

POLICE & LEGAL ADVICE

**RAPE
CRISIS
SCOTLAND**

Rape Crisis Scotland

The **Rape Crisis Scotland Helpline** offers initial and crisis support and information on the phone and by email for anyone aged 13 or over who has been affected by sexual violence, no matter when or how it happened. Support is available on the helpline and by email.

It is **free and confidential**.

The **helpline** supports survivors of stalking and can also put you in touch with local Rape Crisis Centres or other services for ongoing support. There is a minicom for deaf or hard of hearing people and we can arrange for language interpreters if your first language is not English. RCS Helpline runs an LGBTI access service every Monday and Thursday from 7pm – midnight.

Contact Rape Crisis Scotland Helpline on

Telephone: 08088 01 03 02

(every day from 6pm to midnight)

Email: support@rapecrisisscotland.org.uk

Website: www.rapecrisisscotland.org.uk

Reporting to the police

If you have been raped or sexually assaulted and decide to report to the police it is best to do so as soon as possible. The timescale for forensic evidence is generally within 7 days of the attack, however other forensic evidence such as a hair or stains to clothing can be detected for sometimes up to 10 days. Regardless of which form of forensic evidence, it is always better for this to be collected as soon as possible as it can easily be lost.

It is possible to report attacks out-with this timescale and also to report historic attacks.

When you report to the police it is likely that you will be seen in a Rape Investigation Unit where there are specially trained officers and facilities. You can ask to speak to a female police officer if you prefer, it is a good idea to note the name and number of the police officer for future contact. You will be asked to make a statement about the attack and the circumstances around it. It's very natural to be unable to remember everything and you will have the opportunity to add to the statement the following day if you wish.

If you are reporting a recent attack you will be asked to have a medical examination to collect

forensic evidence. Forensic evidence can be easily lost and police advise that survivors should not, if possible, wash, drink or eat before having a forensic examination.

It is likely that you will also be asked to return to the place where the attack happened in order for the police to look for further evidence.

When reporting to the police it can be helpful to know:

- It can take a number of hours to make a report.
- It can be helpful to ask someone you trust or a Rape Crisis worker to accompany and support you.
- As forensic evidence can be easily lost it is important to report as soon as possible.
- It is a good idea to take a change of clothes as items may be required as evidence. If you change your clothing following an attack take them with you in a plastic bag as forensic evidence may still be present.

Once the police have collected the evidence they will report their findings to the Procurator Fiscal who will decide if there is enough evidence to take the attacker to court. Scots Law requires two pieces of evidence to corroborate or support each other so evidence will be sought to support your report. If it has not been possible to establish corroborative evidence the

Procurator Fiscal can not proceed with your case to court, this does not mean that you have not been believed.

The accused

It is possible that the attacker will be held in custody, however it is likely that he will be released on bail either on his first appearance in court or up to a week after this. You should be contacted by VIA (Victim Information & Advice) and advised of this. It will be a condition of his bail that he can not approach or contact you, if this were to happen it should be reported to the police as a breach of his bail conditions.

Precognition investigation

Whether or not the attacker appears in court to answer charges it is likely that the evidence in the case will be investigated by the Procurator Fiscal. This is called a precognition investigation. It is normal for the Procurator Fiscal to ask you to go in for a meeting to discuss the case, and to arrange for special measures at court (eg a screen or a supporter).

The Procurator Fiscal may also ask the police to take an additional statement from you, if they require any further information. If you wish to see the statement that

you made to the police you can access this at the Procurator Fiscal's office. If you feel able to do this, it can be helpful as it can take up to a year before cases reach court and it is your statement that will be the basis of questions you will be asked.

The accused's lawyer is also likely to want to speak to you before the trial. This is a normal part of the legal process. You do not have to agree to the interview but the fiscal will encourage you to take part.

Cases to court

If the case goes to court it will be within four months if the accused is in custody, or one year if he is on bail. You will be contacted by Victim Information & Advice, part of the Procurator Fiscal service, who will be able to keep you informed of the case progression.

Rape trials are always heard in the High Court, other sexual offences can be heard in either the High Court or Sheriff Court. If the accused pleads guilty you will not be called to give evidence. However if the case is going to court you will receive a citation detailing when you should attend. It is worth remembering that cases do not always go ahead on their first date.

You can request to have a supporter in court with you when you are giving your evidence.

