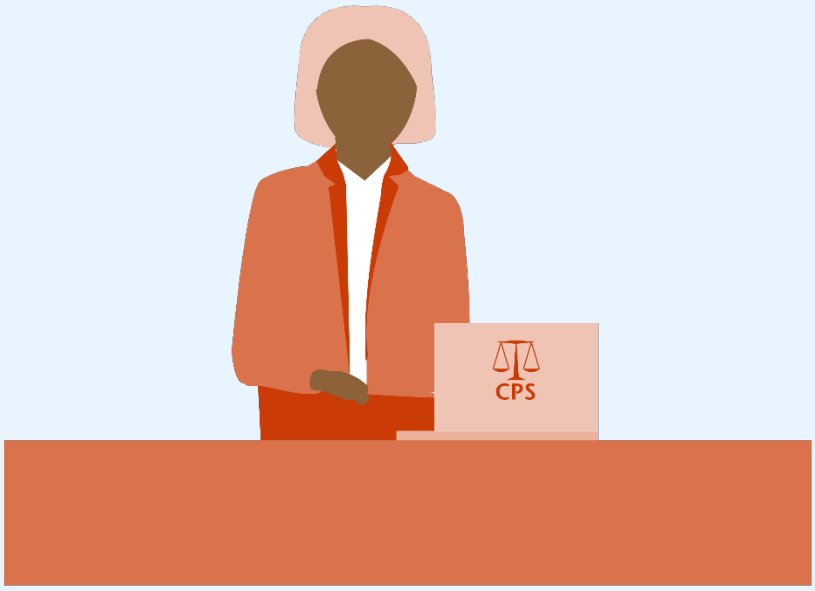
A guide for victims

What happens when a case comes to the CPS



We're committed to securing justice for victims and this guide explains what you can expect from the criminal justice system if you decide to report what has happened to the police.

If you need emergency help please call 999.

Note on terminology
We've used the word victim throughout this guide. When we're talking about crime in general, we use the word victim to mean someone who has had a crime committed against them or the complainant in a case being considered or prosecuted by the CPS – this is consistent with the terminology used in other documents like the Victims' Code.

When we're working on a specific case we will usually use the words 'complainant' or 'witness' depending on the context. This is because when a case is coming through the criminal justice process it hasn't always been proven that a crime has taken place. Complainant is the legal term for someone who has reported a crime which hasn't yet been proven in court.

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What you need to know first

Your rights as a victim

The Victims Code published by the Ministry of Justice explains the minimum standard of support that criminal justice agencies must provide to victims: **gov.uk/victims-code.**

This can be summarised as 12 victims' rights:

1. To be able to understand and to be understood
2. To have the details of the crime recorded without unjustified delay
3. To be provided with information when reporting the crime
4. To be referred to services that support victims and have services and support tailored to your needs
5. To be provided with information about compensation
6. To be provided with information about the investigation and prosecution
7. To make a Victim Personal Statement
8. To be given information about the trial, trial process and your role as a witness
9. To be given information about the outcome of the case and any appeals
10. To be paid expenses and have property returned
11. To be given information about the offender following a conviction
12. To make a complaint about your Rights not being met

This guide is designed to help us meet your rights by helping you to understand them and by providing information about what you can expect at each stage of the criminal justice process.

The police investigation

When you report crime to the police they will carry out an investigation. This means that they'll look for all the evidence they can to understand what happened.

The police will record your description of what happened – this is called your witness statement. As part of their investigation they will also take statements from anyone who saw what happened or who can provide information to help the investigation.

The police will also interview anyone who is suspected of committing the crime – this could be someone you've named or someone the police suspect for another reason. Suspects will be interviewed 'under caution' this means that they don't have to answer police questions but that anything they say can be used as evidence in the case.

The police investigation will also involve looking for other types of evidence like CCTV evidence, forensic evidence such as fingerprints, medical evidence or digital evidence such as text messages. The kinds of evidence the police will look for will depend on what's relevant to your case.

If the police need to collect evidence from your devices like your mobile phone or your laptop they'll ask for your agreement to do this. You can read more about this in our section on using digital evidence which you can find on page 12.

When do the police make a charging decision?

For less serious offences, for example shoplifting or some offences which have a maximum sentence of six months (or less) in prison, the police will decide if there is enough evidence to charge a suspect.

If it's appropriate for a less serious offence, the police may decide to deal with the offence with what's called an 'out of court disposal.'

This means that the offender won't be formally prosecuted but the details of the investigation will remain on their record and they may be given a caution.

If the police decide a prosecution is needed for this type of offence then they will charge the suspect and send the case to us at the CPS.

Prosecutions for these types of offences must be started within six months of the date that the offence happened. This means that we can't prosecute someone for a less serious offence if they haven't been charged within six months.

When do the CPS make a charging decision?

For more serious offences, such as hate crime, domestic abuse or any offences which carry a sentence of more than six months in prison, the police will send the case to us at the CPS without making a charging decision. A CPS prosecutor will then decide whether a suspect can be charged and prosecuted.

If the police don't think that they have enough evidence they won't pass the case to us and the suspect won't be charged with an offence.

If that happens your police contact will explain why, what support is available to help you and whether there are any other steps they can take against the suspect.

If the police decide not to send your case to us, you can ask the police to review that decision – this is called a Victim's Right to Review. Your police contact can let you know how to do this.

Our role at the CPS

Once the police consider that they have enough evidence they will pass the case to us at the CPS.

For less serious offences, for example shoplifting, the police will already have decided to charge the suspect before they send the case to us.

In these cases we'll review the evidence to check that we agree with the police's decision before we go ahead with a prosecution. If we decide there isn't enough evidence to prosecute we'll let you know the reason for our decision. You can read more about this and your right to review in our section on making our decisions on page 16.

For more serious offences, such as hate crime, domestic abuse or any offences which carry a sentence of more than six months in prison, we will review the evidence the police have collected and decide whether or not we can prosecute the suspect.

We make our decisions by applying the two-stage test set out in our Code for Crown Prosecutors which you can find at **cps.gov.uk/publication/code-crown-prosecutors**. You can read more about this in the section on making our decision which you can find on page 17.

In some more complicated cases we can offer the police 'early advice'. This means that, if they ask for our advice, we'll work with them as early as possible to advise them on what kind of evidence to look for to help them build the case. Working together helps us to build strong cases as quickly and effectively as possible.

We don't investigate crimes and we can't review a case if it isn't sent to us by the police.

Who will keep you updated

You have the right under the Victims' Code to be provided with information about the investigation and prosecution. The police will keep you informed with what's happening in your case at each stage – including if or when you may need to attend court.

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The police will assign an officer to your case as your point of contact when you report the incident – this person might be referred to the Officer in Charge or 'OIC' for short. They will discuss with you how and when they will be in touch so you can agree what works for you. They'll also tell you how to get in contact with them if you have questions at any point.

You usually won't speak to someone from the CPS in the early stages of your case – we normally only meet with victims at court or in circumstances where we've had to change the charges or stop the case. We'll still be working on your case so you can let the police know if you have any questions for the prosecutor.

