

A GUIDE FOR VICTIMS AND WITNESSES TO GUERNSEY'S CRIMINAL JUSTICE SYSTEM



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DEVELOPED BY **strategy**
criminaljustice



HOME

A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

A message from the Minister of the Home Department and the Chief Minister:

The Home Department strongly supports the ongoing work of the Criminal Justice Strategy and considers it a privilege to have assisted in the production of this Guide as part of that Strategy.

The information in this Guide has been written by contributors from all agencies that make up the criminal justice system, including those charitable and voluntary organisations with whom we work in partnership to provide essential services to victims and witnesses.

We are pleased to recommend this Guide to anyone who has unfortunately been the victim of a crime, or witness to a crime, and who wishes to understand more about the process of the criminal justice system in Guernsey and, crucially, what support is available to them.

We hope that this Guide will continue to be a valuable source of information for Islanders.

Peter Gillson

Home Department Minister

Jonathan Le Tocq

Chief Minister

April 2014

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FOREWORD

If you are a victim of a crime or a witness to a crime, it is likely that you have never previously had any exposure to the Criminal Justice System in Guernsey. You may have little understanding of the procedures and you may be feeling anxious about what is going to happen. You will be wondering what is going to be expected of you by the Courts and the Police, how and when the case will develop and you may be worrying what is going to happen to the alleged perpetrator of the crime.

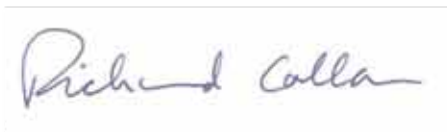
You will find in this Guide a wealth of information that is intended to guide you through the criminal justice process. You will also find answers to many of the questions you are asking yourself and details of charities, volunteers and other agencies who are there to support and help at this difficult time.

I congratulate the authors of the Guide for producing so much information in language that can be understood by people who are unfamiliar with the law and who struggle to follow the procedures and the terminology that is second nature to those of us who work in the System and who are often guilty of failing to explain what we do and why we do it.

The main message, that I hope you will glean from reading the Guide, is that there are people in the Island with the knowledge, training and listening skills that are needed to help to support you in the aftermath of the crime of which you were the victim or a witness. They are waiting to be in contact with you.

I would like to thank you for having assisted the Police by either reporting the crime or volunteering a witness statement. The Criminal Justice System could not operate without the co-operation of people like you. Criminals would evade prosecution if crimes went unreported or could not be prosecuted for lack of evidence.

Thank you for your assistance and for taking the time to read this Guide.



R J Collas
Bailiff
March 2014

INTRODUCTION

This Guide provides information about the criminal justice system in Guernsey. It explains how the organisations that make up the criminal justice system all work to meet the needs and expectations of those affected by crime in the Bailiwick, and identifies what support is available and where it can be accessed. It is hoped that this Guide will provide some comfort and reassurance to victims and witnesses but it is not intended as legal advice.

The criminal justice system is made up of a number of organisations. The system has four main parts to it:

- 1. Legislative** – creating laws;
- 2. Enforcement** – Guernsey Police and Guernsey Border Agency;
- 3. Adjudication** – Prosecution, Trial and Sentencing;
- 4. Correctional & rehabilitative** – Prison, Probation and Parole.

We recognise that contact with the criminal justice system can be an intimidating experience for victims, witnesses and their families at an already difficult time. Feedback received by the Victim Support & Witness Service has highlighted that most victims and witnesses do not know what to expect when they engage with the system, and that this itself can create anxiety and upset.

In response to this, and as part of the Criminal Justice Strategy, the otherwise separate organisations that make up the criminal justice system have collaborated to produce this Guide to explain what the process is and the support that is presently available.

In this Guide we have tried to answer all the questions that you might have. We know that everyone's case is different and that everyone will have different needs. If you have any questions that are not answered in this Guide then please contact the Victim Support & Witness Service directly.

Contact details for all of the agencies referred to in this Guide, and other relevant support agencies, are provided at the back of this Guide.

Important Note

In Guernsey there is one system for adult offenders and another for those who commit an offence and who are under the age of 18. A similar Guide will be developed to cover the processes involved where an offender is under the age of 18 and will be made available at a later date.

Should you have any questions about the process in the meantime please contact the Victim Support & Witness Service.

YOUR EXPECTATIONS OF THE CRIMINAL JUSTICE SYSTEM

You have the right to have the crime that you report to be investigated, and to be treated with respect at all times.

All of the agencies in the criminal justice system accept and respect these rights.

If you are a victim or witness of a crime in Guernsey you can reasonably expect:

- ✓ to receive information and explanations about the progress of the case;
- ✓ to have access to free victim support and witness services;
- ✓ upon your request, to be alerted to the outcome of the defendant's appearance in court and to be notified of significant developments in the case (such as the offender's release from custody);
- ✓ to be given the opportunity to provide information to the prosecution in order for them to consider making an application to the court for compensation in respect of specific, identifiable loss (such as the cost of damage caused to property) you may have suffered;
- ✓ to be given the chance, in appropriate cases, to explain how the crime has affected you before the sentence is passed;
- ✓ to be given the chance, in appropriate cases, to request that you give your evidence over a 'live link' system, or from behind a screen in the court room.

Even if you are a victim, for the purpose of attending court you will be called a 'witness'.

HOW TO USE THIS GUIDE

For ease of reference, this Guide has been divided into different sections.

- **Stages of the criminal justice process:** Sections 1 - 4 correspond to different stages of the criminal justice process: (1) Reporting a crime and the investigation, (2) The Courts: First appearance and subsequent appearances, (3) Sentencing, and (4) Release from custody. Each of these sections outlines what happens and identifies the support that is available to victims and witnesses. A visual summary of the process is included at the end of each section. A complete visual summary of all sections can be found on page 50.
- **Support structures and initiatives:** Section 5 relates specifically to domestic abuse and highlights some additional support available for victims of domestic abuse. Section 6 provides further information about restorative justice processes in the Bailiwick of Guernsey, and Section 7 provides some information about compensation.
- **Frequently Asked Questions:** Section 8 provides answers to some frequently asked questions.
- **Agency Contact List:** At the end of this Guide you will find a contact list of the various agencies, services and initiatives who can offer you support and provide information to you throughout your engagement with the criminal justice system.
- **Glossary:** There is a Glossary at the end of this Guide which explains some of the key words used throughout. The words contained within the glossary are highlighted in a larger font when they appear for the first time.
- **Court-room plans and key people:** There are visual plans of the courtroom at the end of this Guide and information about all of the people who may be in the courtroom if you give evidence in court.

RED BOXES signify important information for victims and witnesses

GREEN BOXES are messages from a specific service provider

WHO ARE THE AGENCIES REFERRED TO IN THIS GUIDE?



A message from the Guernsey Border Agency:

The Guernsey Border Agency appreciates the support it receives from members of the public by giving evidence in court or by offering information through the confidential Drugline.

Drugline on 0800 318 318

It is only with this valuable assistance that we can continue to protect society from the harm caused by criminality.



Guernsey Border Agency

(1) REPORTING A CRIME AND THE INVESTIGATION

Reporting a crime

If you report a crime to the Guernsey Police or the Guernsey Border Agency you will be asked to give a written statement so that they have a formal basis upon which to start an investigation.

If you are a witness to a crime and Police Officers attend the scene you may be asked, depending on the incident, to give a statement at the scene explaining what you saw. You will be asked to give your contact details so that you can be contacted at a later date to provide any further information that you may have and, if necessary, make an additional statement.

Both Guernsey Police and the Guernsey Border Agency appreciate the sensitivity of all personal statements and will ensure that you can give yours in a private interview room. Whilst they will always try to make arrangements convenient for you, sometimes they will be under pressure to carry out an investigation within a set time period. Your understanding and assistance is appreciated.

A message from Guernsey Police:

Witnesses (who may also be the victim of the crime) are crucial to the process of bringing offenders to justice.

If we are to help you then it is essential that you provide us with your contact details and update us if they change.



Referral to Victim Support

If you are the victim of a crime and you report the crime to the Police, or you are approached by the Police to give a statement, your details will be passed to Victim Support unless you specifically request that this does not happen.

Referral to the Witness Service

If you are the witness to a crime and you provide a statement to the Police your details will be passed to the Witness Service when it is known that you are required to attend Court.

Victim Support

Victim Support provides emotional support, information and practical help to people who have been affected by crime, and to their families and friends, **whether or not the crime has been reported and regardless of when it happened**. The service is **free and confidential** and independent of the Police and other agencies.

Staff and volunteers are trained to help victims and witnesses cope with the effects of crime. They listen while people talk through their feelings and reactions and try to help find the way that best suits them to overcome their anxieties. Practical help may include accompaniment on visits to the police station, to the doctor or help completing forms.

The Service contacts people by letter, telephone or in person according to the particular sensitivity of the situation and can arrange for trained personnel to see people in their homes, at the Victim Support Suite within the Court Complex or sometimes at another place that is safe and convenient for the person being supported.

The Witness Service

The Witness Service is run by Victim Support and offers a free, confidential service giving information and support to victims and witnesses and their families and friends before, during and after attending the court. The Service also supports and works alongside other people who may accompany a witness, such as a parent, guardian, carer or social worker.

The Service supports both prosecution and defence witnesses. It does not support those who are accused of a crime ('the **defendant**'), nor does it discuss evidence, give legal advice or provide views on sentencing.

There is a quiet, self-contained suite within the Court Complex where service volunteers wait with witnesses before going into the courtroom. Volunteers can also accompany the witnesses into the courtroom if requested.

The Service can also provide information about the outcome of a case where appropriate.

Guernsey Police Witness Care Unit

The Witness Care Unit is staffed by volunteers who work as part of the Guernsey Police Criminal Justice Unit. The volunteers will make contact with victims and witnesses in order to give information regarding a prosecution. The Witness Care Unit will act as a single point of contact in order to provide answers to any questions regarding the criminal justice process, and can provide updates about **bail conditions**, court dates, pleas and outcomes. The Unit will make its first contact with a victim or witness only once a person has been **charged** with committing a crime. The Unit works closely with the Victim Support & Witness Service to provide a seamless service.

Domestic or sexual abuse

If the crime concerns domestic abuse or a sexual offence, **your express consent** must be given **before** your details can be forwarded to Victim Support. Depending on the nature of the offence, the Witness Care Unit may also refer you to the Guernsey Women's Refuge or to an Independent Domestic Abuse Advisor (see "Domestic Abuse" Section p29)

Giving a statement

When you give a statement to the Police you must give a truthful account of what you witnessed of the incident. When you sign your statement it will be explained that you may be required at some later date to attend court to give evidence. This is likely to arise where the defendant either (1) pleads not guilty or (2) pleads guilty but denies an important element of the offence that could have a significant impact on the sentence.

When you give your statement to the police you will be asked to provide personal information such as your address and telephone number. Personal information is recorded on a different part of the statement form to the evidence you give. This means that no personal details, other than your name, will be seen by others (including the defendant and his or her advocate) without your permission.

If your address or telephone number does change at any point you must inform the Police Witness Care Unit so that they can keep you informed about what is happening.

Guernsey Police and Guernsey Border Agency Officers can assist you when writing your statement but it can only contain the things you saw or heard for yourself, or which are otherwise within your personal knowledge.

Once your statement has been taken, you will be advised not to discuss it with other witnesses or victims. This is important because any such discussions can impact on the case and may affect the decision of the court.

Appropriate Adults

Children and vulnerable adults should always have an appropriate adult with them when they make a statement to law enforcement. This is to protect their interests and to ensure they fully understand what is happening and how their evidence may be used in court proceedings. An appropriate adult can be a member of their family or someone from the Home Department's "Appropriate Adults Scheme". The investigating officer can make arrangements for an appropriate adult to be used from the Scheme.

The investigation

Guernsey Police will investigate every reported crime. The level of their investigation is dependent on a series of factors. The following factors are taken into account in the early stages of an investigation:

- lines of enquiry, such as possible witnesses to the event;
- whether a suspect is identified by a witness or is likely to be identified through lines of enquiry;
- the seriousness of the offence;
- possible forensic opportunities - such as fingerprint / DNA evidence; and
- whether the crime may be part of a series of crimes – for example 2 or more reports of vandalism within the same area and within a short period of time may be considered to be 'series crime'.

The Investigating Officer is required to keep the complainant updated about the enquiries being made, including the outcome of their investigation when the enquiries come to an end.

