

Definitions & explanations



Within the sexual violence survivor's
guide to support & reporting

Introduction

The Consent Coalition have produced the Your Journey – sexual violence – a survivors guide to support and reporting booklet. This booklet has been written to provide information on the options available for reporting and disclosing a sexual violence offence and accessing specialist sexual violence support in Nottingham.

To help you understand the Your Journey booklet we have included a number of definitions and explanations with legal and Police terminology. Where you see a word in **bold**, within the booklet you can hover over the word to see the definition and explanation.

This booklet will provide you with all the definitions and explanations contained within the Your Journey booklet. The definitions are in alphabetical order.

Definitions & explanations

Charge

A criminal charge is a formal accusation made by a governmental authority (usually a public prosecutor or the Police) asserting that somebody has committed a crime. When someone is charged with an offence, it means the Crown Prosecution Service (CPS) think there is a realistic chance of the person being convicted (or found guilty) of the crime and that they believe it is in the best interests of the public to prosecute.

Closing Statements

A closing statement (argument/or summing up) is the concluding statement from both the prosecution and defence lawyers. It occurs after the presentation of all the case evidence. The lawyers may reiterate the important arguments/facts and evidence in the court case. A closing statement may not contain any new information and will urge the jury to find in their favour (e.g. guilty or not guilty).

Crisis Worker

A crisis worker will ensure that the right support is available to survivors of sexual violence whenever it is required at SARC. This may or may not involve a Police investigation but will typically require immediate emotional and practical help. Depending on the circumstances, this may involve assisting in the gathering of non-intimate evidence and, when required, supporting the survivor through a forensic examination. The SARC Crisis Worker role will include a therapeutic and advocacy approach.

Crown Court

A crown court deals with more serious offences, such as murder, rape and robbery. The Crown Court carries out a number of activities:

- Appeals from decisions of magistrates
- Sentencing of defendants committed from magistrates' courts
- Jury trials
- Sentencing of those who are convicted in the Crown Court, either after trial or on pleading guilty.

Crown Court judges are trained legal professionals and Crown Court cases normally have a jury to decide whether the defendant is guilty.

Crown Prosecution Service (CPS)

A Crown Prosecution Service prosecutes criminal cases that have been investigated by the police and other investigative organisations. The CPS is independent, and they make their decisions independently of the Police and government.

Their duty is to make sure that the right person is prosecuted for the right offence, and to bring offenders to justice wherever possible.

The Crown Prosecution Service (CPS):

- Decides which cases should be prosecuted;
- Determines the appropriate charges in more serious or complex cases, and advises the police during the early stages of investigations;
- Prepares cases and presents them at court; and
- Provides information, assistance and support to victims and prosecution witnesses.

Prosecutors must be fair, objective and independent. When deciding whether to prosecute a criminal case, their lawyers must follow the Code for Crown Prosecutors. This means that to charge someone with a criminal offence, prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction, and that prosecuting is in the public interest. The CPS works closely with the police, courts, the Judiciary and other partners to deliver justice.

Defence Lawyer

A defence lawyer is a lawyer (mostly barristers) specializing in the defence of individuals and companies charged with criminal activity. The defence lawyer will either be paid for by the defendant or be provided through legal aid. They will advise the defendant on legal matters and represent them in court.

Defendant

This is the person charged with assaulting you - you may also hear them referred to as the 'suspect', 'accused' or 'offender'.

Early Evidence Kit (EEK)

An Early Evidence Kit is a package of items used by medical personnel for gathering and preserving physical evidence following an allegation of sexual assault. The evidence collected from the survivor can aid the criminal sexual violence investigation and the prosecution of a suspected assailant. The Police are able to use an EEK, but must obtain consent from the survivor. The EEK can include asking the survivor for a urine sample or mouth swab. This is not intrusive and won't hurt.

Evidence in Chief

When a witness is called to deliver their evidence-in-chief they will be asked their name and required to take an oath or make an affirmation that their evidence will be the truth. They will then be asked a series of questions, which they must answer to the best of their ability.