If you have an independent advocate like an Independent Sexual Violence Adviser (ISVA) or an Independent Domestic Violence Adviser (IDVA) they can support you in your contact with the police and provide you with the updates directly if you'd prefer that. You can find out more about what support is available to help you in the next section. If you are a victim of rape or sexual assault you can find more information about the specialist support which is available to help you in our guide for victims of rape and sexual assault: **cps.gov.uk/rasso-guide/rasso-victims-guide.**

What support is available to help you

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What support is available to help you

You have the right under the Victims' Code to be referred to services that support victims. You can contact them yourself or you can ask to be referred by your police contact. These are some examples of the types of services and support which you might find helpful.

Victims support services

You can find out more on the Ministry of Justice's Victim and Witness Information website **victimandwitnessinformation.org.uk**

If you need emergency help at any point please dial 999.

Counselling and therapy

Being a victim of a crime can be a difficult experience for anyone. You can access counselling and other psychological therapies from the NHS by visiting **nhs.uk/service-search/find-a-psychological-therapies-service**.

You should prioritise your wellbeing and there is no need to delay therapy or counselling for any reason connected with a criminal investigation or prosecution. If you feel it would help it's important to access it as early as possible.

The Witness Service

The Witness Service, which is run by Citizens Advice, can help you to understand what to expect at court by offering you pre-trial support and a visit to the court in advance of the day. This means they will show you around a court and explain what will happen on the day.

They will also be there to support you on the day of trial and can come with you into the courtroom if you'd find that helpful. The police can refer you to the Witness Service or you can request support from them yourself by filling in their short form at **citizensadvice.org.uk/witness**.
In London, pre-trial support is provided by Victim Support. Further information on the support they offer can be found at **victimsupport.org.uk**.

Criminal injuries compensation

The Criminal Injuries Compensation Scheme is a government funded scheme designed to compensate victims of violent crime.

You may be entitled to compensation if you have suffered an injury or a loss as a result of a crime. The scheme is designed to be one of last resort for victims who have no other way to access compensation.

You can find out more about the scheme and the time limits for applying in the criminal injuries compensation guide: **gov.uk/guidance/criminal-injuries-compensation-a-guide**

Support to give your evidence

If your case goes to trial, there is support available to help you give your evidence. You can read more about this support in the section Support to give your evidence which you can find on page 34.

How we work with the police as they build their case

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How we work with the police as they build their case

In some more serious and complex cases we offer the police 'early advice'. This means that, if they ask for our advice, we'll work with them as early as possible to advise them on what kind of evidence to look for to help them build the case.

Working together helps us to build strong cases as quickly and effectively as possible.

What kind of evidence will the police look for?

The kind of evidence that the police will look for will depend on the circumstances of your case. It's their job to look for anything that supports what you've told them but also anything which undermines it or supports the suspect's account.

It's important for the police to build a full picture of what happened including any evidence that might be put forward by the defence if the case goes to trial.

The evidence that the police will gather often includes things like:

- Any written statement you've given to the police or a video recording of your interview
- Your Victim Personal Statement – if you've provided one
- Statements from any other witnesses or video recordings of interviews with them
- Any account the suspect provided during their police interview
- CCTV evidence of the incident or of events surrounding the incident
- Medical evidence - this is evidence from a doctor or other medical professional
- Digital evidence gathered from smartphones, tablets or computer downloads

Using digital evidence

If it's relevant to your case, the police will ask to look at your digital devices, such as your mobile phone, laptop, or tablet, as part of their investigation. For example, there may be messages or photos on your device that can help to prove dates, times or other important parts of the case. This material can help us build the strongest case possible.

Before asking for your device, the police will always consider whether there is another way to gather the evidence, for example by looking at the suspect's device. In many cases, the police will discuss this with us and we will work together to make sure that we're only asking to look at your devices where it's legally necessary.

If it is necessary to gather evidence from your device, the police will ask you to sign a form which will explain why they need your device, what they will look for (and what they won't) on your device and the importance of this evidence to the investigation. They will also explain the potential impact upon a prosecution if you don't provide them with your device.

The police will only look at information that is relevant to the case. Every case is different, and the decision about what is relevant will depend on the unique facts in your case.

Where possible the police will consider whether they can take screenshots rather than holding on to your devices and they will always aim to return them to you as quickly as possible. If the police need to hold onto your phone for a while they can offer you a replacement device. You have the right under the Victims' Code to have any property which has been taken as evidence return to you as soon as possible.

If you have any questions or concerns about how we will use the evidence gathered from your device, you can ask your police contact and they'll be happy to answer your questions.

Using information that other people or organisations hold about you

In some cases, the police will need to look at information that other people or organisations hold about you. This is sometimes called 'third party material'.

For example, they might need to look at medical records if you've spoken to your doctor about the incident.

The police will only ever look at this kind of information if they have a reason to believe that it might be relevant to your case.

For example, the police can't ask for access to your medical records 'just in case' there might be something of relevance to the investigation. They also can't ask for access just because they are investigating a sexual offence.

Before requesting information from a third party the police must consider whether there is another way they could access the information they think might be relevant, for example by speaking to a witness.

If the police decide that they do need to request information from a third party, they will make sure that their request is focused so that they are only asking for the information which they think might be relevant to the case. For example, if they were asking for your medical records they might ask for access to a specific month rather than your full medical record.

The police will keep you up-to-date with the investigation and you should let them know if you have questions or concerns about any of the types of evidence that they might look for.

Your victim personal statement

If you want to, you have the right under the Victims' Code to give a victim personal statement. This is in addition to your witness statement and it's your opportunity to explain how the crime has affected you and any worries you have about the case.

You can write your victim personal statement with the police at the same time as you're providing them with your witness statement or you can add it to the case at any point before each of the court hearings.

Once you've made a statement you can't withdraw it but you can provide an updated version at any time. You should ask your police contact if you'd like to do this.

The police, the CPS and the courts will use your statement to help us understand how the crime has affected you. This will help us to build the strongest possible case and also make sure you get the support you need through the criminal justice process. The defence team will also have access to your statement as part of the material we have to share with them before the trial – you can read more about this in the section on what we need to do before the trial.

How long will the police investigation take?

Every case is different and there is no single answer to this question. Some cases may be straightforward while others will have a lot of different lines of enquiry which the police will need to follow up or investigate.

You have the right under the Victims Code to be provided with information about the investigation so if you have any questions about the progress of your case you can get in touch with your police contact and they'll be happy to help.

It can be difficult to wait for updates while the investigation is ongoing but the police will always do their best to gather evidence as quickly as possible so you aren't waiting longer than is needed.

How we make a decision on what to do in your case

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How we make a decision on what to do in your case

Once the police consider that they have enough evidence they will pass the case to us at the CPS.

For less serious offences, for example shoplifting, the police will already have decided to charge the suspect before they send the case to us.

In these cases we'll review the evidence to check that we agree with the police's decision before we go ahead with a prosecution. If we decide there isn't enough evidence to prosecute we'll let you know the reason for our decision. You can read more about this and your right to review in our section on making our decisions on page 16.

For more serious offences, for example hate crime, domestic abuse or any offences which carry a sentence of more than six months in prison, we will review the evidence the police have collected and decide whether or not we can prosecute the suspect.

This section explains what happens when the police send the case to us including how we make our decision on what to do in each case, what will happen next if we decide to charge a suspect and what your rights are if we decide not to charge them.

