



Court information leaflet

Advice and help

This leaflet is designed to help you think through some important things in getting ready for court and a trial. It details our recommendations as to discussions you may have, or want to have, with your counsellor, in order to offer the best opportunity for a successful outcome for you.

It should be remembered that these are recommendations only, and that you are ultimately in charge of what you talk about in your counselling sessions. However your counsellor will seek to work within the recommendations contained in this leaflet.

All therapy taking place before a court case should not only look at your needs in respect of counselling and therapeutic help, but also how to give the best chance of a fair trial. We do not want the fact that you have had counselling to be used against you in court or to undermine your evidence.

The evidence you give needs to be your evidence, your words, and your experience, unaffected by talking to others. There are plenty of ways in which we can help you in counselling before your court case, and just a few conversations that we recommend are better saved until afterwards.

Things that might be helpful to talk about:

- How what has happened to you is affecting you emotionally and practically. It is important to have a safe place to offload distress, fears and how it has affected your relationships. Your counsellor can also help you with any post traumatic stress symptoms.
- Your self esteem and self confidence.
- Getting ready for possibly being a witness in court.

Things that are best to avoid talking about:

Any discussion involving the facts of the case, including dates, times, locations, etc.

- Your counsellor should avoid using leading questions with you or discussing with you the evidence which you or any other witness will give.
- Any detailed discussion of the events that happened might be seen as your recollection being influenced.
- You should also avoid therapy using hypnosis or which endeavours to recall lost or hidden memories of past abuse, and group therapy.
- Stick to using words you are comfortable with in talking about the abuse, do not take on more official language that you have heard other people use.

The reason why these things are best to avoid talking about before your court case is that it could be used against you by the defence, as a way of undermining your evidence and credibility. Remember, that you can always book some counselling sessions to talk these things through after the trial.





"I have been receiving counselling from the Lifecentre for over a year now and it has helped me no end to deal with my rape and prepared me for a recent court case."

Confidentiality: Who needs to know what?

If you have reported to the police and they are investigating your case, then you should tell them that you are having counselling.

Be prepared that the police will most likely ask for your written permission for them to see your counselling notes as part of the investigation. We recommend that each counselling session you read over your counsellor's notes from your previous session to check that they are correct. When the police/CPS request counselling notes, they only have a right to view information that is relevant to your case.

It is entirely your decision as to whether you receive counselling before a trial. However, the various professionals offering you help and assistance can advise you as to what might be worth considering in making this decision.

If you are aware that in your counselling sessions you are disclosing new allegations that you have not told the police about, it is important that you report this to the Police as soon as possible.

Also, remember that the use of social networking sites such as Facebook or Twitter can undermine your evidence as the defence may focus on what you have written as opposed to the evidence you give in court.

Going to Court

We appreciate that going to court can be a scary and challenging experience. However, you should not feel unsupported in this. Your counsellor can help you prepare emotionally and psychologically.

Witness Support is also there to offer you help and support. They should contact you to arrange an opportunity to visit the courtroom in advance and they can accompany you on the actual day/s. It is well worth doing this so that you are familiar and as comfortable as possible in the environment. If they have not contacted you, make this known to the Police Officer in charge of your case or your local Witness Care Unit.

The contact details for the local teams are :- Chichester – 01243 520345 Crawley – 01293 583837

Be prepared – practical points

- Check with the court that you will not be sitting in the same waiting area as the defendant. If so, ask Witness Support if they can move you to a separate room.
- Take money to buy tea or coffee.
- Take books, magazines, or some music to listen to, to help pass the time. You can also bring someone with you who is not connected to the case.





A few things to remember in court

- Do not be afraid to ask for the question again if you get confused, or simply to say 'I do not know', or 'I do not understand the question'.
- Do not get pushed into a 'yes' or 'no' answer if neither are the truth.
- Aim your answers at the Jury, not the person asking.
- Remember, the Defence Counsel is always going to question the accuracy of your evidence. Their job is to defend their client by undermining your evidence and to get the jury to believe their client over you. Be prepared for them to suggest you are lying or have misinterpreted something. Try not to take questions personally. This can be hard but the person asking is just doing his/her job. Looking at the Jury when answering can make this easier.
- It is the role of the defence to ask you questions about each part of your account that the defendant disputes. The defence will also ask you about the defendant's version of events and whether you agree or disagree with it. This will be in some detail and may take some time. It is important that you listen to each question and answer as best you can. If you disagree with anything you should say so and explain why. It is not personal – the defence are just doing their job. It is important that you answer their questions. The people in court were not there so it is important that you describe in as much detail as you can exactly what happened. This may be embarrassing but if you say what happened the jury cannot make assumptions.
- Remember that the trial process involves you giving evidence to the jury to enable the jury to be satisfied so that they are sure as to whether they should find a 'guilty' or 'not guilty' verdict. You should be mindful of what impression you give the jury both through the way you present yourself emotionally and physically through what you wear.
- It may help to take something in to court that you can hold which reminds you of the people who care about you and are supporting you.

The outcome

There are three possible outcomes in a court case:- a guilty verdict, a not guilty verdict and a hung jury, although what happens to an individual who is found guilty can vary.

Please have realistic expectations for any possible sentencing, and be aware that there can be some delay before a final sentence is given, and time on remand and sentencing guidelines may mean they are released straight after the trial.

Do NOT see the length of their sentence as reflective of the length of the distress caused to you. We want to be able to help you prepare for how you will feel, and be there to support you, whatever the outcome.





Guilty

Talk through with your counsellor how you think you will feel if the person you testified against is sent to prison? Remember, it is not you who is bringing this case – it is the Crown who are prosecuting and who have taken the responsibility for trying it in court. We will work with you to deal with the wide range of emotions you might feel. Remember too that it was the jury's decision, not yours.

Not Guilty

Take some time to also speak with your counsellor about how you might feel should this be the outcome. Remember, a trial is only about what can be proved. Even if you get a not guilty verdict it does not mean that people do not believe you. There are also other positives that can be gained from the act of giving evidence, and of having the police and CPS believing there was a strong case to take the person to court. You have shown tremendous courage to have testified in court and have taken back some power.

Hung Jury

This means that the jury could not come to a majority decision. Again, as with the not guilty verdict, this does not mean that people did not believe you. If the result of the court case is a hung jury, you will be part of the decision making process to decide if there should be another trial.

Whatever the verdict, we encourage you to book some counselling sessions after the trial to help you deal with the verdict and court experience. Your care and future well being is the priority.

Supporting survivors of rape and sexual abuse.

Lifecentre Helplines :-
0808 802 0808
(open 7.30 – 10pm Sun – Tues and Thurs)
Text: 07717 989 022
Email : info@lifecentre.uk.com
Reg charity no: 1127779

