

A Survivor's Guide to the Criminal Justice System



THE **STAR** CENTRE
RAPE CRISIS AYRSHIRE

Contents

- Page 3 - About this guide
- Page 4 - Meet the advocacy workers
- Page 5 - Expenses & interpreters
- Page 6 - Support available
- Page 7 - Overview of the criminal justice process
- Page 8 - Reporting to the police
- Page 9-10 - Police investigation
- Page 11-12 - Pre-petition
- Page 13-14 - Petition
- Page 15 - Indictment served & preliminary date set
- Page 16 - Preliminary hearing/intermediate diet
- Page 17-18 - The trial
- Page 29 - The verdict
- Page 20 - Sentencing
- Page 21 - After court
- Page 22 - Final thoughts
- Page 23 - Other agencies
- Page 24 - SARCS
- Page 25-30 - Glossary of legal terms

About this guide

This guide was initially created by Forth Valley Rape Crisis Centre and later adapted by The STAR Centre. It aims to describe the criminal justice process from start to finish, and all the different routes your journey might take.

We know not everybody gets to make the choice about whether to report; it might have been a family member's decision, an organisation or a school, or the police may have approached you. Whether it was your choice or not, we're here to support you.

There are lots of technical terms and jargon used in the criminal justice system. Throughout this guide we try to be as clear as possible, but jargon will be underlined so that when you come across it you can refer to the glossary at the end.

Meet the Advocacy Workers at STAR

We have a small team of advocacy workers who cover North, South and East Ayrshire. Our advocacy service is available to anyone aged 13 and over who has experienced sexual violence, including rape, sexual assault or childhood sexual abuse, and who has reported to the police or is considering reporting to the police.

We can give you practical support and information throughout all stages of the criminal justice process. An advocacy worker can accompany you when you have to go and speak to someone, for example: when giving a police statement, meeting someone from the Crown Office and Procurator Fiscal Service to discuss the case, going to review your statement, visiting a court, or going to court to give evidence. We can answer questions you might have, explain the process, and be a point of contact between you and other agencies if you wish.

Please be aware that not everyone who reports sexual violence to the police will go through all the stages of the criminal justice process. You can find out more in this guide.

**Rape Crisis workers will never judge you,
or push you to talk about things that you don't want to.**

We will always believe you.

Expenses

It might be handy to know that you can claim expenses for travel, childcare and food if you are asked to meet the Procurator Fiscal, if you decide you want a court familiarisation visit, and if you have to give evidence at a trial. A member of court staff will explain this to you, but if you have any questions in the meantime, please ask a worker at The STAR Centre.

If cost of travel would prevent you from attending support at The STAR Centre, you can reach out to us to discuss how we can support you with that.



Interpreters

You have the right to an interpreter when you give a statement (report) to the police, and if you are asked to give evidence at a trial.

The STAR Centre can also provide interpreters for sessions with support workers and advocacy workers.

Support available to you

Whatever stage you're at in the criminal justice process, you can access support from The STAR Centre in these ways:

Therapeutic support

We offer sessions of one to one therapeutic support. Sessions are weekly, with the same worker and last for 60 minutes. This is a space for you to talk about yourself, your life and your thoughts and feelings.

We won't tell you what to do, but instead help you make sense of things that have happened; learn more about yourself and figure out ways of coping that work for you.

To find out more about our services, please email:

admin@starcentreyrshire.org

Or visit our website

www.starcentreyrshire.org

Rape Crisis Scotland helpline

A free helpline for anyone affected by sexual violence. It's open every day 5pm until midnight.

