



## edinburgh women's rape and sexual abuse centre

support, advice and advocacy for women and girls

legal information for women  
aged 16 and over:  
reporting to the police and  
going to court

**helpline: 0131 556 9437**

**administration, outreach  
& training: 0131 557 6737**

**minicom: 0131 557 6757**

**fax: 0131 558 1612**

**support@ewrasac.org.uk  
info@ewrasac.org.uk**

**c/o P.O. Box 120  
Brunswick Road  
Edinburgh, EH7 5WX**

Registered Charity Ref. SC 006208

Registered as a limited company by guarantee No. 297142. Registered  
Company Address: Edinburgh Women's Rape and Sexual Abuse Centre,  
c/o Quartermile One, 15 Lauriston Place, Edinburgh, EH3 9EP

## what happens when you report to the police?

- If you are unsure whether you want to report the incident, you can arrange to speak to a police officer anonymously and discuss what happened to you without having to press charges. You can then decide whether you want to report the crime. The decision will be yours. You can ask to speak to a female officer.
- If you decide to report to the police, you can take a friend, relative or support worker from an organisation such as ours, with you if you want to. S/he will not be able to stay with you when you are giving your statement, however, they may be able to be with you if you have a medical examination.
- If the incident has just happened, try not to wash or change your clothing, and try not to eat or drink anything as this can destroy forensic evidence. The police will probably keep what you are wearing so if you can, take a change of clothes with you.
- Depending on where the incident took place, the police may want to gather additional evidence e.g. bed clothes.
- All incidents are dealt with by the Amethyst Team, formerly known as the Family Protection Unit (FPU). This is a specialist service, based at the Gyle, and Amethyst Team officers are specially trained to deal with sexual assault cases. You can contact them on 0131 316 6600. There are other FPU's in the Lothian area. You can find their numbers on the back of this leaflet.

## what happens next?

- The police will take a detailed statement from you. You will then have the opportunity to read and change any of the details or add anything you missed, before signing. Take as much time as you need. Your statement is confidential. Your statement will then be passed on to CID and CID will interview the accused.
- If you remember something else after you have signed your statement – don't worry. This is common. Call the investigating officer and let them know what you have remembered as it can still be added to your statement. You should be given a named officer to contact.
- If the assault is recent you may be given a forensic examination by a police surgeon in a specialist unit. This is based with the Amethyst Team at the Gyle (in other areas it may be done at your local hospital). Photographs of any injuries will be taken and you may be asked to go back the next day, as some bruising does not show up immediately.
- If you can, it is a good idea to write your own notes of what happened to you. It could take up to a year for a case to get to court, and your notes will refresh your memory about what you said.
- If the attacker is traced, and investigations lead to him being charged, a report is passed to the Procurator Fiscal (PF). The PF will decide whether or not to take things further. It is the PF who actually brings the charges, not you, if s/he decides that there is a case for the accused to answer. It is important to note that you cannot decide to withdraw your evidence at this point.
- In most cases, the attacker will get bail. He will be warned not to approach you. If he does, contact the police at once.
- At some point, the PF will ask you to go for precognition. This is when the PF will interview you and anyone else involved, in order to see how strong the case is against the accused. You can take someone with you but they will not be able to sit in with you during the interview.
- If you do not want your address to be made known to the accused or his solicitors, you should ask the PF to ensure that your address is given as care of the police station that has dealt with your case. Your name will be disclosed to the defence but your address will be given as care of the police station.
- At some point before the trial you may also be asked to go for precognition by the defence lawyer. You can insist that it takes place at a time and place of your choosing, and that a friend, relation or support worker is with you. The accused will not be there. If you refuse the defence can apply to the court for