Possible outcomes from an investigation

There is no time limit on how long an investigation may take, and you will be kept informed throughout the process by the Witness Care Unit. There are several possible outcomes to an investigation, including:

An individual is charged with the crime:

If there is sufficient evidence against a person and they are identified by Guernsey Police, they may be charged with the crime. Once charged they will appear in court. In some cases they will be kept in custody to appear in court on either the same day or the following day. Alternatively, they will be released on **bail (post-charge)** to appear in court at a later date (usually 2-3 weeks later) and Guernsey Police may impose **bail conditions** until then.

A suspect is arrested but released without charge pending further enquiries:

In some cases the investigation cannot be concluded within a short period of time and, even though a person has been arrested, more enquiries need to be made. In those circumstances, the person arrested may be released on **bail (pre-charge)** with a requirement to return to the Police Station on a specified date. Guernsey Police are not able to impose conditions during this period.

The case is referred to the Law Officers' Chambers for advice:

Sometimes when the case is complicated, or there are difficult issues of law, the advice of the Law Officers' Chambers will be sought before a decision is made about whether to charge a person. This process can be quite lengthy and so it is important that you update the Witness Care Unit if your contact details change so that they can notify you of the outcome once it is known.

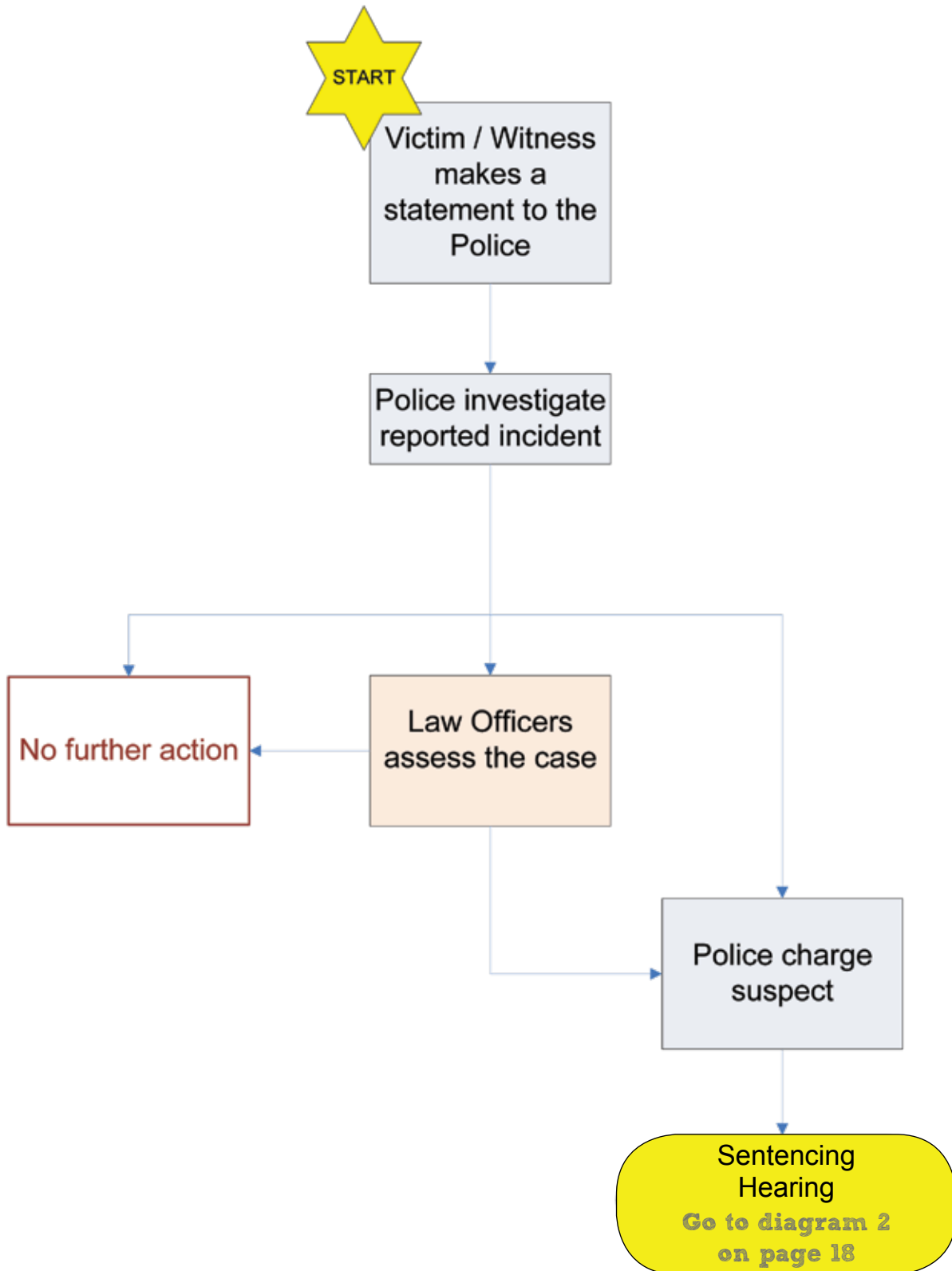
The case is referred to the Children's Convenor:

Those aged below 18yrs who are accused of committing a crime are treated differently from adults. Guernsey Police will refer the case to the Children's Convenor and, in some cases, will also refer the case to the Law Officers' Chambers. A decision will be made whether the child should be prosecuted or dealt with in some other way.

There is no further action:

It may be that there is no further action. This could be for a number of reasons. For example, it may be that a suspect is not identified at the end of an investigation, or there may not be sufficient evidence overall to charge someone with an offence. Occasionally, it may not be deemed to be in the **public interest** to prosecute. If the decision to take no further action is made you will be informed by Guernsey Police. Decisions not to proceed with a case are never taken lightly.

DIAGRAM 1: REPORTING A CRIME



(2) THE COURTS: FIRST AND FURTHER APPEARANCES

The criminal courts

The criminal courts serve as the venue where cases are heard and justice is administered.

You will be informed by Police Witness Care Unit whether you will have to give evidence, what the court date is and which court you will be attending.

If you have any special access requirements this should be acknowledged through your engagement with the Police Witness Care Unit, otherwise please contact the Royal Court or the Victim Support & Witness Service.

First time in court

Every case must go to the **Magistrate's Court** first. From there the case may remain and be dealt with in the Magistrate's Court or, if appropriate, it may be sent to the **Royal Court**. It may be that there are a number of court sittings before a case can be concluded.

Cases dealt with by the Magistrate's Court

Certain cases can only be heard in the Magistrate's Court. These relate to offences known as "summary offences" and typically include traffic offences as well as those relating to disorderly conduct. These offences are typically prosecuted by Guernsey Police and will be heard by a Judge of the Magistrate's Court. The Judge alone determines whether the defendant is guilty or not guilty. In a number of cases, and where the defendant is found guilty, the Guernsey Probation Service will be asked by the Judge to submit a Probation Report to assist the Judge in deciding what sentence is appropriate. Preparation of these reports can take up to 3 weeks or longer and so it may be that a case is **adjourned** until such time as the reports are ready.

Cases dealt with by the Royal Court

Certain cases can only be heard in the Royal Court. These are known as "indictable only offences". The Royal Court has greater sentencing powers than the Magistrate's Court and so "indictable only offences" are those offences that are serious enough for it to be appropriate to have the opportunity for a more severe sentence to be passed in the event that the defendant is found guilty.

Cases dealt with by either court

Certain cases can be heard in either the Magistrate's Court or the Royal Court. These are known as "either way offences". For an "either way offence" it will need to be

determined, before the defendant enters a plea of either guilty or not guilty, which court is going to deal with the case.

Which court?

The Judge of the Magistrate's Court can, according to his or her judgement, direct that the case be heard in the Royal Court. Alternatively, the prosecutor or the defence can choose for it to be sent there. Generally, a case will be sent to the Royal Court because the sentencing powers of the Magistrate's Court are considered to be insufficient to deal with the defendant in the event that he or she is found guilty.

Committal to the Royal Court

For those cases that do end up in the Royal Court there will first be a court hearing known as a "committal". In these hearings the Judge of the Magistrate's Court will decide whether there is a **prima facie** case against the defendant. Generally, the Prosecution will present its evidence to the court in writing. Defendants can challenge the prosecution's case at the committal hearing, therefore meaning that witnesses may have to attend court.

Entering a plea in the Royal Court after committal

After the committal hearing there will be, usually within 28 days, a **Plea & Directions Hearing** in the Royal Court. It is here that the defendant will indicate a plea of either guilty or not guilty. If the plea is "not guilty" there will be a trial at some future date before a Judge of the Royal Court and at least 7 **Jurats**.

In the Royal Court, the role of the Judge is to deal with legal issues and to ensure that the trial is conducted properly and fairly. It is only the Jurats who will determine whether the defendant is guilty or not guilty. If their verdict is "guilty" then the Jurats decide, with the Judge, what the sentence should be. Again, it is likely that the Guernsey Probation Service will be asked to submit a Probation Report prior to sentencing in order to provide the court with additional appropriate information in order to make a decision.

The Guernsey Police Witness Court Unit will notify you about how the defendant has pleaded once this has been indicated in court.

Remand into or out of custody

At the defendant's first appearance in court, and on each subsequent appearance, consideration will be given as to whether the defendant should be remanded into custody or be granted bail, with or without conditions.

A defendant can be remanded into custody when the court is satisfied that there are substantial grounds for believing that the defendant would either:

- commit further offences if released on bail;
- abscond;
- interfere with witnesses or otherwise obstruct the course of justice.

In addition, defendants can be remanded in custody for their own protection. If the defendant fails to return to court as directed then a warrant for their arrest can be ordered.

Giving evidence in a trial

If the defendant pleads "not guilty", whether in the Magistrate's Court or the Royal Court, then the case will be adjourned for a trial to take place. It is at this point that the prosecutor will examine the case in great detail to determine the extent to which your evidence (and that of any other witnesses) supports the case against the defendant. Even if your evidence is required, you may not have to go to court if the contents of your statement are not in dispute. In such cases your evidence will simply be read to the court by the prosecutor.

If you are required to attend court to give your evidence, the Police Witness Care Unit will do its very best to arrange a trial date that is convenient to you. There may, however, be a number of other witnesses involved who will also need to be taken into consideration. It is therefore vital that you provide Guernsey Police with any dates of holidays or scheduled periods of hospitalisation.

If you do have to attend court to give evidence every effort will be made to minimise the amount of time you are kept waiting.

If your case is awaiting trial and you are required to give evidence, you must inform the Police Witness Care Unit if you booked any holiday or are unavailable for any reason so that they can schedule the hearing of your case when you are available.



A message from Guernsey Police:

If at any time you are contacted by the defendant you must call Guernsey Police immediately.

If you are concerned about your own or someone else's safety during this time you should call Guernsey Police so that the information can be dealt with appropriately.

WHAT SUPPORT CAN I ACCESS IF I HAVE TO GIVE MY EVIDENCE IN COURT?

Before

Giving evidence in court can be a daunting experience. You may therefore want to ask questions about the process and the people involved. You may even visit the court room beforehand so that you are familiar with its lay-out. The Victim Support & Witness Service can arrange this for you and answer any questions you may have. For more information about the Witness Service support see page 6. Plans of two court rooms are provided on pages 52 and 53 of this Guide.

On the day

Arrival	<ul style="list-style-type: none"> • Victim Support & Witness Service staff will meet you if you request them to do so. • Normally the prosecutor or defence advocate (depending on whether you are a prosecution or defence witness) will introduce themselves to you so that you are familiar with some faces in the court room.
A separate space to wait	<ul style="list-style-type: none"> • The Victim Support & Witness Service have a suite within the Court building and this includes a quiet waiting room away from the court where you can wait with a volunteer.
Your statement	<ul style="list-style-type: none"> • You will have opportunity to read through your statement before entering the court room if you wish.
Giving evidence in the Court-room	<ul style="list-style-type: none"> • A volunteer from the Victim Support & Witness Service can accompany you into the court room if you wish, and if the Judge permits it, so that you do not feel on your own.
Giving evidence from a remote location	<ul style="list-style-type: none"> • In some cases, the court may give permission for you to give evidence from behind a screen or by means of a live-link (i.e. a television link between the court room and another place, often a different room within the Court Complex).

After

After you have given evidence you are generally free to leave the Court Complex, but in some exceptional cases you may be asked to stay. You may, however, wish to sit in the public seating area to watch the rest of the trial. The Victim Support and Witness Service will ensure that you leave the Court Complex safely. Once you have given your evidence **you must not discuss it with anyone** until the case is finished.