Call: 08088 01 03 02

- It's free and won't show on your bill

Text: 07537 410027

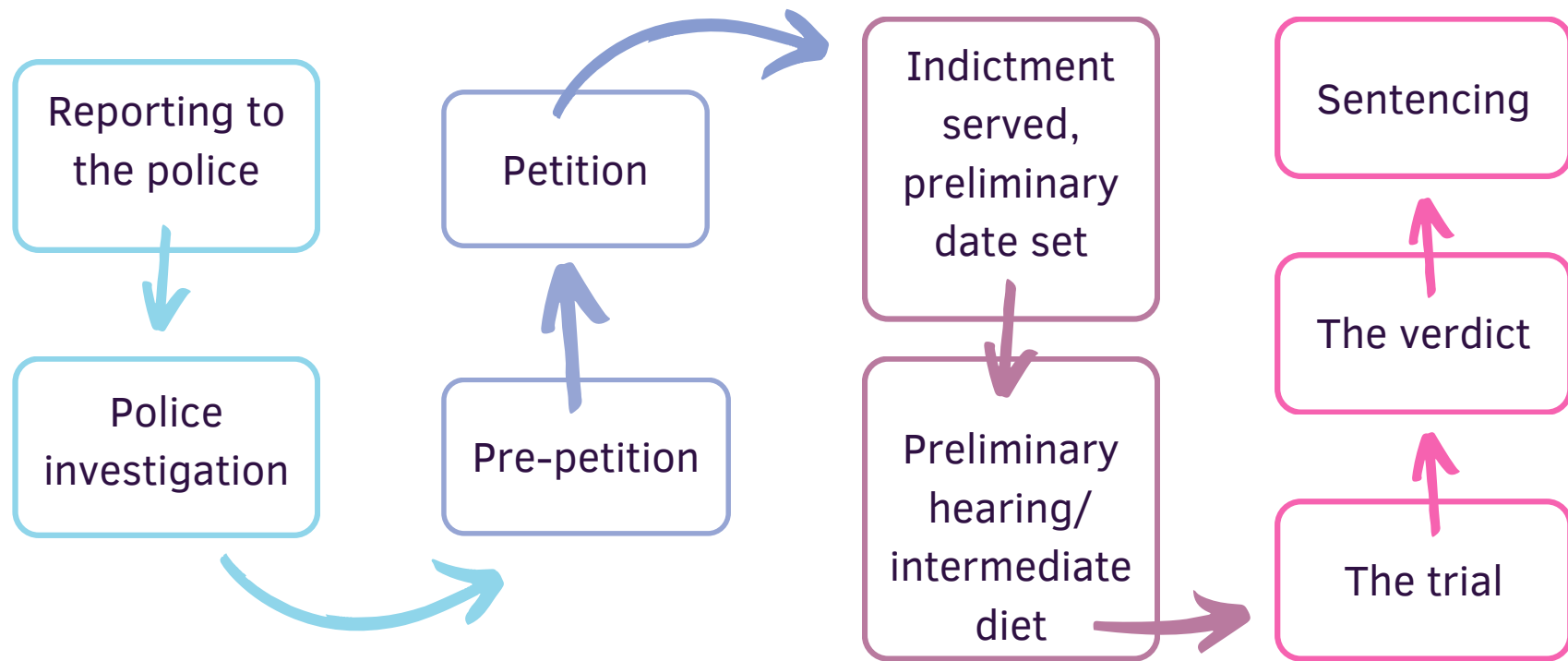
- Texts charged at standard network rate
- Your number will be visible to RCS

Email: support@rapecrisisscotland.org.uk

More info:

www.rapecrisisscotland.org.uk/help-helpline/

Overview of the criminal justice process



Every stage of this process is explained in more detail on the following pages.

Reporting to the police

Thinking about reporting to the police?

It can be helpful to speak to an advocacy worker while you're deciding if you want to report. We won't tell you what to do, but we can answer any questions so you can make the choice that's right for you.

Some organisations have a duty to report to the police if they're aware of an incident. They should let you know if they need to take any action. It's still important to involve you in this process as much as possible. They should explain why this has to happen, and ensure you're offered support.

Unless there's a statutory duty to report, it should be your decision whether to report to the police or not. Rape Crisis is not an organisation with a duty to report, and we will never put pressure on you.

Decided to report to the police?

Once you've decided to report, you will contact the police, usually by phone.

An advocacy worker can be with you or make the call for you, if you wish.

You will then give an initial statement to police. This is a brief statement of what happened, when it happened, and a bit of information about you.

You can read more about what will happen next on the following page.

Decided not to report to the police?

Although you won't need advocacy support going forward, we can still talk to you about this decision, and you'll be able to access emotional support if you choose.

If the incident took place within the past 7 days, you can contact SARCS to gather forensic evidence without reporting to police. See page 25.



Once you've given an initial statement, it is hard to withdraw from the criminal justice process. This is because once the police are made aware of an incident, they have to investigate it. If you're unsure about whether you want to continue, speak to an advocacy worker as soon as possible.

Criminal Injuries

Compensation Authority

(CICA): You may be eligible for financial compensation from CICA, and you can apply once you have reported to the police, even if the investigation does not proceed. There are some time restrictions to applying for compensation. You can speak to an advocacy worker about this, but we're unable to complete the application with you.

Police investigation

You'll be assigned a Sexual Offences Liaison Officer (SOLO) who will take a full statement.

You can ask for an advocacy worker to be with you for this statement. You have the right to ask for a female SOLO but this will depend on availability.

The statement is likely to take several hours. You're allowed to ask for whatever breaks you need, including comfort breaks, or to continue another day if you wish.

You are also able to choose where the statement takes place. We can offer a safe and comfortable space at our centre.

We know FMEs can be a difficult experience after an assault, and you can talk to a worker afterwards or call the Rape Crisis Scotland helpline for support.

If the assault took place within the past 7 days, you may be offered a forensic medical examination (FME).

Most forensic examinations in Ayrshire take place at Archways in Glasgow, however there is also The Willows, in Prestwick Ayrshire which might be available for this.

You have the right to decline a forensic medical examination, but it's worth bearing in mind this may impact on the case.

You have the right to request a female forensic medical examiner although this will depend upon availability. A chaperone will always be present.

The lab will analyse the forensic material. This can take some months.

Evidence such as your phone may be taken by the police, if it may have communications relevant to the investigation on it.

If any of your personal belongings are taken as evidence, they will be returned once the criminal justice process has concluded.

This is likely to take months. If it goes to trial it will be over a year. Your mobile phone company may be able to provide a replacement, if you tell them that the police have your phone because you have been the victim of a crime, and it's been taken as evidence.

