

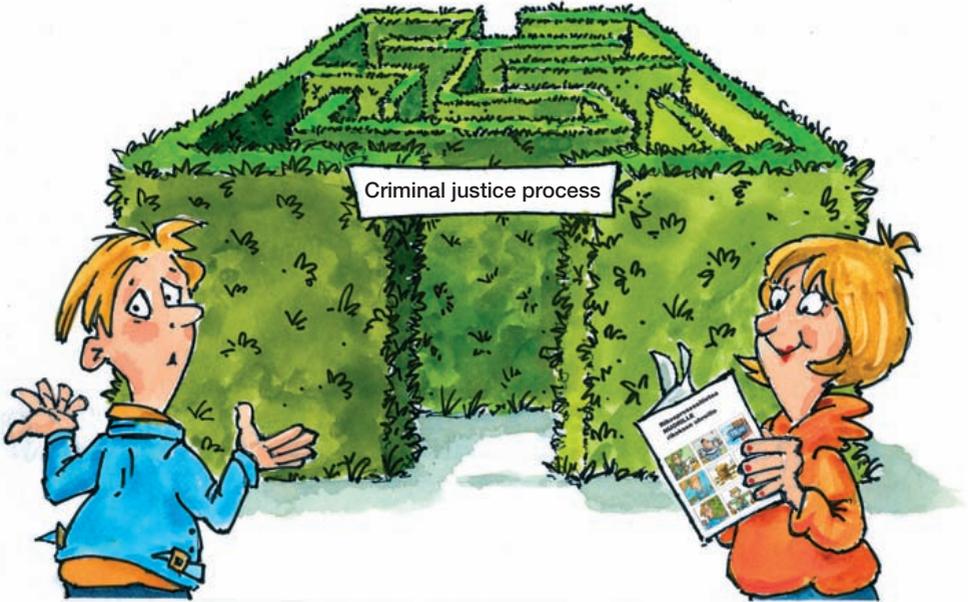
Criminal Justice Process Information for YOUNG Victims of Crime



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HOW CAN THIS GUIDE HELP ME?



This guide is meant for any young person who has been the victim of a crime. A criminal procedure starts when the police is informed of a crime. This guide describes some of the essential aspects of criminal proceedings from the point of view of the victim of the crime. These include reporting a crime, the police investigation (including questioning), the considerations of the prosecution, possible mediation and legal proceedings. All this may take a few months, even over a year.

Undergoing a criminal procedure is a new and strange situation for most people. It is easier when you know what to expect and are aware of your rights.

The purpose of this guide is to give you information and to help you understand the progress of your case through the justice system. At the end of the guide you will find important addresses to turn to for support and assistance.

HOW DO I REPORT A CRIME?

If you have become the victim of a crime, report the crime either to a police officer on the scene, at any police station (www.poliisi.fi) or (in the case of petty crimes such as bicycle theft) online. You can also ask someone else to make the report on your behalf. Make sure the crime is reported as soon as possible.



You can report the crime even if the person who committed it (the perpetrator) is under 15 years of age. Although people under 15 will not be held criminally liable in court, they still have to compensate you for the damages caused.

If you want, you can ask to have a support person come with you to the police station, to mediation and to court. The support person can be an adult who is close to you or, for example, an aide from Victim Support Finland (VS, www.riku.fi). VS provides help and support at various stages of the criminal procedure and in other matters related to crimes.

In the case of a violent crime or sex offence, go to a doctor as soon as possible. In addition to looking after your injuries, it is important to have even the smallest bruises and contusions con-

firmed by a doctor. You will need the doctor's certificate if you go to court; the police will ask for it later with your permission.



The police also provide assistance online (http://www.poliisi.fi/poliisi/home.nsf/pages/index_eng). There, it is possible to discuss crime-related matters anonymously.

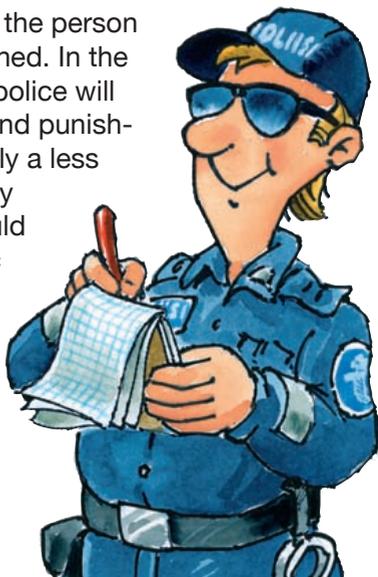
WHAT IS A PRELIMINARY INVESTIGATION?

