

Your Journey



Sexual violence – a survivor's guide
to support & reporting in Derbyshire

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Introduction

Deciding whether to report a rape or sexual assault can be difficult and very personal. This booklet has been written to provide information on the options available for reporting a sexual violence offence, and accessing specialist sexual violence support in Derbyshire.

Please note that this booklet uses language that you might find distressing. You can stop reading or skip to another part at any time. You can always come back to read more when you are ready. It is important to go at your own pace.

A range of terms are used by different organisations at various stages of proceedings. You may hear the terms 'perpetrator', 'suspect' and 'defendant' used to describe the abuser, and 'complainant' or 'victim' to describe the survivor of sexual violence, as these terms are commonly used in law.

This booklet has been produced for adults (18+). The experience of reporting for children and young people under 18 years old can be quite different although specialist support is also available.

For support and information for children and young people (0-18 years) old please contact the [East Midlands Children and Young People's Sexual Assault Service](http://www.emcypsas.co.uk) (www.emcypsas.co.uk) The 24hour single point of access number is 0800 183 0023

What is Sexual Violence?

Sexual violence is the term we use to describe any kind of unwanted sexual contact, act or activity; It includes rape and sexual assaults. "Unwanted" means that you have not consented or agreed by choice. A full definition can be found on this link, [click here](http://www.cps.gov.uk/sexual-offences) www.cps.gov.uk/sexual-offences

To help you understand the legal and Police terminology, you can find a description of the **bold** words in our 'Definitions and Explanations' booklet, [click here](#) to access it.

Your support



Details of specialist organisations
who offer advice and support

In Derbyshire there are a number of pathways a survivor can choose to report a sexual violence offence. Derbyshire has specialist sexual violence support services, all of which can help you.

They offer a range of professional, confidential and safe services that can support you through your journey. They will talk to you about who can support you with your needs and what you would like to do next.



You can report a sexual offence or access support from any of the following organisations:



Millfield House - Sexual Assault Referral Centre (SARC)

Millfield House is a Sexual Assault Referral Centre (SARC) that offers free, professional and confidential support and practical help to anyone in Derbyshire who has experienced recent sexual violence and/or sexual abuse. Millfield House has trained specialist **Sexual Offence Examiners (SOE)** and **Crisis Workers**, who will guide you through an assessment of your healthcare needs. If something has happened to you within the last 7-10 days, Millfield House will be able to offer emotional support and will discuss options with you.

Millfield House are able to gather and store forensic evidence. This gives you the opportunity to receive ongoing support, before making the decision of whether you choose to inform the Police.

24 hour, 365 days a week contact number: **0330 223 0099**

Attendance at Millfield House is by appointment only.

www.millfieldhousesarc.co.uk



You do not need to have reported a sexual offence to the Police to attend Millfield House.

SV2 (Supporting Victims of Sexual Violence)

SV2 (Supporting Victims of Sexual Violence) offers a wide range of support for both recent and historical victims of sexual violence which include counselling, therapy and Independent Sexual Violence Advisors (ISVAs). SV2 supports all genders from any age and all its services are available to adults and children in Derbyshire.

To discuss your options call SV2 on **01773 746115**

www.sv2.org.uk



SAIL (Sexual Abuse and Incest Line)

SAIL offer free, specialist counselling, drama therapy, art therapy and other complimentary therapies for adults aged 18 and over in Derbyshire who have experienced sexual abuse, incest or sexual violence. Peer groups and a move-on group is available for those who have completed counselling.

The SAIL helpline is available Monday to Friday: **0800 028 2678**

www.sailderbyshire.org.uk



Derbyshire Police

Derbyshire Police have **Specialist Trained Officers (STOs)** and teams who will support you while reporting an offence and during the criminal justice process. They will also provide advice and guidance on where to access specialist sexual violence support.

Emergency Number: **999**

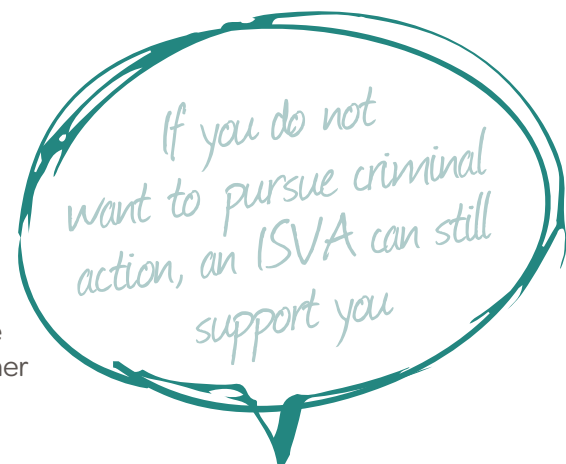
Non Emergency Number: **101**

www.derbyshire.police.uk



Independent Sexual Violence Advisor (ISVA)

An Independent Sexual Violence Advisor (ISVA) can offer emotional and practical support, which can include information about safety options and helping you understand your rights and services that are available to you. An ISVA is independent from the Police and can provide you with an explanation of police procedures and the criminal justice system. They are able to liaise with the Police, Courts, Crown Prosecution Service (CPS) and other agencies on your behalf. This support is available, whether or not you choose to report to the Police



Supporting a loved one who has been sexually assaulted or raped

Your friend, relative or partner is trying to make sense of what has happened. It can take time, but your support is invaluable.