Reviewing the evidence

The file that the police send to us will contain a range of evidence. This includes things like:

- Your witness statement(s) or video recording of your interview(s) with the police
- Your victim personal statement – if you've provided one
- Statements from any other witnesses or video recordings of interviews with them
- Any account the suspect, or suspects, provided during their police interview
- CCTV evidence
- Forensic evidence
- Medical evidence
- Digital evidence gathered from smartphones, tablets or computer downloads

The police file will also contain a list of all the relevant material they've gathered as part of their investigation that doesn't form part of their evidence against the suspect. The police will tell the CPS prosecutor if any of this material could undermine the case or help the defence case if the case went to trial.

What offences could the suspect be charged with?

The officer in your case will be able to explain to you what offences the suspect might be charged with in your case. You can find more detail on specific offences on the legal guidance page of our website: **cps.gov.uk/prosecution-guidance**

Making our decision

To decide whether or not to charge the suspect in a case our prosecutors apply the two-stage test set out in our Code for Crown Prosecutors that can be found at **cps.gov.uk/publication/code-crown-prosecutors**.

The first stage is the 'evidential stage'. At this stage, our prosecutor reviews all the evidence provided by the police and asks themself the question 'Is there enough evidence against the suspect to provide a realistic prospect of conviction?' That means, having heard the evidence, is a court more likely than not to find the defendant guilty?

To answer this question they must consider whether the evidence they can use in court is reliable and credible and whether there is any other material that might undermine that evidence.

This test is different to the test the court applies at trial. When a case gets to trial the magistrates or jury must be sure that a defendant is guilty in order to convict them. At the CPS we don't need to be sure that someone is guilty to take the case forward – in fact, we don't make any judgement on whether someone is guilty or not.

If the case doesn't pass this first stage we can't move onto the next stage, no matter how serious or sensitive the case may be.

The second stage is the 'public interest test'. At this stage, the CPS prosecutor again reviews all the evidence provided by the police and asks themselves the question 'Is it in the public interest to prosecute?'.

To answer this question, they must consider things like the seriousness of the offence, the harm caused to the victim, the impact on communities and the age and maturity of the suspect at the time of the offence.

A prosecution will go ahead unless a prosecutor decides that public interest factors against a prosecution outweigh those in favour of a prosecution.

You can read more about our two-stage test at **cps.gov.uk/publication/code-crown-prosecutors.**

How long does it take for us to make our decision?

Every case is different and there is no single answer to this question. Some cases may be straightforward while others will have a lot of evidence that we need to review or legal issues we need to resolve.

We know how difficult it can be while you're waiting for this decision so will always do our best to review the evidence quickly and efficiently so that you aren't waiting longer than is needed. You have the right under the Victims Code to be provided with information about

the investigation and prosecution so if you have any questions about the progress of your case you can get in touch with your police contact and they'll be happy to help.

If we decide to charge a suspect

If our prosecutor decides that our two-stage test has been met, we will tell the police what offence(s) they can charge the suspect with.

The police will then charge the suspect. At this point the suspect becomes known as the defendant.

In some cases, for example, if the police believe there is a risk the defendant might commit another offence or fail to attend court, the defendant may be 'remanded in custody'. This means they will be held by the police, usually in a police cell, until they have appeared before a judge or magistrate when they may request to be bailed.

The police will let you know that the defendant has been charged, what offences they have been charged with and whether they have been remanded in custody. If the defendant has not been remanded in custody, the police will release them ahead of the first court hearing. If that happens the police will let you know whether there are any conditions in place that the defendant must follow, for example staying away from you or a particular place. You can read more about this in our section on bail on page 22. The police will also let you know when the first court hearing will be.

The next step is the first hearing of the case which takes place in the magistrates' court which you can read about on page 21.

If we need more evidence to make a decision

If our prosecutor decides that there is not enough evidence to charge the suspect at this time they will then consider whether there is any more evidence the police could look for to make the case stronger. If we believe that more police investigation could help, we will ask the police to continue their investigation and provide us with any more evidence they can find.

If the police find more evidence, the case can then come back to us and we will make a new decision on whether or not to prosecute the suspect.

The police will keep you up to date with what's happening in the case if they need to look for more evidence.

If we decide not to charge – and your right to review

If our prosecutor decides the case doesn't pass our two-stage test, and there is no further evidence that the police could look for that would change this, they can't charge the suspect. This is also called a decision to advise 'no further action' (NFA).

If we decide not to prosecute the case we will explain the reasons why – usually it will be your police contact who explains this decision to you, but in some types of cases our prosecutor will send you a letter.

If you are unhappy with the decision you have the right to ask us to look at our decision again. This is called the 'Victims' Right to Review'.

There is no formal process that you need to follow to request a review of your case – all you need to do is let us know that you would like us to look at our decision again.

If you'd like to you can include information about why you'd like us to review the case or why you think the decision is wrong but you don't need to do this – it is enough just to tell us that you'd like us to review the decision.

If you'd like to request a review you should do this as soon as possible after we have let you know about our decision not to charge your case and ideally no later than 10 working days (two weeks) later. We can only accept requests made more than three months after the decision in exceptional circumstances – for example if you weren't told at the time about your right to review.

If you request a review a new prosecutor from within the CPS Area will review all the evidence and apply our two-stage test again to come to their own decision in the case. They may decide that the legal test is met and the suspect can be charged or they may agree with the decision that there should be no further action.

Once they've completed this review, they will write to you to explain their decision. They will also offer to speak to you over the phone or in person to discuss the case if you would find that helpful. If you've provided any additional information alongside your request for a review – for example information about why you think the decision is wrong, then the prosecutor will address any points you have raised in their explanation.

In most cases the prosecutor will tell you their decision within 30 working days (about six weeks). If the review is likely to take longer than this, for example if there is a lot of evidence to consider, then we will let you know how long the review is likely to take and keep you updated with our progress.

If you are not happy with the decision of the new prosecutor then you can request a further review of the case. This will be carried out by our Appeals and Review Unit. They will review of the evidence and apply our two-stage test to come to their own decision in the case. They'll write to you to explain their decision.

You can find out more on our Victims' Right to Review page **cps.gov.uk/legal-guidance/victims-right-review-scheme**.

After a defendant is charged:

The first hearing in the magistrates' court

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After a defendant is charged - The first hearing in the magistrates' court

The magistrates' court

There are different types of courts in England and Wales. All criminal cases start with a first hearing in the magistrates' court.

In magistrates' courts decisions are made by either a panel of magistrates or a District Judge.

Magistrates are volunteers who have received training to take up this role but they aren't legal professionals. They are supported by a legal advisor who is a trained solicitor or barrister whose role is to provide legal advice and guidance to the magistrates.

District Judges are trained legal professionals who will have practiced as a solicitor or barrister before becoming a judge.

Deciding where a case will be heard

The first hearing is sometimes used to decide whether a case should stay in the magistrates' court or should be sent to the Crown Court.

This decision is usually based on the seriousness of the offence.

Less serious offences such as motoring offences or public order offences can usually only be tried in the magistrates' court. These are called 'summary only' offences.

The most serious offences such as rape or murder can only be tried in the Crown Court. These are called 'indictable only' offences.

Offences which fall somewhere in between are called 'either way' offences and the District Judge or magistrates will decide whether the case should stay in the magistrates' court or be sent to the Crown Court.

They will do this by reviewing the case and deciding whether they would have the power to appropriately sentence the case if the defendant was convicted.