During the preliminary investigation, the police investigate what has happened, who are the persons involved and what damages have been caused. The police will separately question the person(s) suspected of the crime, the victim and possible witnesses, and will collect evidence. As the victim of crime you are the 'complainant', 'plaintiff' or 'injured party'. You may be called in for questioning directly at the time of reporting the crime or at a later date.

In questioning, the police will ask you to describe the events in your own words. Tell the police every detail, even if it doesn't feel significant at the time. If necessary, the police may ask further questions. You must tell the absolute truth. The same questions may be asked of you later in court, if you are aged over 15. If you are under 15, your questioning may be recorded on video, as you will not usually be asked to appear in court.

You have the right to use your own mother tongue in questioning. If you need an interpreter, ask the police to arrange one when agreeing the time of the questioning. Your parents or carers have the right to be present at the questioning. There may also be a support person and/or a social worker present.

The police will ask whether you want the person responsible for the crime to be punished. In the case of a 'complainant offence', the police will start an investigation once you demand punishment. A complainant offence is usually a less serious crime, in which the victim may decide whether an investigation should be conducted. If the crime is a public prosecution case, the police may investigate it regardless of the victim's wishes; these are usually crimes of violence and other serious offences or felonies.



You will also be asked whether you want to receive compensation for the damages caused to you. You have the right to receive compensation in many cases.

The police will gather together the report of the crime, the outcomes of questioning and other materials collected into a pre-trial investigation report. That will be sent to the prosecutor, who will decide on further actions.

WHAT IS A RESTRAINING ORDER?



If you repeatedly have cause to fear for your safety, you may apply for a restraining order against the person who is threatening you. If you are aged under 18 you will need permission from your parent or guardian, or they can make the application on your behalf. A restraining order is a court order preventing a person from approaching or otherwise contacting you. The application is made to the district court and the order will be valid for a maximum of one year at a time. If the matter is urgent, contact the police immediately.

WHAT HAPPENS IN MEDIATION?

You may be asked if you are willing to take part in mediation of the case. In mediation, you will meet the person accused of the crime at a mediation office, in the presence of impartial voluntary mediators. At the meeting you will discuss what happened, what feelings it caused and how damages can be compensated.

Participation in mediation is voluntary and you can pull out of it at any time. If you are aged under 18, you will need permission from your parent or guardian to take part in mediation. If an agreement can be reached through mediation, the case might not go to court at all (<http://info.stakes.fi/sovittelu/EN/index.htm>).

WHAT IS PROSECUTION?

In the prosecution process, the prosecutor examines the pre-trial investigation report made by the police in order to decide whether to charge the person suspected of the crime.

If the suspect is charged, the case will go to the district court. The prosecutor may also impose a fine or make a non-prosecution decision. In these cases, the crime will not go to court. The reason for the decision not to prosecute may be for example that there is not enough evidence, that settlement has been reached, or that the prosecutor considers the misdemeanour to have been minor.



HOW ARE CRIMES HANDLED IN COURT?

The criminal procedure may consist either of written proceedings or of oral proceedings in court. For the proceedings to take place in writing, all the parties must give their consent. In this case no one is summoned for a court hearing and the judge makes a verdict based on the written materials. Crimes perpetrated by persons under 18 years of age cannot be handled through written proceedings. If the proceedings are oral, all the parties involved will be summoned to court.

HOW DO I KNOW WHEN THE TRIAL WILL TAKE PLACE?

At the latest when you know that the case will be going to court, you should obtain a legal counsel for yourself, who will assist you in compensation and court matters. The district court will summon you to court, and you have to attend. The only justifiable reason for absence from court is an illness that prevents you from attending, confirmed by a doctor. The court summons will also ask you to name your compensation demands by a specific date.

By this point at the latest you should obtain a legal counsel, who will assist you in compensation and court matters.



WHO WILL BE PRESENT AT THE TRIAL?

If you are aged 15 years or over, you may be asked to appear in court to describe the events in your own words. If you don't want to come face to face with the person accused of the crime, inform your legal counsel or support person in advance. They will find out whether a meeting can be avoided.