Once the trial has ended and a sentence has been handed down, you can approach the Victim Support & Witness Service to talk over the case. However, the Service staff cannot

discuss any of the particulars of the case, nor can they discuss sentencing or provide any legal advice.

The Police Witness Care Unit will inform you of the outcome of the case.

Who will be in the courtroom?

Plans of two court rooms are provided on pages 52 and 53 of this Guide and show where the following people, who may be in the courtroom, sit.

The Judge (Royal Court only)

The Bailiff is the most senior Judge in the Bailiwick of Guernsey. The Bailiff is appointed by Her Majesty the Queen. Other Judges are the Deputy Bailiff, Lieutenant Bailiffs, and the Judge of the Royal Court. The Judge decides issues of law and court procedure.

The Jurats (Royal Court only)

There are 16 Jurats in total who are elected by the States of Election. In a criminal trial there must be at least seven Jurats sitting at any one time. Jurats are broadly the equivalent of a jury in the UK. Jurats sit with the Judge in criminal and some civil Royal Court cases. They decide the facts of a case and the sentence. The Judge will advise the Jurats on points of law.

The Judge (Magistrate's Court only)

The Judge of the Magistrate's Court sits alone in criminal cases and determines issues of fact and law as well as the sentence in the event of a **conviction**.

HM Greffier

Her Majesty's Greffier is the 'Clerk' of the Royal and Magistrate's Courts, Registrar of the Guernsey **Court of Appeal** and Clerk and Registrar of the States of Deliberation and States of Election. A number of Deputy Greffiers have been sworn in to assist HM Greffier carry out these functions. HM Greffier is also Registrar-General of Births, Deaths and Marriages.

HM Sheriff

Her Majesty's Sheriff and Sergeant, who is the same person, executes orders of the court by serving **summons**es and copies of court orders, and by enforcing fines, judgment debts and **compensation orders**. In seeking to recover compensation or sums of money owed by debtors, the enforcement action may involve arranging acceptable payment plans between the parties and/or the arrest and sale of property.

Court Usher

The Court Usher's duties are to maintain the smooth running of a court hearing. The main responsibility is to ensure that all people involved in the hearing are in the right place at the right time. Court Ushers also have responsibility for ensuring the court room is prepared for a hearing. The Usher will also call witnesses and defendants into court and pass messages between the Advocates and Court Clerk.

Other individuals who may also be present in court include:

Prosecutor & Defence Advocate

The prosecutor and a defence advocate will also be present and they may have other persons with them.

Guernsey Probation Service

Representatives from the Guernsey Probation Service will often be asked to write reports and may be asked questions by the Judge, the prosecutor or the defence advocate.

Local media

Representatives from the local media will often report on crimes committed and sentences received.

Prison Custody Officer

There will usually be a Prison Custody Officer present who will take custody of the defendant should he or she be remanded into custody at the prison or given a sentence of imprisonment.

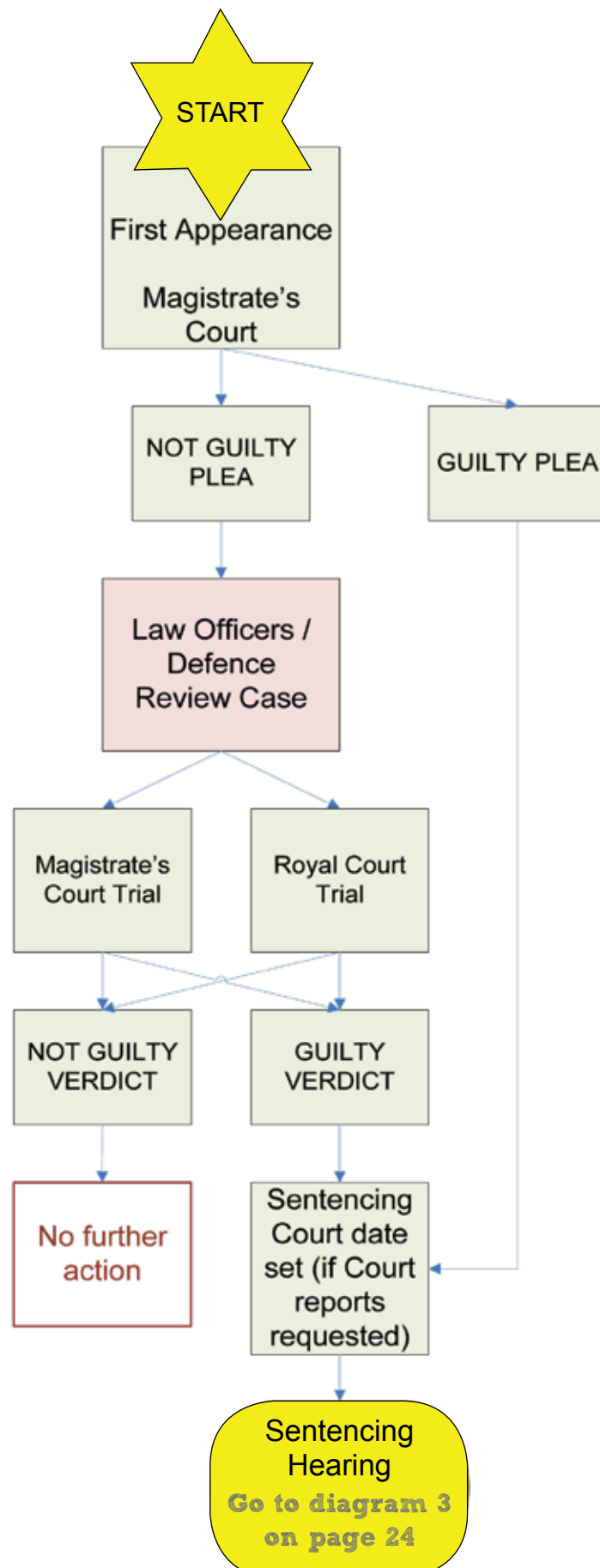
Members of the public

Members of the public might also be in attendance in the public gallery, along with practicing or student advocates.

Other witnesses

Other witnesses may also be required to attend to give evidence either for the prosecution or the defence. Witnesses will usually wait in the witness waiting area until called, or within the Victim Support & Witness Service suite until nearer the time they are required to be called.

DIAGRAM 2: THE COURTS



(3) SENTENCING

There are a number of sentences which can be handed down by the courts if an offender is found guilty. The following pages explain the different sentences currently available to the courts.

How are sentences worked out?

Broadly speaking, sentencing is an art and not a science. There is always a maximum possible sentence set out in law which a court can impose. When working out the actual sentence for a particular case the court will consider such things as **the seriousness of the offence**, the offender's **previous offending history**, whether the offender entered an **early guilty plea** (preventing witnesses having to appear in court) and the **degree of harm or loss caused**, as well as many other factors including **mitigating circumstances** or **aggravating factors**. In some cases, there may be guidelines from the higher courts that indicate the range of likely sentence a defendant can expect to receive if convicted.

Prison Sentence

A prison sentence aims to do 3 things: **punish** offenders for their crime by taking away their freedom, **protect** the public from the most serious or frequent offenders, and give offenders an **opportunity** to learn new skills or change their behaviour so that there's less chance of them offending again.

If a defendant is found guilty and given a prison sentence, he or she will be transferred to Guernsey Prison unless a successful application for bail, pending appeal, is made. He or she is then known as a "convicted offender". If the convicted offender has been held on remand between court hearings, the sentence will usually – but not always – be considered to have started from the date when he or she was first taken into custody. The Guernsey Probation Service supervises offenders' rehabilitation whilst in Guernsey Prison. This can involve making sure that the offender attends certain courses designed to challenge offending behaviour. Guernsey Probation Service will usually continue supervising offenders, depending on the length of their sentence, when they are released into the community.

Prisoners are able to send and receive letters, however all letters, except legal correspondence, may be read and checked for security reasons and to ensure that illicit items such as drugs are not contained in any mail. Prisoners also have access to a telephone system known as PIN. Each prisoner is able to allocate ten phone numbers and they must purchase a phone credit. There is no facility for incoming phone calls.



A message from Guernsey Prison:

If you are receiving unwanted communications from a prisoner you can contact Guernsey Prison and ask that this be stopped.

This request must be followed up in writing to the Prison Governor.

Probation Supervision

Offenders who are not sent to prison may instead receive a **Probation Order** or a **Suspended Sentence Supervision Order**. This means that instead of going to prison the offender will remain in the community but spend a period of time being supervised by a qualified Probation Officer in order to reduce the risk of them committing another offence.

The court can also add additional requirements/conditions that the offender must abide by, such as attending regular meetings with a drug or alcohol worker, undertaking drug and alcohol testing or undergoing a course to address specific offending behaviour (e.g. anger management).

Probation Officers (also known as Offender Managers) will usually arrange to meet the offender on a weekly basis within the first three months of their sentence. During these meetings, offenders will consider their offence, the circumstances which led to their offence being committed and the impact that the offence may have had on any possible victims. Offenders might be asked how they think they could make reparation (repair harm that has been caused) to the victims and community. They will be expected to focus on changing their behaviour to avoid future offending.

Offenders who miss an appointment without good reason will be issued with a formal warning letter. Should they continue to miss appointments they may be taken back to court (this is called “a breach”). This is because they have breached the conditions that the court said that they must abide by when the Judge made the original decision to allow the offender to remain in the community instead of going to prison.

Suspended Sentence Supervision Order

This means that an offender will be managed by the Guernsey Probation Service throughout the length of the **suspended sentence**. This has the effect of supporting them and can prevent them from re-offending.

Suspended Sentence

The courts can decide to suspend a period of imprisonment. This means that the offender is sentenced to a period of imprisonment but does not go to prison unless he or she commits a further imprison-able offence during the set period. If a further offence is committed during this period, the offender will be sentenced for the new offence and the court will usually impose the original time in prison as well.



A message from the Guernsey Probation Service:

The Probation Service recognises the needs and rights of victims to be given key information and to have the opportunity to ask questions after the court has passed sentence. The Service runs a Victim Contact Scheme (see page 27 for details).

Community Service Order

A Community Service Order can be imposed as an alternative to being detained in prison. It is for the Judge to determine when this is appropriate. The Order directs a convicted offender to do unpaid work for the benefit of the community. This work is managed by the Guernsey Probation Service.

Offenders must comply with all aspects of the Order if they are to successfully complete it. This includes:

- Staying out of trouble;
- Attending where and when they are told and working all of the hours ordered by the court;
- Arriving on time and putting in good work for at least 5 hours each week.

Again, an offender may be returned to court for failing or refusing to co-operate in any way. This is known as being “in breach” of the Order. The court has the power to cancel the Order and re-sentence the original offence. This could mean a prison sentence. Orders made by the courts in Alderney and Sark are performed in those Islands.

Fine or Compensation Order

The Office of Her Majesty's Sheriff and Sergeant is responsible for enforcing fines and compensation orders. This is a legal process, supported by the Crown, and is conducted by the Sheriff. Compensation Orders are enforced on behalf of the victim. If the court decides to order the offender to pay compensation then the specified sum of money should be paid by the offender in full wherever possible to the Sheriff before leaving the court.

Every fine or Compensation Order made by the court will be automatically acted upon by the Sheriff. The Sheriff may:

- arrest the offender's personal assets for eventual sale at a public auction;
- arrest the offender's wages;
- arrest money from the offender's personal bank accounts;
- arrest money from the offender's Prison accounts (if he or she is serving a prison sentence).

See Section 7 for more information about claiming compensation.

Confiscation Order

Where a defendant is found guilty in the Royal Court of a criminal offence, and is it considered that the offender may have benefitted financially from the offence, a financial investigation may be undertaken. If this investigation identifies that the offender has benefited financially from their crime the prosecution will tender a statement to the Royal Court.

When the offender appears before the court for sentencing, the court will consider the financial investigation report and determine whether the offender has financially benefited from their criminal conduct and if so, the amount which is to be recovered. The court will then order the defendant to pay that amount. The procedure for enforcing orders that remain unpaid is through imposing a term of imprisonment in default. For example:

Confiscation amount outstanding	Imposed term of imprisonment
£5,000 to £10,000	6 months
£250,000 to £1,000,000	5 years
£1,000,000 or more	10 years

Even after serving the default sentence the defendant will still be liable to pay the full amount of the order. Outstanding Confiscation Order amounts may also be subject to interest payments, which have been set at 8% per annum.

