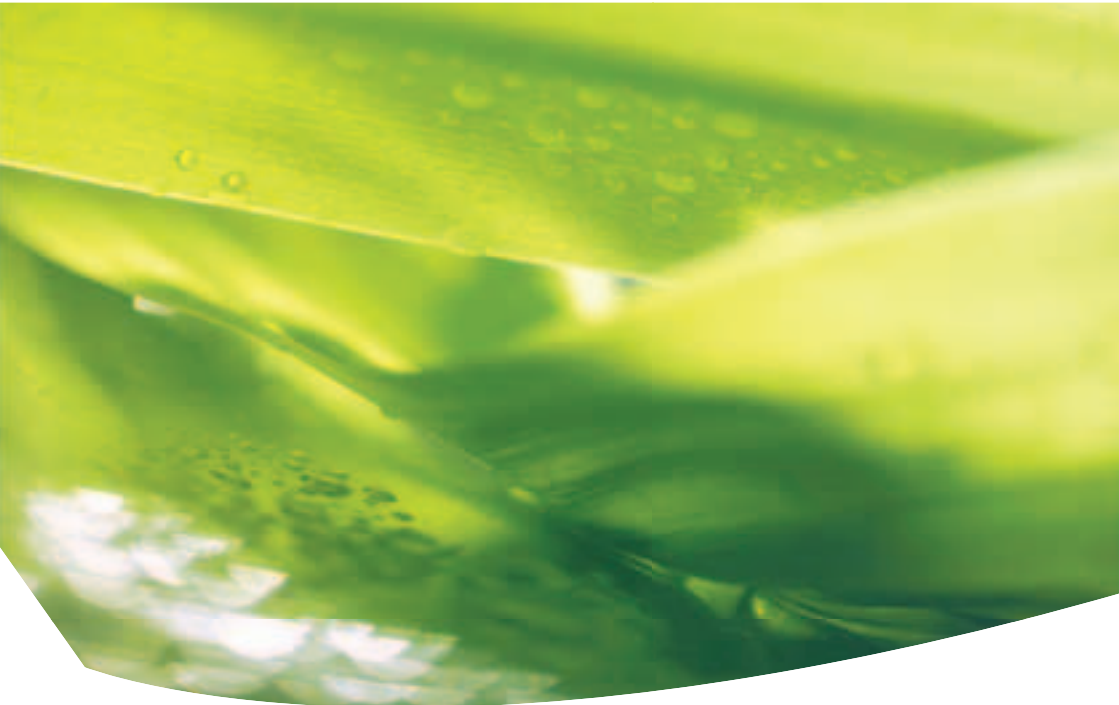


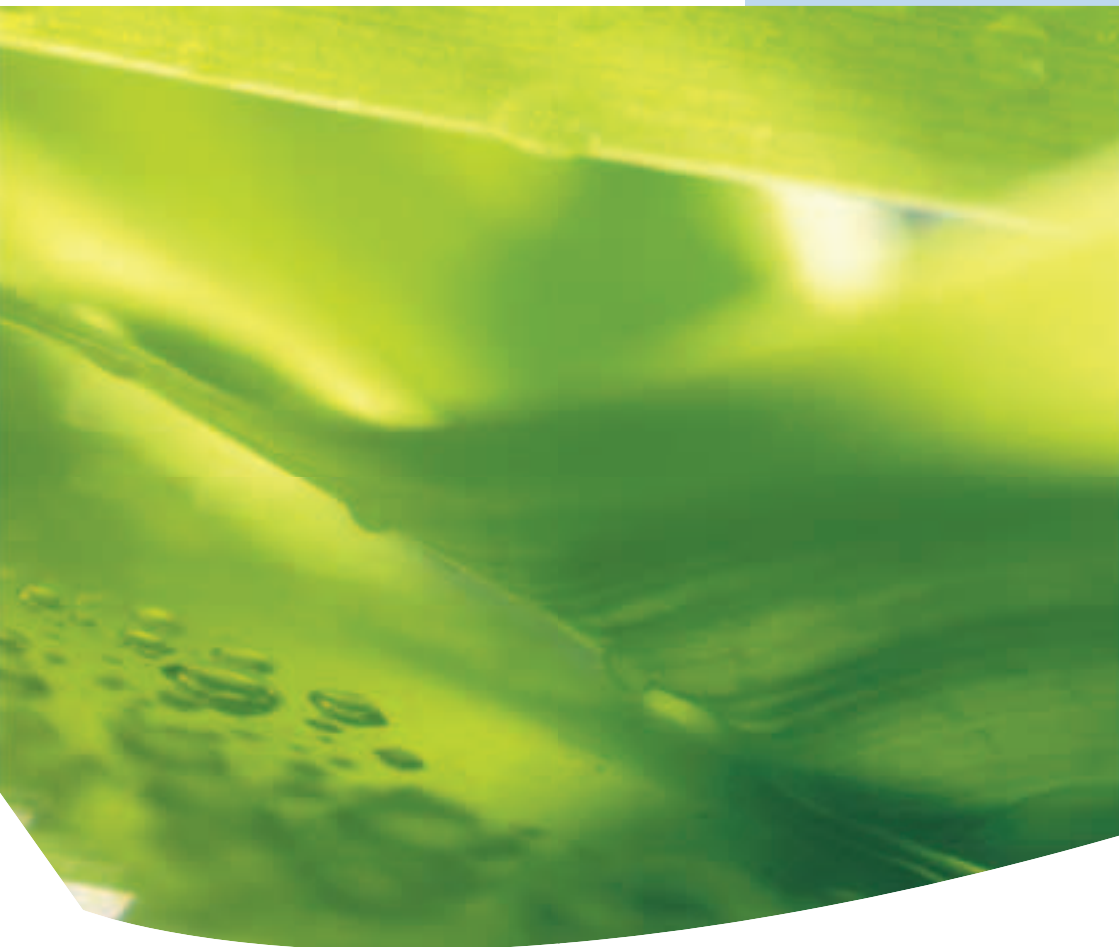


Department of
Justice
www.dojni.gov.uk



A Guide to Northern Ireland's Criminal Justice System for Victims and Witnesses of Crime





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Section I
Coming
forward

Section I

Coming forward

If you are a victim of, or witness, a crime committed by either a stranger or someone you know, you may be worried about reporting it. However, we would encourage you to come forward. The criminal justice organisations (Department of Justice, Police Service of Northern Ireland, Public Prosecution Service, Northern Ireland Courts and Tribunals Service, Northern Ireland Prison Service, Probation Board for Northern Ireland and Youth Justice Agency) will treat you with dignity, respect and sensitivity (see their Code of Practice at www.cjsni.gov.uk). There are also many support agencies to help you, for example Victim Support and the NSPCC. Please see “Support for victims and witnesses” on page 9.