SV2 and SAIL can provide extra support for you during this time. They can help you to work through your own feelings and emotions, answer any questions, and look at ways you can support the person close to you.

It is important to remember that all you can do is your best. Sometimes just sitting with the person, without speaking, can help.

The following simple guidelines may give you some ideas about how you can help:

- Listen, but try not to ask for details. Wait for them to tell you and, if they do tell you something in confidence, make sure you don't tell anyone else. They might not want to tell you everything. Let them know you're ready to listen whenever they want to talk. Don't ask why the rape or sexual assault happened or why they didn't stop it happening. It can sound like you're blaming them, even if you only have their best interests at heart.
- Believe what they're saying. Show it in your body language and facial expressions and tell them you believe them.
- Let them cry whenever they need to. You might find it upsetting as well, but it's important they're able to show their emotions.
- Respect their personal space. They might not want you to touch them, even if you mean well and are offering a comforting hug. Ask them if it's alright and let them make the first move. If you're in a sexual relationship with them, accept that they might find sex frightening at the moment. Respect that, and don't try to start sex or pressure them into having sex.



Your decision

Deciding whether to
report to the Police

Deciding to report a sexual assault or sexual abuse is very personal and can be a difficult choice. It should be based on your needs alone, not the needs of other people. The right decision is whatever feels best for you and no one else should make the decision for you.

We understand that coming to terms with what has happened to you is very upsetting and you might have many questions...

It happened a while ago. Can I still report it?

Yes – you can report a sexual assault or rape that happened at any time, even if this was months, years or decades ago. The Police take every report seriously, no matter how much time has passed. We understand that there are lots of reasons why someone might delay telling anyone about what has happened. We also know it's common for victims to take time to realise that what has happened is a crime, or for a number of reasons, they may not feel ready to report the incident right away.

I'm worried that I can't report it because I feel like I am to blame

There are some common myths and stereotypes about sexual violence that might make you feel like you are to blame, such as...

"I didn't fight back"

Sometimes people are too scared to fight back. This might be because they 'freeze' instinctively or because not fighting back is the safest option at the time. Both of these are natural responses. Not having fought back doesn't mean you are to blame.

"I was wearing revealing clothing"

Sexual violence is about something that happened without your consent. This has nothing to do with clothing. Whatever you were wearing at the time, you are not to blame.

"I chose to go somewhere private with the person, like their home or a hotel room"

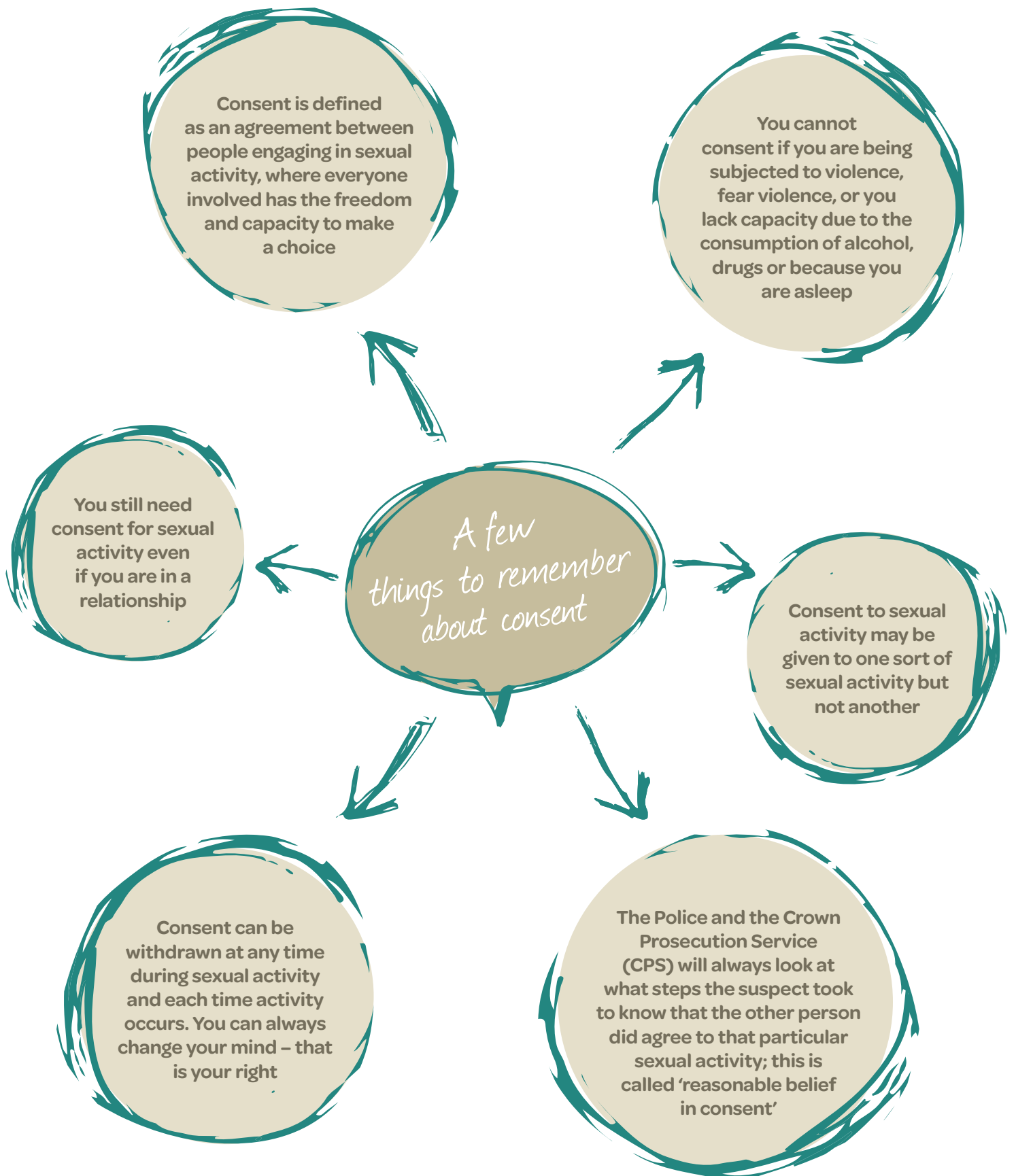
There are many reasons someone might choose to go to a private place with someone, and choosing to be in a private place is not the same as consenting to sexual activity. Going somewhere private does not mean you are to blame.