If a defendant is convicted in a magistrates' court they can be sentenced to a maximum of 12 months in prison. So if the defendant would get a higher sentence than that if they were convicted then the case will be sent to the Crown Court.

Sentencing guidelines are set by the Sentencing Council in line with UK law. You can read more about sentencing at **sentencingcouncil.org.uk/sentencing-and-the-council**.
In 'either way' offences the defendant also has the option to choose for their case to be heard in the Crown Court, in front of a jury.

Bail

At the first hearing, the magistrates' court will decide whether the defendant should be released on bail.

Bail is when it is decided that the defendant does not need to be kept in prison before the trial. If a defendant is released on bail they are still required to come to court at each stage of the process but they won't be held in prison between hearings.

If a defendant is not released on bail, they will be held in custody (in prison) until the trial.

The CPS prosecutor and the defence lawyer will present arguments to the court about whether the defendant should be granted bail. It is then up to the court to make this decision.

If a defendant is released on bail the court will often set out certain conditions that the defendant must meet to be allowed to remain on bail. The police will explain to you whether there are any conditions the defendant must follow and what they mean in practice. Bail conditions could include things like the defendant handing over their passport or being told not to contact you or go to the area where you live.

If a defendant breaks any of these conditions they may be remanded in custody (sent to prison) before the trial. If you have any information that suggests a defendant has broken one of these conditions or if you have any concerns at all you should get in touch with the police as soon as possible.

The police will keep you updated as to what happens at this hearing.

The magistrates' court: Plea hearings

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The magistrates' court: plea hearings

A plea hearing is when the court clerk reads out the list of offences the defendant has been charged with and asks the defendant to plead 'guilty' or 'not guilty'.

If the case is ready this can be done in the first hearing in the magistrates 'court. If the case isn't ready then the District Judge or magistrates will schedule a separate plea hearing for this to happen.

If the defendant pleads 'guilty' to all the charges

If the defendant pleads 'guilty' to all the charges, the district judge or magistrates can sentence the defendant straight away or they can send the case to the Crown Court if they think the defendant deserves a greater sentence than they have the power to give. They can also postpone (adjourn) the sentencing hearing to ask for more information to help them decide what the sentence should be.

This can include a 'pre-sentence' report, written by the probation service, which provides an independent assessment of the offender and the risks they pose.

We will also provide the court with your 'Victim Personal Statement' if you have provided one. The police will ask you if you'd like to provide one during the investigation – this is your opportunity to explain how the crime has impacted you.

If you would like to read your 'Victim Personal Statement' out loud to the court, then we can apply to the court for you to do this. Otherwise, the prosecutor may read it out loud or the District Judge or magistrates will read it for themselves.

The District Judge or magistrates will then use that information to decide what sentence the defendant will receive in line with the sentencing guidelines for the offence they've been convicted of.

Sentencing guidelines are set by the Sentencing Council in line with UK law. You can read more about sentencing at **sentencingcouncil.org.uk/sentencing-and-the-council**.

If the defendant pleads 'guilty' to some of the charges

If the defendant pleads 'guilty' to some of the charges but 'not guilty' to others, the CPS prosecutor will have to decide whether or not to accept the 'guilty' pleas.

They also need to decide what action to take on the charges to which the defendant has pleaded 'not guilty'.

The prosecutor has two options:

1. They can either ‘offer no evidence’ for the charges to which the defendant has pleaded ‘not guilty’. If we offer no evidence this means that the court will record a ‘not guilty’ verdict for those charges and we cannot take further action on them. The District Judge or magistrates will then sentence the defendant only for the charges to which the defendant has pleaded ‘guilty’.

Or

2. They can ask for the charges to which the defendant has pleaded ‘not guilty’ be listed for trial. The defendant won’t be sentenced for any charges until after the trial has happened.

To make this decision the prosecutor has to consider a number of factors which are set out in the Code for Crown Prosecutors (**cps.gov.uk/publication/code-crown-prosecutors**) and the Attorney General’s guidance on accepting pleas (**gov.uk/guidance/the-acceptance-of-pleas-and-the-prosecutors-role-in-the-sentencing-exercise**).

This includes whether the court would be able to give the defendant a sentence that reflects the seriousness of the crimes we have charged them with. For example, if a defendant pleaded ‘guilty’ to a more minor offence like theft but ‘not guilty’ to a more serious offence like rape then the sentence the court could give them would not reflect the seriousness of the crimes we charged them with. If we don’t think the court would be able to give the defendant an appropriate sentence then we will ask for the remaining charges to be listed for trial.

Where possible we will take your views as the victim into account to help us decide whether it is in the public interest to accept the plea.

If the defendant pleads ‘not guilty’ to all of the charges

If the defendant pleads ‘not guilty’ to all the charges the judge or magistrates will set a date for the trial.

The first hearing in the Crown Court:

The Plea and trial preparation hearing

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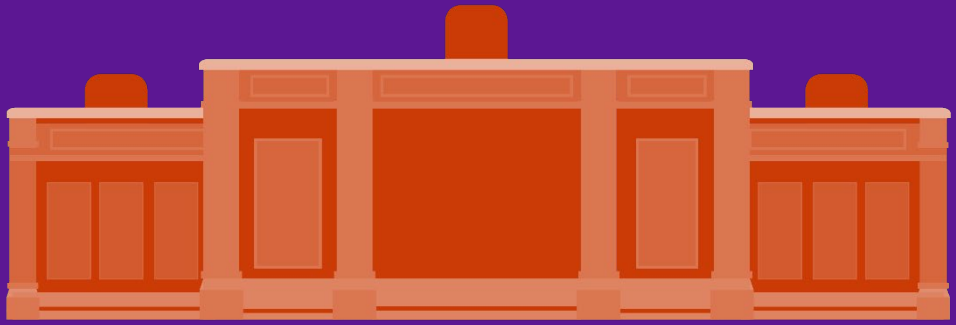

The first hearing in the Crown Court - The Plea and trial preparation hearing

The Crown Court

The Crown Court deals with the most serious criminal cases. Each case is overseen by a judge who is responsible for setting out the timetable in the case, making a judgement on any legal questions (such as whether certain types of evidence can be used) and sentencing the defendant if they are convicted.

If a case goes to trial it will be heard by a jury. The jury is made up of 12 members of the public who are selected randomly from the electoral roll. In a Crown Court, the jury decides whether the defendant is 'guilty' or 'not guilty'.

You have the right under the Victims Code to be given information about the trial and the trial process.

The first hearing at Crown Court is called the 'Plea and trial preparation hearing' or PTPH. At this hearing, the court clerk will read out the list of offences the defendant has been charged with (the indictment) and asks the defendant to plead 'guilty' or 'not guilty'. This process is called arraignment.

Any member of the public can attend any hearing in a criminal court.

If the defendant pleads 'guilty' to all the charges

If the defendant pleads 'guilty' to all the charges, the judge can either sentence the defendant straight away or they can postpone (adjourn) the sentencing hearing to ask for more information to help them decide what the sentence should be.

This can include a 'pre-sentence' report, written by the probation service, which provides an independent assessment of the offender and the risks they pose.

We will also provide the court with your 'Victim Personal Statement' if you have written one. The police will ask you if you'd like to write one during the investigation – this is your opportunity to explain how the crime has impacted you.