At court the events in question will be discussed in full detail. The trial is led by a qualified judge, who decides whose turn it is to speak and settles on a verdict, either alone or together with a jury. The members of the jury do not have to have legal training. The legal counsels ensure that the views of both the victim and the accused are taken into account. The prosecutor's duty is to prove that a crime has taken place and that it was carried out by the defendant. The defendant is the person accused of the crime. The defendant is summoned to court to respond to the accusations made.

Witnesses are called to the trial to tell everything they know about the events in question. The witnesses are only present at the trial for their own hearing, and they are called in one at a time. The judge asks the witnesses to swear that they will tell the truth.

The parents and/or guardians of all those aged under 18 have the right to be present at the trial. In addition, there may be aides such as social workers, support persons or interpreters.

Most court cases are public, which means that there may also be outsiders present. If personal matters are to be discussed at the trial, you can ask to have outsiders barred from the court.

WHAT SHOULD I DO AT THE TRIAL?



The trial may take several hours. Breaks will be held if necessary. Bring a packed lunch or cash for snacks. You can wear your normal, everyday clothes. Be on time. Most courthouses carry out security checks on entry.

You may encounter the person accused of the crime already in the court waiting room. If you don't want to meet the accused, you can wait further away to be called into the courtroom via the loudspeakers. You can also ask in advance whether it is possible not to have to meet the accused person at all.

Turn off your phone when entering the courtroom. Prepare to tell in your own words how the crime happened and what damages it caused. Speak clearly and loudly into the microphone on the desk.

Remember to tell the absolute truth in court. The judge and jury will make their verdict based on what they hear during the trial. This is why you have to repeat things you may already have told the police. Describe every detail as carefully as possible, even if it feels embarrassing or awkward, and even if someone has asked you to keep something secret. People are used to hearing intimate and delicate matters in court. There is no shame in crying or becoming anxious when discussing difficult things.

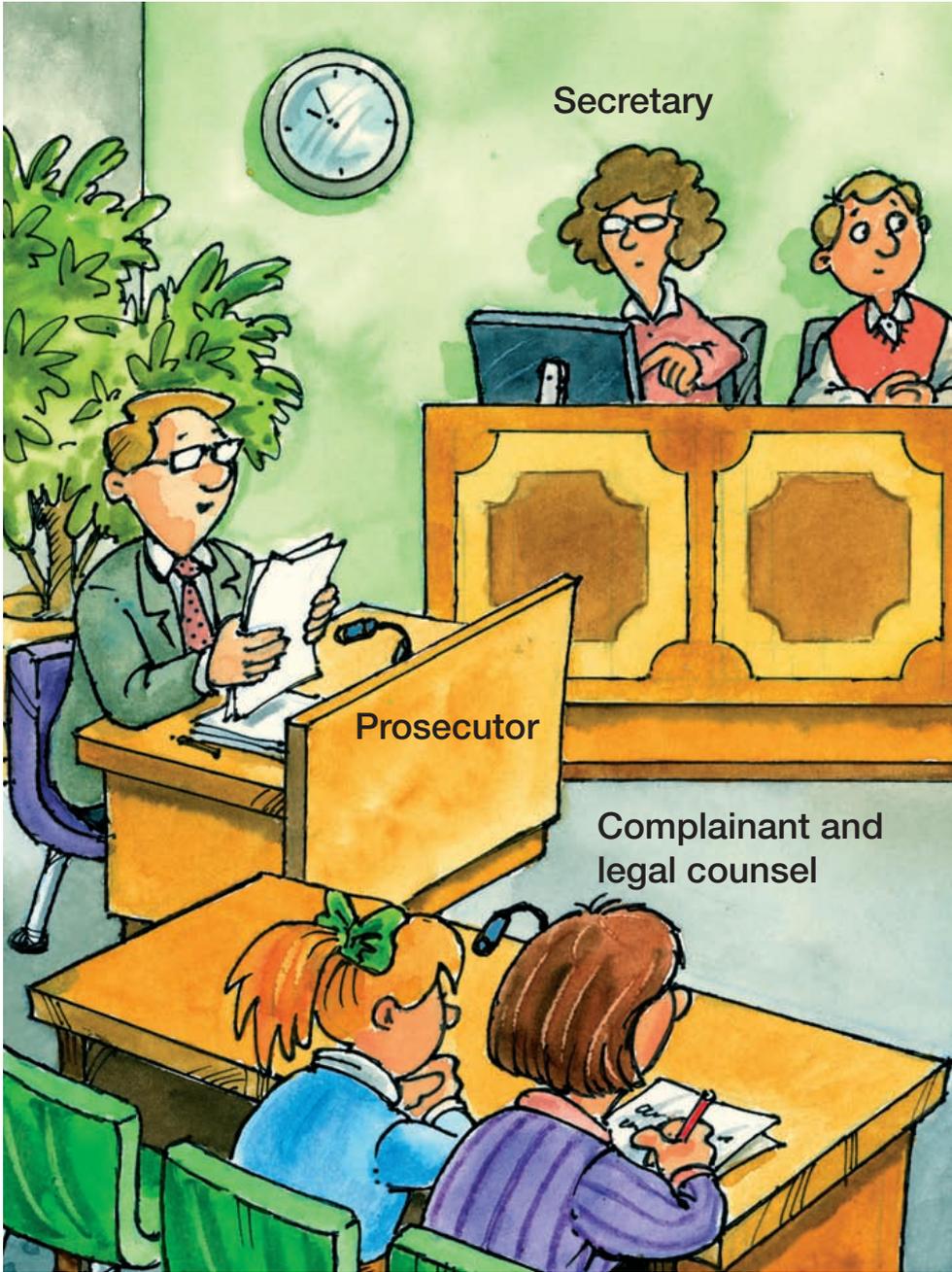
Keep calm, even if you feel that the accused is lying, belittling the matter or even laying the blame on you. The law does not require the accused to speak the truth. All those who decide on the verdict know this and will take it into account, and this will in no way diminish the value of your statement.