"I was drunk/I'd taken drugs"


If a person is drunk or has taken drugs, this does not mean they have consented to sex. However, it can mean that they are not able to give consent because they don't have the capacity to make a choice.

We understand that making a decision about whether to report can be difficult. If you want support with this or during the reporting process, please see the **Independent Sexual Violence Advisor (ISVA)** and Millfield House sections within the booklet.

Remember that the responsibility for all rape, sexual assaults or sexual abuse always belongs to the person who assaulted you. You are not to blame.



ISVA



What your Independent
Sexual Violence Advisor can offer

Independent Sexual Violence Advisors (ISVA)

An Independent Sexual Violence Advisor (ISVA) can offer emotional and practical support to help you deal with the effects of rape, sexual assault or childhood abuse. They can provide you with information about safety options, and help you understand your rights, and services that are available to you. An ISVA can help you communicate with other agencies including your work, housing, benefits and make referrals into other services, if required.

If you do not want to pursue criminal action, an ISVA can still support you with your emotional and physical wellbeing. An ISVA is independent from the Police.



Support in the Criminal Justice System

An ISVA can provide you with an explanation of police procedures and the criminal justice system. If you choose to report to the Police, an ISVA can support you through the whole legal process, which can include liaising with the Police, Courts, Crown Prosecution Service (CPS) and other agencies on your behalf. They will keep you informed of developments in your case. They can also arrange pre-trial visits, special measures and support you before and during any trial.

Making Contact

ISVA services are based within SV2 and SAIL. You can contact ISVA services directly or ask someone to on your behalf. This can include an organisation or someone supporting you, such as a friend, family member, the NHS or the Police. If you require a male ISVA please let the team know.

ISVA Referral

Once your referral has been received, you will be offered an initial appointment with an ISVA. This appointment will last around 1 hour and your ISVA will complete a safety and support assessment with you that will help to identify your support needs. You do not have to discuss anything you don't want to. Once the assessment has been completed, both you and your ISVA will discuss your options and agree a support plan.

Everything you tell your ISVA is treated in confidence, you do not have to tell them anything you feel uncomfortable talking about. There may be times where your ISVA may have to inform other agencies, for example if they feel there is a risk to you or others, they will always seek your consent for this.

You and your ISVA will agree together how they will support you through your journey.



Reporting

A step by step guide
to making a report to the Police

There are many different ways you can report a sexual violence offence to the Police. You might not be completely sure what happened or how to talk about it. The Police understand that this can be difficult and have Specially Trained Officers (STOs) who specialise in helping people to report sexual offences.

You can contact Derbyshire Police in a number of ways:

- **Call 999** (emergency number) this should only be used if the abuser is still present, or nearby, or returning to where survivor is located.
- **Call 101** (non-emergency number)
- Visit a Police Station
- Online crime reporting service

Contacting the Police

If you contact Derbyshire Police via 999 or 101, their call handlers will answer, not a Police officer. Call handlers are highly-trained and skilled members of Police staff. They're used to speaking to people in a variety of difficult situations. They will take details from you, create an incident number and ask for a **uniformed officer** to visit you. The uniformed officer will complete the early stages of an investigation before passing the case to a Specially Trained Officer (STO). If you don't want the Police to come to your home, you can go to a Police station or they can meet you somewhere where you feel more comfortable.

Can someone be with me when I speak to the Police?

You can have anyone with you, who will make the process more comfortable for you; this could be a friend, family member, or an ISVA. However, if they are a potential **witness** they won't be able to sit with you while you give your statement.

Will the Police ask about my sexual history or preference?

The Police officers may ask some personal questions, such as whether you've had consensual sex with the person before. They will only ask questions which are relevant to the investigation. Your sexual history or preferences will have no impact on the way your case is handled or the support offered by the police and other services.

Will the Police officer examine me?

If the sexual assault happened within the last seven days, the Police officer will seek your consent to use an **early evidence kit**. This is a quick and non-invasive procedure, for example they may take a mouth rinse/swab, urine sample.

The Police have Specially Trained Officers who specialise in helping people to report sexual offences.

Can I report an offence on behalf of someone else?