If you would like to read your 'Victim Personal Statement' out loud to the court, then we can apply to the court for you to do this. Otherwise the prosecutor will read it out to the court for you. If you read your 'victim personal statement' to the court yourself, you are entitled to special measures to do so. You can find more information about special measures on page 34.

The judge will then use that information to decide what sentence the defendant will receive in line with the sentencing guidelines for the offence they've been convicted of.

Sentencing guidelines are set by the Sentencing Council in line with UK law. You can read more about sentencing at **sentencingcouncil.org.uk/sentencing-and-the-council**.

If the defendant pleads 'guilty' to some of the charges

If the defendant pleads 'guilty' to some of the charges but 'not guilty' to others, the CPS prosecutor will have to decide whether or not to accept the 'guilty' pleas.

They also need to decide what action to take on the charges to which the defendant has pleaded 'not guilty'.

The prosecutor has two options:

1. They can either 'offer no evidence' for the charges to which the defendant has pleaded 'not guilty' or they can ask for these charges to 'lie on file'. If we offer no evidence this means that the court has accepted a 'not guilty' verdict for those charges and we cannot take further action on them. If we think the charges should lie on file we need to ask for the judge's permission to do this. Charges that lie on file could technically be restarted at a later date but this is very rare. The judge will then sentence the defendant only for the charges to which the defendant has pleaded 'guilty'.

Or

2. They can ask for the charges to which the defendant has pleaded 'not guilty' be listed for trial. The defendant won't be sentenced for any charges until after the trial has happened.

To make this decision the prosecutor has to consider a number of factors which are set out in the Code for Crown Prosecutors (**cps.gov.uk/publication/code-crown-prosecutors**) and the Attorney General's guidance on accepting pleas (**gov.uk/guidance/the-acceptance-of-pleas-and-the-prosecutors-role-in-the-sentencing-exercise**).

This includes whether the court would be able to give the defendant a sentence that reflects the seriousness of the crimes we have charged them with. For example, if a defendant pleaded 'guilty' to a more minor offence like theft but 'not guilty' to a more serious offence like rape then the sentence the court could give them would not reflect the seriousness of the crimes we charged them with. If we don't think the court would be able to give the defendant an appropriate sentence then we will ask for the remaining charges to be listed for trial.

Where possible we will take your views as the victim into account to help us decide whether it is in the public interest to accept the plea.

If the defendant pleads 'not guilty' to all of the charges

If the defendant pleads 'not guilty' to all the charges the judge will set a date for the trial.

What we need to do before the trial

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What we need to do before the trial

This section explains what our prosecutors need to do before the trial. You can find more information about what support is available to help you give your evidence on page 35 and what you'll need to do before the trial on page 38.

Preparing the evidence and sharing our case

Before the trial starts, we need to prepare our case by gathering together all the evidence that we want to use in the trial.

We then have a date, set by the judge or magistrates, by which we have to share all this information with the court and the defence team.

This is a chance for the defence team to understand the strength of the case that the police have built against the defendant.

In some cases, this evidence might persuade a defendant to change their plea to 'guilty' once they've seen how strong the case is. That would mean that we don't have to hold the trial, you usually wouldn't have to give evidence in court and the judge or magistrates could move on to the sentencing stage. If that happens your police contact will let you know as soon as possible.

Sharing extra material with the defence - disclosure

We also need to share a list of all the relevant material that we won't be using with the defendant's lawyers. This will include anything which is relevant to the offence, the defendant or the circumstances of the case but that we don't need to use to prove the case in court. This list is called the schedule of unused material.

Once we've put this list together our prosecutor will check to see if any of this extra material might reasonably undermine our case or support the defence case – in other words any information which might help the defence team. This is called the 'disclosure test'.

If any of the material does meet this test then we will make copies of it, remove any sensitive or personal information that isn't needed and then share only the necessary information with the defence team.

If we don't think material meets the disclosure test then we won't share it with them and they'll only see a short description of it on the schedule of unused material.

If they think it would help their case the defendant's lawyers can ask to see the extra material on that list that we haven't shared. If we don't think it meets the disclosure test then we won't share it with them unless the judge or magistrates decide that they should see it.

These processes are really important to make sure that the trial is fair for everyone involved.

How we protect your privacy

Before we share any evidence or extra material with the defendant's lawyers, we will review it to take out any personal or sensitive information that isn't relevant to the case. Personal information could include things like your address, telephone number etc. Sensitive information could include things like information about your health.

If this kind of information is relevant to the case then we will take steps to protect your privacy by making sure that the defence team only has access to the information that they absolutely need.

If you have any concerns about how any private information might be used, you can speak to your police contact and they'll be happy to answer your questions.

Asking for permission to use certain types of evidence

Our prosecutor needs to apply to the court for permission to use certain types of evidence in the prosecution case.

For example, if we want to use evidence which is not directly related to the case but shows that the defendant has a history of relevant criminal offending or other bad behaviour (bad character evidence) we would need to ask the court for permission to do this.

The defendant's lawyer may also want to ask for permission to use certain types of evidence.

If the judge gives the defendant's lawyers special permission to ask questions relating to your behaviour, we will let you know this in advance and answer any questions you have.

During the trial, the judge or magistrates will continue to monitor the questions that the defendant's barrister is asking – if at any point the judge or magistrates think a question is inappropriate, they won't allow it to be asked. If we think a question is inappropriate, we can also object and ask the judge or magistrates to stop it being asked.

Reviewing new evidence

A CPS prosecutor will review any new evidence that becomes available while they are preparing the case for trial. This could be new evidence uncovered by the police or new evidence provided by the defence team.

If new evidence means that the charges need to be changed or that the case needs to be stopped then the CPS prosecutor will change the charges or stop the case. If this happens our prosecutor will contact you to explain the reasons why we've had to make this decision.

If we decide that a case needs to be stopped then you have the right to ask for us to look at our decision again. This is called a Victims' Right to Review – you can find out more about this process in our section on how we make decisions.

In some rare circumstances, it will not be possible for this review to be carried out before the case is stopped. For example, if the trial has already begun, we will only be able to stop the case by offering no evidence. This means that the defendant will be formally found not guilty and we will not be able to re-start the case again in future.

Hearings to check on the progress of the case - 'Administrative hearings'

Between the first hearing and the trial date, the court may set dates for 'administrative hearings'.

These hearings are to check the progress of the case and make sure everything is going to be ready for trial day.

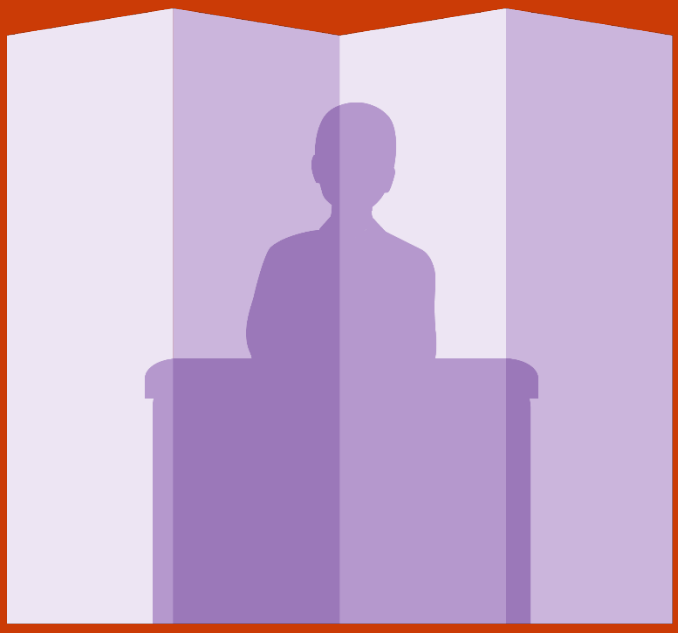
In the most complex Crown Court cases, the judge may plan a 'further trial preparation hearing'. This is because these cases are complicated, often with lots of evidence to sort through, so it can be helpful to have another opportunity to review the timetable for the trial to help make sure it can go ahead on time.