Concerns about coming forward

Giving evidence in court

You may not have to give evidence in court. If the defendant is caught and pleads guilty, the case will go to court for sentencing but you would not have to give evidence in the case. Also, if the defendant initially pleads not guilty and the case goes to trial, the defendant's solicitor may advise them to plead guilty on the day of trial if they think the prosecution has a strong case. Therefore you would not be needed to give evidence.

However, if you do have to give evidence, the Witness Service, run by Victim Support or, if you are under 18 years old, the NSPCC Young Witness Service, will be there to help and support you before, during and after your time at court, if you want (please see Witness services on page 26). There is also a range of special measures (see page 28) to help vulnerable and intimidated witnesses give their best evidence in court.

Will the police be interested in the crime?

It is very important to report all crimes because if the police do not know where crimes are happening, they cannot take any action to prevent further incidents or catch the person responsible. In some cases there may be little or no evidence available and the police will not be able to investigate the matter further. However, you should try not to let this discourage you from reporting the matter.

Is the crime too trivial to report?

Different people deal with different experiences in a number of ways and so no crime is too trivial to report. It may appear to be a minor crime but it can still be very upsetting for you. The police understand this and will take you and your case seriously. In addition, anti-social behaviour, that does not appear to have victims, can have a negative effect on the community.

It is too difficult or embarrassing to explain what happened

If you have been the victim of a crime that you find difficult or embarrassing to talk about, for example a domestic assault or a sex offence, you may be reluctant to report the crime. Please do. The police will be sensitive to your situation. They will treat you with consideration, dignity and respect, and will not judge you in any way.

Witness intimidation

It is a criminal offence to threaten a witness or anyone helping the police in an investigation. If you are harassed or feel threatened in any way before, during or after court proceedings, you should tell the police immediately. The police can offer a number of measures to help you stay safe and they will take every step possible to protect you and your family throughout the process.

The Northern Ireland Courts and Tribunals Service has a policy for tackling intimidation on court premises. If you are threatened or feel threatened while on court premises, please tell a court official.

Support for victims and witnesses

Whether or not you have chosen to report the crime, Victim Support NI, an independent local charity, can help you to cope with its effects. When you contact them, a fully trained volunteer will help you work out the type of support you need and make sure you receive that help for as long as you need it. They can meet you at your local Victim Support office or another suitable location.

If you have been a victim of a violent crime you may be able to get compensation under the Criminal Injuries Compensation Scheme. Your local Victim Support office can provide you with help, information and ongoing support throughout the compensation claim process. Victim Support will assist you to complete the application form, help with any subsequent review application and, if an appeal is submitted, they can represent you at the appeal hearing. All of these services are provided FREE OF CHARGE and Victim Support does not take a percentage from any award made.

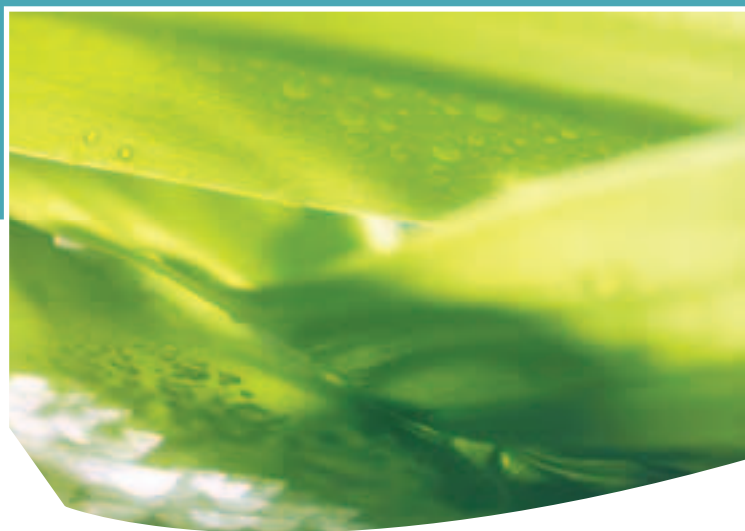
You may want to contact Victim Support if you:

- want to talk, in confidence, to someone who understands;
- need information;
- need practical help;
- want to make a claim for criminal injuries compensation; or
- are going to court, either as an observer or as a witness.

Victim Support also has a database of organisations offering support services, such as counselling, and can give you further details if you would find that helpful. We have provided contact details of Victim Support in the Useful contacts section.

Section 2

Reporting the crime



Section 2

Reporting the crime

Reasons for reporting a crime

You may have information that you think the police ought to know but you may not want to get involved in the matter, particularly if you know that there are other witnesses who could report the crime. Even if this is the case, what you have seen may still help, as the police need as much information as possible. The information you give them through reporting the crime can:

- **help to bring the person who committed the crime to justice** – this could prevent further crimes and protect others from becoming victims;
- **help your community** – all crime and anti-social behaviour have a negative effect on the community. Reporting them can help the problem be addressed;
- **help you** – you may find that it helps you to talk about what has happened and your feelings about it. If appropriate, the police can advise you on crime prevention measures and they will refer you to Victim Support, if you wish; and
- **help you claim compensation** – if you do not report a crime and you have suffered an injury or damage to your property as a result of the crime, you will not be able to apply for compensation from the Compensation Agency.

Ways of reporting a crime

There are a number of ways of reporting a crime:

- in an emergency **dial 999**;
- for non-urgent matters call into your local police station or ring the police on **0845 600 8000** (operators will transfer your call on to your local police station);
- if you do not want to give your name, dial the **Crimestoppers helpline** on **0800 555 111**;
- online at **www.psni.police.uk** (for minor incidents and hate crime only); and
- **third-party reporting** – if you really do not want to report the crime yourself, someone else can report it for you.

The police take crime seriously and you can expect them to treat you with dignity, sensitivity and respect. They can also let you know about the support services, such as those offered by Victim Support, that are available.

Section 3

Police procedures



Section 3

Police procedures

When you, as a victim, contact the police, the investigating officer should give you their business card so that you know who to contact if you need to. You should also receive a letter with more detail about the crime investigation (unless you have asked not to be contacted further), as well as the leaflet, “Information for victims of crime” (this leaflet is also available to view at www.cjsni.gov.uk).

If you have been the victim of a crime or witnessed any part of a crime, the police will normally ask you to make a statement. To do this, the officer will ask you a number of questions to find out exactly what happened. The statement will usually be a written statement. In certain circumstances, a video recorded account of what happened may be taken. Both may be used as evidence in court.

If you have difficulty understanding English, or if you are deaf or hard of hearing, the police will provide an interpreter to help you.

Giving a written statement

The police realise that talking about what has happened to you can be a difficult experience and, if you find making your statement distressing, you can ask for a break at any time. Once the statement has been written, the police officer will ask you to read through it to check that it is correct. Or you can ask the police officer to read your statement to you, if you would prefer.

You will be asked to sign the statement to say that it is an accurate account of what you think happened. If something is not correct, please let the police officer know so that they can change it. It is very important that you do this, even if you feel awkward about doing it, as it could affect the investigation.