You are not legally obliged to give them your phone, but it may be important to the investigation.

TIMESCALE: This process could take several months and there isn't a time limit for how long it takes. If you have questions throughout this stage you can ask an advocacy worker, or you can contact the police.

Police investigation

After your statement, police may do the following as part of their investigation:

- Take possible further statements from you.
- Interview other witnesses where relevant.
- Obtain and analyse other evidence, such as CCTV footage.

The police will also interview the perpetrator. This tends to be towards the end of their investigation. It is unusual for the perpetrator to be remanded in custody (put in jail) at this stage. Usually the perpetrator will be given certain conditions after they have been interviewed, such as not being allowed to contact you. The police have the power to arrest the perpetrator if they breach these conditions.

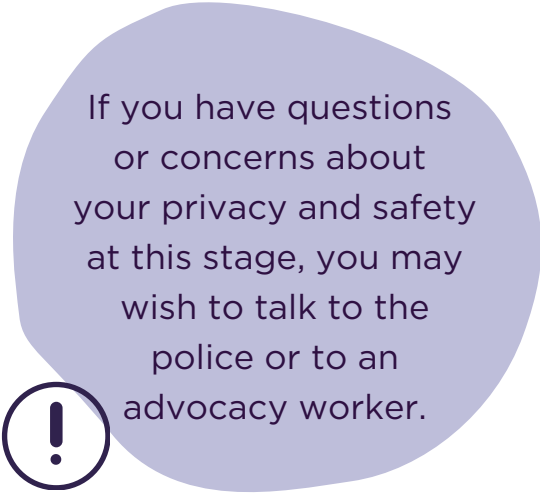
After the investigation, there are three potential outcomes:

The perpetrator could be **arrested and charged**, and a report sent to the Crown Office & Procurator Fiscal Service (COPFS or PF).

The perpetrator could be **released without charge** after being interviewed, if there is insufficient evidence. The case would close, unless further evidence came to light in the future. A record of evidence is kept by the police.

'No crime': this is when the police aren't able to establish, from a technical point of view, that a law has been broken.

This closes the investigation.



If you have questions or concerns about your privacy and safety at this stage, you may wish to talk to the police or to an advocacy worker.

If there is not enough evidence or the outcome is 'no crime', it doesn't mean that you weren't believed. It can be hard to learn that the case has closed, so you might want to talk to an advocacy worker about this. You may also decide that you would like therapeutic support.

Pre-petition

Your case is now with the Crown Office and Procurator Fiscal Service (PF). This is Scotland's criminal prosecution service.

The police will have passed their investigation on to them, to be reviewed and worked on further. The PF will identify what further work needs to be done on the case before a decision can be made about whether it will proceed to trial.

While the PF looks at your case, they'll be considering whether any trial would be a solemn procedure or summary procedure.

When a trial takes place in a High Court or in a Sheriff Court with a jury, this is called solemn procedure.

When a Sheriff Court trial is held without a jury, this is called summary procedure. Rape trials, and other 'serious' sexual offences are heard at the High Court in front of a jury. Some sexual offences are heard at the Sheriff Court. We recognise that all sexual offences are in fact serious, but this is how they are referred to when explaining which types of cases will be heard in each level of court.

If the PF decides that your case will be a summary procedure, it will move much faster than a solemn procedure. Soon after arrest, the perpetrator will have a court appearance where trial dates are set. If your case is a summary procedure, you can skip ahead to page 17 'Preliminary hearing / intermediate diet'.

In a solemn procedure, the case will move to the petition stage - see pages 14-15.



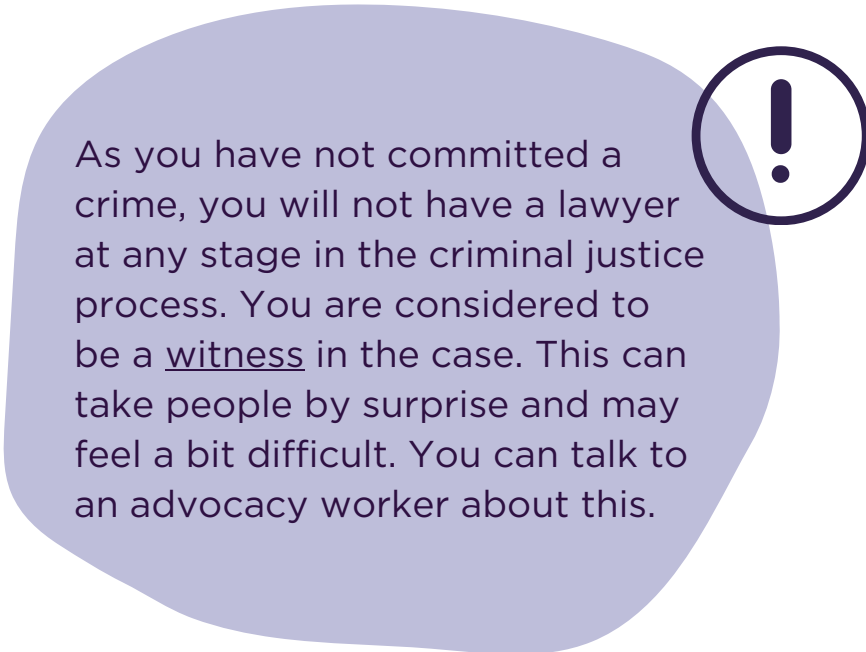
Pre-petition

You can ask an advocacy worker if you have any questions throughout this stage. If you prefer to find out information yourself, you will have a point of contact at [Victim Information and Advice \(VIA\)](#) you can ask. VIA is part of the [PF](#).