Support to give your evidence:

‘Special measures’

Contents:

- Who can access this support
- What support is available
- How you can access this support



Support to give your evidence - 'special measures'

When a case goes to trial, you will usually be asked to give evidence. This involves describing what happened to you in your own words and answering questions about it from our prosecution barrister and from the defence barrister.

This can feel daunting but there are things we can ask for to help you feel more comfortable when you give your evidence – these are called 'special measures'.

They can be put in place for how you give your evidence at trial or sometimes they can mean that you give all your evidence before the trial happens. We'll apply for these measures for you and the judge will make a decision about whether to grant them.

Special measures are there to support you if you need them but you don't have to ask for them if you don't want to.

Who can access this support

Vulnerable and intimidated victims and witnesses can ask for special measures.

You will be classed as a vulnerable witness:

- if you are under 18

or

- if you have a physical or mental disability or condition that would affect your ability to give your best evidence in court. (This could include learning or social functioning difficulties.)

You'll be classed as an intimidated witness if:

- You are frightened or distressed about giving evidence and this is likely to affect your ability to give your best evidence in court.
- You are a victim of rape or sexual assault
- You are a victim of modern slavery
- You are a victim or a witness of certain offences involving guns or knives

The police officer in your case will discuss special measures with you to understand whether might be eligible to ask for them. You should tell them if you think you should be classed as a vulnerable or intimidated witness.

What support is available

There are two special measures that can help you give some or all of your evidence before the trial.

These are currently available to all vulnerable victims and witnesses.

They are also available to victims of rape or sexual assault and modern slavery in some Crown Courts. Your police contact will let you know if it is available in your court. We expect it to be available in all Crown Courts by autumn 2022.

1. **Video recorded evidence-in-chief.** 'Evidence-in-chief' is your description of what happened to you. This special measure allows us to video record your evidence before the trial and play it back during trial so that you don't need to repeat all the details of the offence in court.

   You will still be asked additional questions by the prosecution barrister to clarify any issues and be cross-examined (asked questions about your evidence) by the defence barrister during the trial. Sometimes you might hear people call this a 'VRI' which stands for 'Video Recorded Interview' or an 'ABE' which stands for 'Achieving Best Evidence' interview.

2. **Video recorded cross-examination or re-examination.**
   'Cross-examination' is when the defendant's barrister asks you questions about your account of what happened and 're-examination' is what we call any final follow up questions that the prosecution barrister asks you.

   This special measure allows us to record your cross-examination and re-examination before the trial. You wouldn't have to attend the trial at all and your video-recorded evidence-in-chief and cross-examination will be played to the court instead. You may still need to attend a court to record your cross-examination, but you would give your evidence from a private witness room rather than a courtroom.

   Sometimes you might hear people call this special measure 'section 28', this is because that's the section of the law on giving evidence which explains it. You can read more about cross-examination and re-examination in the section 'What you will be asked' on page 43.

There are six special measures which can help you give evidence during the trial. The first four are available to both vulnerable and intimidated witnesses and the final two are only available to vulnerable victims and witnesses.

1. **Screens.** Screens are usually curtains or panels that the court places between the witness box and the defendant when you are giving evidence This means that you won't see the defendant while you give your evidence or when you're being cross-examined. The judge, jury and barristers can see you and you can see them.

2. **Evidence by live link.** This is usually a television link from a private room within the main court building but sometimes you can give evidence from another location such as a different courthouse closer to your home or a specially designed room in a police station.

   If you give evidence via live link you will be able to see whoever is asking you the questions (the barristers or the judge) but you usually won't be able to see anyone else in the courtroom. However, everyone in the courtroom will be able to see you, including the defendant. We can apply for screens together with the live link to prevent the defendant from seeing you, if you would find that helpful.

3. **Evidence given in private.** This means the courtroom is cleared of everyone who doesn't legally need to be there for the purposes of the trial. If your case is likely to attract media attention, one member of the press is allowed to stay in the court but, as with every stage of the case, you have full anonymity, and they are not allowed to publish your name.

4. **Removal of wigs and gowns by the judge and barristers**. This is usually used for child victims and witnesses. This is aimed at helping them to feel more comfortable by making the court seem less formal.

There are two special measures which are only available to vulnerable victims and witnesses:

5. **Intermediaries.** Intermediaries are people who can support you if you need help to fully understand and answer the questions you are being asked. An intermediary will check that the questions are asked in a way that means you can easily understand them. They will also help you share your answers clearly with the court.

6. **Aids to Communication.** Aids to communication can include things like visual-aid boards, eye-gaze software, dolls or body-outline drawings. You can use these if you have a disability that means you need support to assist you in understanding or answering questions.

How you can access this support

The police will talk to you about which special measures would help you to give your evidence. You can also ask them about it if you'd like to discuss it at any stage.

They will let us know what special measures you've chosen and why and we will apply to the court for permission to use them. We'll explain to the judge or magistrates why we think they will help you to give your best evidence.

The judge or magistrates will then make a decision about what special measures to approve. The police will let you know what they have decided.

What you need to do before the trial

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What you need to do before the trial

You have the right under the Victims' Code to be provided with information about the trial, the trial process and your role as a witness.

The police will keep you up to date with how the case is progressing and you can ask them for an update at any stage. They'll let you know what date the trial is expected to start and when it's likely to end. They'll also let you know if you will need to give evidence at court and what time you need to arrive.

The court will make every effort to make sure that the trial starts on time but sometimes the start of your trial can be delayed – for example if another trial is overrunning in a courtroom. The police will keep you up to date with what is happening.

Visiting the court

The Witness Service can arrange for you to visit the court before the trial. During the visit the Witness Service team will talk you through what will happen on the day of trial and show you what the courtrooms look like to help you feel more comfortable on the day.

If you are nervous about seeing the defendant or their friends or family in the court on the day, please let the police or the Witness Service know. They may be able to arrange for you to enter the court building through a private side entrance or stagger your arrival times so you can avoid the defendant.

Once you've visited the court you may want to change any special measures that have been put in place for you. That's okay - this is very common. You'll need to let the police officer know what changes you would like to make as soon as possible. We will then apply to the judge to amend your special measures arrangements.

Organising travel and expenses

Please let the police know, if you need to use a taxi, train or air travel to get to the court or if you live so far away that you need overnight accommodation to make sure you can get to the court on time. The police will give us this information and our team will book your travel and/or accommodation for you.

For most other lower cost travelling expenses, it is usually easier to use a witness expenses form which we'll give to at court. You can use this form to reclaim travel expenses as well as childcare and loss of earnings up to set amounts. You can find our guidance at **cps.gov.uk/legal-guidance/witness-expenses-and-allowances**. If you have any questions or concerns about travel or expenses please let your police contact know.