Sometimes the police may need to speak to you more than once, for example, if they need to check information.

Giving a video recorded statement

In some cases, if the police officer considers that you are a vulnerable or intimidated witness, you may make a video recorded statement instead of a written statement. Video recording of evidence is most commonly used if you are a young person. For example, if you are under the age of 17 and are going to give a statement and it is a sensitive case, for example a sex crime, your evidence may be recorded by video. The police officer who is carrying out the interview will explain how they will do this before they begin the interview. If you are a young person making a video recorded statement, a supporter will be with you during the interview. The police officer will not discuss the evidence that you are going to give before the interview is recorded. This is to make sure that you give the most accurate description of what you saw or know, so that the video contains the best evidence possible.

Collecting evidence

Sometimes the police will need to take samples from where the crime took place. The procedures will depend on the type of crime. They may also want to take photographs or fingerprints.

In some circumstances you may be asked to help by providing elimination fingerprints. A specially trained crime-scene investigator will usually do this. The police know how difficult and sometimes embarrassing it can be to have fingerprints or other samples taken and they will be as sensitive as possible.

If you have been physically injured in an assault, the police may also want to photograph your injuries or have your injuries examined by a police doctor. Police doctors are qualified medical practitioners who have agreed to carry out examinations on behalf of the police. The doctor will make a record of the injuries, but if you need more medical attention they will advise you to go to the hospital or to your own GP.

Next steps

Sometimes, depending on the type of crime, it can take quite a long time to gather all the information that is needed. The police are committed to making sure that victims in particular know what is happening with the investigation. They will contact you at certain times, for example one month from the date you reported the crime, to let you know what is happening in your case. They should also contact you if a suspect is arrested or charged, or if your property is found. The police are also happy for you to contact them at any time if you would like an update.

The police may get advice and guidance from the Public Prosecution Service (PPS) to help in the investigation. This will usually be to do with the type of evidence needed or whether evidence will be admissible (the evidence must be relevant and reliable in order for it to be admissible). The police may also ask the PPS for advice about the specific charges, if any, which should be brought against a suspect. Once a suspect has been charged with a criminal offence, they become known as the 'defendant'.

The police send a case file to the PPS if the evidence shows that a criminal offence may have been committed by someone who can be identified. If you are the victim, you should be informed by the police if this happens in your case.

If the police have not identified someone for the crime committed against you after three months, you should be told of this.

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Section 4

Will it go to court

Section 4

Will it go to court

Who will prosecute

The Public Prosecution Service for Northern Ireland (PPS) is the prosecuting authority for Northern Ireland. The PPS is independent from the police and from the Government. In each PPS region, there is a dedicated team of specially trained staff, the Community Liaison Team, to help with any queries that you may have. Their contact details are in the Useful contacts section.

Decision to prosecute

When the PPS receives a case file from the police, which includes witness statements and other evidence, they may ask for further investigation into any particular matter if they believe extra information is needed to take a fully informed decision. The PPS notifies victims in more serious cases when they have received a file from the police.

A decision to prosecute is based on two tests:

- **The evidential test** - is there enough evidence to believe that there is a reasonable prospect of a conviction?
- **The public interest test** - is it in the public interest to prosecute?

If the PPS prosecutor decides that there is enough evidence to prosecute, and that it is in the public interest to do so, the prosecutor will prepare the papers. Victims will be notified of this decision and also of the outcome of the prosecution.

At this stage the PPS must decide if prosecution at court is the most appropriate way of dealing with the case. The other options are:

- **informed warning** – this is a formal reprimand by the police, and although it is not a conviction, it is recorded on the person's criminal record for 12 months;
- **caution** – this is another type of formal reprimand by the police, and again although it is not a conviction, it is recorded on the person's criminal record for five years in the case of an adult or 30 months in the case of a young person; or
- **youth conference** – a youth conference is for cases which are prosecuted in court. A diversion youth conference is for cases when there is no prosecution but the PPS decides that a full conference with the victim should be offered. A youth conference is a meeting or series of meetings with the young offender, their parents or responsible adult. A police officer, the victims and victim supporters may attend and any other person who is relevant to the crime and its impact. The youth conference is facilitated by a youth conference co-ordinator. A youth conference or diversion youth conference is available for any offence for under 18s when they admit guilt and consent to a conference. Participation by the victim is voluntary and may be face to face, by video link, phone conference, tape or through a representative. The conference will reach agreement on what the offender will do to make amends to the victim, repair the harm and the steps to be put in place to stop offending. The plan is approved by the PPS or the Court and becomes a statutory youth conference plan which is monitored for compliance and completion. A court youth conference plan is a conviction. The diversion plan is not a conviction but is recorded on the young person's criminal record for 30 months. The victim will be kept informed of the offender's compliance with the plan if they indicate they so wish.

If a decision is made to prosecute, a case can be commenced with either a charge sheet or a summons. If it is by way of a charge sheet, this involves the police charging the suspect, who has been arrested, and the PPS reviewing the charge before the first court appearance to ensure that there is sufficient evidence at that stage for the defendant to be prosecuted. The defendant will either be:

- held in police custody overnight and produced at the first available court, where the court will then have to consider the issue of bail (see the section below about bail); or
- released on police bail to appear before court on a stated date within 28 days from the charge.

If the case is commenced by way of a summons, this is issued by the PPS and is served on the defendant either by post or in person. The defendant will be required to attend court on the date stated on the summons. Witnesses are not called for the first court appearance.

If the PPS makes a decision not to prosecute in the case, they write to victims and explain their reasons for this. You can contact the PPS if you want further information.

Custody and bail

If a person is charged and released by the police on bail, the first court appearance must be within 28 days from the date of the charge. This usually takes place in the magistrates' court, where the District Judge (MC) will consider if there is enough evidence to connect the defendant to the crime. When a person is charged with a crime and held in police custody, they must be brought to the first available court for the court to decide whether the person is to continue to be remanded (held) in custody, or released on bail.

The PPS must consider the charges and consider if there is still a need to keep the person in custody. The PPS will ask the court to remand someone in custody if they consider that there is a risk of the defendant running away, interfering with or threatening witnesses or perverting the course of justice, committing further offences or if they would be a threat to public order.

If the defendant is held in prison, they may apply for bail again, but usually only when there has been a change in circumstances since they last applied for bail. The defendant can also apply for compassionate bail for a short period for reasons such as a family funeral. After this, they cannot make any more applications unless they can persuade the judge that something about the case, or their personal circumstances, has changed. The judge must grant bail unless the prosecution can show that there is a specific risk.

If the defendant is granted bail by the court, the public prosecutor will consider whether any bail conditions would help address any risks identified. Bail often means the defendant enters into a recognisance (a bond between them and the court) to pay money if they break the conditions of bail. Anyone providing a guarantee (or surety) may also have to enter into a recognisance. (These are people who are prepared to enter into a bond and lose money if the defendant breaks their bail conditions.)