Deportation Order

If the offender is a non-British Citizen he or she can be removed from the Bailiwick of Guernsey and prevented from returning (unless the deportation order is revoked). A Deportation Order can only be issued if the individual is charged with an offence which would receive a custodial sentence. A Deportation Order does not replace the custodial sentence. The offender will **first** serve the Prison sentence determined by the court and then the Deportation Order will take effect.

A Deportation Order can be recommended by any court in Guernsey but only His Excellency the Lieutenant Governor has the power to actually make the Order. The recommendation to deport an offender will form part of the sentence. An offender may appeal the recommendation in the same way that they can appeal the sentence. **A British citizen cannot be deported.**

The Immigration and Nationality Division will make all the travel arrangements for the offender's removal back to their home country. This date will usually coincide with the offender's release date. Should the removal date be later than the release date from prison, the person will continue to be detained under immigration legislation.

If Guernsey makes a deportation order against a person from the European Economic Area (EEA) this does not automatically stop them going to the UK. The UK will decide whether or not to admit an EEA national who is the subject of a Guernsey Deportation Order, depending on the level of their criminality.

Appealing against the conviction or sentence

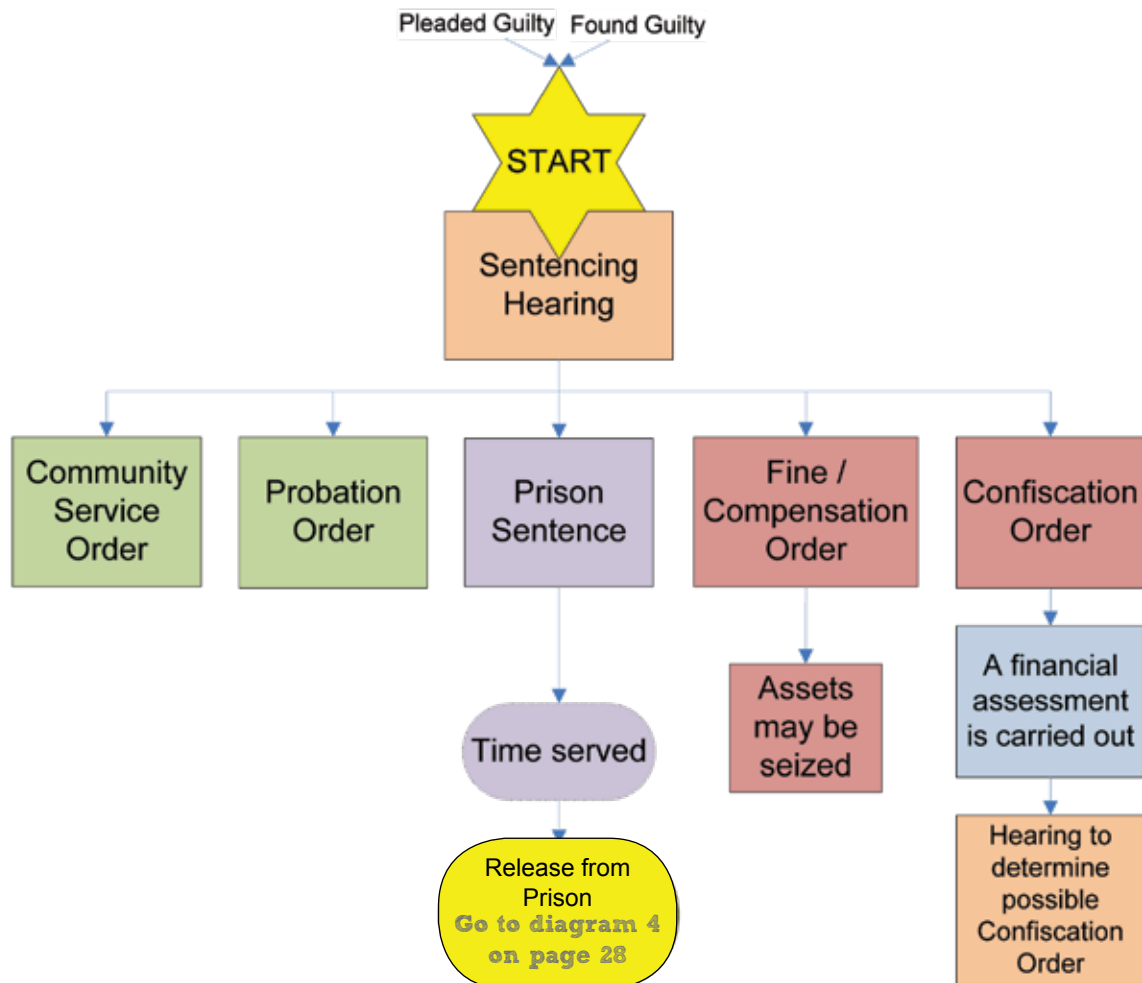
Convicted offenders may be able to appeal their conviction or sentence. They must have a basis on which to appeal such as new evidence being available, or the fact that an important court procedure was not followed properly.

Applications against convictions must be made within a specified period of time. Someone who has been convicted in the Magistrate's Court can appeal to the Royal Court, then to the Court of Appeal, then to the Privy Council in the UK.

Witnesses are never required to attend Appeal Hearings.

If you have signed up to the Guernsey Probation Service's Victim Contact Scheme you will be informed by the Guernsey Probation Service if the offender seeks to make an appeal.

DIAGRAM 3: SENTENCING



(4) RELEASE FROM CUSTODY

The Guernsey Probation Service supervises offenders whilst they are in prison and will continue to supervise some of them after they are released.

Sentence served

An offender will be released into the community once he or she has served the sentence in full and unless he or she is awarded **remission** or early release on a parole licence (see below).

Remission

All offenders can potentially be released from prison once they have served two-thirds of their sentence. For example, if they are sentenced to three years imprisonment they will usually serve two before being released. Guernsey Prison has very strict rules – if a prisoner's behaviour is poor, and does not meet expected standards, he or she may lose out on the opportunity for part or all of this remission.

Early release on parole licence

In Guernsey there is a parole system which considers whether a prisoner can be released from prison earlier than they otherwise would be and serve the rest of their sentence in the community under the supervision of a Probation Officer. The Parole Review Committee is made up of members of the public, who are independent of the States of Guernsey and the Judiciary, and whose responsibility is set down in Law. The Committee considers applications for release if an offender has been sentenced to 15 months or more. The offender will not be released until they have served either 10 months or one-third of their sentence, whichever is the greater. Early release is granted according to the merits of an individual, rather than being awarded automatically.

Prisoners may only apply for release on a parole licence if they are eligible under the relevant law to do so.

The Guernsey Probation Service may suggest further conditions which the offender must comply with whilst subject to supervision in the community. These conditions can include the requirement for the offender to take part in specific offending behaviour courses aimed at reducing the risk of re-offending.

Extended Sentence Licence Supervision

An extended sentence can be imposed by the court in order to increase the amount of time an offender is subject to supervision. If the conditions of the extended sentence supervision licence are breached the offender can be recalled to prison.

Probation Supervision

All adult offenders who have received a sentence of 12 months or more are released from Prison under the supervision of a Probation Officer. All young offenders who are convicted before their 21st birthday are also released under the supervision of a Probation Officer.

The Probation Officer works with the offender to reduce the risk of them committing further crimes. The Probation Officer who carried out the initial assessment of the offender and wrote the Probation Report for the court will generally continue to supervise the offender throughout any sentence, either in the community or in prison.

Multi Agency Public Protection Arrangements (MAPPA)

Multi Agency Public Protection Arrangements are meetings attended by professionals from different government departments. Professionals share information about specific individuals who are thought to present a particular risk to the public or individuals, and look at ways of reducing that risk. Guernsey Police and the Guernsey Probation Service are in charge of co-ordinating these meetings, and the Health & Social Services Department, the Housing Department and the Social Security Department are also involved.

MAPPA meetings are held in respect of all sex offenders and people convicted of certain categories of violent offences. Victims do not attend these meetings however one of the participating agencies may contact a victim to gain information about the way in which the individual of concern operates.

Multi Agency Risk Assessment Conference (MARAC)

The Multi-Agency Risk Assessment Conference is a meeting intended to help victims of domestic abuse. Conference cases are referred either as a result of a high risk domestic crime or an incident recorded by the police, or by a direct recommendation from a participating agency.

A Multi-Agency Risk Assessment Conference meeting aims to:

- Share information to increase the safety, health and well-being of victims/survivors - adults and their children;
- Determine whether the person accused poses a significant risk to a particular individual or to the general community;
- Decide on a risk management plan that provides professional support to all those at risk and that reduces the risk of harm;
- Reduce the risk of further domestic abuse.

WHAT SUPPORT WILL I HAVE?

The Victim Contact Scheme (Guernsey Probation Service)

You can receive support and information from the Guernsey Probation Service Victim Contact Scheme if you are the victim of a sexual offence, or of a violent offence for which the offender has been sent to prison for 12 months or more. The Police Witness Support Unit will ask you if you wish to access this scheme. You may change your mind about having contact with a Victim Liaison Officer at any point.

The Victim Liaison Officer will write to you within 8 weeks of an offender being sentenced. The Officer will explain the details of the Scheme to you and will ask you whether you wish to receive support and information.

The Scheme is **entirely voluntary, free and confidential** and provides information on:

- The criminal justice process and the way prisons operate;
- What the offender's sentence means and how decisions are made about how long the offender will stay in prison;
- Key developments through the offender's sentence. For example, when a prisoner applies for early release (see page 25) or when the prisoner is due for release because the sentence has been served;
- How you may put forward your views about the conditions you think should be placed on the offender when they are eventually released from Prison, e.g. a condition not to contact you or your family;
- Ongoing contact while the offender is supervised in the community and information on when the offender's supervision is coming to an end.

Victim Support & Witness Service

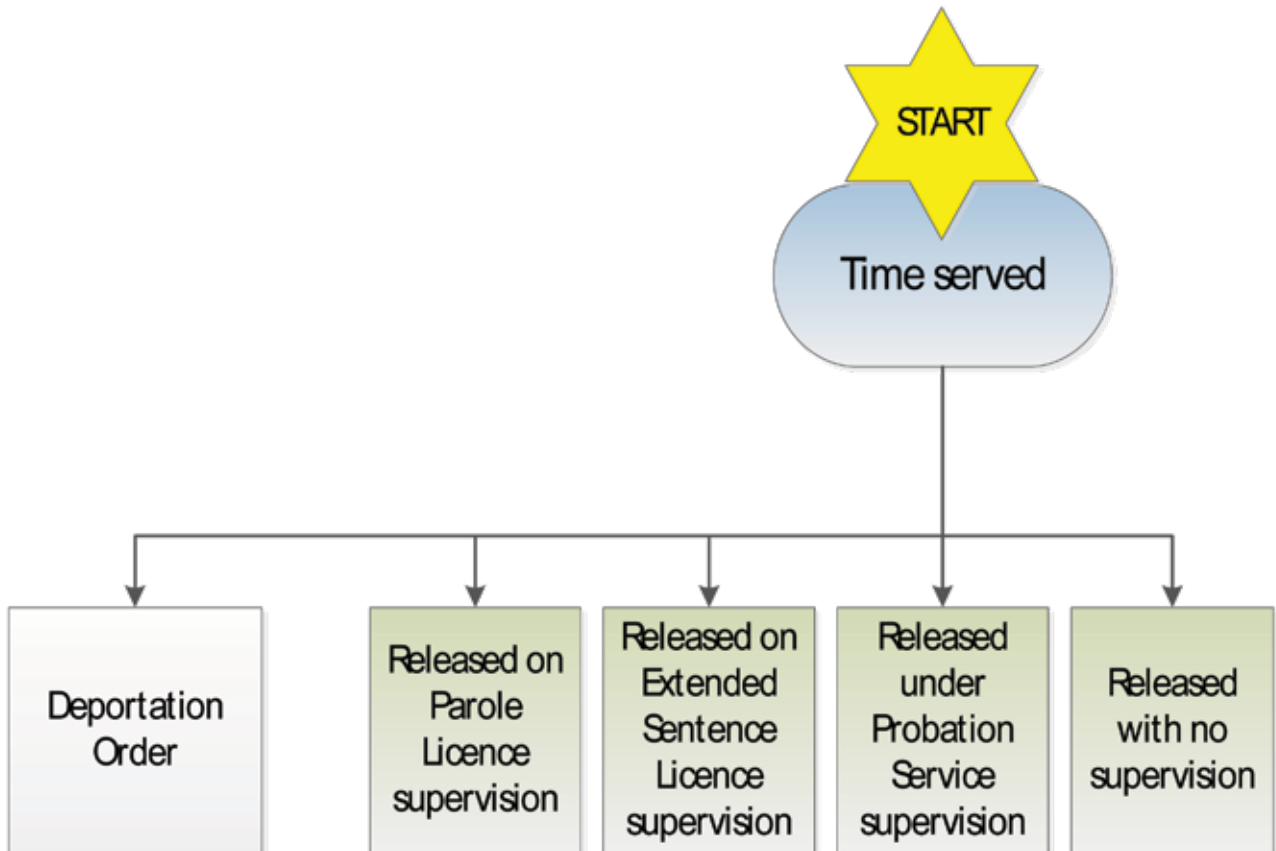
Victim Support offers emotional support, practical help and information to victims or witnesses of crime, their partners, families and friends, whether or not the crime has been reported and regardless of when it happened.