If you don't have a contact number for VIA, their general enquiry line is 0300 020 3000 or you can email them at enquirypoint@copfs.gov.uk

The police [SOLO](#) is no longer your point of contact once the investigation has been handed over to the [PF](#).

TIMESCALE: There is no time limit for the pre-petition stage of the investigation, and it is likely to take several months. It can sometimes happen very quickly so some cases may not be at this stage for very long, but longer than 6 months is common.

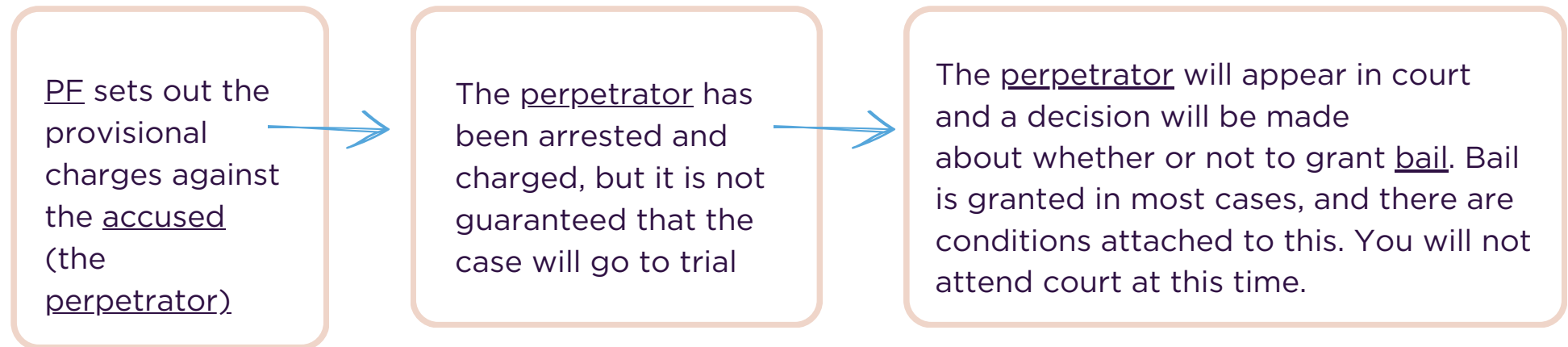


As you have not committed a crime, you will not have a lawyer at any stage in the criminal justice process. You are considered to be a [witness](#) in the case. This can take people by surprise and may feel a bit difficult. You can talk to an advocacy worker about this.



Petition

The perpetrator receives a document called a petition, which outlines the criminal charge/s against them. However, there is no guarantee at this stage that the case will proceed to trial.



TIMESCALE: Before the perpetrator's first court appearance, there is no time limit on how long an investigation can remain at this stage. From the first court appearance, if the perpetrator is released on bail, the PF has 365 days to set a court date for a trial (please note the date itself does not have to be within the 365 days). Less commonly, the perpetrator may be remanded in custody. If so, the PF has 110 days to set a court date.

Petition

During the petition stage, the prosecution are evaluating whether there is enough evidence to go to trial.

- You may be asked to attend your local police station to do a virtual identity parade (VIPER) to formally identify the perpetrator. This is done by viewing images on a computer screen. The perpetrator will not be there in person. You may be asked to meet with the PF to answer further questions to help them prepare the case. This is called precognition. The defence lawyer may request this too. You can arrange to have an advocacy worker with you for a VIPER and/or precognition.
- Although the case is not yet guaranteed to go to court, a VIA officer may speak to you about special measures at this stage. These are ways to help reduce the impact on you of giving evidence if the case does go to trial. Special measures include giving evidence behind a screen or via remote video link.
- In some cases, the defence may apply to the court for information about your medical or character history. This is called a Section 275 application. You do not have to agree to your medical information being accessed, or you can place limits on the time period that is accessed. There are strict guidelines about when such applications are allowed. You may want to speak to an advocacy worker for more information.

The PF completes its investigation and Crown Counsel (a team of senior lawyers) makes the final decision about whether the case will go to trial.

Decision not to prosecute

This doesn't mean the PF don't believe you. It means there wasn't enough evidence to prove all elements of the crime from a legal point of view.

You can ask for this decision to be reviewed. This is called a Right to Review. Be aware that the decision is very unlikely to be overturned. An advocacy worker can help you with a Right to Review, and it has to be done within 28 days of receiving the decision.

Decision to prosecute

Continue reading for the next steps after a decision has been made to prosecute.

Indictment served & preliminary date set

An indictment is a document served on (given to) the perpetrator that sets out the finalised charges that they will stand trial for.