Please encourage the survivor to attend Millfield House. If this is not an option, then please report it to the Police as a third party and try to provide as much information as possible. The Police will record the incident. If in the future the survivor wishes to inform the Police themselves, the Police will already have a record of it. If the survivor did attend Millfield House, any forensic evidence will have been secured, which will assist in the Police investigation going forward.

Making a Report to the Police

The circumstances behind any report of sexual violence are unique, so the way the Police investigate each one can vary. However, every investigation will start with the same steps to make sure they gather as much evidence as they can, as quickly as they can, whilst giving you all the support and advice you need.

First Police Visit

As soon as possible after you report a sexual offence, the Police will arrange for a uniformed officer to talk to you. Their first priority will be to check on your welfare and find out if you need any emergency medical assistance. If you're comfortable talking about what happened, the officer will have four main questions:

- Who did this?
- What happened?
- Where did it happen?
- When did it happen?

The Police understand you may not be able to answer all of these questions. However, the more you can tell them, the better their chances of identifying the perpetrator.

For something that has happened in the last seven days

It's natural to want to wash and try to make yourself feel more comfortable, but the Police will ask your permission to use an early evidence kit. This is a quick and non-invasive examination to gather **forensic evidence**. If possible, the Police will ask you to not:

- Shower or bathe
- Wash your hands
- Brush your teeth or hair
- Use the toilet or discard sanitary towels/tampons
- Drink or eat anything (other than essential medication)
- Smoke
- Remove or wash any clothing worn at the time

If you've already done any of these things please don't worry.

The Police may support you to make a visit to Millfield House (Derbyshire's Sexual Assault Referral Centre) who can help with medical needs and collecting of forensic evidence.



Your Police Statement

The Police can either take your statement in writing or they can film the interview and use that as your statement. You will hear this called a **Video Recorded Interview (VRI)**. They will explain each choice so that you can choose which you are most comfortable with.

The Suspect

If the Police can identify and locate the **suspect**, they may arrest them. The decision to make the arrest will be based on a Necessity Criteria (threat and risk) which is applied by the Police and is on a case by case basis. The Police will take a number of factors into account, including ongoing threat and risk to yourself or others.

Your officer in the case (OIC)

The **officer in the case (OIC)** for these types of offences will be a Police Detective who has received or is receiving training into the investigation of serious and complex crimes. The OIC will be assigned to your case with the responsibility of investigating and securing all of the evidence. The OIC will explain to you what is happening at each step, answer any questions you might have and, with your consent, refer you through to specialist sexual violence advocacy services.

Support from Specialist Services

Based on your individual needs, the Police may make referrals on your behalf to specialist sexual violence support agencies working independently of the Police.

In Derbyshire they are:

Millfield House –
Sexual Assault Referral Centre (SARC)



SV2
(Supporting Victims of Sexual Violence)



SAIL
(Sexual Abuse and Incest Line)



Your sexual history or preferences will have no impact on the way your case is handled or the support offered by the police and other services.



Millfield House

Sexual Assault Referral Centre
& forensic medical examination

Millfield House is a Sexual Assault Referral Centre (SARC) that offers free, professional and confidential support and practical help to anyone in Derbyshire who has experienced sexual violence and/or sexual abuse. Millfield House has trained specialist staff, who will guide you through an assessment of your needs and the options available to you.

You can access support at the centre without Police involvement. If you have already contacted the Police they may also encourage and support you to attend the centre

First Steps

The Millfield House team are there to make sure that you are heard and get the help you need in taking your next steps. You can contact them at any time of day or night, and they are always there to listen and provide advice.

At Millfield House you will be able to:

- Talk to someone about your experience and get emotional support
- Get advice about what services are available to you
- Discuss sexual health concerns after an assault or be referred to sexual health services
- Report someone anonymously to the Police.

If something has happened in the last 7-10 days

If something has happened to you within the last 7- 10 days, the Millfield House team may advise that you attend the centre as soon as possible. They can help you decide if you would like evidence collecting and ensure you have your healthcare needs met.

You do not need to have reported an offence to the Police to attend Millfield House.

The Millfield House team will explain all of your options and may recommend an appointment to meet with one of their specialist nurses, who can carry out a check up to preserve evidence. They would recommend that if possible you don't wash or shower before attending the centre. With your consent Millfield House are able to store forensic evidence, including clothing and DNA samples, in a secure facility. This gives you the opportunity to take some time to think about your choices, before making the decision whether or not to inform the Police.

The Police are happy to receive information which does not have your name on (Depersonalised Data), but it would help the Police to have as much information as possible. Any personal data would be used 'for intelligence purposes only'. The team will not share information unless you ask them to.



You can access support at the centre without Police involvement. If you have already contacted the Police they may also encourage and support you to attend the centre.

Here is what would normally happen when you contact Millfield House...

Making Contact

Millfield House cannot offer a drop-in service, so please let them know you are coming. If you do not feel comfortable giving your name or details, the team can still offer you the same help and support. Depending on your needs, they will either arrange a time for you to attend Millfield House or help you to make contact with other services that may be beneficial. They may ask you to come and see them quickly, to make sure you receive important healthcare. If you have already chosen to involve the Police, then they will contact Millfield House on your behalf.

Arriving at Millfield House

A team member will be there to meet you when you arrive for your appointment at the centre. From your initial conversation with them, you will know how to get there and who you will meet. You are welcome to bring somebody with you to support you if that makes you feel more comfortable. If you have contacted the Police first and asked for them to be involved, they will usually bring you to Millfield House.