Staff and volunteers are trained to help people cope with the effects of crime, listen while people talk through their feelings and reactions to the crime, and try to help each victim find the way that best suits them to overcome those effects.

If you are concerned about the release of an offender, or you just want to find out some information, contact **Victim Support** and they will be happy to help.

The Service is voluntary, free and confidential.

DIAGRAM 4: RELEASE FROM CUSTODY



(5) DOMESTIC ABUSE

Domestic abuse may include a number of different behaviours and consequences, so there is no single "domestic abuse" criminal offence. However, many forms of domestic abuse are crimes, including harassment, assault, attempted murder, rape and criminal damage. Being assaulted, sexually abused, threatened or harassed by a partner or family member is just as much a crime as violence from a stranger, and can often be more traumatic and dangerous.

The States of Guernsey Domestic Abuse Strategy aims to improve services and support for all victims of domestic abuse. The Strategy promotes joint-working, and commissions and funds the Independent Domestic Violence Advisory (IDVA) Service and ADAPT, an independently run programme to address the behaviour of perpetrators of domestic abuse. The Strategy also provides some funding towards the Children's Post-Abuse Therapeutic Service.

Independent Domestic Violence Advisors (known as IDVAs)

The main purpose of an IDVA is to address the safety of a victim who is at high risk of harm from an intimate partner or a partner's family member. IDVAs only work with cases referred to them by Guernsey Police. IDVAs form part of the MARAC process (see page 26). They do not discriminate on the basis of gender, ethnicity or sexual orientation. The IDVAs also operate a 24-hour telephone answering system, "the Safer Helpline", and all calls are responded to within 24 hours.

The Guernsey Women's Refuge

The Refuge provides safe emergency accommodation to women and their children leaving abusive relationships. The Refuge offers support to enable them to take control of their lives and make choices about their future.

Additionally, a 24-hour Refuge telephone help-line is provided by staff and volunteers who are trained to give help and advice and, most importantly, to listen to women who may not yet have reached the point where they feel able to leave the relationship. Often women will remain with an abusive partner whilst considering their options. Refuge staff are able to meet with women in the community at an agreed time and location in order to provide practical and emotional support. All such contacts are treated in confidence.

A message from the Domestic Abuse Strategy Coordinator:

Domestic violence and abuse is a serious problem in our Island communities. It occurs right across our society and it has devastating consequences for victims and their families. If this is happening to you, or to someone you know, I encourage you to contact one of the above services to seek advice on what you can do.

(6) RESTORATIVE JUSTICE

If you have been affected by crime you may be left with questions and feelings that will not easily go away. You may want to know:



Restorative Justice is about giving victims a voice. The process is **voluntary** and offers victims the opportunity to have their harm or loss acknowledged by the offender. In turn, it encourages offenders to acknowledge the **impact** of what they have done and can give them an opportunity to make reparation. Restorative Justice is not an alternative to the court process.

If you decide to take part, it is important that you know that:

- ✓ Your participation is voluntary at all times;
- ✓ Your well-being and safety are a priority;
- ✓ Confidentiality will be respected at all times;
- ✓ You will be thoroughly prepared and supported before, during and after any meeting you take part in.

A message from the Restorative Justice Development Officer:

Restorative Justice is entirely focused on achieving greater peace of mind for the victim. It is a powerful mechanism to encourage offenders to acknowledge the impact of what they have done. It can enable both victim and offender to negotiate a means by which the offender can make reparation to the victim.

(7) COMPENSATION

Court Compensation

A victim may be compensated for personal injury, losses from theft or damage to property but only if the offender is found guilty and the claim is straightforward and not likely to be disputed.

Guernsey Police will discuss with the victim what loss may have been suffered and whether some form of compensation application might be appropriate. If so, a request for compensation may be made in court at the time of sentencing. The maximum amount of compensation which can be ordered by the Magistrate is £2,000. Further amounts, in excess of £10,000, can be recovered through a Petty Debts action, however this is the responsibility of the victim/s as claimant to pursue, and contact should be made with HM Sheriff's Office. It may be possible that the claimant is eligible to apply for Legal Aid in order to take a claim to the civil court and contact should be made with the Guernsey Legal Aid Service for further information about this.

Applying for compensation

If you want to make an application for compensation in the criminal proceedings you will need to provide details and receipts and deliver the following information to Police Witness Care Unit before the date of the trial:

- ➔ Your name;
- ➔ Your address;
- ➔ Your date of birth;
- ➔ Date of incident (if known);
- ➔ Name of offender (if known);
- ➔ Date of trial (if known).

Recovering compensation

The recovery of compensation from offenders can often take some time, and this is especially the case when they are in prison, not in regular employment or have few possessions which can be arrested by HM Sheriff.

A message from Her Majesty's Sheriff:

There is no guarantee that the amount awarded will be paid in one lump sum. However, there are no time constraints on the recovery of compensation and H M Sheriff will endeavour to recover the amount using all enforcement options available.

WITNESS FEES

Witness Fees are fees paid to witnesses for their time spent attending court. There are various types of witness fees available:

The Royal Court

Civilian witnesses are able to make a claim for fees in criminal matters. The presiding judge will, on receipt of an application, consider all other amounts of compensation, fines or confiscation orders before deciding whether a witness fee can be awarded. The fee amount will then be added on as a total. If the offender is sent to prison a witness fee is unlikely to be awarded.

Magistrate's Court

The Magistrate's Court can, upon application, order any person convicted of an offence to pay to a witness or witnesses attending the court to give evidence a maximum of £90 per half day. When a witness is necessarily absent from his place of residence overnight, a night allowance may be payable. This allowance will not exceed the expenses actually and reasonably incurred for board and lodging for that night and/or travelling expenses to and from the court, or any other place, for the purpose of giving evidence.

Expert Witnesses

Where the court orders expert reports (e.g. psychiatric or psychological reports for sentencing purposes) the court is responsible for paying for them. Where experts are brought over by the prosecution to give evidence in a trial, their fees are paid by the Law Officers or Guernsey Police.

Criminal Injuries Compensation Scheme

The Bailiwick has not yet implemented a Criminal Injuries Compensation Scheme, as available in the UK, to which victims can apply for compensation for injuries caused as the result of a criminal offence.

(8) FREQUENTLY ASKED QUESTIONS

How will I know what is happening with my case?

Prior to an individual being charged, the Investigating Officer will keep you informed if there is significant progress in your case. Once charged the Witness Care Unit will take over. They will:

- ✓ explain what action is being taken in your case;
- ✓ inform you of the outcome if the case has been referred to the Law Officers of the Crown for advice;
- ✓ direct you to other support services.

Why has the suspect been bailed and not charged?

The Police Powers and Criminal Evidence Law (referred to as 'PPACE') restricts the amount of time a suspect may be held in custody by Guernsey Police or the Guernsey Border Agency. Bail may be granted to a person who has been formally arrested in order to allow further evidence to be gathered that may not otherwise have been readily available (e.g, forensic or analytical evidence), or to allow the Investigating Officer to follow up any lines of enquiry that may not have been possible at the time or within the time available.

When bail is granted, the person will be advised of a date and time that they must return to custody. Upon their return to custody the investigation will continue to a conclusion or bail may be granted once again. On conclusion of an investigation, a decision will be made as to whether there is sufficient evidence to support a charge. Alternatively, the person will be released.

How is the decision made about whether to charge someone or not?

All criminal cases in the Bailiwick are prosecuted by the Law Officers, except for traffic and other minor offences which are prosecuted by Guernsey Police. In every case it has to be decided whether the evidence gathered provides a realistic prospect of conviction (i.e. that a conviction is more likely than not on the basis of the evidence that is available). If there **is** a realistic prospect of conviction it will then be decided whether a prosecution is required in the public interest. Factors taken into account may include the seriousness and prevalence of the offence, the likely penalty, the offender's age and previous offending history.

It is important to note that prosecutors do not act for victims or their families in the way that defence advocates do for their client (the defendant). This is because prosecutors must form an objective view of the case. A criminal prosecution is undertaken on behalf of the public as a whole and not specifically for the victim.

Do I have a say in what bail conditions are set?

Depending on the nature of the offence, Guernsey Police will speak to you about any concerns you may have about the defendant's release and will take these into consideration when considering the appropriate course of action. Any bail conditions must be justified.

Will someone be able to help me re-read my statement?

Yes. If you have been referred to the Victim Support & Witness Service they will go through your statement with you.

I'm a victim of domestic abuse. Who will my contact details be passed on to?

Your details will be passed to the Victim Support & Witness Service, the Guernsey Women's Refuge (unless you have specifically asked for them not to be) and the IDVA Service. The Law Officers of the Crown will also receive your details, if required for prosecution. Your new contact details **will not** be passed on to the offender or to their advocate.

How long will it take to go to court?

There is no single rule as to how long it will take for a case to go to court. This is because each case is different. The defendant may appear in court as soon as they are charged and, if they plead guilty, they may be dealt with there and then. However, they could be bailed for 2 to 3 weeks before their first appearance. See **Section 2 "The Courts: First and further appearances"** for further information. Once the outcome is known the Police Witness Care Unit will advise you and make the necessary arrangements.

How long will the whole process take?

If the case is to be heard in the Royal Court it may not be concluded for many months. If the defendant is convicted the court may request reports in order to have more information about the defendant's background before a sentence is passed. See **Section 3 "Sentencing"** for more information.

Can a convicted offender appeal the sentence that the Judge gives them?

Yes, there are rights of appeal. Applications against convictions must be made within a specified period of time. Someone who has been convicted in the Magistrate's Court may appeal to the Royal Court, then in certain circumstances to Court of Appeal and onwards then to the Privy Council in the UK. If you have signed up to the Victim Contact Scheme you will be informed by the Guernsey Probation Service if the offender seeks to make an appeal.

Witnesses are never required to attend Appeal Hearings.

Will someone tell me when the offender gets out of Prison?

If you have signed up to the Victim Contact Scheme the Guernsey Probation Service will contact you. See page 27 for more information about this scheme. The Guernsey Probation Service will also update you on any significant change in circumstances, for example when the offender applies for early release on parole licence. The Victim Support & Witness Service can provide information and support to you if you are concerned about what to do at this time.

Can I get protection when the offender is released from Prison?

If you are concerned about your safety you should contact Guernsey Police. Witness intimidation, both before and after a person is convicted, is an offence. When Guernsey Police receive information that a witness may be a risk they will take appropriate action.

Can I refuse to give evidence?

It is possible that after agreeing to attend court and then signing a **Court Warning Slip** (below) you could be committing an offence if you refuse to give evidence. If you have given a signed statement to Guernsey Police and are later required to go to court the Police Witness Care Unit volunteers will try to arrange a court date which is mutually agreeable to all who need to attend. Guernsey Police will then ask you to sign a Court Warning slip to formally show that you know the date on which you are required to attend court. You will be informed at the time that should you fail to attend the court without a reasonable excuse you could be liable to prosecution. If you have signed the slip and are then unable to attend you must contact the Police Witness Care Unit immediately so that alternative arrangements can be made. **There is support available should you be frightened or concerned about giving evidence and you should tell Guernsey Police if this is the case.**

 GUERNSEY POLICE WITNESS COURT WARNING
Police Copy
Incident Number _____
I, _____
have been notified that I am required to attend the _____ Court
at _____ (time) _____ (day) _____ (date)
as a witness re _____
by _____ (Police Officer)
Date _____
I understand that should I fail to appear that I may be ordered to attend or brought before the Court.
Signed _____ (Witness)
_____ (Police Officer)

 GUERNSEY POLICE WITNESS COURT WARNING
Witness Copy
Witnesses are vital to the Criminal Justice System and we would like to thank you for your assistance in this matter.
Incident Number _____
I, _____
Have been notified that I am required to attend the _____ Court
at _____ (time) _____ (day) _____ (date)
as a witness re _____
by _____ (Police Officer)
Date _____
I understand that should I fail to appear that I may be ordered to attend or brought before the Court.
Signed _____ (Witness)
_____ (Police Officer)

An example of a Witness Court Warning slip

What will happen if I don't turn up at court?

