8.2. Tell the judge what we know about the likely impact on you of any delay to the trial.
- 8.3. If you are the victim:
 - Ask you to describe the impact the offence has had on you, if you give evidence at any trial and the judge needs to know about this.
 - Give you the chance in some cases to prepare a victim statement. We will give your victim statement to the judge if the accused is convicted. A victim statement explains the impact of the crime on you.
 - In all other cases tell the judge at sentencing what we know about the impact of the crime on you.
 - Tell the judge about any injury, loss or damage that you have suffered as a direct result of the crime. The judge can then decide if a compensation order should be made.
- 8.4. Ask for your views if the judge is considering whether to make a non-harassment order. A non-harassment order can protect you from any behaviour that is deliberately carried out to cause you alarm or distress.



You can generally make a victim statement if you are the victim in a more serious case.

9. We will tell you how to claim expenses and will deal with your claim as quickly as possible

- 9.1. Give you clear information about the expenses you can claim.
- 9.2. Help you fill in the claim form, if you want our help.
- 9.3. Deal with your claim quickly and accurately.

10. We will work with other organisations to help you get the services you need

We will:

- 10.1. Work with other organisations (such as Victim Support Scotland, Scottish Women's Aid and Rape Crisis) to try and give you the services you need. We will refer you to a service if you want us to. We will always check with you first before we contact other organisations.
- 10.2. If you are to be a witness at a trial help you visit the court before the trial. This is normally done through the Witness Service.
- 10.3. Work with the police and the courts to seek to protect you from intimidation.



You can get more information about sources of help and details of how to contact them in the following section.

Sources of help

There are many organisations that give help to victims, witnesses and bereaved relatives. This section gives information on some of those organisations.

Victim Information and Advice Service (VIA)

VIA is part of the Crown Office and Procurator Fiscal Service (COPFS).

VIA works with other staff across COPFS and with statutory agencies and voluntary organisations to help you get the information and support you need. VIA can keep you informed about the progress of your case, explain legal processes and terms, and help you reach other services and support.

VIA offers a service in cases involving:

- Victims of crime in cases of domestic abuse, hate crime, sexual offences or where it is likely that any trial will involve a jury.
- Child victims and child witnesses in any type of case.
- Other victims or witnesses with additional support needs.
- Nearest relatives in the case of deaths where there may be criminal proceedings, a Fatal Accident Inquiry or significant further inquiries.

VIA will:

- Give you 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.

- Discuss what support may be available to help you give evidence or come to court if the case goes to trial.

You don't need to ask for the VIA service. If you are eligible, we will send you a letter giving more information on what VIA does. If you think you fall into one of the categories outlined above, but are not contacted by VIA staff, ask the Procurator Fiscal involved with your case for advice.

Victim Support Scotland

Community-based services

Victim Support Scotland (VSS) gives emotional support, practical help and information to victims, witnesses and others affected by crime. The service is free and confidential. VSS volunteers and staff work through a network of community-based victim and youth justice services and court-based witness services.

Whatever the crime, VSS can offer support or tell you about other agencies that can help. You can contact them by telephone on 0845 603 9213 or 0845 3030 900 or visit their website at www.victimsupportsco.org.uk.

The Witness Service

All sheriff courts and high courts in Scotland have a Witness Service. The Witness Service is a group of specially trained volunteers, managed by VSS. They are based within the court building and are there to:

- Give guidance and advice when you come to court. They can't give you specific advice about your case but they can tell you what is likely to happen in court, and spend time with you if you are nervous or worried.
- Arrange to show you a courtroom before the trial, so you know what to expect.

If you think you might want their help, contact the court before the trial. If you are a witness, the court phone number will be on your 'witness citation' (a witness citation is a legal document from the Procurator Fiscal explaining where and when the trial will be held and saying that you must come to court on that day to give evidence). If not, you can look in your local phone book, or get the phone number on the Scottish Court Service website: www.scotcourts.gov.uk.

Other support organisations

Breathing Space

Breathing Space provides a free and confidential phone line service for any person experiencing low moods or depression, or who is unusually worried and needs someone to talk to.

