



## Pre-trial therapy

### What is pre-trial therapy?

Pre-trial therapy is offered to a victim or witness while the criminal justice process is on-going and a trial may be possible.

From the point when you report what happened to the police to the time when all court proceedings are complete this type of therapy can be offered. It aims to ensure that you feel emotionally supported whilst also not influencing the evidence you would give in court.

### Why have pre-trial therapy?

Our Criminal Justice System places great reliance on the oral evidence of witnesses. Any conversations which take place before a criminal trial between a witness and another person could be construed as contaminating witness evidence and could cause a trial to fail on grounds of unreliability of the evidence. Therapists, forensic investigators and the alleged victim of the crime therefore have a mutual interest in keeping the integrity of the witness evidence intact.



### What will happen in pre-trial therapy?

Like other therapy, you will meet with your therapist on a regular basis. The therapy will be designed to offer you emotional support with how you are feeling and what is going on for you.

Your therapist will ask you to read through your notes each session to check you are happy with them and that everything is accurate. You will be asked to sign them to indicate that this is the case. We believe it is important for you to feel in control of your information and it is possible that your notes may be requested by the court.

If your notes are requested, they will be seen by the police, the judge, the prosecution barrister and the defence team. It is possible for you to request that the only judge gets to see them initially and that he or she decides whether they are relevant. If they are deemed relevant, they will be seen by all the above. If they are NOT deemed relevant, then only the judge will have seen them.







## Can I talk about what was done to me?

The Crown Prosecution Service has suggested safe areas to talk about as listed below:

- the impact of the incident on you and the treatment of associated emotional and behavioural issues.
- improving your self-esteem and self-confidence. This would be one of the least problematic aspects of therapy, especially if your therapist used cognitive/behavioural techniques.
- providing you with information related to dealing with and avoiding abusive situations. The purpose of this is to help you to protect yourself and to access appropriate help, without focusing on past abuse.
- preparation for the experience of giving witness testimony in court.

So there is a lot you CAN talk about especially with regard to how you are feeling about what was done to you and trying to overcome that. It may be, however, that you feel you need to talk about the event(s) that happened and you may be told that you can't.

It is important, also, to understand that it is not so much that you CAN'T talk about the details of the event(s), it's more that this can sometimes go against you in court, as this can be seen as you rehearsing for the trial and would be seen as contamination of evidence as mentioned above. It is, therefore, advised that it is best not to talk about the factual detail but ultimately the choice is **YOURS**.



## What happens after the trial?

Your therapist will help you to explore how you feel about the verdict. It can be really difficult if the perpetrator is acquitted as you may not feel believed and cared about. It is important to remember that the jury system is not perfect and just because the person was acquitted does not mean they did not commit the crime. You may need help to come to terms with this outcome. Sometimes people can also feel guilty if the perpetrator goes to prison. Remember, if the person does go to prison, that is down to the jury and the judge, not you.

Also, once the trial is over, regardless of the outcome, you may then talk about whatever you like without having to be concerned about the consequences of doing so.