Once an indictment is served, it is certain that the case will go to trial, unless the perpetrator pleads guilty. Guilty pleas are uncommon.

A date is set for the perpetrator's preliminary hearing. You won't attend court for this.

The preliminary hearing is known as an intermediate diet in summary procedure trials.

Preliminary hearing/intermediate diet

Rape trials and other 'serious' sexual offences are heard at the High Court in front of a jury. Some sexual offences are heard at the Sheriff Court; some trials here have a jury and some don't.

We recognise that all sexual offences are in fact serious, but this is how they are referred to when explaining which types of cases will be heard in each level of court.

When a trial has a jury (whether High Court or Sheriff Court) this is called solemn procedure. When a Sheriff Court trial is held without a jury, this is called summary procedure.

Preliminary hearing (for High Court trials, and Sheriff Court trials with a jury):

The perpetrator pleads guilty or not guilty.

If the plea is not guilty, the judge/sheriff checks whether both prosecution and defence are ready for trial.

If both sides are ready for trial, the judge/sheriff sets a trial date. This is usually about 4-6 months after the preliminary hearing, although this timescale may change as a result of the Covid-19 pandemic. See next page for info about trials.

If one or both sides are not ready for trial, another preliminary hearing date will be set. The judge will decide when this should be.

Intermediate diet (for Sheriff Court trials without a jury):

The perpetrator pleads guilty or not guilty.

If the plea is not guilty, the sheriff checks whether both prosecution and defence are ready for trial.

If both sides are ready for trial, a trial date is set. This is usually 2-4 weeks after the preliminary hearing, although this timescale may change as a result of the Covid-19 pandemic. See next page for info about trials.

If one or both sides are not ready for trial, another intermediate diet date will be set. The sheriff will decide when this should be.

The trial

An advocacy worker can come with you on the day, please give us as much notice as possible to arrange this. You can use a side entrance when you arrive in court (where available).

All courts are public buildings, but your advocacy worker can request an individual waiting room for you. You can also request this yourself if you prefer, by speaking to VIA before the trial.

Trial dates aren't set in stone. Dates sometimes change, but you should be prepared to attend court on the dates that you're given.

Solemn Procedure

High Court

There will be a judge and a jury of 15 people. Crimes tried at the high court include rape, attempted rape, and other penetrative sexual assaults (sexual assault by penetration).

The case is usually heard in Aberdeen, Glasgow, or Edinburgh, but may be heard in another location depending on availability.

Sheriff Court

There will be a sheriff instead of a judge, and a jury of 15 people. Crimes tried in this court include sexual assaults (non penetrative).

The case is likely to be heard in the court local to where the crime/s took place.

Summary Procedure

Sheriff Court

There will be a sheriff instead of a judge, and there is no jury. Crimes tried under summary procedure include some sexual assaults and sexual harassment.

The case is likely to be heard in the court local to where the crime/s took place.

If your case is heard in the High Court, it may be scheduled as a floating trial. You'll be given a date on your citation, and this is the earliest possible date that the trial will start within a one week time period.



The trial continued

You'll be asked to arrive around 9 to 9.30am and taken to a waiting room. It will be at least a couple of hours after this before the trial starts. This is because it takes time to swear in the jury (unless it's a summary procedure where there is no jury) and make sure that everyone is ready.

Somebody from VIA will meet you as you enter the court and will be a point of contact throughout your time in the court building.

If you decided to be accompanied by an advocacy worker, then they will also be with you.

Before the trial the advocate depute (prosecution lawyer) will come to meet you in the waiting room to introduce themselves and have a chat about what will happen when you give your evidence.

Giving evidence: A court official will come to the waiting room when it's time for you to give your evidence, and take you either to the court room or to a video link room, depending on what special measures you have. Your advocacy worker will come with you if this has been arranged.

First, the advocate depute will ask you questions about the incident/s. Then the defence lawyer will ask you questions. After this, the advocate depute may ask you a few short follow-up questions.

Giving evidence usually takes a few hours and you may not be finished in one day.

When your evidence is complete, you will be told by VIA staff that you're free to leave the court. You don't need to attend the rest of the trial.

You may find answering questions in court triggering.

This is normal, and your advocacy worker can help you prepare for this in advance.

You can also ask for a break whenever you need it while you're giving your evidence.

The verdict

There are 3 verdicts in Scottish courts:

Guilty

If found guilty:
The perpetrator will be convicted of the crime/s
They will be sentenced (punished)

The perpetrator has the right to appeal this verdict.

Not guilty

If found not guilty:

- The perpetrator will not be convicted of any crime/s
- They will not be sentenced (punished)

This verdict is an acquittal.
You do not have the right to appeal this verdict.

Not proven

If found not proven:

- The perpetrator will not be convicted of any crime/s
- They will not be sentenced (punished)

This verdict is an acquittal.
You do not have the right to appeal this verdict.

Solemn: In solemn cases (High Court trials and Sheriff & Jury trials) the jury decides the verdict. There must be a majority of the 15 jurors in agreement (8 or more).

Summary: In summary cases there is no jury, and the sheriff decides the verdict.