If you signed the Court Warning Slip and you don't turn up to court on the date agreed without giving a good reason, you will be committing an offence.

What if I can't remember something when questioned?

If you remember the following you will not go wrong:

- ✓ Answer only the question that is being asked;
- ✓ If you do not understand a question say so and it will be asked in a different way;
- ✓ Indicate when you do not know the answer to a question.

If you cannot answer a question because you have forgotten certain things, do not feel embarrassed – it is normal after time to forget some details and you can only tell the court

what you do remember to the best of your ability. Remember, you will have an opportunity to read the statement you gave to Guernsey Police before you enter court but you will not be able to take it with you.

What do I do when I get to court?

On arrival you will go through a security check. You should then report to the reception desk. If you have arranged to meet with a volunteer from the Victim Support & Witness Service you should say so. If not, you should inform the receptionist of your arrival and the receptionist will direct you to the relevant court waiting area. This is where you will be met by the prosecutor or defence advocate (depending on whether you are a prosecution or defence witness).

What should I wear?

Wear something smart but something in which you feel comfortable.

What do I call the Judge?

You should refer to the Judge as **Sir** or **Madam**.

How long will I be needed?

This will depend entirely on the case itself and the evidence you are required to give. It is hoped that you will not be required for more than a few hours in total (including waiting time at court) and efforts will be made to avoid you having to come to court until you are required.

Court sessions normally start at 9.30am and 2.30pm.

I am due in court but I don't have a babysitter – can I bring my children with me?

Regrettably, children cannot be allowed in the courtrooms and there are no facilities for their care whilst parents are in court. The Royal Court also cannot accept responsibility for any children whilst unsupervised in the building.

I am giving evidence - can I bring a friend with me?

Anyone attending court with you will have to sit in the public gallery. You can contact the Witness Service and they will talk you through what to expect and can arrange for a volunteer to accompany you.

When should I arrive?

You should aim to arrive at the Court Complex at least 15 minutes prior to the start of the session. You will need to wait until you are called to give evidence. Please be advised that it may take a while before you are called into the court room, and this will depend on what other cases are being heard in court before your case is called.

I am disabled – can I access the Court Complex easily? Is there an accessible toilet?

Yes, there is a ramp leading from the street to the main door. Once inside, all levels can be accessed by lift. If you ask at reception a member of staff will be pleased to assist you. There

are disabled toilets located on each level of the Court Complex, including one within the Victim Support & Witness Service Suite.

Is there a hearing loop in the court room so I can hear what is happening?

Yes. Please ask the Court Usher when entering the court.

Where is the court?

The Court Complex is located opposite St James' Concert Hall and the Sunken Gardens. There is limited parking in the area and the nearest off-street car park is at the Odeon car park, a short five minute walk away. There is ample parking in the area for bicycles and motorcycles. Public entry is through the revolving glass doors in St James Street.



The public entrance to the Court Complex

Will I be able to tell the court how the crime has affected me?

The Guernsey Court of Appeal has endorsed the use of Victim Impact Statements in certain cases. A Victim Impact Statement (VIS) is a written account of the personal harm suffered by the victim of a crime and may include a description of the physical, financial and emotional effects. The VIS is intended to give crime victims a voice in the criminal justice process and allows the court to consider the affect of the crime before passing sentence.

What is a Probation Report?

A Probation Report contains information to inform the court's decision about what kind of sentence would be appropriate to ensure that justice is served and that steps are taken to give the offender the best opportunity to change his or her behaviour in the future. The Probation Report will include an analysis of the offence and information about the offender's background. It will also include a risk assessment. This is a statistical assessment of the likelihood of further offences being committed in the future and the risk of harm to other people which the offender presents. The report also details the work needed to reduce the risk of further re-offending.

After I've given evidence can I go?

In most cases you will be told when you can leave, after which you are free to return home, go back to work or school. Or you may prefer to watch the rest of the case from the public gallery. Exceptionally, you may be asked to wait within the Court Complex as you may be further required.

The Victim Support & Witness Service suite is within the Court Complex and this includes a quiet waiting room where you can wait with a volunteer. **Whether you are free to leave or required to remain, you must not speak to any other person about the case and the evidence you have given until the case is concluded.**

Can I attend court when the sentence is passed?

If the defendant is convicted, you may wish to attend the sentencing hearing. A date for this hearing is given at the conclusion of the trial. If you are not present at the sentencing hearing and you want to know the outcome you can ask the Victim Support & Witness Service to contact you and notify you of the outcome. In some circumstances the Police may contact you.

Will the Guernsey Press or other media be there? Will my name be published?

Journalists are able to attend hearings of the Royal, Magistrate's Courts and Juvenile Court however, reporting restrictions apply. The media does not report the names of offenders, victims or witnesses if they are under the age of 18 years. Only in very exceptional circumstances, after an application has been made by the media to the Presiding Judge, may permission be given to publish names.

Can I protect my identity in court?

Only in very limited circumstances. Generally, if you are giving evidence you will be required to give your name to the court. There are very few restrictions placed upon the media in terms of what can and what cannot be reported. Information that might lead to the identification of a child witness or a defendant aged less than 18 years is prohibited.

Who will be in court?

In all cases there will be a Judge and a Greffier. In Royal Court cases, the Judge will sit with at least 7 Jurats. There will also be a prosecutor and, often, a defence lawyer. In most cases, notes are taken by a Court Reporter. In addition, there will be other court officials or officers such as staff from the office of H M Sheriff and the Guernsey Probation Service. There may also be members of the public, including journalists. **Pages 16–17 provide more information about key individuals who may be in the courtroom. A typical court room layout and seating plan can be found on pages 52 and 53.**

Will I see the defendant and will they see me?

It is a fundamental principle of justice that court proceedings take place in public. If you are required to give evidence it would be normal to do so in an open court room in sight of everyone. That means that you will be able to see the defendant and he or she will be able to see you.

The court may give permission, in exceptional circumstances, for you to give evidence from behind a screen, or by way of a “live-link”. The use of a screen or a ‘live-link’ typically arises in sexual abuse cases when a child is giving evidence but can be used in other circumstances for vulnerable or intimidated witnesses. The Police Witness Care Unit will discuss this with you, if appropriate, as the use of a screen or a ‘live-link’ is entirely at the court’s discretion.

If I use a screen or ‘live-link’, who will see me?

If a screen is used the defendant will not be able to see you (and vice versa) but you may be seen by other people in the court room. If a ‘live-link’ is used everyone who is in the court room will normally be able to see you on a television screen but you will only be able to see on your screen certain people such as the lawyers, the Judge and the defendant.

Will there be an interpreter / translator available who speaks British Sign Language or another language?

If you require an interpreter or translator this will be identified at an early stage –either by Guernsey Police when you give your statement or, later, by the Police Witness Care Unit or by the Victim Support & Witness Service.

I have a learning disability – what support is available for me?

Guernsey Police and the Victim Support & Witness Service will identify with you what additional support you may need.

Are the defence advocates or the prosecution allowed to mention my past in court?

Unless your past is relevant in some way to the case then you should not be asked questions about it. Only questions relevant to the case can be asked.

The defendant doesn’t have an advocate, what will happen? Will he or she be able to question me?

Yes, but only questions relevant to the case can be asked. The Judge will ensure that questions are put to you in an appropriate manner. New legislation will protect victims of sexual offences from direct questioning by the defendant. Please contact the Victim Support & Witness Service if you are concerned about this.

I'm concerned about my safety after giving evidence, what can I do?

The Victim Support & Witness Service will ensure that you leave the court safely. Threats and intimidation towards witnesses are not tolerated by the courts, the Police or the Guernsey Border Agency. It is an offence, under Section 14 of the Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006, to intimidate a person assisting Law Enforcement in an investigation. If at any time you feel threatened due to your involvement in an investigation, whether as a victim or a witness, you must notify Guernsey Police or the Guernsey Border Agency. **If you are subject to threats, intimidation or believe you are in immediate danger, you must call Guernsey Police.** Dependent on the

circumstances and nature of the threat, there are a number of safeguards that will be considered on a case by case basis.

How do I claim for compensation?

You can ask, via the Police Witness Care Unit, for the court to consider making a Compensation Order in respect of any loss or injury you have suffered or in respect of any legitimate expenses you have incurred, such as medical bills. To do this you need to submit copies of accounts or receipts to the Police Witness Care Unit at the earliest opportunity and **before** the trial commences.

Generally speaking, compensation is only awarded when the claim is clear and straightforward. If it is not clear, or if there is likely to be a dispute over the amount, you may have to pursue a claim through the civil court. If you do receive compensation in the criminal court it does not stop you from suing the offender in a civil claim for any further amount that you believe is owed to you. **In all cases compensation is awarded only at the court's discretion and upon a guilty verdict.**

What happens if the offender leaves the Island/Bailiwick in terms of paying compensation?

Recovering compensation from someone who has left the Bailiwick is extremely difficult. HM Sheriff will take up the case if the individual ever returns. If this is the case, and you see the person within the Bailiwick, you should contact HM Sheriff as soon as possible.

What happens if the offender goes to prison?

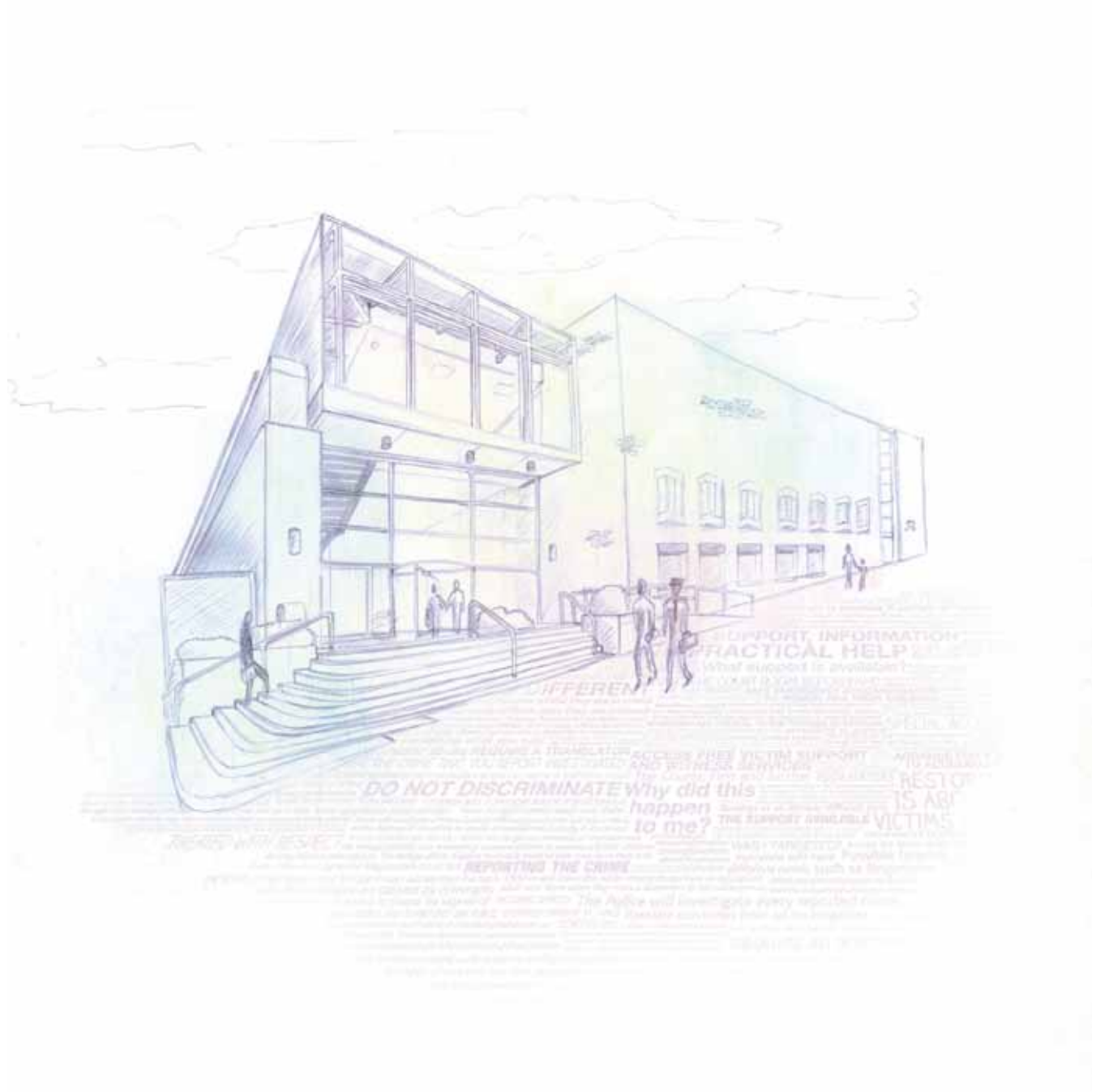
In the event that the offender is given a prison sentence HM Sheriff has the ability to arrest 20% of the prisoner's wages and any money held in prison accounts. This includes money that the prisoner may have earned on the **Incentive and Earned Privileges Scheme** and money earned whilst working on a temporary release licence.