Sometimes conditions are placed on the bail, such as the defendant has to be at the approved address between certain times (this is called a curfew). They may not be allowed to go to certain places, see certain people or drink alcohol. Electronic tagging is also an option as a bail condition.

If the court grants bail even though the PPS has argued against it, the public prosecutor may appeal. This appeal will be heard by the High Court.

Section 5
Going
to court



Section 5

Going to court

Preparing the case for court

In some cases, the defendant will plead guilty to the offence and you will not have to go to court or give evidence. In others, the defence will agree your evidence and so your statement will just be read out in court without you having to give evidence.

However, there may be some cases where a defendant may plead not guilty, or plead guilty but deny an important part of the offence, which would make a difference to the sentence they could receive. In these cases, the court will need to hear evidence from witnesses, which could include you, to decide if the defendant is guilty.

The trial may take place in the magistrates' court, youth court (if the defendant is aged 17 and under) or Crown Court. Which court will depend on how serious the offence is. The most serious offences are tried in the Crown Court in front of a judge and jury.

If you are a prosecution witness, the Public Prosecution Service (PPS) will tell you if the case will be going to court. They will tell you the court date as early as possible and will also be able to explain your role in the courtroom. You will receive leaflets on the witness services and attending court as a witness, and information about the court venue. It is also the responsibility of the PPS to apply for any special measures (see page 28) which you may need in court if you are a vulnerable or intimidated witness to help you give

your best evidence. If you are called to give evidence and you feel that you may need special measures, you should speak to the police or the PPS as soon as possible. Or if you need an interpreter, you should also let the police or PPS know so that they can arrange this for you. The prosecutor will be available on the day of court to explain the process and answer any questions you have.

Setting the trial date

Before the date is fixed for the hearing, the PPS or police will contact you to find out what dates suit you to go to court. You should say if you are going on holiday or if you have other important commitments, such as a hospital appointment.

Once the court has fixed the trial date you will be advised of:

- the trial date;
- which court you need to go to;
- how to get to the court; and
- what facilities are available at the court.

You should receive enough notice of the date of the trial, but there may be times when this is not possible and only short notice can be given. Although this may be inconvenient, it is important to go to the court as it is very difficult to change court dates. If you are not able to go to court on the date given, you must contact the PPS community liaison team or the police investigating officer and let them know as soon as possible.

The court system

There are different types of courts in Northern Ireland. All criminal cases, even the most serious, begin in a magistrates' court.

Magistrates' courts hear and decide on less serious criminal cases, cases involving young people and some civil and domestic cases. In a magistrates' court or youth court (for defendants aged 17 and under), the District Judge (MC) listens to the evidence and decides if the defendant is guilty. They are also responsible for deciding the sentence.

Although many cases are dealt with by a magistrates' court or youth court, the more serious cases are usually sent or 'committed' to a Crown Court for hearing. In the Crown Court, a jury of men and women – up to 12 members of the public – decide if the defendant is guilty, but it is the judge who decides on the sentence.

Please go to www.courtsni.gov.uk for more information and an explanation of the court system.

Witness services

If you are a victim or witness for the prosecution, witness services will be available before, during and after the trial to make sure that you are well informed and supported. There are two types of witness service available – one for adult witnesses which is run by Victim Support (the Witness Service) and one for witnesses under the age of 18 (the Young Witness Service) which is run by the NSPCC. The Witness Service is available in all courts and the Young Witness Service is available in all Crown Courts and in some magistrates' courts, youth courts and county courts. This service is currently being extended to all courts across Northern Ireland.

The aim of these services is to help prosecution victims and witnesses, and their families and friends, to deal with the experience of going to court and giving evidence. Both witness services normally phone witnesses before the court hearing to offer their services. Trained volunteers and staff from the services provide a free and confidential service including:

- having someone to talk to;
- providing information on court procedures;
- going with you to the court and letting you look around the courtroom before you are called as a witness;
- providing a quiet place for you to wait before and during the hearing;
- having someone to go with you into the courtroom or the live TV link room when you give evidence;
- giving practical help with things such as expense forms;
- putting you in touch with people who can answer specific legal questions (the witness services do not discuss evidence with witnesses); and
- giving you a chance to talk over the case once it is over, to get more help or information.

Special measures

‘Special measures’ are measures which have been put in place to help vulnerable and intimidated witnesses give their best possible evidence in court.

Vulnerable witnesses include children under 17 years of age. In addition, there are three other types of vulnerable witness:

- witnesses who have a mental disorder;
- witnesses significantly impaired in relation to intelligence and social functioning; and
- witnesses who have a physical disability.

Intimidated witnesses are those witnesses whose quality of testimony is likely to be diminished by reason of fear or distress at the prospect of giving evidence.

Victims in cases of sexual assault are defined as falling into this category. Other witnesses who may be considered to be intimidated witnesses include:

- those who have experienced domestic violence;
- those who have experienced past or repeat harassment and bullying, or repeat victimisation;
- those who self-neglect and self-harm;
- the elderly and frail;
- witnesses to murder; and
- those who are making allegations against professionals or carers.

If your case is passed to the PPS, and you become a prosecution witness, the prosecutor will consider using special measures to help you when giving evidence in court. If you are eligible, they will make an application to the court. The judge at that hearing will decide whether you should be allowed to use special measures in court. If a special measure application has been granted, you will be told by the prosecutor. They will explain to you how the special measure(s) will be used at court.

Special measures include:

- screens may be made available to shield you from the defendant. The screen will be placed around the witness box which prevents you from having to see the defendant and the defendant from seeing you. However, you will be seen by others in the court including the judge, jury, lawyers and barristers and, in some courts, the public gallery;
- a live link to enable you to give evidence during the trial from outside the court through a televised link to the courtroom. You may be either accommodated within the court building or in a suitable location outside the court. You will be able to see the courtroom. This also means the people in the courtroom, including the defendant, will be able to see you on a television screen. A member of the witness services can be with you in this room, if you want;
- evidence given in private. Members of the public and the press (except for one named person to represent the press) can be excluded from the court if the case in which you are giving evidence involves a sexual offence or intimidation;
- removal of wigs and gowns by judges and barristers in the Crown Court to make the proceedings seem less intimidating;

-
- a video recorded interview with you before the trial can be admitted by the court as your evidence in chief. The taped evidence will be played in court and this means that you do not have to give evidence in person. In these cases, a live link or screen can be used when you are cross-examined by the defence. The police officer who is carrying out the initial interview will explain how this will work before they begin the interview. Those under the age of 17 will almost always have their interview videotaped if it is a sensitive case, e.g. a sex crime. A supporter will be with them during the interview; and
 - aids to communication will be permitted to enable you to give best evidence whether through a communicator or interpreter, or through a communication aid or technique, such as a symbol book or alphabet board. This measure is only available to witnesses who are eligible for special measures on grounds of age or incapacity.