The team member will talk through the process and the options available, and will ask you a few questions. They will always make sure that you understand and are comfortable with everything that is happening. All of the staff at Millfield House are female. If you would prefer to speak to a male team member, please just let Millfield House know at the earliest opportunity and they will do all that they can to facilitate this. You can choose to use as much or as little of the service as you want to. It's fine if you change your mind at any point – the staff are there to support your choices.

Everything you tell the staff is usually treated in confidence and you don't need to tell them anything you feel unable to talk about. Sometimes they have to inform other agencies if children or others may be at risk. They will always seek your consent to share any personal information.

Forensic Medical Examination

Depending on when the incident took place, the staff will give you the option to have an examination, which can help to preserve evidence (this will depend on what has happened, due to timings for evidence collection). They can offer this even if you don't want to involve the Police at the moment, but feel that you might want to in the future. The examination will be carried out by a specially trained Sexual Offence Examiner (SOE) and you will be supported by a Crisis Worker.

The team are there to support you as much as you need throughout your time at Millfield House. They understand that the examination is not a pleasant experience, but your Sexual Offence Examiner and Crisis Worker will do all they can to make the examination as comfortable as possible.

You can stop or pause at any point...there will never be any pressure.

There are three parts to the examination, and the SOE and Crisis Worker will explain each part of the examination to make sure you understand.

You will be asked to change into a gown for the examination, and the SOE will ensure you remain as covered as possible throughout. Only the SOE and the Crisis Worker will be present and you can stop or pause at any time during the examination.

The three parts of the examination are:

1

Collecting your medical history - this allows them to get a clear picture of your overall health, including any medication you are currently taking.

2

A full head to toe examination, which may include an internal examination. The staff will talk you through the different evidence which they can collect. Depending on what has happened, this may include:

- Making a note or photographing any injuries (bruises, cuts & scrapes)
- Collecting urine, hair and possibly a blood sample
- An internal examination, like a smear test, to take forensic samples
- Keep your clothing (especially undergarments)
- Swabbing parts of your body.

3

After the examination, you will have the opportunity to have a shower and change into more comfortable clothing. The team will give you a personal self-care toiletry bag. The workers will then have a discussion with you about emergency contraception or other treatment needs. They can provide emergency contraception if this is required. The team are also able to provide immediate sexual healthcare advice and give information about screening for sexually transmitted infections (STIs).

Next Steps

Whether you choose to have an examination or not, the team will be able to talk you through the other services that they can refer you to. This will ensure that you have ongoing support after your visit to Millfield House. They can make contact with any or all of the services below on your behalf:

- GP
- Local Sexual Health Services
- Independent Sexual Violence Advisor (ISVA)
- Safeguarding Services
- Specialist Sexual Violence Support Services

Follow Up

The team understand that you might have questions after you have left Millfield House and you are welcome to call them at any time.

Supporting Someone Else

If you would like to talk to Millfield House about something that has happened to a friend or relative, they can talk you through their services and offer emotional and practical support.

The team will also call you six weeks after your visit to see how things have been and if there is anything else they can do to help.

The investigation



How the Police will investigate the case

Once you have made a report or disclosure to the Police, they will start their investigative work. This may include:

- **Looking at CCTV recordings**
- **Obtaining and analysing forensic evidence**
- **Speaking to witnesses**
- **Tracing and interviewing the suspect**
- **Reviewing phones and social media accounts (of both suspect and survivor).**

Mobile Phones

It's important to know that the Police might want to request your mobile phone and download the contents; they will only do this if it is essential for the case. This means that it is thought to contain evidence that will help the prosecution case, or that the defendant has said that it contains specific content that would support his case or would undermine the prosecution case. By doing this, the Police can show that they've done a thorough investigation and collected any relevant evidence, which gives the case a better chance of succeeding, or allows the defendant to have a fair trial.

You can choose not to provide your phone to the Police – however, this may have an impact on whether the case can be pursued as the defence lawyers could argue that evidence hasn't been collected that would support the **defendant** and the defendant cannot have a fair trial. Each case and scenario will be looked at individually and the police will discuss any concerns that you have, so that you can make an informed decision.

Length of Investigation

Investigations of rape and serious sexual offences can be very lengthy. This is necessary in order to follow all reasonable lines of enquiry which point both toward and away from the suspect. Non-recent cases in particular may take longer due to having to locate and view older materials and evidence.

The Police will only act on the contents of your phone if they discover something relevant to the investigation within the contents, or if they discover evidence of a crime being committed.

Review of Evidence

Once the Police **Officer in the Case (OIC)** has collected all the evidence, they will ask the Police Detective Sergeant to review the investigation. This review incorporates the strengths and weaknesses of a case.

Once this review is completed, the Detective Sergeant will present the case to the Police Detective Inspector who will also review the investigation. The Detective Inspector has to be certain that the following requirements are met, before they will refer to the **Crown Prosecution Service (CPS)** for a **charge** decision:

- It meets the evidential threshold
- That there is a realistic prospect of conviction

If the Detective Inspector decides that your case should not be referred to the CPS, the Police **Officer in the Case (OIC)** will explain this decision to you.