Reviewing your evidence

If you've video-recorded your evidence the police will agree a time with you for you to watch this before the trial. This is to give you a chance to refresh your memory before the trial starts. If you've given a written witness statement they'll provide you with a copy of his for you to review – this will usually happen on the day of the trial

The trial

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The trial

How long will it take for the trial to happen after the defendant has been charged?

Every case is different and there is no single answer to this question. As soon as it has been decided that there will be a trial the court will list it for the earliest possible date. Some cases may be more straightforward whereas others will have a lot of evidence that needs to be prepared ahead of the trial.

Unfortunately, the court system is currently experiencing a backlog of cases. The courts are doing their best to work through this as quickly as possible but it may mean that the trial in your case may take some time to happen.

You have the right under the Victims' Code to be provided with information about the trial and your police contact will keep you up-to-date with what is happening.

We know how difficult it can be while you're waiting for the trial to take place. Support is available for you throughout this process and you can decide to access it at any point. You can find more information on page 9.

The first day of the trial

When you arrive at court, the security guards will show you to the Witness Service waiting room. If you've arranged with the Witness Service to enter the court through a private side entrance then you should follow the instructions they've given you.

The Witness Service is run by Citizens Advice volunteers. The volunteers can explain what will happen during the day and will keep you updated with the progress of the trial. Where possible the Witness Service will try to provide separate waiting areas for prosecution and defence witnesses. Please speak to your police contact or the Witness Service if you're worried about seeing the defendant or anyone else at court. You can find more information about the Witness Service at **citizensadvice.org.uk/witness**.

Before the trial starts, someone from the prosecution team will introduce themselves to you and answer any questions you have about the process and what to expect. This could be a paralegal from the CPS, a CPS prosecutor or a prosecution barrister. The prosecutor at trial will usually be an independent barrister who will present your case on behalf of the CPS.

They will also explain what will happen in the court and confirm what special measures have been put into place for you. You can find our section on special measures on page 34.

They will also talk to you about the general nature of the defence case. This means what the defence is likely to say about our account of the incident.

Who's who in a courtroom

In a magistrates court the evidence is heard by a panel of magistrates or a district judge. They will make a decision on whether the defendant is 'Guilty' or 'Not guilty' and if they find the defendant 'Guilty' they will also decide on the sentence the defendant will receive.

In a Crown Court the evidence is heard by a judge and a jury. The jury is made up of 12 members of the public who are selected randomly from the electoral roll. In a Crown Court the jury decides whether the defendant is 'guilty' or 'not guilty'. If the jury finds the defendant 'guilty' the judge will then decide what sentence the defendant will receive.

If you're giving evidence in court, you'll stay in the waiting room until you're called in. You won't be able to watch the trial until after you've given your evidence.

If you aren't giving evidence in court, you'll be allowed to sit in the public gallery to watch the trial.

It's likely that the defendant's friends or family will be sitting in the public gallery too. If you don't want to sit in the same place as them or be seen by them it may be possible to arrange for you to watch the trial from somewhere else in the courtroom with the judge's permission. If this is the case, you can let the Witness Service know and they will help you to request this.

The courts service (HMCTS) has put together a short explanation of who's who in a magistrates court: **gov.uk/guidance/hmcts-whos-who-magistrates-court** and in a Crown Court: **gov.uk/guidance/hmcts-whos-who-crown-court**.

The role of the defence barrister

The role of the defence barrister is different from the role of the prosecution barrister.

The role of the prosecution barrister is to prove, based on the evidence, that the defendant is guilty. By comparison the defence barrister doesn't need to prove that the defendant is innocent. Their role is to highlight any problems or holes in the prosecution's case to show the magistrates or the jury that they can't be sure that the defendant is guilty.

The trial process

The prosecution barrister will open the case by setting out the charges against the defendant and the general facts of the case.

Sometimes the magistrates or the judge and the barristers may need to discuss some legal points before the trial gets going. This is normal, so don't worry if you have to wait a bit longer than you expected for the trial to start. The Witness Service will keep you up to date with what is happening.

Your evidence

You are likely to be the main witness so you will probably be asked to give your evidence first.

How you give your evidence will depend on what special measures you have been granted by the court:

- If you are giving evidence behind a screen, it will be ready for you before you come into court.
- If you are giving evidence from a TV link within the court building, the court usher will bring you to the room when it's time for you to give your evidence.
- If you are giving evidence from a location away from the court over a video link, the court clerk will digitally 'invite' you into the courtroom at the appropriate time. Someone from the court will be there to help you with this.
- If you need an interpreter, we will have arranged for one to be there for you.

If your main evidence was video recorded, that will be played to the court first so that you don't have to go through the whole incident in full again.

You may be asked some more questions by the CPS barrister to clarify your account and then the defence barrister will have an opportunity to ask you questions too – this is called cross-examination.

Then if they need to the CPS barrister will ask you some final questions – this is called re-examination.

Listen to all the questions carefully. You can ask for a question to be repeated and if you don't understand a question you can ask for the barrister to rephrase it or explain it before you answer.

Some of the questions may be difficult to answer but just focus on telling the truth. If you don't know the answer to a question or you can't remember it's okay to say that.

You can ask for a break at any time.

What you will be asked

It's the role of the defence team to put forward the defendant's version of events and to challenge what you say happened. This might be by saying that you are lying or that you are mistaken.

Some of the questions can be difficult but it's important that you just focus on telling the truth. You should listen carefully to what the defence barrister is saying and clearly answer their questions. If you disagree with something they say then you should say that.

If it's relevant to the case either the prosecution or the defence barrister might ask you about any contact you had with the defendant before and/or after the offence happened. This may include text messages or emails.

During the trial the judge will listen carefully to all the questions and if they decide a question is inappropriate they won't allow it to be asked. If we think a question is inappropriate, we can also object and ask the judge to stop it being asked.

If you need to take a break at any time, you can ask the judge. This is okay and the court will understand you need to take a few minutes to yourself.

Other witnesses and the defendant's evidence

After you've given your evidence we'll then call a series of witnesses to give evidence.

These could include:

- Eye-witnesses who saw something happen.
- Police officers who can describe the evidence they've found.
- Expert witnesses who will give evidence related to their area of expertise. For example, a doctor might give evidence about any injuries you had, or a toxicologist might give evidence about alcohol or drugs that were in your bloodstream.

Our prosecution barrister will ask the witnesses questions about the evidence that supports the case. Then the defence barrister will have an opportunity to ask them questions too – this is called cross-examination.

Once the prosecution barrister has called all their witnesses, the trial swaps over and the defence barrister will call their witnesses. The CPS prosecutor will have an opportunity to ask each of the defence witnesses questions in cross-examination.

The defendant does not have to give evidence and it's quite common for a defendant to choose not to give evidence in court. If a defendant chooses not to give evidence we can't cross-examine them.

However, the transcript of the interview the defendant gave at the police station will usually be read out to the court as part of the prosecution case. The court can then take into account what the defendant said when they were asked about the incident.

Once all the witnesses have given their evidence and been cross-examined, the CPS barrister will make a closing speech summing up all the key points of our evidence. The defence barrister will then make a closing speech pointing out where they think there are flaws in the prosecution case.

In a magistrates court, the magistrates or district judge will then go into a private room to consider their evidence and decide their verdict.