Reporting restrictions

In some cases the law says that certain details cannot be published by the media, for example, to protect the identity of the witness. In other exceptional circumstances, the court may place temporary or permanent restrictions on how the media reports on court proceedings. In each case the judge will order that the media cannot report details of the case. Any organisation that breaches the court order will be punished. These restrictions only apply to the UK.

Section 6

The trial



Section 6

The trial

It is the responsibility of the prosecution to bring a case against a defendant. To be convicted of any offence, the case against a defendant must be proved 'beyond reasonable doubt'. This means that the District Judge (MC) or jury cannot find a defendant guilty unless they are satisfied that there is enough proof for the person accused of the crime to be judged guilty.

The trial begins with the prosecutor outlining the facts of the prosecution's case to the court. The prosecution will then call each witness in order. Before giving your evidence, you must take an oath holding a religious text, or you can promise that you will tell the truth (affirm). If you are aged 17 or under, you will be asked to promise to tell the truth.

Giving evidence

If you have to give evidence, the police or prosecutor will give you a copy of your statement beforehand for you to read over and refresh your memory. As a witness for the prosecution, you will be asked questions first. The prosecution will begin by asking you questions to take you through what you said in your witness statement. The defence will then ask some questions. It is the role of the defence lawyer at a trial to assess the prosecution's case, argue against it and, if necessary, present the defendant's evidence. Essentially they are testing the strength of the prosecution evidence. This is known as cross-examination.

When the cross-examination for the defence has finished, the prosecution may ask you some more questions. The District Judge (MC) or judge may also ask you questions at any time. After the prosecution witnesses have been cross-examined, the defence case opens. Witnesses for the defence are asked questions by their own solicitor or barrister and then the prosecution will cross-examine them.

Verdict and sentencing

After listening to all the evidence the District Judge (MC), or jury (in a Crown Court), will decide on whether the defendant is guilty or not guilty. In the Crown Court, if the defendant pleads guilty or is found guilty by the jury, the judge will pass sentence.

If a defendant is found not guilty, they will be acquitted. If they are found guilty, they will be given either a custodial or non custodial sentence. In either case, you can receive support from Victim Support after the trial.

Sentencing may be carried out on the day of the trial or it may be deferred (delayed) to see how the defendant behaves. If it is deferred, the defendant will have to come back to court at a later date to receive their sentence.

It is the judge alone who decides on the sentence. They are guided by a number of considerations:

- the maximum sentence they can give, which is usually set by Parliament for the offence;
- whether the defendant pleaded guilty or not. If the defendant pleaded guilty, the judge can reduce the sentence. (We call this discounting the sentence.) The discount will depend on when the defendant pleaded guilty – the biggest discount will usually be given for those who plead guilty at the earliest opportunity;
- the level of sentences in similar cases in the past. This is called ‘case law’;
- the powers of the court. A Crown Court can issue much higher penalties than a magistrates’ court;
- any ‘pleas in mitigation’ or circumstances set out in background reports;
- any victim impact report, which is prepared by an expert, for example a psychologist; and
- any victim impact statement made by you (see page 35).

When deciding what sentence to give, the District Judge (MC) and judge have to take account of the facts of the case and the offender’s circumstances and age. To help them, they may ask the Probation Board for Northern Ireland to produce a report about the offender. This is known as a pre-sentence report.

It is the responsibility of the prosecutor in your case to tell you about, and explain to you, the sentence given. If you have left the court before the trial has ended and would like to know the outcome of the case, you can contact the person who asked you to come to court. They will be able to give you the information on the sentence. Their contact details should be on any correspondence they sent you. If you are a victim, the PPS will write to you to tell you the result of the case and any sentence imposed on the defendant.

Victim impact statements

You may want to give a statement to the court to describe what effect the crime has had on you, for example emotionally, medically, physically, socially (such as any resultant relationship difficulties) or financially. This is called a victim impact statement and it can be presented to the judge before sentence is passed.

The statement should be about your feelings and your life only. You should not say anything negative about the person who committed the crime and you should not say for how long you feel that person should get sentenced.

If you want to provide a victim impact statement, please speak to the police investigating officer, the PPS or Victim Support.

If you do not want to make a victim impact statement, do not worry, this will not affect the outcome of the case.

Custodial sentences

Prison is only used for the most serious offences and offenders. As well as guideline decisions on the length of sentence laid down by the Court of Appeal, all offences where prison is the punishment have a maximum term laid down by Parliament.

Custodial sentencing options for adult offenders include:

- mandatory or discretionary life sentence;
- determinate sentence of imprisonment;
- a public protection sentence, such as an indeterminate or an extended custodial sentence; or
- suspended sentence.

Custodial sentencing options for juvenile and young offenders are:

- juvenile justice centre order; or
- period of detention in a young offenders centre, which can be suspended.

If applicable to your case, the police or PPS can explain what the custodial sentences mean.

Non custodial sentences

There is also a wide range of non custodial sentences which a court may give to adult offenders. These include a fine, a probation order or community service order (or a combination of both). The court may also order a conditional or absolute discharge, if this is appropriate.

The non custodial sentences for young offenders include an attendance centre order, a community responsibility order, and a youth conference order.

If applicable to your case, the police or PPS can explain what the non custodial sentence means.

Hospital orders

When an offender is suffering from a defined form of mental disorder the court may order their admission and detention in hospital for treatment. To protect the public from serious harm the court will also consider the nature of the offence and the risk of the offender committing further offences and may make the hospital order subject to a restriction order. This makes sure that the offender is not allowed leave outside the hospital without the authority of the Department of Justice and they cannot be discharged from hospital except by the Department of Justice or a Mental Health Review Tribunal.

A hospital order with restriction order may also be made in respect of a person charged with an offence before the Crown Court who is found unfit to plead the charge or not guilty by reason of insanity.

Appeals

If convicted in a magistrates' court, the defendant can appeal against their sentence or conviction, or both. If the defendant appeals against their conviction, the whole trial will be heard again but this time it will be heard at the county court in front of a judge. The judge may increase the sentence, reduce it, or leave it as it is. If a county court appeal has been made against a conviction, you will most likely have to go to court to give evidence again.

Sometimes the prosecution or the defence may believe that the magistrates' court has reached the wrong decision because they misinterpreted the law. In these circumstances, the case may be passed to the Court of Appeal. If the Court of Appeal decides that the magistrates' court was wrong, it can order the magistrates' court to hear the case again, applying the point of law correctly. This would happen in a small number of cases. If this is the case, it is unlikely that you will be called again to give evidence.

The defendant can also appeal against their sentence or conviction, or both, in the Crown Court. These appeals are heard by the Court of Appeal who can quash the conviction (decide it is wrong), order a retrial or leave the conviction as it is.

If a defendant has gone through the whole appeal process and believes there has been a miscarriage of justice, they can apply to have their appeal considered by the Criminal Cases Review Commission. The Commission can refer the case back to the Court of Appeal if they consider that there is a real possibility that a conviction or sentence would not be upheld. This only happens in a very small number of cases.