If the case is passed to the CPS, a **Senior Crown Prosecutor** (who will be a lawyer specialising in rape and sexual offence prosecutions) will review the case and tell the Police whether they can charge the **suspect**. This process can take up to 28 days, which means the Police may have to release the suspect under investigation. Sometimes, the CPS may ask the Police to conduct some additional enquiries to gather more evidence before they can make a decision; this can mean that the final decision takes longer than 28 days.

If the CPS decides there is enough evidence to charge the suspect, they will notify your OIC, who will then contact you to advise you on this decision. If the CPS decides that there is not enough evidence to charge the suspect, the Senior Crown Prosecutor will write to you personally to explain this decision.

The Police will keep you updated at every stage of the Police investigation. Unfortunately, the Police officers and Senior Crown Prosecutor won't be able to tell you exactly how long the investigation or CPS charging decision will take, but they will try to complete their work as quickly as possible, without compromising the quality of the case. You should be given information about the **Victim's Code** which sets out the service you can expect from the Police and criminal justice agencies. This can be found here: [Guide to Code of Practice for Victims](#)

While the Police investigation is ongoing, the defendant is not normally allowed to speak to you. If they're suspected of trying to intimidate you, they could face charges for a further offence.

What if there is no match to the DNA or forensic evidence?

DNA and forensic evidence can play an important part in some investigations. This evidence can be obtained from either yourself, the perpetrator or from where the incident occurred.

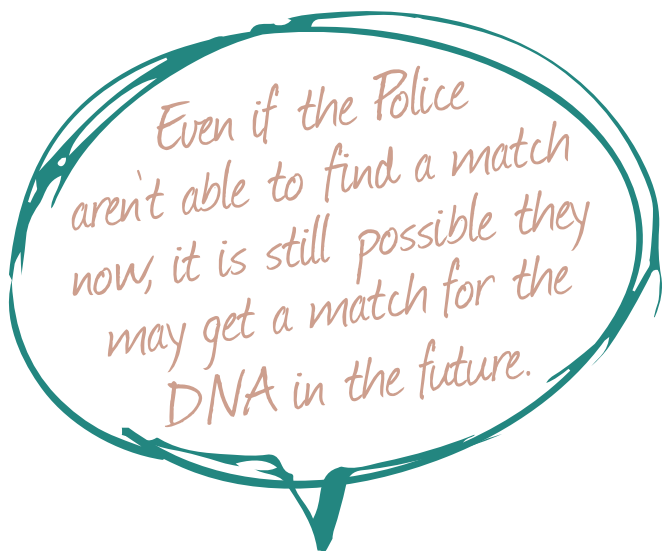
The national DNA database has thousands of people's DNA in it. The Police take DNA from every individual they arrest and add it to the database. They can then check to see whether it matches any unsolved crimes. Sometimes this can provide helpful information to the investigation, but sometimes people haven't come into contact with Police before and there may not be a match. This might be their first offence or the first time the Police have managed to get a full DNA profile.

The Police currently have DNA evidence stored for several unsolved serious sexual offences, which they check against the database regularly. They can also do familial searches to look for close matches (relatives) of the defendant.

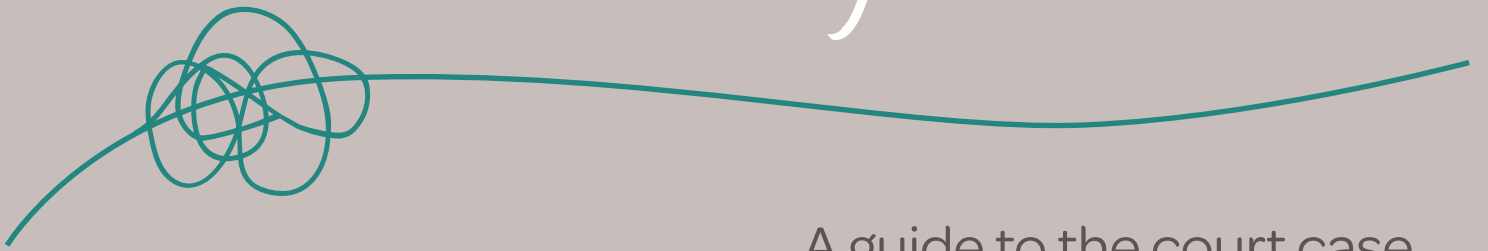
Will it always go to court?

Your case will only go to court if someone is charged, or reported for summons. Reporting for summons is an alternative method of telling a defendant they must attend court and it will follow the CPS decision outlined above.

Some sexual offence cases don't get to court. This does not mean the Police, Crown Prosecution Service and sexual violence support services don't believe you – it only means that there is not enough evidence to take the case to court. You will still receive support and keep your **right to anonymity**.



Going to court

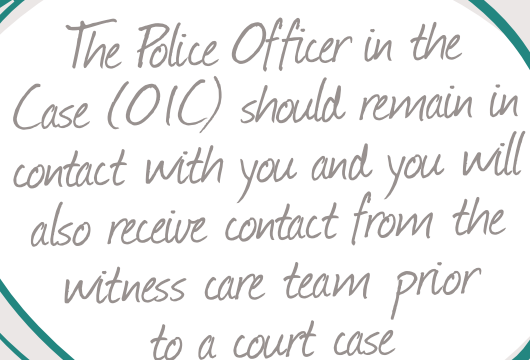


A guide to the court case
and giving evidence

If the Crown Prosecution Service (CPS) advises that the suspect should be charged, the first stage will be 'heard' at a Magistrates' Court. The suspect, who will, after charge, be referred to as 'the defendant,' will have to attend. You won't need to attend at this stage, unless you want to. It is helpful to have an Independent Sexual Violence Advisor (ISVA) to support you through the criminal proceedings.