You don't need to be present for the verdict, but you can be there if you wish. If you aren't there, VIA will contact you shortly after the verdict is delivered to let you know.

Sentencing

Sentencing happens around 2 - 4 weeks after a guilty verdict. The judge or sheriff decides the sentence. There are maximum sentences depending on the type of trial that took place - High Court trial/Sheriff & Jury trial (solemn procedure), or Sheriff without a jury (summary procedure).

High Court

No maximum prison sentence, but in practice, sentences are usually for a few years.

Sheriff & Jury

Maximum prison sentence is 5 years, but in practice, shorter sentences or community service may be given.

Sheriff without Jury

Maximum prison sentence is 12 months, but in practice, a shorter sentence, community service, or payment of a fine or compensation may be ordered.

The court process is now complete.

You may want to talk to your advocacy worker, to debrief at the end of the process.

After court

You can give feedback on the court process if you want. Your advocacy worker can help you with this.

Criminal Injuries Compensation Authority (CICA)

If you haven't yet applied for financial compensation, you may wish to do so. You can apply once you have reported to the police.

There are some time restrictions to applying for compensation. You can speak to an advocacy worker about this, however we are unable to complete the application with you.

Victim Notification Scheme

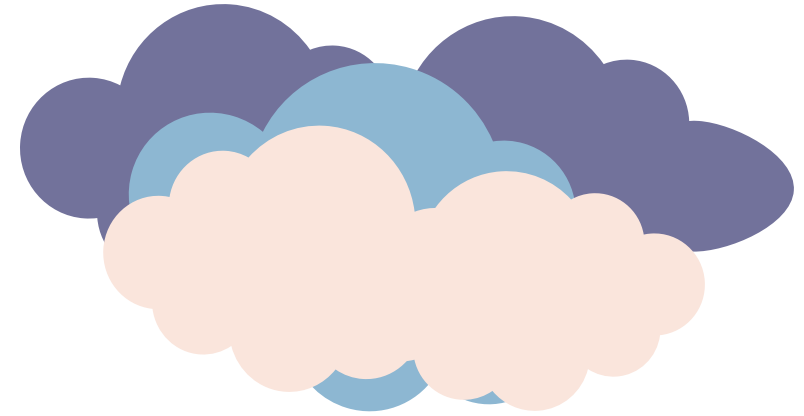
If the perpetrator has been sentenced to 18 months or more in prison, then you can register for the Victim Notification Scheme.

This means you'll be kept informed about forthcoming parole hearings and release dates. You can also opt to tell the parole board if you have any concerns about parole in future. VIA will let you know how to register with the scheme.

If the perpetrator is sentenced to less than 18 months in prison, you can write to the Scottish Prison Service to ask them to let you know when the perpetrator is released.



It's easy to feel like the criminal justice process is confusing and complicated. This guide aims to make your journey through it clearer, and help you understand what is going on, wherever you are in the process.



It's important to remember that you don't have to figure it out alone, and the advocacy service can give you support and help answer your questions along the way.

Other agencies

Rape Crisis Scotland helpline

A free helpline for anyone affected by sexual violence. It's open every day 5pm until midnight.

Phone: **08088 01 03 02**

Email: support@rapecrisisscotland.org.uk

Scottish Women's Rights Centre (SWRC)

SWRC provide free legal information, advice and representation to women affected by violence and abuse. It is a collaboration between Rape Crisis Scotland, Just Right Scotland, and the University of Strathclyde Law Clinic.

Telephone: **08088 010 789**

Website:

www.scottishwomensrightscentre.org.uk

Police

You can call **101** and ask to be put through to your local police department, or if you have been given a SOLO officer they should give you their contact details in case you want to speak to them. In an emergency, call **999**.

The Witness Service

The Witness Service is part of Victim Support Scotland. They can support you throughout the process, and are located in every sheriff and High Court in Scotland.

Telephone: **0800 160 1985**

Website:

www.victimsupport.scot/information-support/going-to-court/our-witness-service

Victim Information and Advice (VIA)

VIA are part of the Crown Office and Procurator Fiscal Service (COPFS), and their role is to support the victims of crimes. You should get the contact details of a dedicated VIA officer once your case is handed to COPFS.

VIA general enquiry line: **0300 020 3000**

Email: _EnquiryPoint@copfs.gov.uk

Website: www.copfs.gov.uk/involved-in-a-case/victims

Scottish Prison Service

Your contact for the Victim Notification Scheme, or for writing regarding the release of a prisoner sentenced to less than 18 months.

Main switchboard: **0131 330 3500**

Victim Notification Scheme team: **0131 330 3664**

Email:

SPSVictimNotificationScheme@sps.pnn.gov.uk

Website:

www.sps.gov.uk/PeopleAffectedbyCrime/VictimNotificationScheme/Victim-Notification-Scheme.aspx



SARCS

Sexual Assault Response Coordination Services (SARCS)

are available in all Scottish health boards and can arrange care for you in the days following a sexual assault or rape. This includes screenings for STIs, pregnancy, and treatment of any injuries, as well as referring you to relevant support services.