The Court of Appeal also considers appeals against sentencing in the same way as a county court judge. If the sentence imposed in the Crown Court for certain serious offences appears to be unduly lenient, that case can be referred to the Court of Appeal by the Director of Public Prosecutions. The Director will refer cases where there is a reasonable prospect that the Court of Appeal will find the sentence imposed to be unduly lenient and it is in the public interest for the referral to be made. There is a strict time limit of 28 days from the date of the sentence being imposed for such a referral to be made.

A victim, or a family member of a person who has died, does not have a right of appeal against a sentence imposed. However, if you consider that a sentence imposed is too lenient, you can ask the Director of Public Prosecutions to consider referring the case to the Court of Appeal. As referrals must be made within 28 days of the sentence being imposed, you should bring your concerns to the Director's attention as soon as possible. You can do this by writing to the Director yourself or through a legal or public representative.

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Section 7

Victim information schemes

Section 7

Victim information schemes

Once the trial is over, you may still feel that you would like support or an explanation of certain parts of your case, whether from the people you had been dealing with throughout the process or from other support agencies. To find out more please contact the police investigating officer, Public Prosecution Service or Victim Support.

If you want to know when the offender in your case is due to be released from prison or hospital (or, if they have been given a supervised sentence, the terms they have to keep to) you can contact the Northern Ireland Prison Service, the Probation Board for Northern Ireland or the Mentally Disordered Offenders' Unit, the Department of Justice.

Prisoner Release Victim Information Scheme

This scheme offers victims the chance to receive and provide information about adult offenders who have been convicted of a crime against them and have received a sentence of six months or more.

As a victim you can receive details of:

- periods of temporary release granted to the offender;
- the month and year in which the offender is expected to be released from custody;
- any conditions of their release; and
- any breaches of those conditions which would result in the offender being returned to custody.

If you choose to receive information about temporary release, you will be given the opportunity to express any concerns that you may have. The Home Leave Board will take account of these when considering temporary release.

You need to register with the scheme if you want to receive information. If you do not register, you will not receive any information. If you prefer, Victim Support can act as your representative and receive information on your behalf and support you through the process. You can find details for Victim Support in the Useful contacts section.

You can also find details of how to contact the scheme in the Useful contacts section.

Probation Board for Northern Ireland Victim Information Scheme

The Probation Board for Northern Ireland Victim Information Scheme (PBNI VIS) gives victims the choice of having information about the probation sentence in their case. The information the scheme provides includes:

- the type of supervision the offender is subject to;
- the length of the supervision / licence;
- information on any extra conditions to the sentence;
- information about any further court sentence made if the offender breaks the sentence;
- an explanation about how the Probation Board and other agencies manage the case and the opportunity to include the victim's concerns in this process;
- information on other criminal justice or victim organisations who can provide support;
- information can be provided in writing, by phone or in a face-to-face meeting; and
- the opportunity to be involved, on a voluntary basis, in direct or indirect restorative contact with the offender if this would help you address issues resulting from the offence.

You can join the scheme on receipt of the PBNI VIS leaflet. You can ask for it by phoning (028) 9032 1972. If you prefer, Victim Support can act as your representative and receive information on your behalf and support you through the process. You can find details for Victim Support in the Useful contacts section.

You can see the PBNI VIS leaflet at: www.pbni.org.uk

You can find details of how to contact the PBNI VIS in the Useful contacts section. The Public Prosecution Service will also write to advise you about the scheme and enclose a leaflet if it is applicable in the case in which you are involved.

Mentally Disordered Offenders' Victim Information Scheme

This scheme provides a service for victims of offences committed by mentally ill offenders who are held for treatment in hospital in Northern Ireland under a hospital order and a restriction order.

Participation in the scheme is entirely voluntary. Victims or close family members will receive information on how to apply to the scheme from the police or from Victim Support. As a registered victim you will receive information about:

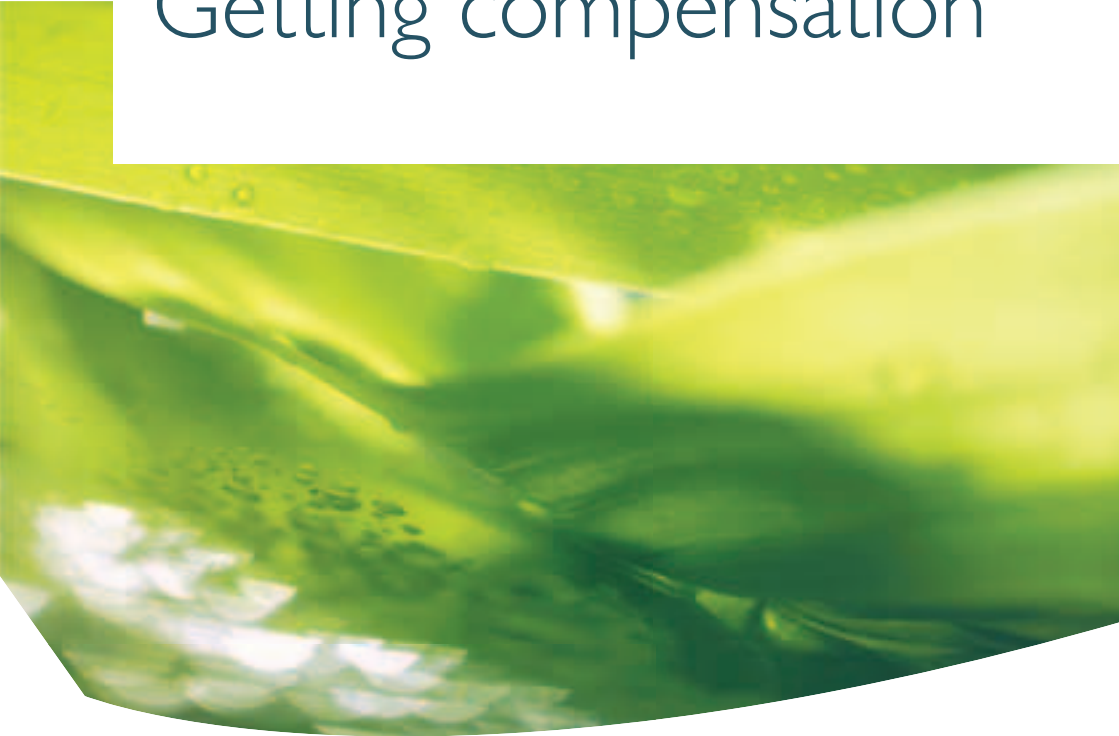
- temporary periods of absence from hospital as part of the offender's treatment plan or for compassionate reasons; and
- decisions of review tribunal hearings.

You will also be given the chance to give your views in writing on the effect that the offender's proposed leave or possible discharge might have on your safety or wellbeing. Your comments will be considered by the Mentally Disordered Offenders' Unit when they are making decisions regarding proposed leave and will be included in the Department of Justice Statement given to the Mental Health Review Tribunal when they are considering an offender's discharge from hospital. The Mentally Disordered Offenders' Unit will also make sure that you are told about the outcome of the tribunal hearing.

