

VIA will inform you of any decisions about bail and, if granted, the conditions that apply to it.

Do I have to go to court?

If the accused pleads guilty, you will not normally have to go to court.

If the accused pleads not guilty, you will probably have to go to court as a witness and give evidence. This means you will have to tell the court what you know about the crime.

Anyone who gives evidence in court must first promise to tell the truth. You can give this promise in a way that fits with your religion, language or culture.

The person accused of the crime may also be in court.

VIA can give you information about what is involved and help you through the process. We can arrange for someone to show you round the court before the trial, so you know what to expect. We can also discuss if it is possible to give your evidence in different ways.

Will the accused find out where I stay?

Although your details will be given to the defence lawyers, they are not allowed to give your address to the accused.

Your address will not be read out in court unless it is where the crime took place. But it may become evident if the offence was viewed from that address or an item was recovered from it. If you are worried about this, discuss your concerns with the fiscal.

Support Agencies

You may wish to contact one of the organisations listed below for support.

Victim Support Scotland

Provides practical and emotional support to victims of crime and their families. For local details:

During office hours **0845 603 9213**
www.victimsupport.org

Witness Service

Provides practical and emotional support to all victims and witnesses, and their family and friends, when attending court.

For local Witness Service details, please contact Victim Support Scotland, ask VIA or contact the court at which the trial is to take place.

Equality and Human Rights Commission

For details of your local office call **0845 604 5510**
www.equalityhumanrights.com

There may also be other organisations in your local area that offer help. Please ask VIA for details.

Further Information

Please contact your local VIA office at the telephone number on the enclosed letter if you would like any further information or if there is anything you are unsure about.

Alternatively contact our Enquiry Point by telephone on 01389 739557 or 0844 561 3000

or visit our web site at www.copfs.gov.uk

advice
For victims of hate crime



Information and Advice

Hate crime is any crime that is committed because the offender thinks that the victim is of a particular race, religion, sexual orientation, transgender identity or is disabled, whether that is true or not

Crime aggravated by prejudice is a crime that is made more serious because it was:

- committed due to the belief the victim was of a particular race, religion, sexual orientation, transgender identity or had a disability; or
- was accompanied or motivated by prejudice relating to race, religion, disability, sexual orientation or transgender identity

The effect on victims can be distressing and can cause great fear and anxiety. Becoming involved with the criminal justice system, as a victim or witness, can also be stressful and confusing. **Victim Information and Advice (VIA)** can help you.

About VIA

VIA is part of the Crown Office and Procurator Fiscal Service. The procurator fiscal (the fiscal) is responsible for investigating and prosecuting crime in Scotland.

VIA staff are not prosecutors. We assist victims, witnesses and also, in certain cases of sudden, unexpected or crime-related deaths, the bereaved nearest relatives.

VIA can help you during this difficult time by:

- providing information and advice about how the criminal justice system works and what you can expect
- keeping you updated on the progress of your case
- putting you in touch with other services for victims and their families

If at any point you do not want our help, just let us know. If you then change your mind, please contact us.

Additional support

If your first or preferred language is not English, you may need an interpreter to explain what is being said in court or to help you give evidence. This may be necessary even if you know enough English for everyday life.

You may also need to have any documents, such as letters from the fiscal, given to you in your preferred language.

Some people may need additional support, for example help with access into court.

Please tell VIA if you have any concerns or specific needs. We can also discuss if it is possible to give your evidence in different ways.

We hope this leaflet answers some of the questions you may have about the legal process. Please ask us if there is anything else that you would like to know or are unsure about.

What happens when someone is accused of a crime aggravated by prejudice?

These crimes are taken very seriously by the fiscal and courts. Usually, a charge against the accused will include wording to reflect that the offence has been aggravated by prejudice. The fiscal will prosecute if there is enough evidence and if they think that it is in the public interest to do so.

Public interest means that the fiscal will look at the case from all angles – from the point of view of the wider community, as well as of the victim and the accused. It includes a number of factors – for example, the nature and seriousness of the offence, its impact on the victim and other witnesses, and the wider circumstances of what happened and who was involved.

Will there be a trial?

The accused person has to go to court and plead guilty or not guilty to the crime.

If the accused pleads guilty, the court can pass sentence immediately, or after considering more information.

If the accused pleads not guilty, a date will be set for a trial.

If the case is to go to trial, VIA can explain to you how the court system works, and will keep you updated with information about the progress of your case.

Will the accused be kept in prison before the trial?

The court decides what will happen to the accused before the trial.

The court may order the accused to be remanded in custody. This means they are kept in prison until the trial.

However, the court may agree to release the accused on bail until the trial. This means they are released on condition that they do not re-offend. The court may grant bail even for a very serious charge such as murder.

If released on bail, the accused is not allowed to intimidate or cause alarm or distress to you or any witnesses. The court may also order them not to come near you or where you stay. If the accused breaks any of these conditions, contact the police immediately as they can arrest the accused for breach of the bail conditions.

If the accused has been ordered not to approach or contact you, you must not approach or contact them.