Support after the end of a case

Support from the Victim Support and Witness Service does not stop when the court case ends. Victims and witnesses can contact the Service at anytime to talk over the case. The Service may, with your agreement, liaise with other statutory or voluntary agencies in order to provide information or additional support.

GLOSSARY OF TERMS

PEOPLE, PLACES AND WORDS YOU MAY NEED TO KNOW



GLOSSARY OF TERMS

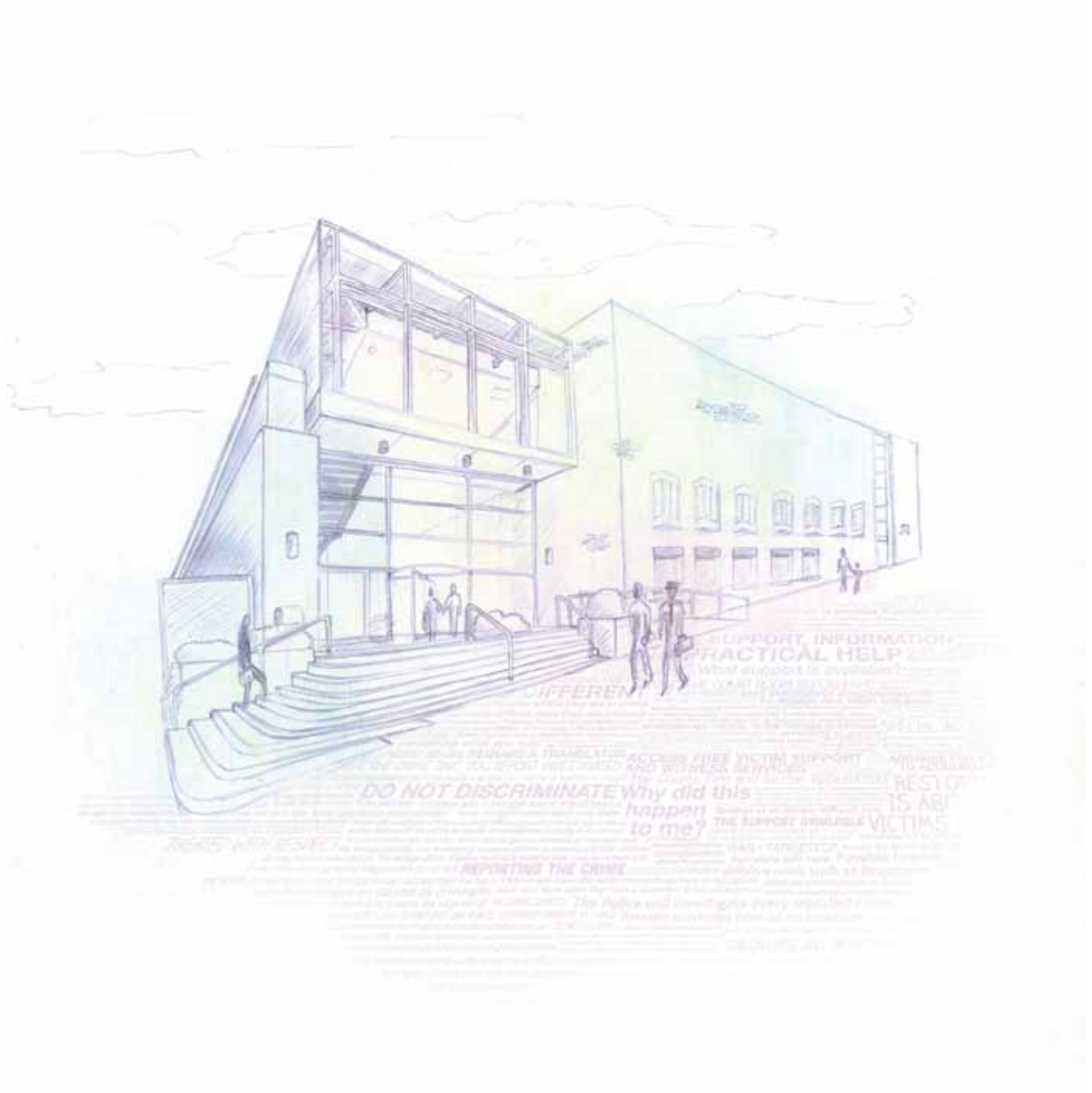
Advocate	
Adjourn	<p>To postpone a case until a later specified date. This is usually for further enquiries to be made by either the prosecution or defence, or for sentencing when probation or psychiatric reports are ordered.</p> <p>Adjourned "sine die" means that the proceedings are postponed without a specific date for the next hearing being set. There are various reasons why this might be done but it is generally when the defendant has pleaded not guilty and there is a requirement for the prosecution to coordinate witness availability before setting a trial date. It also provides time for the prosecution to review the written evidence in the case fully and for the defence advocate to view the evidence and advise their client.</p>
Aggravating factors	Factors which are taken into consideration by the court and which may increase the sentence. For example, previous offending of a similar nature.
Bail	<p>When a person is granted bail it means they are under an obligation to return to the police station or to the court at some future date. If a person has been arrested but has not yet been charged with an offence they may be bailed to return to the Police Station at some future date whilst the investigation continues. This is generally known as "Police Bail". This type of bail cannot have any conditions attached to it that restrict, for example, where the suspect may go and who s/he may speak to. However, once a person is formally charged with a criminal offence they can be released on bail with or without conditions that restrict what they can do until their first court appearance. The court can subsequently add, confirm, vary or remove those conditions in whole or in part.</p>
Bail Conditions	<p>There are a variety of conditions which can be considered including:</p> <ul style="list-style-type: none"> → forbidding the defendant from contacting named individuals or going to certain places; → forbidding the defendant to consume alcohol; → banning the defendant from leaving the jurisdiction; → imposing a curfew so that the defendant remains indoors between fixed times. <p>Breaking conditions can result in immediate re-arrest.</p>
Charge/d	Being "charged" means being formally accused of committing a crime and having to go to court to answer to that accusation. Once a person is charged with an offence, he or she becomes known as a "defendant".
Committal	The procedure that sends a case from the Magistrate's Court to the Royal Court for trial is known as a "committal". During committal proceedings the court will decide whether there is a "prima-facie" case to answer.
Compensation Order	If a victim has been financially impacted by an offence and the offender is convicted of the offence, the court can order the offender to pay compensation to the victim.

Conviction	A conviction is the result of a finding of guilt at the end of a trial or following a guilty plea.
Court of Appeal	A Court presided over by a minimum number of three judges. The Court of Appeal hears appeals from the Royal Court.
Defendant	A person who has been accused of a crime and is on trial in a court of law.
Either-way offences	The majority of offences are known as 'either way'. This means they can be dealt with in either the Magistrates Court or the Royal Court.
Incentive & Earned Privilege Scheme	The Scheme, operated within Guernsey Prison, aims to encourage responsible behaviour and effort and achievement in work and education. The scheme offers privileges such as extra visits, higher rates of pay, access to in-cell TV, opportunity to wear their own clothes and time out of cell for association.
Indictable offence	A very serious offence which must be dealt with in the Royal Court. The following are indictable offences: Perjury, Piracy, Rape, Murder, Manslaughter, Treason and Criminal Damage with intent to endanger life.
Jurats	In a criminal case Jurats perform a similar function to a UK jury. In a trial the Judge is responsible for ensuring the case is run fairly and provides the Jurats with guidance on the law. The Jurats, however, are the sole decision-makers on the facts. If they find the defendant guilty they also decide (with the Judge) the appropriate sentence. There are 16 Jurats in total; a minimum of seven are needed for a trial.
Live-Link	Video-conferencing systems which enable remote witness testimony from separate rooms within the courthouse.
Magistrate's Court	A court presided over by a Judge of the Magistrate's Court (or occasionally the Deputy Bailiff, a Lieutenant Bailiff or the Judge of the Royal Court) who alone decides cases without Jurats. All criminal cases in Guernsey will start in the Magistrate's Court and most will be dealt with there. The court also, however, conducts committal proceedings in respect of cases that are proposed for handling in the Royal Court, by establishing whether there is a case to answer.
Mitigating circumstance	Explaining the circumstances of the offender and the offence to the court with the intention of drawing out whatever can properly be said in his or her favour. For example, previous good character, young age, remorse, guilty plea, co-operation with the police etc.
Parole system	The release of a prisoner before his or her sentence has expired on the condition that, amongst other things, he or she is of good behaviour.
Plea and Directions Hearing (in the Royal Court)	A hearing in the Royal Court at which the defendant must indicate whether he or she intends to plead guilty or not guilty. If the defendant pleads 'not guilty', the Judge will give directions as to how the case will proceed to trial. If a guilty plea is entered, a date when he will be sentenced is normally identified. This usually takes place approximately 3-4 weeks after the case has been committed to the Royal Court.
Prima facie	Prima facie means that the evidence is of such strength that a reasonable tribunal, properly directed, could convict the defendant of the offences alleged to have been committed.

Probation Order	Sometimes called a Suspended Sentence Supervision Order, which means they do not go to Prison but are supervised by the Probation Service.
Prosecution	The legal proceeding against a person accused of committing a criminal offence.
Prosecutor	Someone who appears in court to present the prosecution's case. In local criminal matters this role is undertaken by the Law Officers of the Crown or Guernsey Police.
Public Interest	In a criminal context "public interest" is considered by the prosecution when deciding whether to prosecute a case. A prosecutor will consider, amongst other things, whether the prosecution is necessary for the good of society and/or to promote good order in society.
Remission	The reduction of an offender's prison sentence for good behaviour.
Royal Court	The Royal Court hears the most serious criminal cases in the Bailiwick. The Court can be presided over by the Bailiff, Deputy Bailiff or Lieutenant Bailiff along with at least seven Jurats. Appeals against decisions made in the Magistrates Court will also be heard in the Royal Court.
Summary offence	An offence that can only be dealt with in the Magistrate's Court. Examples include behaving in a disorderly manner and a number of road traffic offences.
Summons	A notice instructing a defendant to appear in court when it is said that they have committed an offence. If the offence is sufficiently serious then that person may be arrested during the investigation. A witness can also be summonsed to attend court to give evidence, and failure to do so could result in their arrest.
Suspended Sentence	A period of imprisonment that is suspended for a period.

CONTACTS (A-Z)

SUPPORT ORGANISATIONS AND USEFUL REFERENCES



CONTACTS (A-Z)



The Child Youth and Community Tribunal (CYCT) offers children and young people in need or in trouble the opportunity to have their case heard outside of a court environment. Based on factual reports and information presented, Tribunal members decide what action is required in the best interests of the child.

Briarwood
La Grande Rue
St Martins
Guernsey
GY4 6RX

Tel: (01481) 213299

Website: www.cyct.org.gg

Email: cyct@gov.gg



The Guernsey Border Agency is responsible for protecting the Bailiwick's borders, tackling drug trafficking, economic crime, money laundering, serious and organised smuggling and illegal immigration.

Drug-line is a confidential phone line for the public to contact the Guernsey Border Agency to provide information on serious cross-border crimes such as drug trafficking, money laundering, smuggling offences and illegal immigration.

New Jetty
White Rock
St Peter Port
Guernsey
GY1 2LL

Tel: 01481 741417

Website:

www.gov.gg/gba

Email:

enquiries@gba.gov.gg

Drugline: 0800 318 318

Guernsey Legal Aid Service

The Guernsey Legal Aid Service can provide access to free or reduced cost legal advice in criminal and civil cases if you could not otherwise afford an Advocate.