Self-referral for Forensic Medical Examination

Since April 1st 2022, you can self-refer for a Forensic Medical Examination within 7 days of an incident happening, without having to report to the police, by contacting SARCS.

The examination can collect evidence which can then be stored for 26 months, if you wish to report later. If you choose not to report, the evidence will be destroyed after 26 months.

More information about Forensic Medical Examinations can be found on page 9.

For more information about SARCS visit:

<https://www.nhsinform.scot/sarcs>

You can reach your local SARCS by calling the self-referral phone service, which is open 24 hours a day, 7 days a week:

0800 148 88 88

The national helpline will then arrange for you to be contacted by the local SARCS, who will arrange your appointment.



Glossary of legal terms A-C

- **Accused:** The person charged with a crime.
- **Adjournment:** A break in court proceedings. This might be for lunch, overnight or to a completely new date.
- **Advocacy worker:** Every Rape Crisis Centre has an advocacy worker who can support you through the criminal justice process.
- **Advocate depute (AD):** A lawyer for the prosecution for cases in the High Court.
- **Appeal:** A challenge to the accused's conviction and/or sentence. The prosecution can only appeal against an unduly lenient sentence.
- **Appear on petition:** The accused's preliminary (first) appearances in court. These are held in private. The accused will be granted bail or remanded in custody.
- **Attempted rape:** When a perpetrator tries to rape someone but does not.
- **Bail:** When the accused is released from custody by a court. The accused must agree to certain conditions before they are released.
- **Childhood sexual abuse:** Sexual offence/s against a child aged under 16.
- **CID:** Criminal Investigation Department within the police.
- **Citation:** Formal letter from the Procurator Fiscal which tells a witness to attend court to give evidence at a trial. It says where the court is, and the date and time the witness should be there.
- **Corroboration:** The legal requirement for at least two independent sources of evidence to prove each element of a crime in court. One piece of evidence may be used to prove more than one element. An accused cannot be convicted of a crime in Scotland unless there is corroboration showing that a crime has been committed and that the accused was responsible for that crime.
- **Crown Counsel:** Senior prosecutors (also known as Advocates Depute) who decide whether a criminal prosecution should take place, against whom, and on what charges.
- **Crown Office and Procurator Fiscal Service (COPFS):** Independent prosecution service for Scotland. May also be referred to as The Crown, the Procurator Fiscal (PF) or the prosecution.

Glossary of legal terms C-I

- **Custody:** When the accused is held in either the police or the court cells until it is decided whether they will be released on bail or kept on remand.
- **DNA:** A substance found in all cells of the human body including bodily fluids such as blood. Samples of DNA may provide evidence (for example the identity of the perpetrator).
- **Floating trial:** A trial that is due to start within a period of time (usually two weeks) but without a specific first day and which does not have a set court to take place in. A **dedicated floating trial** has a set court to take place in and is due to start within a period of time (usually one week) but without a specific first day.
- **Forensic Medical Examiner (FME):** This is the person who will do a forensic medical exam. You have the right to ask for a female doctor, but there may not always be one available.
- **Forensic evidence:** The scientific evidence collected from a victim, a crime scene and other people, such as fingerprints and DNA. Samples may be gathered from a victim by forensic examination. A case may go ahead without forensic evidence.
- **Forensic medical examination:** An examination by a doctor to gather evidence of a crime. This will involve a visual examination and swabs taken internally and externally. You have the right not to consent, to delay it, or to consent to part of it and not all of it (eg to consent to having vaginal swabs but not anal swabs taken).
- **Hearing:** Any time when part of the trial is taking place in a court. There can be several hearings in the course of a trial.
- **High Court:** A supreme court of justice. Most sexual offences will be heard in the high court. There are high courts in Aberdeen, Glasgow, and Edinburgh, though high court cases are occasionally heard elsewhere too.
- **Incest:** Sexual intercourse between people related to one another (as specified by law).
- **Indictment:** The document that is served on the accused (given to the accused) that sets out the charge/s in writing which the accused will be brought to court for. Once the indictment is served you know the case will go trial; before this there is nothing definite.
- **Intermediate diet:** A hearing in the Sheriff Court a few weeks before the trial starts, to check that both sides are ready to go to trial.

Glossary of legal terms J-P

- **Judge:** A judge presides over cases heard in the High Court. The judge oversees the trial and decides on the sentence. In a Sheriff Court, there is a sheriff rather than a judge.
- **Jury:** 15 members of the public, chosen randomly, who listen to the evidence and decide on the verdict.
- **License:** If an offender is released from prison before the end of their sentence, the licence sets out the conditions of behaviour which they must meet.
- **Locus:** The location where a crime took place.
- **Lord Advocate:** Scotland's senior prosecutor with overall responsibility for prosecuting crime.
- **Not proven:** This is a verdict available to a court in Scotland. Under Scots law a criminal trial may end in one of three verdicts. One is a verdict of conviction (guilty) and two are verdicts of acquittal (not proven and not guilty). A not proven verdict means that there is insufficient evidence to establish guilt or innocence.
- **Oath:** A promise to tell the truth in court by raising your right hand and swearing 'by almighty God'. If you do not believe in God, you can take an affirmation, which is a non-religious version of an oath.
- **Parole:** When an offender is released from prison before the end of the sentence. The release is subject to licence. The offender may still be under supervision in the community.
- **Perpetrator (perp):** A person who carries out a harmful, illegal or immoral act. Also be referred to as 'the accused' in legal proceedings.
- **Petition:** The first document which sets out the charge/s against the accused and starts the formal court process. An accused person is often referred to as being on petition whilst the court process is ongoing. If an accused has been released on bail, the court has 365 days to set trial dates. If the accused has been remanded, the court has 110 days to set trial dates.