Further questions may be asked of you in court. If you can't remember everything or if you don't understand the question, say so. If you feel unwell or have to go to the bathroom, you can request a break.

WHEN AND HOW DO I RECEIVE THE VERDICT?



The decision of the court, i.e. the verdict, may be stated at the end of the trial. Otherwise it will be provided in writing by the district court office, usually within two weeks. Often your legal counsel will obtain it on your behalf. If you are not satisfied with the verdict, you can appeal against it to the court of appeal and, later, possibly to the supreme court.

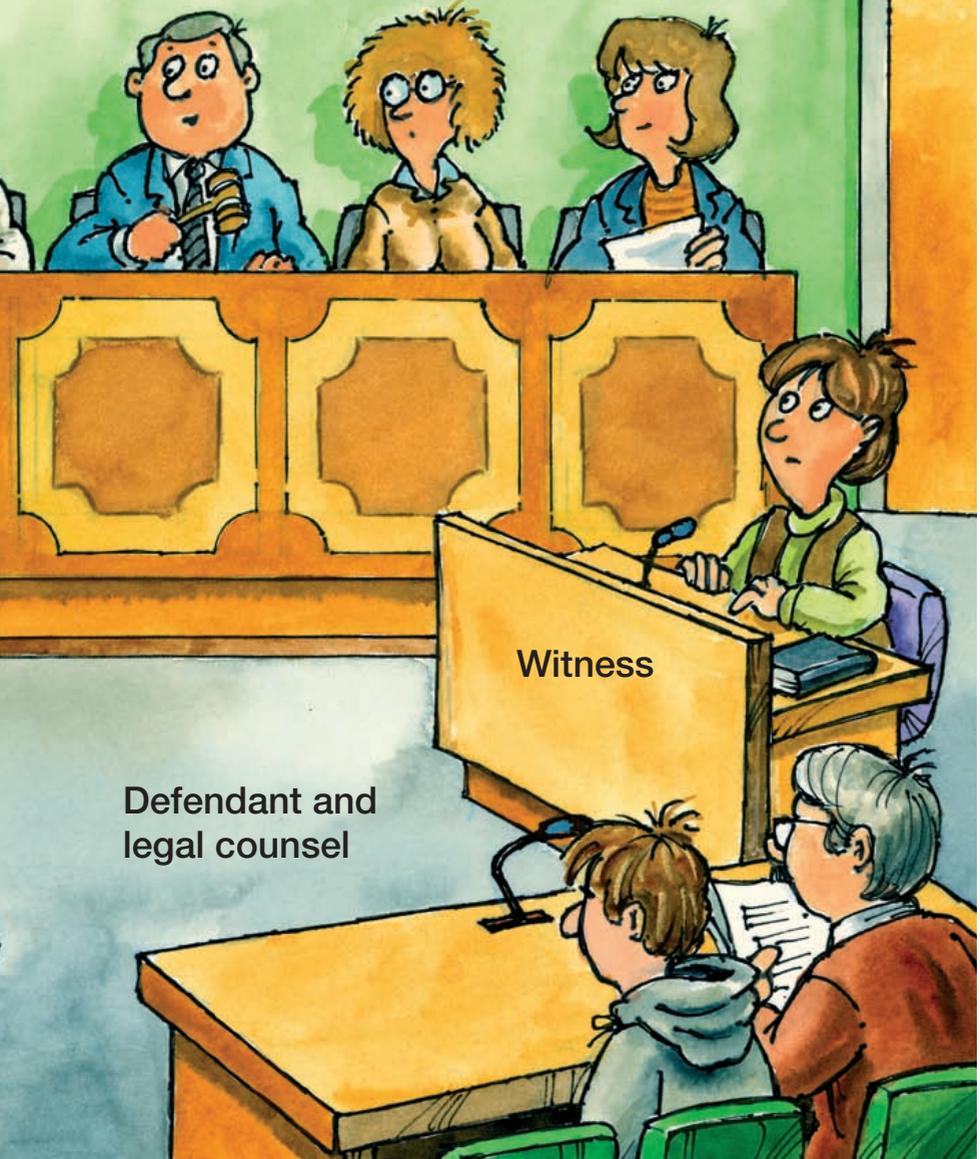


Secretary

Prosecutor

Complainant and
legal counsel

Judge and jury



Defendant and
legal counsel

WHY DO I NEED A LEGAL COUNSEL AND HOW DO I GET ONE?

Usually a legal counsel is needed whenever a case is handled in court. The legal counsel will advise you on legal matters and ensure that a demand is made to have you compensated for the damages done to you. The time to obtain a legal counsel is usually when the police have conducted their preliminary investigation and the case is transferred to prosecution by the prosecutor.

To find a legal counsel, contact a legal aid office. They are located in the larger towns and cities. You can also obtain a legal counsel from a private law firm (www.asianajajat.fi/english). When choosing a legal counsel, ensure that they are experienced in criminal cases.

WHAT KINDS OF DAMAGES CAN I CLAIM?

You are entitled to claim compensation for damages caused to you in many cases, for example if:

- you have been sexually abused or injured by hitting, kicking or with a knife or other object.
- you have been caused fear or other mental distress, in a way that has affected your life.
- the crime has caused you expenses related for example to health care or to replacing or repairing stolen or damaged items. Remember to keep all receipts for expenses.