Forensic Evidence

Forensic evidence is evidence obtained by scientific methods such as swabbing, blood test and DNA test and can be used in court. Forensic evidence often helps to establish the guilt or innocence of possible perpetrators. Forensic evidence can be used to link crimes that are thought to be related to one another. As time passes, it becomes less likely that the forensic examiners will be able to get a DNA sample, which is why the Police try and arrange an appointment at the TOPAZ Centre - Sexual Assault Referral Centre as soon as possible.

Forensic Nurse Examiners (FNE)

Forensic Nurse Examiners are qualified nurses and a survivor may come into contact with them through a Sexual Assault Referral Centre (SARC). A FNE is a healthcare provider, so a survivor's health and wellbeing is always put first and consent is always obtained. A FNE will help gather evidence from people who have been the victim of a crime. They will assess and treat any injuries as well as collecting evidence. They are sometimes asked to give evidence at court as an expert witness.

Independent Sexual Violence Advisor (ISVA)

An Independent Sexual Violence Advisor can offer practical support to a person who has experienced sexual violence. They can assist a survivor in understanding their rights and the services they can access. An ISVA is independent from the Police.

If a survivor chooses to report to the Police, an ISVA can support them through the whole legal process, including: liaising with the Police, Courts, Crown Prosecution Service and other agencies on their behalf. An ISVA can also help with practical matters, such as housing, benefits, health services etc. An ISVA can still support a survivor with their emotional and physical wellbeing, if a survivor does not want to pursue criminal action.

Judge

A judge is a person who presides over court proceedings, either alone or as a part of a panel of judges. The judge is supposed to conduct the trial impartially and, typically, in an open court. The judge hears all the witnesses and any other evidence presented by the lawyers of the case, assesses the credibility and arguments of the parties, and then issues a ruling on the case, based on their interpretation of the law and their own personal judgment. They will pass a sentence that reflects the seriousness of the crime. They are in charge of the courtroom.

Jury

The Jury are a panel of randomly selected men and women. A jury can consist of up to 12 people, they must not have any connection to the criminal case. The jury must listen to both parties' arguments and review all the evidence. The jury must make an unbiased judgement and they will be directed by the judge on points of law. In sexual offences cases, the judge may also give specific directions, such as avoiding making assumptions based on stereotypes. Jurors are not allowed to discuss the trial with anyone else, to avoid them being prejudiced. The jury must decide upon facts whether a defendant is guilty or not.

Magistrates' Court

A Magistrates' Court is a lower court which holds trials for summary offences and preliminary hearings for more serious ones. Almost all criminal proceedings start at a magistrates' court, they don't have as many powers as Crown Courts and they tend to deal with less serious crimes and civil matters.

Officer in the Case (OIC)

An Officer in the Case is a plain clothes Police officer who has specialist training in the investigation of rape and serious sexual offences. An OIC will be assigned to a survivor's case with the responsibility of investigating and securing all the evidence. One such task will be to take a statement from the 'first complainant'. This is the first person to whom the survivor disclosed what happened to them – usually a friend, colleague, support service, Police officer or someone else that they trust.

Opening Speech

An opening speech is generally the first occasion the jury has heard from any lawyers. A prosecution lawyer will explain the case to the jury. This can be quite dramatic as they will lay out the facts of what has happened, what evidence they plan to present and how they intend to prove the defendant is guilty. The defence lawyer will then present a very similar speech, explaining the case from their perspective and telling the jury how they intend to prove the defendant is not guilty. Both prosecution and defence lawyer can only present facts to the jury, so they can't give their opinions or discuss rumours or speculation.

Police Call Handler

Police Call Handlers answer 999 and 101 calls, they are not Police officers, but they are highly-trained and skilled members of Police staff. They are used to speaking to people in a huge variety of situations, from people calling for advice through to people in very distressing circumstances. They will take details from you and arrange for a Police officer/staff member to contact/visit you.