## what happens if the case gets to court?

- If the trial is to go ahead you will receive notification that you must appear as a witness to give evidence for the prosecution. This is called a citation.
- Cases of rape and other serious sexual offences are heard in the High Court. Other offences are heard either in the High Court or Sheriff Court. The difference between the two is the power they have for sentencing.
- You may find it helpful to visit and familiarise yourself with the court before the trial. This can be arranged by the Fiscal Office, VIA or the Witness Service.
- In court you will be a witness for the prosecution, the same as if you witnessed a crime. You are not represented by a lawyer. The PF will act on your behalf. The case can last a couple of days or more. It could be postponed once or even a few times.
- You only have to attend to give your evidence. If the accused pleads guilty you will not have to appear, but this may not happen until the last minute. Often there are long periods of waiting and confusion. If you made your own notes, read them through beforehand.
- Be prepared for a number of people to be present in court when you give evidence. Members of the public however, will be cleared from the court while you give your evidence and the press should not publish your name or address. The accused will be present in court while you give your evidence.
- If the accused is found **Guilty** he will be sentenced. There is a three to five year maximum sentence in the

precognition to be taken under oath. The information gathered from precognition may lead to the solicitor recommending the accused pleads guilty i.e. if the case is very strong.

- If the PF decides to prosecute the accused, your details will be referred to Victim Information and Advice (VIA). They are a specialist service that offers information and advice to you about how the Criminal Justice System works. They will keep you updated about the progress of your case. You can phone VIA or the Fiscal's Office at any time to check what is happening with your case. Please see the back of this leaflet for their contact numbers.
- Amethyst Team/FPU staff should stay in contact with you throughout the process, including the trial, if there is one.

## what happens if the case is not proceeded with?

- In cases where it is decided that a prosecution will not take place, you will receive a letter from the PF advising you of their decision. If you wish, a meeting can be arranged to enable you to discuss this matter further with the PF. However, you may not be informed of the reasons why proceedings are not being taken. This information is confidential and the PF may not be at liberty to disclose their reasons to you. It does not necessarily mean that you have not been believed, but rather that there was not enough evidence to proceed.

Sheriff's Court, but no upper limit in the High Court. If the accused is sentenced for four or more years you should receive a letter from the PF asking if you want to opt into the Victim Notification scheme. This means that you would be informed when your attacker is released from prison. You can opt into this at any time and can also opt out at any point.

- If he is found **Not Guilty** he will then be released. You cannot appeal against this decision.
- If the verdict comes back as **Not Proven** this means there has not been enough evidence to convict him and he will be released. You cannot appeal against this decision.
- If you wish to make a **private prosecution** you should consult your solicitor. There has only been one successful private prosecution in a rape case in Scotland. The difficulties you may face could include lack of money and obtaining evidence. You would not be entitled to Legal Aid, and two separate actions are involved, one to seek permission to bring the private prosecution and the other the prosecution itself. You would also need to gather the sort of evidence the police normally get, or get access to evidence the police had already gathered. This could be difficult.
- You may be entitled to claim compensation from the **Criminal Injuries Compensation Authority (CICA)**. You can claim Criminal Injuries Compensation if you have reported the attack to the police. The case does not need to have been proceeded with nor is a conviction necessary. Claim forms, guides to applications and information are available from the CICA at 0141 331 2726.

## useful contact numbers

### Victim Support Scotland

0845 603 9213

### Victim Information and Advice (VIA)

0131 247 3441/3444

### Witness Service

0131 220 1550

### Lothian and Borders Police

0131 311 31 31

### Family Protection Unit

0131 316 6600 (The Amethyst Team, Edinburgh)

0131 654 5528 (East & Midlothian)

01506 652 615 (West Lothian)

### Court Social Worker

0131 240 6929 (check 0131 247 2853)

### Criminal Injuries Compensation Board

0141 331 2726

### Crown Office and Procurator Fiscal Service

0131 226 2626

Scottish Government information for victims of crime can be found online at

[www.scottishvictmofcrime.co.uk](http://www.scottishvictmofcrime.co.uk)

All our leaflets are available in larger print. If you would like copies please contact us on 0131 556 9437.