WHAT IF THE PERSON CONVICTED OF THE CRIME WON'T PAY DAMAGES?



Even if the perpetrator of a crime is ordered to pay compensation for damages, they do not always do so. If a person fails to pay the compensation imposed by a court of law, you can apply to have it recovered by a debt recovery office or by the State Treasury. Your legal counsel can help you make these applications. Usually the State Treasury will not provide compensation for material losses, unless they arose as part of an assault.

HOW MUCH WILL IT ALL COST?

The legal proceedings will not cost you anything if the perpetrator is accused by the public prosecutor. There may be costs related to the work of your legal counsel, but if your income is low you do not have to cover them. Your parents' incomes are not taken into account in this case. For more information, contact the legal aid office (www.oikeus.fi).

Your family's home insurance may include legal expenses insurance, which will cover these costs. In certain types of crimes, such as offences, domestic violence or gross violence, the state may cover the costs of the legal counsel. In these cases you may use a private lawyer.

WHERE CAN I GO FOR HELP?

As the victim of a crime, you don't have to be alone. You should talk about what has happened with your parents or with another reliable adult. Often it also helps to talk with friends.

If the events were disturbing or if you need practical advice, you can turn for assistance for example to the police, the school nurse or welfare officer, or a youth worker you know. There is also information and professional advice online. On the internet you can ask questions anonymously, if necessary.

You can also seek assistance if there is violence in your home, even if it is not directed at you. If you know of someone else who has been the victim of a crime, also give them this information.