Glossary of legal terms P-S

- **Plea:** The accused's answer to the charge/s. This may be a plea of guilty or not guilty. However, the accused may decide not to enter any plea. If the accused pleads guilty, there will not be a trial and you will not have to give evidence. A date will then be set for sentencing. If the accused pleads not guilty, there will be a trial and you will be called to give evidence at it.
- **Precognition:** A meeting which happens with either the Procurator Fiscal or the defence to gather information from the witness and discuss statements. This usually involves interviewing witnesses and taking a statement. Precognition happens while the case is being prepared by the Procurator Fiscal.
- **Preliminary hearing:** The first time an accused appears in court after indictment, for a trial date to be set. It is possible for a witness to be cited to attend a preliminary hearing, but generally witnesses do not have to attend.
- **Proceedings:** General term for the court process.
- **Procurator fiscal (PF or fiscal):** A lawyer who is the public official responsible for investigating rape and sexual assault on behalf of the Crown Office and Procurator Fiscal Service.
- **Remand or remanded in custody:** When a person is kept in a police cell or prison before a court appearance. This can be for up to a total of 110 days.
- **Right to Review:** Procedure allowing a victim of crime to ask the COPFS to review a decision not to prosecute.
- **RIU:** Rape Investigation Unit within the police service.
- **Rape:** When a person uses their penis to penetrate another person's vagina, anus or mouth without their consent (ie when the other person did not agree to it). The victim of the offence can be a man, woman or child.
- **Section 275 (S275):** Application to raise someone's sexual history, medical or character evidence in court. The application can be made by the prosecution or the defence but must be approved by a judge. If you are asked for permission for the court to access medical records etc please get in touch with our court advocacy worker before you respond.
- **Sentence:** The punishment imposed on the accused, such as time in prison.

Glossary of legal terms S

- **Sexual assault:** When someone does any of the following without consent: sexually penetrates a person's vagina, anus or mouth with an object or part of their body, sexually touches a person (directly or through their clothing), ejaculates semen or emits saliva in a sexual way on a person.
- **Sexual assault by penetration:** When a person sexually penetrates the vagina or anus of the victim without their consent. The penetration could involve a part of the attacker's body (for example a finger) or an object. The attacker might also use his penis. There is an overlap between the offences of rape and sexual assault by penetration. This is to cover cases where the victim is not sure if they were penetrated by a penis, for example, because they were blindfolded at the time.
- **Sexual coercion:** This offence mainly covers situations where someone forces someone to have sex.
- **Sexual harassment:** Unwanted conduct of a sexual nature, e.g. inappropriate physical touching of a sexual nature, making sexual remarks or 'jokes'.
- **Sexual Offences Liaison Officer (SOLO):** A specially trained police officer who will take your statement and handle your case. You should have the same one throughout the process.
- **Sheriff:** A judge in the Sheriff Court.
- **Sheriff Court:** The principal local civil and criminal court in Scotland. Has the jurisdiction to hear any criminal case excluding treason, murder and rape. Dealt with by a sheriff.
- **Solemn procedure:** When a trial takes place in front of a judge and jury or sheriff and jury.
- **Special measure:** A form of support which may be considered for a witness to help them give evidence, such as a screen, a TV link, or a supporter in court.
- **Summary procedure:** When a trial takes place in front of a sheriff and no jury.
- **Supervision:** The prisoner is released on a licence with specific conditions attached and is supervised by the local authority criminal justice services.

Glossary of legal terms V-W

- **Verdict:** The decision made by the jury (or the sheriff for summary procedure). The options are guilty, not guilty or not proven.
- **Victim Information & Advice (VIA) officer:** A member of staff at the Procurator Fiscal who can provide information and advice if your case may be going to court and may result in criminal charges against someone, for offences including sexual crime, domestic abuse and hate crime. They are also assigned to child victims or witnesses. They will give you information about the criminal justice system, keep you informed about the progress of the case and put you in touch with other organisations which may help you.
- **Victim impact statement:** A written statement which allows victims, or in some cases, their relatives, to tell the court how the crime/s affected them. This will be considered by the judge before sentencing, if the accused has been found guilty. The accused has access to this statement.
- **Virtual Identity Parade (VIPER):** A short film of video clips showing various people, including someone suspected of a crime. The victim of the crime is asked to view the film and say which person they recognise as the perpetrator.
- **Warrant:** A court document which allows the police to take certain actions, such as to arrest someone or search their premises.
- **Witness:** Someone who gives evidence to the court. If you have experienced sexual violence you will be referred to as a witness during the court case.