Once a case has made it to court it is taken forward by the Crown rather than by you. This is because of the seriousness of the crime and its impact on public safety. However, it means that you will be a witness in the trial and that as such you will not have a lawyer. An Advocate Depute will speak on behalf of the Crown against the accused.

When giving evidence at the trial you will be asked to give your name, age, address and occupation. If you do not wish to state your address you can ask the judge's permission to give it as care of the police station you reported to. You will then be asked in detail about the attack itself and will be questioned by the Advocate Depute and the accused's defence Advocate. You can request, in advance, that the court be cleared when you give evidence, this means that the public benches are cleared but that court officials and the jury are still present (about 27 people). The accused is not allowed to conduct his own defence, and although he will be present in court throughout, he will not be able to ask you any questions.

Sentencing

There are three possible verdicts: guilt, not proven and not guilty. A verdict of not proven or not guilty does not necessarily mean that you were not believed, but that the jury may not have felt there was enough evidence for a conviction. The conviction rate for rape and sexual assault is low in Scotland, and decisions are often made on the basis of legal and technical points (eg insufficient corroboration). This can be explained to you by the PF staff.

Sentencing is always set by the judge on the basis of the perceived severity of the crime and any previous record of the accused. In practice judges seem to sentence between two and ten years, although a maximum sentence of life imprisonment can be carried for rape, indecent assault, incest and unlawful sexual intercourse with children under 13 years old.

If your case has been heard in a Sheriff Court there are two possible procedures: a summary trial is heard before a Sheriff and carries a maximum sentence of twelve months and a solemn trial which is heard before a Sheriff and jury and carries a maximum sentence of five years. If the sheriff thinks that a higher sentence is appropriate the case can be passed to the High Court for sentencing.

Local Rape Crisis Centres

**Aberdeen Rape & Abuse
Support:** 01224 591 342

**Argyll & Bute Rape Crisis
Centre:** 0800 121 46 85

Dumfries & Galloway:
01387 253 113 (Dumfries)
01776 889 331 (Stranrear)

**Dundee Women's Rape &
Sexual Abuse Centre:**
01382 201 291

**Edinburgh Rape Crisis
Centre:** 0131 556 9437

**Fife Rape & Sexual Abuse
Centre:** 01592 642 336

**Glasgow Rape Crisis
Centre:** 08088 00 00 14

**East Ayrshire Rape
Counselling & Resource
Centre:** 01563 541 769

**Lanarkshire Rape Crisis
Centre:** 01698 527 003

**Perth Women's Rape &
Sexual Abuse Centre Perth
& Kinross:**
01738 630 965

**Rape & Sexual Abuse
Service Highland:**
03330 066 909

**Scottish Borders Rape
Crisis Centre:**
01896 661 070

**Western Isles Rape Crisis
Centre:** 01851 709 965

Resources

RCS Helpline has a range of support resources that you may find helpful, they are available in print from the RCS Helpline or on our website under the help and information section at www.rapecrisisscotland.org.uk

- Anger
- Coping after sexual violence
- Dissociation
- Flashbacks
- Healing from sexual violence
- Nightmares and sleeping problems
- Panic attacks
- Relationships
- Self-harm
- Sexual health
- Suicidal thoughts / feelings
- Trauma

Other Helpful Contacts

There are many people who want to help. You can phone / email the RCS Helpline for support and information. We can tell you about services in your area including health, police, procurator fiscal services etc. and help to put you in touch with them.



Scottish Women's Rights Centre

Free legal information and advice for women survivors of gender based violence.

Weekly helpline available across Scotland on Wednesday's 1.30 – 4.30pm,

Tel: 08088 010 789

Local legal surgeries available in:

Glasgow Rape Crisis

Mon's 10am – 1pm, **Tel: 0141 552 3201**

Lanarkshire Rape Crisis

Thurs 10am – 1pm, **Tel: 01698 527 006**

If you or someone you know has been affected by any form of sexual violence, no matter when it happened, contact the Rape Crisis Scotland Helpline on **08088 01 03 02** or by email at **support@rapecrisisscotland.org.uk**

Trained female support workers offer free and confidential support and information, and can let you know about support in your area.

Minicom 0141 332 2168

For deaf access services, please see **www.rapecrisisscotland.org.uk**



Supported by the Scottish Government