Finnish websites that can help in matters related to crime:

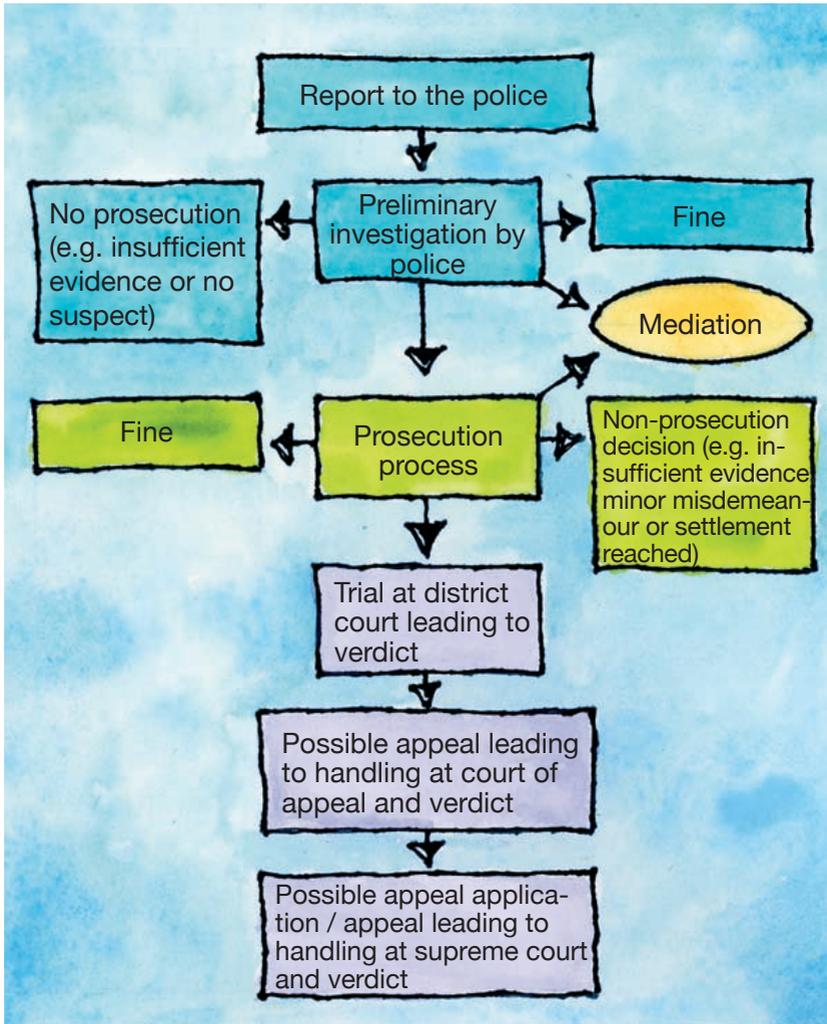
- Police: www.poliisi.fi
- Online Police: www.poliisi.fi/poliisi/home.nsf/pages/index_eng
- Victim Support Finland: www.riku.fi
- The Family Federation: www.vaestoliitto.fi
- Federation of Mother and Child Homes and Shelters
www.ensijaturvakotienliitto.fi
- Tukinainen Rape Crisis Centre: www.tukinainen.fi
- Save the Children:
<http://www.pelastakaalapset.fi/en/how-we-work/safer-internet-work/>
- Women's Line: www.naistenlinja.com
- Legal Aid Offices: www.oikeus.fi
- Private law firms: www.asianajat.fi
- Mediation in Criminal and Civil Cases:
<http://info.stakes.fi/sovittelu/EN/index.htm>

Other websites:

- Mannerheim League for Child Welfare: www.mll.fi
- Apua.info: <http://www.apua.info>
- Finnish Association for Mental Health:
www.mielenterveysseura.fi
- Red Cross Youth Emergency Shelters:
http://old.redcross.fi/apuajatukea/nuortenturvatalot/en_GB/index/
- Tyttöjen Talo: www.tyttojentalo.fi
- Poikien Talo: www.poikientalo.fi
- Verkkoterkkarit: www.facebook.com/verkkoterkkarit



THE HANDLING OF THE JUSTICE PROCESS



Possible verdicts from a court of law:

Fine, conditional imprisonment, unconditional imprisonment, community service, young offenders' punishment, probation, no sanction, unaccountability, or dismissal of charges.

More information on sanctions: www.rikosseuraamus.fi

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