Prosecution Lawyer

A Prosecution Lawyer will work for the Crown Prosecution Service (CPS). They will act on behalf of 'the Crown' and in the best interests of justice. The prosecution is the legal party responsible for presenting the case in a criminal trial against an individual accused of breaking the law.

Public Gallery

A public gallery is based within a court. Normally, anyone can sit in the public gallery during a court hearing/trial - this is part of the principle of open justice, ensuring that the criminal justice system is open to everyone. However, people sat in the public gallery cannot use their phones (either to message or to record anything) and cannot speak (particularly not in a way that would interfere with the trial). Witnesses won't be able to sit in the public gallery until they have given their statement.

Released Under Investigation

The Police are normally only allowed to keep a suspect in Police custody for 24 hours, therefore the Police may have to release the suspect under investigation. This means that the suspect is under a legal duty to return to the Police station or court at the date and time provided to them.

If a person is released under investigation, they will be able to go home (or to another address) until the court hearing. The Police may impose released under investigation conditions, such as not living at a particular address, contacting particular people or leaving the country.

A suspect may not be released and will be remanded in custody until the next court date if;

- They have been charged with a serious offence
- Been convicted of a serious crime in the past
- Broken previous Police conditions
- If the Police think they may not attend the hearing or may commit another crime.

If a person is released under investigation the Police will continue with their investigation. They may interview the suspect again, or they might charge them when they have sufficient evidence. The Police will advise you of any protective measures that have been imposed.

Right to Anonymity

It is illegal for the media to publish any personal details that are likely to identify someone as the survivor of a rape, sexual assault or attempted rape/sexual assault. This includes your name, address and any images of you, but can also include your job or age. The reporting restriction means you have lifetime anonymity.

Senior Crown Prosecutor

A Senior Crown Prosecutor is a lawyer who works for the Crown Prosecution Service (CPS). The Senior Crown Prosecutor will be highly trained and specialises in rape and sexual offence prosecutions.

Special Measures

Many witnesses experience stress and fear during the investigation of a crime and when attending court and giving evidence. Some witnesses may have particular difficulties attending court and giving evidence due to their age, personal circumstances or fear of intimidation. In such circumstances, where witnesses are considered to be vulnerable or intimidated, “special measures” can improve the quality of their evidence and reduce stress. Special measures should be tailored to the person’s particular needs, such as giving evidence from behind a screen or using a Live Link.

Specially Trained Officers (STOs)

Specially Trained Officers are Police officers who have been specifically trained to manage sexual violence reports and investigations. An STO will have specific knowledge and understanding in medical examinations and injuries, how to support a sexual violence survivor and how and where to make referrals to specialist support services and partner agencies.

Standard of Proof

Juries are told that they have to believe the defendant is guilty ‘beyond reasonable doubt’. This means they have to be completely certain before deciding on a guilty verdict - if they think they are most likely guilty, but there is a bit of evidence which contradicts that, then they can’t find the defendant guilty.

The jury will be asked to try and make a unanimous decision (where all 12 jurors think the same thing). If, after at least two hours, the jury cannot all decide on the same verdict, the judge can accept a majority decision, where 10 of the jurors agree on the verdict.

Suspect

A suspect is the person the Police believe may have perpetrated the offence. The Police will also take a number of factors into account, including ongoing threat and risk to yourself or others. The decision to make the arrest is on a case by case basis. Sometimes the Police might suspect someone was involved but, after investigating, discover they weren’t. The Police may then investigate another suspect. They may also call the suspect by other names, like ‘offender’ or ‘perpetrator’.

Uniformed Officer

A uniformed officer is essentially what everyone thinks of when they hear ‘Police officer’. Uniformed officers are generally part of neighbourhood policing teams, who work to build relationships and tackle issues in local communities. This could also be a response officer, who is the first person to attend an incident.

Victims Code

The Code of Practice for Victims of Crime (the Victims Code) is the statutory code that sets out the minimum level of service that victims should receive from the criminal justice system. The Victims’ Code applies to all criminal justice agencies, including the Police, Crown Prosecution Service (CPS), Courts Service and the Probation Service. The Code sets out what each criminal justice agency must do for victims and the timeframe in which they must do it.