28 Gategny Esplanade
St Peter Port
Guernsey
GY1 1WP

Tel: (01481) 747530

Website: www.gov.gg

Email: legalaid@gov.gg



In an emergency
situation call **999**

Crimestoppers:
0800 555 111

Guernsey Police provides policing services throughout the Bailiwick. Officers are permanently based in both Guernsey and Alderney. They deal with reports of crime from within the local community and respond to crimes committed across the Bailiwick.

Guernsey Crimestoppers is there for the community as an anonymous route to pass on information about any crime.

The **Guernsey Crime Prevention Panel** is endorsed by Guernsey Police and provides information to the public about what they can do to prevent crime in the Bailiwick.

Police HQ
Hospital Lane
St Peter Port
Guernsey
GY1 2QN
Switchboard: 725111

Witness Care Unit (WCU):
(01481) 719432
wcu@guernsey.pnn.police.uk

Public Protection Unit (PPU):
(01481) 719458
ppu@guernsey.pnn.police.uk

Criminal Justice Unit (CJU):
(01481) 719432
cju@guernsey.pnn.police.uk



Guernsey Prison holds offenders who have been committed to custody by the Courts, including those who are awaiting trial and sentencing, in a safe, decent and secure environment.

Les Nicolles
St Sampson
Guernsey
GY2 4YF

Tel: (01481) 248376
Website: www.gov.gg/prison

Email: prison.gov@gov.gg



The Guernsey Probation Service supports offenders in the community who are subject to a supervision order imposed by the courts in order to reduce the risk of further offending behaviour. The Service also administers the Community Service Scheme and manages offenders' rehabilitation in Guernsey Prison and on supervision after release from prison.

The Market Building
St Peter Port
Guernsey
GY1 1BX

Tel: (01481) 724337

Website:
www.gov.gg/Probation

Email: probation@gov.gg



Guernsey Women's Refuge provide emergency accommodation and support services, to women and their children who are victims of domestic abuse.

Tel: (01481) 721999
24hr Service

Website:

www.refuge.org.gg

Email: refuge@org.gg



LAW OFFICERS OF THE CROWN

The Law Officers of the Crown provide an independent and objective prosecution service for the Bailiwick of Guernsey.

St James' Chambers
St Peter Port
Guernsey
GY1 2NZ

Tel: (01481) 723355

Email: law@gov.gg



The Office of the Children's Convenor oversees the Child Youth Community Tribunal. The Children's Convener will investigate a case initially and will decide whether to refer it on to the Tribunal.

Briarwood
La Grande Rue
St Martins
Guernsey
GY4 6RX

Tel: (01481) 213299

Website: www.cyct.org.gg

Email: cyct@gov.gg

Restorative Justice

Restorative Justice works to resolve conflict and repair harm. It encourages those who have caused harm to acknowledge the impact of what they have done and gives them an opportunity to make reparation. It offers those who have suffered harm the opportunity to have their harm or loss acknowledged and amends made.

The Market Buildings
Fountain Street
St Peter Port
GY1 1BX

Tel: (01481) 724337

Email:

restorative.justice@gov.gg



The Court Complex caters for a wide range of functions, including criminal and civil court proceedings. The following offices and people are based in the Court Complex:

The Royal Court
St Peter Port
Guernsey
GY1 2NZ

Tel: (01481) 725277

Website:

www.guernseyroyalcourt.gg

Her Majesty's Greffier is the Clerk of the Royal and Magistrate's Courts and Registrar of the Guernsey Court of Appeal. The Greffier or a Deputy Greffier will attend all court hearings and will keep the records of the court.

Email the Greffe:
hmgreffier@gov.gg

Her Majesty's Sheriff is responsible for collecting compensation and fines ordered by the Court on behalf of victims. HM Sheriff is also responsible for issuing summons and enforcing judgements.

Email the Sheriff:
hmsheriff@gov.gg



Safer, the Guernsey Domestic Abuse Forum, is made up of representatives from both voluntary and statutory organisations who come together to tackle and raise awareness of domestic abuse in the Bailiwick.

Tel: (01481) 732299
24hr answer service

Website:
www.gov.gg/domestic-abuse



The Victim Support & Witness Service provides a free and confidential service and continued support to both victims and witnesses of crime and their families.

The Royal Court
St Peter Port
Guernsey
GY1 2NZ

Tel: (01481) 713000

Website:
www.gov.gg/victim-support-witness-service

Email:
victimsupportgsy@cwgsy.net

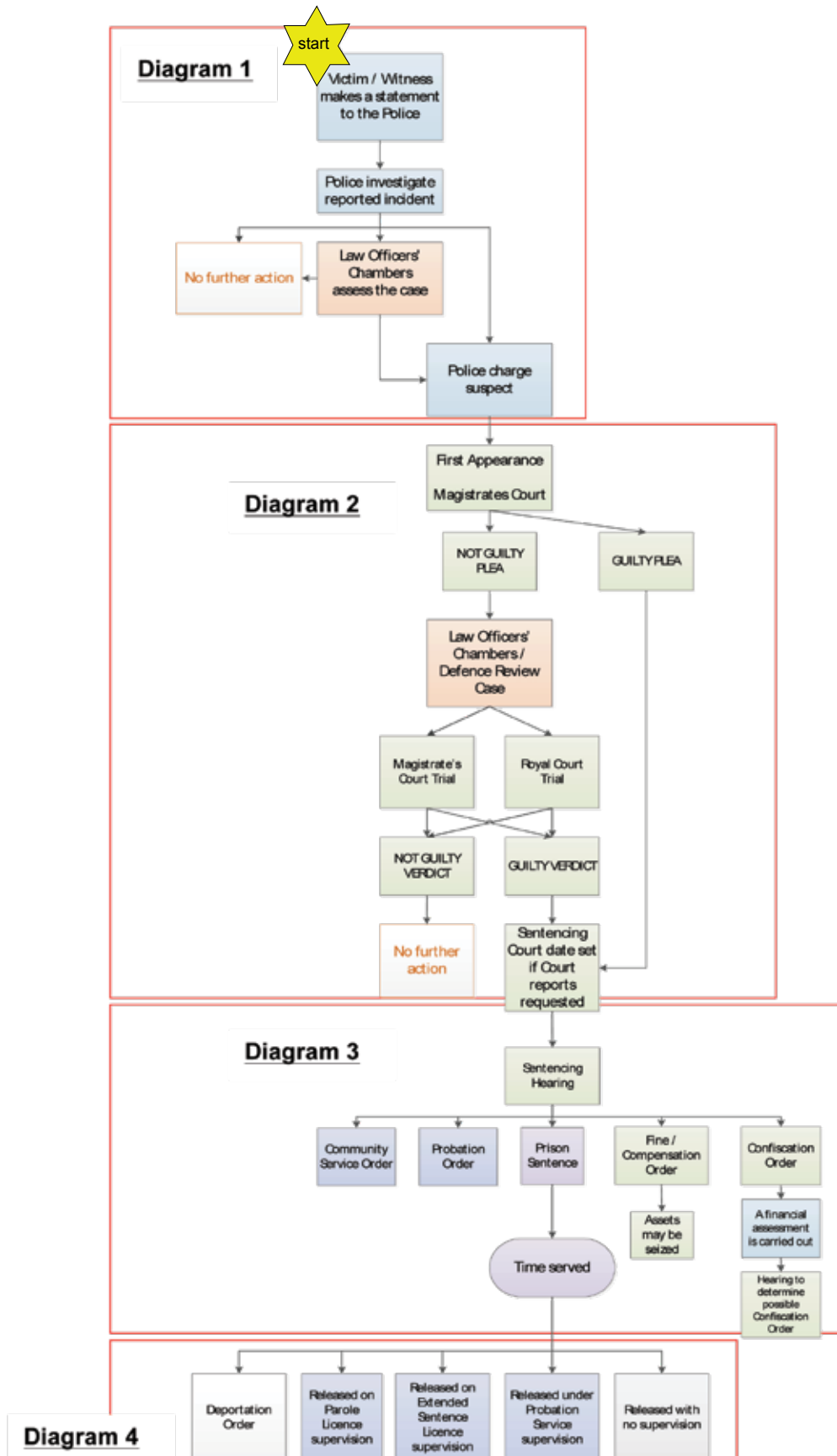
Youth Justice Service

The Youth Justice Service aims to stop young people offending and re-offending. Its role is to ensure the welfare of young people and to protect the public.

Lukis House
The Grange
St Peter Port
Guernsey
GY1 2QG

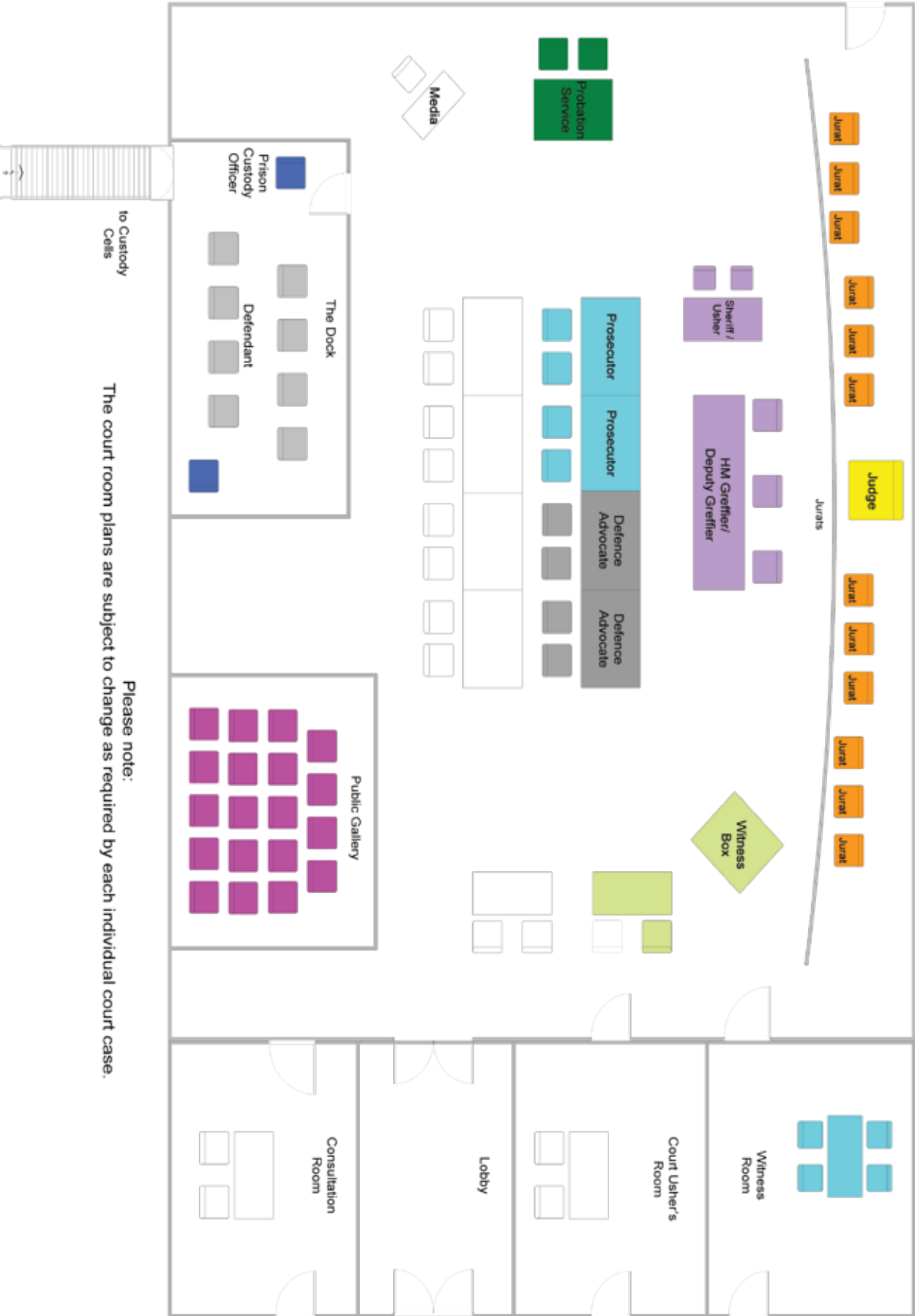
Tel: (01481) 713444

DIAGRAM 5: SUMMARY CRIMINAL JUSTICE SYSTEM



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CRIMINAL COURT 1



Please note:
The court room plans are subject to change as required by each individual court case.

CRIMINAL COURT 2