Early Court Stage

The **Magistrates' Court** may refer the case to **Crown Court**. Alternatively, they may decide to keep the case in the Magistrates' Court and the defendant will be asked whether he/she wishes to plead guilty or not guilty. If the case is transferred to the Crown Court, the first hearing will be the Plea and Trial Preparation Hearing, (PTPH). This is where the defendant enters a plea of either guilty or not guilty. Whether in the Magistrates' Court or Crown Court, if the defendant pleads guilty, a date will be set for the sentencing hearing. If they plead not guilty, a date will be set for the trial. Both courts may make decisions about the defendant's bail.



The Police Officer in the Case (OIC) should remain in contact with you and you will also receive contact from the witness care team prior to a court case

Preparing for Court - Special Measures

We understand that preparing to attend court for a trial can be a very anxious time. The Crown Prosecution Service has designed a guide for victims to explain the process of a criminal trial and what you can expect at each stage. You can read the guide in full or choose the stage that is most relevant to you www.cps.gov.uk/rasso-guide/rasso-victims-guide

Special measures are steps taken to help survivors and witnesses to give their best evidence and to help to relieve some of the stress associated with giving evidence. Special measures should be tailored to the person's particular needs.

They can include:

- Giving evidence in court from behind a screen
- Giving evidence from outside the courtroom via live video link
- Video recording your statement to be played in court
- The removal of wigs and gowns by judges and lawyers
- The assistance of a Registered Intermediary to help you to understand the questions you are being asked.
- Clearing the public gallery so that no members of the public watch you whilst you give your evidence. This can include family and associates of the defendant,
- Pre-recording your cross-examination. This allows you to complete your evidence and not have to wait for the trial date. This does generally take place at court and the defendant is allowed to hear this.

Your Independent Sexual Violence Advisor (ISVA) will be able to provide support and advocacy before, during and after the trial. Before the trial, you'll be offered a pre-court visit. These are usually arranged outside normal court hours and your ISVA can attend with you. This gives you the chance to see the courtroom and understand the court surroundings. You can also watch your video recorded interview back or re-read your statement.

The ISVA, Police and the Crown Prosecution Service will talk to you about special measures that you might want in place to assist you when giving evidence and they can apply to the court for these.

Arriving at Court

The **witness care team** will arrange for you to enter the court from a private entrance, so you do not come into contact with the defendant. They will also arrange somewhere you can wait with anyone supporting you, like your ISVA, a family member or a friend.

The **prosecution lawyer** will come and meet you. They will explain the trial process and answer any questions you might have about what you will be asked to do in court. They will also be able to tell you in what way the defendant is contesting the charge; for example, they may be denying that they ever had sex with you. The lawyer cannot discuss the evidence with you, as this could impact on the fairness of the trial.

The courts will try and make your wait as short as possible, as they understand the sensitivity surrounding the case, but short delays are common. If there is going to be a significant delay, you should be updated about this by the Senior Crown Prosecutor (lawyer), or another person acting on their behalf.

The Trial

Before anyone goes into the courtroom, the **jury** will be selected and 'sworn in'. The court will have a **public gallery**. The trial will start with an **opening speech**. You will usually be the first person to give evidence. After you have completed your evidence, you have the option of sitting in the courtroom for the rest of the trial.

If you attend court as a survivor or witness, it is against the law for the media to use your name or give details that would make it clear who you are.

Giving Evidence

Before giving evidence, you will need to either swear on a holy book or 'affirm' that you will tell the truth. This happens in every courtroom and in every case.

If you gave a video statement, the CPS may play this as your evidence. If you gave a written statement, the Senior Crown Prosecutor (lawyer) will ask you questions. This will help you explain what happened, as you can't read from your written statement. Whether the video is played or you answer the lawyer's questions, this is called your **Evidence in Chief**.

The Senior Crown Prosecutor (lawyer) is not allowed to ask you leading questions. Don't feel rushed to answer. If you can't remember or don't know the answer, just say so. It's important to be honest at all times. If you think the answer is in your statement then ask the Senior Crown Prosecutor (lawyer) if you can read that part of your statement to remind yourself.

The **defence lawyer** will also question you; this is called cross-examination. They might ask questions to try and make you look untruthful or unreliable. They are not allowed to ask any questions intended to insult, degrade or annoy you. The Senior Crown Prosecutor (lawyer) or barrister representing the CPS may also step in if they feel the questions are unfair. As with any question, take your time, and don't feel pressured or rushed into responding.

Witnesses

After you have given your evidence, the prosecution will then call any other witnesses that have been asked to attend. They might include people you told about the sexual offence or someone who saw what happened.

The Defendant's Evidence

Once the Crown Prosecution Service has presented all of its evidence, the defendant will give their evidence if they want to; they do not have to give evidence at all if they don't want to. They can then call any witnesses for the defence.

Closing Statements and Summing Up

Once the defence has finished calling their evidence, both the Senior Crown Prosecutor and defence lawyers will give **closing statements**.

The **judge** will then summarise the case for the jury, clarifying any legal points. Often they will give directions to the jury about the **standard of proof**. They will also remind the jury to deal with the case without prejudice.