You can find details of the Mentally Disordered Offenders' Unit in the Useful contacts section. If you prefer, Victim Support can act as your representative and receive information on your behalf and support you through the process. You can find details for Victim Support in the Useful contacts section.

Section 8

Getting compensation



Section 8

Getting compensation

The Compensation Agency deals with three main types of compensation: criminal injuries; criminal damage; and compensation covered under the Justice and Security (NI) Act 2007.

If you are a victim of, or have witnessed, a violent crime, you may qualify for compensation under the NI Criminal Injuries Compensation Scheme 2009. To qualify for criminal injuries compensation you should report the injury to the police as soon as possible. You must also tell the police all that you know about how the injury happened and co-operate with them and in any prosecution.

Your local Victim Support office can provide you with help, information and ongoing support throughout the criminal injury compensation claim process. They can assist you to complete the application form, help with any subsequent review application and, if an appeal is submitted, they are able to represent you at the appeal hearing. All of these services are provided FREE OF CHARGE and Victim Support does not take a percentage from any award made.

The initial decision taken by the Compensation Agency can be reviewed. This review will also be carried out by Agency staff. If you disagree with the result of the review decision made by the Agency, you may appeal

to the Criminal Injuries Compensation Appeals Panel (the panel). You will receive an application for an appeal and a guidance note about the appeals process when the Agency provides their review decision. You must fill in your appeal application form and send it to the panel within 90 days from the date on the letter giving you notice of the review decision. When the panel accepts your application to appeal, they will give you a detailed guide called 'Your Panel Hearing' which sets out how the appeals system works and what you can expect during the process leading up to and following your appeal.

The panel is an independent organisation run by the Northern Ireland Courts and Tribunals Service and is completely independent of the Compensation Agency. The members and staff of the panel have powers under the scheme to consider your original application again and any more information you want to provide. After considering an appeal, the panel may increase, reduce or withhold an award. Any decision made by the panel is final.

You can get more information about the appeals process from the Criminal Injuries Compensation Appeals Panel for NI (see the Useful contacts section for details).

To qualify for criminal damage compensation you must, within 10 days of the damage happening, serve a Notice of Intention to apply for compensation on the Department of Justice and the local police. You must make the actual application within four months. This may be extended to a maximum of six months on written request to the Compensation Agency.

You may also claim compensation for loss or damage suffered as a result of action taken under the Justice and Security (NI) Act 2007.

The Compensation Agency has published guidance on the different schemes and you can get this information from the Agency, any police station or your local Victim Support office (See the Useful contacts section for details).

A court can order a defendant to pay you compensation if they are found guilty of a crime against you or your property. However, you will have to give the police full details of your loss. You can also take action through the courts on your own behalf. In either case you will need to consult a solicitor. You may be able to get help to do this under the Legal Aid Scheme. Most solicitors will give a free first consultation. Contact the Law Society of Northern Ireland or Citizens Advice for a list of solicitors in your area.

Section 9
Further
information



Section 9

Further information

If you need any further information, please do not hesitate to contact the officer in charge of your case or the Public Prosecution Service. Many of the criminal justice organisations have additional useful information on their websites, including their victim and witness policies (see page 51).

In addition, you may find it helpful to visit the victim and witness interactive walkthroughs at **www.cjsni.gov.uk**.

If you have been bereaved through murder or manslaughter, we have a specific guide to help you at this difficult time. Please ask your police Family Liaison Officer for it.

If you have been the victim of sexual violence, further information, help and contact details for specialist support organisations can be found through NI Direct, the official government website for Northern Ireland at **www.nidirect.gov.uk/index/health-and-well-being/wrong.htm**

Information for victims of domestic violence can also be found on the government website for Northern Ireland at **www.nidirect.gov.uk/index/crime-justice-and-the-law/victims-of-crime/domestic-violence-1.htm**

Useful contacts

Criminal justice organisations

Compensation Agency

Royston House, 34 Upper Queen Street, Belfast, BT1 6FD.

Phone: 028 9024 9944

E-mail: comp-agency@nics.gov.uk

Website: www.compensationni.gov.uk

Criminal Injuries Compensation Appeals Panel for NI

The Corn Exchange Building, 31 Gordon Street, Belfast, BT1 2LG.

Phone: 028 9092 4400

Fax: 028 9092 4420

E-mail: cicapni@nics.gov.uk

Website: www.cicapni.org.uk

Mentally Disordered Offenders' Unit

Criminal Law Branch, Massey House, Stormont Estate, Belfast, BT4 3SX.

Phone: 028 9052 7612

Department of Justice

The Department of Justice, Massey House, Stormont, Belfast, BT4 3SG.

Phone: 028 9052 7123

Website: www.dojni.gov.uk

Northern Ireland Courts and Tribunals Service

Laganside House, 23-27 Oxford Street, Belfast, BT1 3LA.

Phone: 028 9032 8594

Website: www.courtsni.gov.uk

Northern Ireland Prison Service

Prisoner Release Victim Information Scheme

Room 306, Dundonald House, Upper Newtownards Road, Belfast, BT4 3SU.

Phone: 0845 247 0002
E-mail: info@niprvis.gov.uk
Website: www.niprvis.gov.uk

Police Service for Northern Ireland

65 Knock Road, Belfast, BT5 6LE.

Phone: 0845 600 8000
E-mail: info@psni.pnn.police.uk
Website: www.psni.police.uk
Crimestoppers: 0800 555 111

Probation Board for Northern Ireland Victims Unit**Victim Information Scheme**

Imperial Buildings, Office 40, 72 High Street, Belfast, BT1 2BE.

Phone: 028 9032 1972
Fax: 028 9032 1973
E-mail: victimsunit@pbni.gsi.gov.uk
Website: www.pbni.org.uk

Public Prosecution Service**Community Liaison Branch, Belfast Region (Headquarters)**

Belfast Chambers, 93 Chichester Street, Belfast, BT1 3JR.

Phone: 028 9089 7070
E-mail: info@ppsni.gsi.gov.uk
Website: www.ppsni.gov.uk

Community Liaison Branch, Southern Region

9th Floor, Linum Chambers, Bedford Street, Belfast, BT2 7BS.

Phone: 028 9054 5928

Community Liaison Branch, Eastern Region

Lisburn Chambers, Linen Hill House, 23 Linen Hill Street, Lisburn, BT23 1FJ.

Phone: 028 9262 5509

Community Liaison Branch, Northern Region

Ballymena Chambers, 4 Parkway, Ballymena, BT43 5ET.

Phone: 028 2566 6563

Community Liaison Branch, Foyle Chambers

35 Limavady Road, Londonderry, BT47 6LP.

Phone: 028 7134 0600

Community Liaison Branch, Western Region

Omagh Chambers, Main Street, Omagh, BT78 1BL.