Telephone: 0800 83 85 87

Website: www.breathingspacescotland.co.uk

Citizens Advice Bureau

The Citizens Advice Bureau offers advice and information to people with legal, money or other problems.

Telephone: 0844 848 9600

Website: www.cas.org.uk

Domestic Abuse Helpline

This is a free and confidential phone line for women and men experiencing domestic abuse now or in the past, and those seeking help on their behalf. The freephone number will not show up on itemised phone bills.

Telephone: 0800 027 1234

P.E.T.A.L. (People Experiencing Trauma and Loss)

PETAL gives practical and emotional support for people who have lost a loved one through murder or suicide.

Telephone: 01698 324 502

Website: www.petalsupport.com

Rape Crisis Scotland

Rape Crisis Scotland has a free and confidential phone line offering information and support to anyone aged 13 or over who has experienced any kind of sexual violence, and their family and friends.

Telephone: 08088 01 03 02

Website: www.rapecrisisscotland.org.uk

The Samaritans

The Samaritans is a confidential emotional support service for people who are experiencing feelings of distress or despair.

Telephone: 08457 909090

Website: www.samaritans.org

Scottish Women's Aid

Scottish Women's Aid gives information, support and a safe refuge to women and their children experiencing domestic abuse.

Telephone: 0131 226 6606

Website: www.scottishwomensaid.co.uk

THRIVE

THRIVE is a service that provides confidential emotional support to men who have been victims of sexual abuse and/or violence.

Telephone: 0141 211 8648

Further support information

For further information about sources of support please contact the Procurator Fiscal Office, VIA or Victim Support Scotland (see above) or visit the Victims of Crime website at www.victimsofcrimeinscotland.org.uk.

Notes

Please use these pages for any notes you may wish to take.

Please contact the Procurator Fiscal's office if you would like this document in another language or format, including Braille, audio or large print.

إذا أردت أن تحصل على هذه النشرة بلغة أخرى يرجى الإتصال على مكتب الادعاء العام.

如果你需要本文件的其他語言請聯絡檢察官辦事處

اگر تمایل دارید که این مدرک به زبان دیگری در اختیار شما قرار گیرد ، لطفا با دفتر دادستانی تماس بگیرید.

Veillez contacter le bureau du procureur général si vous désirez recevoir ce document dans une autre langue.

Cuiribh fios gu oifis Neach-casaid a' Chrùin nam bu mhath libh an sgrìobhainn-sa ann an cànan eile.

ئەگەر ئەم بەلگەنامە پەت بە زمانی تر دەوێت تکایە پە یۆهەندی بە ئۆفیسێ داواکاری گشتی پەو بەکە.

如果你希望获取该文档的其它语言版本，请联系地方检察官办公室（Procurator Fiscal's office）。

Proszę się skontaktować z Biurem Prokuratury jeżeli chcesz otrzymać broszurę w innym języku.

ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੁੰਦੇ ਹੋ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਰਕਾਰੀ ਵਕੀਲ ਦੇ ਦਫ਼ਤਰ ਨਾਲ ਸੰਪਰਕ ਕਰੋ।

Если вы желаете получить данный документ на другом языке, пожалуйста, обращайтесь в прокуратуру.

اگر آپ یہ دستاویز کسی دوسری زبان میں حاصل کرنا چاہتے ہوں تو براہ مہربانی پروکیوریٹر فسکل کے دفتر سے رابطہ کریں۔

مەم بەلاوکراو پە ئەو بەلئینانەمان دیاری دەکات کە پێشکەشی دەکەین بە قوربانیان و شایەتەکانی لئێرسینەو . دەتوانی زانیاری زیاتر دەست بەکەوێ ئە "بەلئینەکانمان بۆ قوربانیان و شایەتەکانی لئێرسینەو – بەلاوکراو هی زانیاری"

For a different language or format please contact:

- The Procurator Fiscal Office dealing with your case
- Enquiry Point: 01389 739557
- Textphone: please put 18001 before the phone number
- Crown Office Library by Fax: 0844 561 4074
- Our website: www.copfs.gov.uk

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