

### **If you've been attacked**

Try to get to somewhere that feels safe. You may be in shock or have adrenaline coursing through your system – it's important that you keep warm and drink plenty of fluids.

Get a friend or someone you trust to be with you. You may be feeling full of rage and fury, or like curling up in a small ball, but your feelings could change quickly as the hormones released during the attack fade.

You need to think about whether you want to report the attack to the police. You don't have to report it immediately, but the longer you leave it the less likely it will be that they can recover any physical evidence. There are some things you can do to preserve evidence while you decide, such as putting the clothes you were wearing into a carrier bag and tying it shut, writing down whatever you can remember of the attack or attacker and dating the page, and leaving the scene undisturbed if it happened in a flat or sauna or at home.

The police will also be able to get evidence from your body, but this evidence will be lost if you shower or brush your teeth. That doesn't mean that you can't change your mind and report the attack later.

If you have been raped or sexually assaulted, you can speak to your local rape crisis centre, which will support you in whatever decision you make. If you're worried about pregnancy and/or STIs, you can use emergency contraception up to 5 days later, and you can start testing for some STIs within a few weeks, although Hepatitis B & C and HIV may not show up for several months.

If you've been injured, you should get treated by your doctor or at a hospital. If you are thinking about reporting the attack, tell them you have been attacked and that you are considering reporting it.

### **Reporting an attack**

If you report the attack to the police, it is important that you tell them all of the details of the attack, and show them any bruises or injuries, no matter how minor. The police may need to take your clothes, particularly if you have been raped, so if you haven't changed, you should bring a change of clothes with you.

If you can, bring a friend or someone from a project like Victim Support or rape crisis with you for support.

The police will take a statement from you, which you should read carefully before you sign. This report is confidential.

If the attack happened recently, you will be examined by the police surgeon, who will take photographs of any injuries and may gather physical evidence – such as skin from under your fingernails, semen from your vagina, anus or mouth if you have been raped, or saliva from your hair or body. You might be asked to come back the following day, as bruising doesn't always show up immediately.

You should try to write down everything you can remember about the attack after you leave the station – it can take a year for cases to go to court, and notes in your own words will help you refresh your memory.

If you remember anything after you leave the station, call the investigating officer or team and let them know.

### **What happens next?**

If your attacker is caught and charged, a report goes to the Procurator Fiscal (PF), who decides whether to take it to court. If the PF decides there is a case to answer, you cannot then decide to pull out – it is the PF who brings charges against the accused, not you.

At some point the PF will ask you to come in to give a precognition, which is a statement taken during an interview with you, to see how strong the case is against the accused. You can take someone with you for support, but you probably don't need a lawyer.

Your attacker's solicitor may also request a precognition before the trial, but you don't have to agree to this. They will also be given a copy of the police report. If you do want to talk to them, you can insist on where you want the interview to happen and you can bring a friend, family member, someone from Victim Support, EWRASAC or any other agency with you. Your attacker will not be there.

### **What happens in Court?**

There will be an initial hearing for your attacker to plead guilty or not guilty. He may get bail – this is not a judgment on

you or on the facts of the case – and will probably be warned not to contact or approach you. If he does, contact the police immediately – this is a violation of his bail conditions and he may be locked up until the trial.

Charges of rape and sexual assault will be heard in the High Court; assaults, attempted rape and other crimes of physical violence are usually heard in the Sheriff Court although serious cases may be heard in the High Court. Cases in the High Court will be heard by a judge and jury; in the Sheriff Court they can be heard before a sheriff alone, or with a jury.

### **What happens when I give evidence?**

When you appear in court, you are the Chief Witness for the prosecution, and you will not be represented by a lawyer.

There is no set rule on how long the trial will last, and it may be postponed for a variety of reasons, but you only have to be there to give your evidence.

There can be long periods of waiting in a Witness Room and you may not always feel like you know what's going on or what's going to happen next. If you made notes, read them again before you go, and bring them with you in case you want to look at them again while you're waiting.

You can of course bring someone to wait with you, such as a friend or someone from Victim Support or EWRASAC, but you may also want to bring a book or a stash of magazines. There should be water in the area where you will be waiting, but you may want to bring other drinks or some snack food.

If the accused pleads guilty you won't have to appear at all. This can happen at any time during the trial.

There may be a lot of people in the courtroom when you give your evidence, but members of the public will be sent out if the charges include rape or sexual assault. The press may be there, but they will not publish your name or address.

Your attacker will be in the court room when you give your evidence, so you need to try to prepare yourself for seeing him again. You may find that seeing him again makes you feel anxious or upset, of he might look surprisingly normal and non-threatening compared to what you

remember. Don't let this make you feel insecure – most people can clean up quite nicely if they have to.

### **What happens at the end of the trial?**

If your attacker is found Guilty, he will probably be sentenced at a later date. There is a five year maximum sentence that the Sheriff Court can give, but no upper limit in the High Court. A sheriff can also send a case to the High Court for sentencing, if he feels his sentencing powers aren't enough for the seriousness of the crime. You do not have to be present for sentencing, but some people find it gives them a feeling of closure.

You will get a letter from the PG asking you if you want to opt in to the Victim Notification scheme, which means that you will be told when your attacker is released from prison. Bear in mind that this may not be as long as the actual sentence given in court – sentences can be reduced for pleading guilty, for time served, and he may be eligible for parole after serving a certain proportion of his sentence, depending on how long the original sentence was for. You can opt in to – or out of - the Victim Notification scheme at any point, although they strongly suggest you do it as soon as possible.

If your attacker is found Not Guilty or Not Proven then he will be released. You can't appeal against this.

You may be entitled to claim compensation from the Criminal Injuries Compensation Board. You can contact them directly at [www.cica.gov.uk](http://www.cica.gov.uk) or Victim Support can help you with this.