In a Crown Court, the judge will sum up the key points of the evidence and will give 'directions' to the jury about the law. This means they will explain things like what the prosecution needs to have proved for the jury to find the defendant guilty. The jury will go into a private room to discuss the evidence and decide their verdict.

The verdict and sentencing

Contents:

The verdict and sentencing

You have the right under the Victims' Code to be given information about the outcome of the case. You can choose to attend court to hear the verdict. However, it is never clear when a jury will reach a verdict – it could take hours or several days.

You can also choose to attend the sentencing hearing. If you choose not to attend, your police contact will keep you updated with what is happening.

To find the defendant 'guilty' the magistrates or district judge in a magistrates' court or the jury in a Crown Court must be sure that the defendant is guilty. Sometimes you'll hear this described as 'sure beyond a reasonable doubt' or 'satisfied so you are sure'.

If they aren't sure that the defendant is guilty then they must find them 'not guilty'.

In Crown Court trials the judge will as the jury to reach a unanimous verdict - that means, they should all agree on whether the defendant is 'guilty' or 'not guilty'. If they can't do that after carefully considering and discussing the evidence, the judge can allow them to reach a majority verdict of at least 10 people.

If a defendant is found 'not guilty'

If a defendant is found 'Not guilty,' the case is over and they are allowed to leave the court. If they have been held in prison during the trial, they will be released immediately.

If the defendant is found not guilty, that doesn't mean you weren't believed or that people thought you were lying. It simply means the magistrates/district judge or the jury couldn't be 'satisfied so they were sure' that the defendant was guilty.

If a defendant is found 'guilty'

If the defendant is found 'guilty,' the magistrates/District Judge or the judge in the Crown court or can either sentence the defendant straight away or they can adjourn (postpone) the sentencing hearing to ask for more information to help them decide what the sentence should be.

This can include a 'pre-sentence' report, written by the Probation Service, which provides an independent assessment of the offender and the risks they pose.

We will also provide the court with your 'Victim Personal Statement' if you have provided one. The police will ask you if you'd like to provide one during the investigation – this is your opportunity to explain how the crime has impacted you. If you would like to provide an updated victim personal statement you should speak to your police contact and they will arrange for you to do this.

If you would like to read your 'Victim Personal Statement' out loud to the court, then we can apply to the court for you to do this. Otherwise the prosecutor will read it out to the court on your behalf.

If you would like to read your 'Victim Personal Statement' to the court yourself, you are entitled to special measures to do so and we will pay for your expenses as before. You can find more information about special measures on page 34.

The magistrates or judge will then use that information to decide what sentence the defendant will receive in line with the sentencing guidelines for the offence they've been convicted of.

Sentencing guidelines are set by the Sentencing Council in line with the law in England and Wales. You can read more about sentencing on their website: **sentencingcouncil.org.uk/sentencing-and-the-council**.

If the defendant has been held in prison awaiting the trial, they will usually be sent back to prison to await the sentence if it's likely that they will be given a prison sentence by the judge. Normally, any time the defendant has already spent in prison waiting for the trial will count as part of their sentence.

If you decide not to attend the sentencing hearing, then the police will let you know what happened once it has finished.

If the court fails to reach a verdict

If the jury can't reach a verdict (either 'guilty' or 'not guilty'), then the CPS prosecutor has to decide whether or not to hold another trial. This trial would have to start afresh, hearing all the evidence again.

To make that decision they'll consider our two-stage test again:

- Is there is still enough evidence to provide a realistic prospect of conviction – has anything changed during the course of the first trial and are the witnesses still willing and available to give evidence again?

- Is the trial still in the public interest – for example, would a delay until a new trial change anything and is that delay proportionate with the sentence the defendant would likely get?

The prosecutor will also take your views as the victim into account.

If we decide to go ahead with a new trial, the court will set a date for it to start.

If we decide not to go ahead with another trial we must make formal decision to offer no evidence. That means the case is stopped, the defendant will be acquitted and formally found not guilty of the offence(s).

What support is available after the trial has finished?

Many support services continue to provide support after a trial has ended. Going through a trial can be difficult and it's natural to need more time and help to process what has happened.

Victim Support has teams across the England and Wales who can offer local support and their national helpline is open 24/7. Find out more at **victimsupport.org.uk/help**.

After the trial:

Appeals

Contents:

- If the defendant wants to appeal their conviction or their sentence
- Appealing a sentence that is too short

After a trial – appeals

You have the right under the Victims' Code to be given information about any appeals in the case. Your police contact will let you know if there are any appeals.

If the defendant has been found 'not guilty,' we can't appeal the verdict. This is because the law does not give us the right to appeal against the decision of the jury.

In very rare circumstances, it may be possible for us to ask the court to quash the acquittal and ask for a retrial if the police find 'new and compelling' evidence which was not available at the time of the original trial. However, these cases are extremely rare as the standard of evidence needed to order a retrial is very high.

If the defendant wants to appeal their conviction or sentence

If the defendant is found 'guilty,' they can appeal against their conviction – this means they are asking for it to be overturned because they don't believe they should have been found 'guilty'.

They can also appeal against the severity of their sentence. This means they aren't challenging the fact that they've been found 'guilty' but that they believe the punishment they've been given is too harsh.

After a trial in the magistrates' court

Defendants who have been convicted after a trial in the magistrates court have an automatic right to an appeal, should they wish to do so.

If a defendant appeals, the case will be heard again by a judge and a panel of magistrates in the Crown Court. Sometimes this will mean you will be asked to give evidence again. If this happens the police will explain this to you.

Defendants in these cases can also ask to appeal 'on a point of law' to the High Court. This means that they are saying that the law was misapplied to their case. The right to this type of appeal isn't automatic. If the High Court agrees to hear this type of appeal it will involve legal arguments only and you will not be asked to give evidence again.

The police will let you know if the defendant has made an appeal and keep you up-to-date with the details of any hearings.

After a trial in the Crown Court

To make an appeal after a trial in the Crown Court a defendant needs to have 'grounds' for appeal. This means they have to have a legal reason why they think the verdict is wrong. For example, if they say that the judge did not conduct the trial in a fair way or made legal mistakes. If a defendant wants to appeal, a judge from the Court of Appeal needs to agree that they have 'grounds' to appeal.

If a defendant is allowed to appeal, their case will be sent to the Court of Appeal, who can uphold the conviction, overturn the conviction so that the defendant is found not guilty or overturn the conviction and order that a new trial is held.

Appealing a sentence that is too short (unduly lenient sentences)

In certain types of cases, including rape and serious sexual assault, anyone has the right to ask for a defendant's sentence to be reviewed if they think it is unduly lenient (unreasonably low). If we think a sentence is unduly lenient we will recommend that it should be reviewed.

The Attorney General's Office, which is a government department, is responsible for reviewing these cases. The person who wants to appeal the sentence needs to contact the Attorney General's Office as soon as possible (at the absolute latest before 5pm 28 calendar days after sentencing).

If the Attorney General's Office agrees that the sentence is too short (unduly lenient) they will send the case to the Court of Appeal. The Court of Appeal will then decide whether or not to hear the case. If they hear the case, they will decide whether to keep the sentence the same or increase it.

You can read more about appealing unreasonably low sentences at **gov.uk/ask-crown-court-sentence-review**.