Phone: 028 8224 8733

Youth Justice Agency (including Youth Conference Service)

41-43 Waring Street, Belfast, BT1 2DY.

Phone: 028 9031 6400

E-mail: info@yjani.gov.uk or info@yicsni.gov.uk

Website: www.youthjusticeagencyeni.gov.uk

www.youthconferenceserviceni.gov.uk

Voluntary support organisations

NSPCC Northern Ireland

Divisional Office Block 1, Jennymount Business Park, North Derby Street,
York Road, Belfast, BT15 3HN.

Phone: 028 9035 1135

Website: www.nspcc.org.uk

NSPCC Child Protection Helpline

If you are worried about a child and need advice.

Phone: 0808 800 5000

E-mail: help@nspcc.org.uk

Service for people who are deaf or hard of hearing textphone users:

Phone: 0800 056 0566

ChildLine

Free and confidential 24-hour helpline for children in danger or distress.

Phone: 0800 1111

Website: www.childline.org.uk

NSPCC Young Witness Service

NSPCC Craigavon Centre, 9-10 Carn Drive, Portadown, BT63 5WJ.

Phone: 028 3835 1849

NSPCC Young Witness Service

Antrim Courthouse, 90 Castle Way, Antrim, BT41 4AQ.

Phone: 028 9448 7533

NSPCC Young Witness Service

Belfast Old Townhall Building, 80 Victoria Street, Belfast, BT1 3GL.

Phone: 028 9024 0847

NSPCC Young Witness Service

17-21 Bishop Street, Londonderry, BT48 6PR.

Phone: 028 7127 9555

Victim Support Northern Ireland

Annsgate House, 70/74 Ann Street, Belfast, BT1 4EH.

Phone: 028 9024 4039

Supportline: 0845 3030900

E-mail: info@victimsupportni.org.uk

Website: www.victimsupportni.co.uk

Victim Support regional office, Ballymena

Phone: 028 2563 0784

E-mail: ballymena@victimsupportni.org.uk

Victim Support regional office, Derry/Londonderry

Phone: 028 7137 0086

E-mail: foyle@victimsupportni.org.uk

Victim Support regional office, Omagh

Phone: 028 8224 0012

E-mail: omagh@victimsupportni.org.uk

Victim Support regional office, Lisburn

Phone: 028 9267 5642

E-mail: lisburn@victimsupportni.org.uk

Victim Support regional office, Newry

Phone: 028 3025 1321

E-mail: newry@victimsupportni.org.uk

Victim Support regional office, Belfast

Phone: 028 9024 3133

E-mail: belfast@victimsupportni.org.uk

Victim Support Witness Service

Antrim Court Office, 30 Castleway, Antrim, BT45 5DG.

Phone: 028 9448 8631

Victim Support Witness Service

Craigavon Court Office, Central Way, Craigavon, BT64 1AP.

Phone: 028 3834 3553

Victim Support Witness Service

Dungannon Court Office, 46 Killyman Road, Dungannon, BT71 6FG.

Phone: 028 8775 1550

Victim Support Witness Service

Downpatrick Court Office, 21 English Street, Downpatrick, BT30 6AB.

Phone: 028 4461 6233

Victim Support Witness Service

Foyle Courts, 17-21 Bishop Street, Londonderry, BT48 9PR.

Phone: 028 7127 9440

Victim Support Witness Service

Laganside Courts, 45 Oxford Street, Belfast, BT1 3LL.

Phone: 028 9023 2523

Other support organisations

There are many other voluntary organisations which exist to help victims. They are independent and provide their services free and in the strictest confidence. These include:

Domestic Violence

24 Hour Domestic Violence Helpline

Phone: 0800 917 1414

Website: www.niwaf.org

Men's Advisory Project (MAP)

Phone: 028 9024 1929

Email: info@mapni.co.uk

Website: www.mapni.co.uk

Relate

Phone: 028 9032 3454

Email: office@relateni.org

Website: www.relateni.org

The Samaritans

Phone: 028 9066 4422

Email: jo@samaritans.org

Website: www.samaritans.org

Hate Related Crime/Incidents

Cara Friend

Phone: 028 9089 0202

Email: steve@cara-friend.org.uk

Website: cara-friend.org.uk

Chinese Welfare Association

Phone: 028 9028 8277
Email: contact@cwa-ni.org
Website: www.cwa-ni.org

Multi-Cultural Resource Centre

Phone: 028 9024 4639
Email: info@mcrc-ni.org
Website: www.mcrc-ni.org

NI Gay Rights

Phone: 028 9066 5257
Email: NIGRA@DNET.CO.UK

Northern Ireland Council for Ethnic Minorities

Phone: 028 9023 8645
Email: info@nicem-interpreting.org.uk
Website: www.nicem-interpreting.org.uk

Queer Space

Phone: 028 9089 0200
Email: info@queerspace.org.uk
Website: www.queerspace.org.uk

Rainbow Project

Phone: 028 9031 9030
Email: info@rainbow-project.org
Website: www.rainbow-project.org

Sexual Abuse

Nexus Institute NI

Phone: 028 9032 6803
Email: info@nexusinstitute.org
Website: www.nexusinstitute.org

Rape Crisis & Sexual Abuse Centre

Phone: 028 9032 9002
Email: info@rapecrisisni.com
Website: www.rapecrisisni.com

Other Helpful Services

Age Sector Platform

Phone: 028 9031 2089
Email: info@agesectorplatform.org
Website: www.agesectorplatform.org

Citizens Advice Bureau

Phone: 028 9023 1120
Email: ecentralbelfast@citizensadvice.co.uk
Website: www.citizensadvice.co.uk

Cruse Bereavement Care

Phone: 028 9079 2419
Email: northern.ireland@cruse.org.uk
Website: www.crusebereavementcare.org.uk

Disability Action

Phone: 028 9029 7880
Email: hq@disabilityaction.org
Website: www.disabilityaction.org

Migrant Helpline

Phone: 01304 203 977
Email: mhl@migrantheplne.org
Website: www.migrantheplne.org.uk

Road Trauma Support

Phone: 028 9054 1172

Support After Murder and Manslaughter

Phone: 028 9442 9009
Email: pam.surplis_samm.ni@live.co.uk
Website: www.samm.org.uk

The Law Society Of Northern Ireland

Phone: 028 9023 1614
Email: info@lawsoc-ni.org
Website: www.lawsoc-ni.org

Local offices of these organisations are listed in the telephone directory. There are many other voluntary organisations and government agencies which may be able to provide the help you need. The organisations listed above will help to put you in touch with them. Victim Support in particular has a database of organisations offering support services.

If you have been a victim of crime in the Republic of Ireland, you may want to seek help from:

The Crime Victims Helpline

Phone: 1850 211407

Email: info@crimevictimshelpline.ie

Website: www.crimevictimshelpline.ie



Department of
Justice
www.dojni.gov.uk