The Verdict

When the jury return, their verdict will either be 'guilty' or 'not guilty' for each offence that the defendant was charged with. If the verdict is 'not guilty' that doesn't mean the jury don't believe you. It means the prosecution couldn't prove (beyond reasonable doubt) that the defendant was guilty. Whatever the verdict, your right to anonymity remains in place.

Sentencing

If the verdict is 'guilty', the judge will sentence the defendant. Sentencing sometimes takes place on the same day and sometimes takes place at a later date. Your witness care officer or ISVA will tell you when this will be, and you are welcome to attend the sentencing court date.

If the court imposes a sentence, you will also have the option to submit a statement telling the court the impact the sexual offence has had on your life. For some people, this can provide some closure as it allows you to give a direct message to the defendant. You can either read this yourself or someone can read it on your behalf, like the Senior Crown Prosecutor (lawyer).

If the sentence is longer than 12 months you can join the **Victim Contact Scheme** to receive further information and updates throughout the sentence.

What will the sentence be?

Sentences vary dependant on the circumstances; no one can tell you the exact sentence that the defendant will receive as this is a matter for the Court, but the Senior Crown Prosecutor (lawyer) can explain the range of sentences available.


Can the defendant be tried again if they are found not guilty?

Only in exceptional circumstances, when new and compelling evidence comes to light. Generally, if the defendant has been found not guilty, they can't face a trial for the same offence again.

How long will this all take?

It's not possible to say exactly how long the whole case will take to conclude, but the Police and your ISVA will keep you updated and guide you through the process.

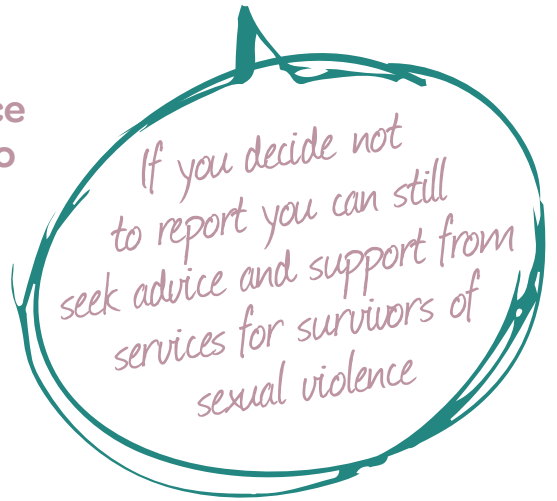
Contacts



A reminder of the organisations who
can support you through this journey

In Derbyshire there are specialist sexual violence support organisations, who support people who have experienced sexual violence and you may benefit from making contact with one of them.

Some people choose not to report an offence to the Police and that is entirely your choice.



Millfield House Sexual Assault Referral Centre (SARC)

Telephone number is open 24hrs a day, every day of the year:
0330 223 0099.

Attendance at Millfield House is by appointment only.

www.millfieldhousesarc.co.uk

derbyshire.sarc@nhs.net

The SARC is not an emergency service.

If you are in danger or need immediate medical attention, including a mental health crisis or if you are feeling suicidal, please call 999.

For urgent medical or mental health advice, please call 111.



SV2 (Supporting Victims of Sexual Violence)

Call **01773 746115** or email help@sv2.org.uk Monday to Friday 9am – 5pm

www.sv2.org.uk



Sexual Abuse and Incest Line (SAIL)

Helpline: **0800 028 2678** available Monday to Friday
– please check the website for opening hours

Text only: **07522 561 397**

Email: helpline@sailderbyshire.org.uk

www.sailderbyshire.org.uk



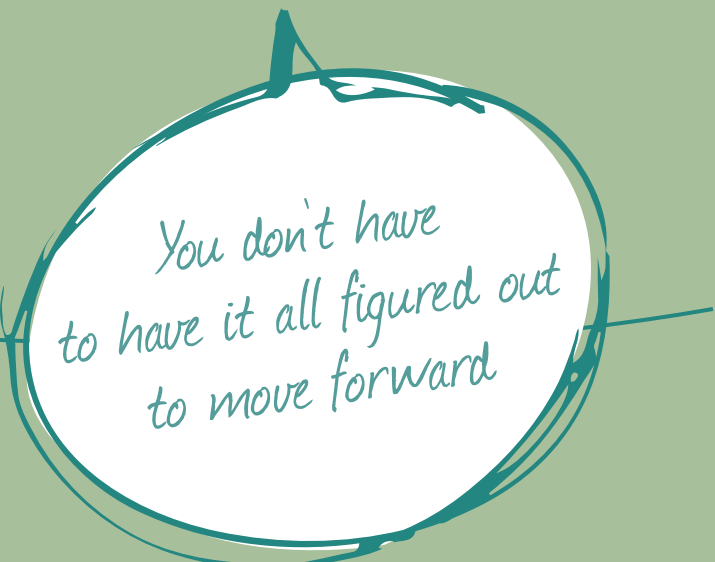
Derbyshire Police

Emergency Number: **999**

Non Emergency Number: **101**

www.derbyshire.police.uk





*You don't have
to have it all figured out
to move forward*

Please feel free to visit the Derbyshire Victim Services website for more information and support: www.derbyshirevictimservices.co.uk

The Derbyshire Your Journey booklet has been enabled with funding by the Derbyshire Police and Crime Commissioner.

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