Victim Contact Scheme (VCS)

A victim contact scheme is offered to victims of violent and sexual offences where the offender receives a sentence of 12 months or more. The purpose of the VCS is to provide eligible victims with information and advice about the criminal justice process by a designated Victim Liaison Officer (VLO). This includes being kept informed of key stages of the offender's sentence, at the discretion of the probation trust, such as transfer to open conditions or release, and to make representations about victim related conditions that can be attached to the offender's release licence.

Video Recorded Interview (VRI)

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're most comfortable with. The VRI can be used in Court.

Witness Care Team -

A witness care team contains officers who will act as a point of contact for you throughout the court trial, from the time the offender is charged until the case ends. They will tell you when the offender will be appearing in court, arrange any special measures and organise a pre-trial court familiarisation visit.

Witness

A witness is a person who has seen or has knowledge about an event/matter. In law a witness is someone who, either voluntarily or under compulsion, provides testimonial evidence, either oral or written, of what he or she knows or claims to know.

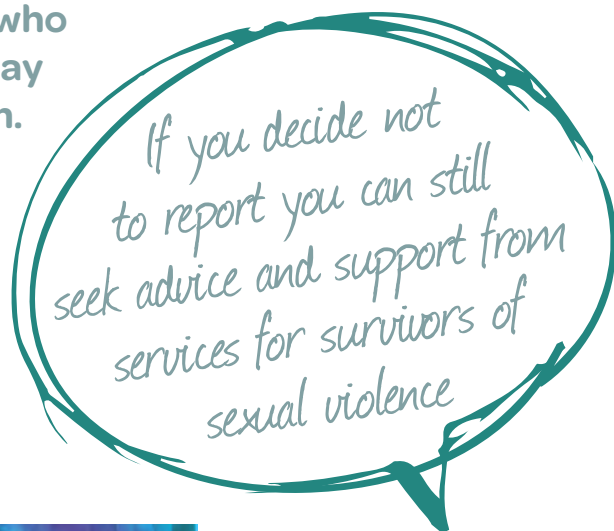
Contacts



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

In Nottingham 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.



Topaz Centre
- Sexual Assault Referral Centre (SARC)

24hr Helpline Number: 0800 085 9993

www.topazcentre.org



Nottinghamshire Sexual Violence Support Services (Notts SVS Services)

0115 947 0064

www.nottssvss.org.uk



Nottinghamshire Police

Emergency Number: **999**

Non Emergency Number: **101**

www.nottinghamshire.police.uk



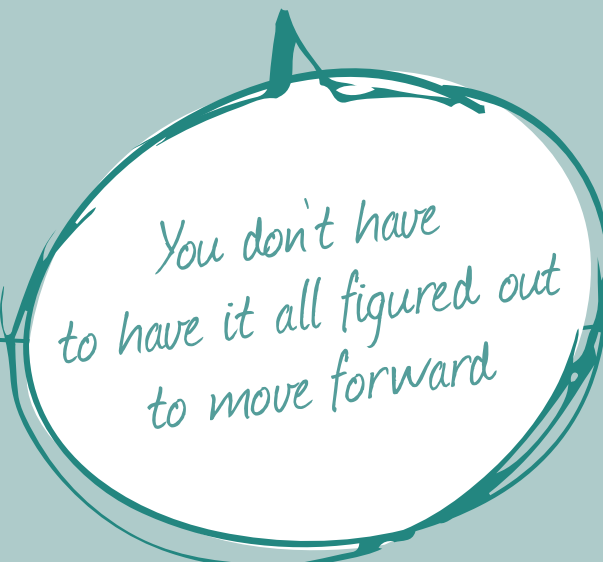
NOTTINGHAMSHIRE
POLICE
PROUD TO SERVE

Nottingham and Nottinghamshire's 24 Hour Domestic & Sexual Violence Helpline

0808 800 0340

www.junowomensaid.org.uk





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

Please feel free to visit the Consent Coalition website
for more information and support nottssvss.org.uk/consent-coalition/

