



THE VICTIM IN THE CRIME PROCESS

Victim Support Finland guidebooks ● 7 (Updated 21.3.2022) Victim Support Finland's brochures and guidebooks: riku.fi/oppaat

REPORTING AN OFFENCE

Offences can be reported by the victim, by the police or by someone else. The report can be filed at any police station or online: **poliisi.fi**. The report should be filed as soon as possible after the offence to make the investigation easier.

The police ask all victims if they demand compensation. If the victim does not demand compensation, the case in a claimant offence will be closed. In case of an indictable offence, the police can investigate the matter and the prosecutor can bring charges against the suspect, even if the victim does not demand compensation. In some minor cases, the police may request the victim's consent for fining the offender without a trial.

The police will give a written certificate of the filing of a report. The decision whether to undertake pre-trial investigation is made based on the report.

As a crime victim you have the right to:

- File the report in a language you understand
- Receive all relevant documents translated into a language you understand
- Be aided by an interpreter in police interviews and during the trial

The victim's rights will be secured by the **VICTIM ADVOCATE**, such as filing for compensation.

The victim may present detailed and justified **CLAIMS FOR COMPENSATION** during the pre-trial investigation but must do so before the trial begins.

PRE-TRIAL INVESTIGATION

The pre-trial investigation aims to establish who the parties involved in the case are, the evidence, what has happened and the nature of the damage caused by the incident. The victim and the offender are interviewed separately.

The police can stop the investigation if they find no proof of a crime or of an offender, if they consider the overall financial effects of the crime insignificant, if the victim and offender have already settled the matter amongst themselves, or for some other reason specified by law. A case can be reopened later if necessary.

Normally, the police will draw up a pre-trial investigation report, which is sent to the prosecutor who will consider whether to bring charges or not. All parties involved in a case have the right to receive a copy of the pre-trial investigation report, free of charge.

CONSIDERATION OF CHARGES BY THE PROSECUTOR

The prosecutor considers whether there is enough evidence of a crime and of an offender, and whether the crime is such that charges need to be brought against the offender. If the prosecutor decides to press charges, the case will go to trial in the district court, either in a written procedure or in an oral hearing. A written procedure is possible only with the victim's consent, and if the accused has confessed to the crime.

If the prosecutor decides not to bring charges, the victim has the right to file a civil complaint against the accused. To exercise this right, the victim needs legal counsel and an assessment of the cost risk.

DISTRICT COURT TRIAL

Prior to the trial the victim will receive a summons to trial included with a certificate of receipt that has to be completed and returned to the district court. Usually, a request for information about any claims for compensation that the victim may have is also included in the summons. The summons also states whether you need to appear in court in person. The trial is held in the district where the crime was committed. The victim is entitled to a daily allowance, compensation for travel expenses and compensation for any loss of income for the duration of the trial.

In the trial, all parties involved in the case are heard, as well as witnesses, and claims for penalty and compensation for damages are presented. The trial can only convict the accused person and only of the crime of which he or she is accused. Trials are public unless the judge decides that the trial will be held 'behind closed doors'.

MEDIATION offers the parties an opportunity to discuss the crime through voluntary mediators and to come to an agreement on compensation for the damages. In cases of domestic violence, however, only the police or the prosecutor have the right to suggest mediation. Mediation services are provided free of charge, and they require consent from both the victim and the offender. Depending on the mediation agreement, the trial can be discontinued altogether, or the mediation agreement can be taken into account in the sentencing.

SENTENCE AND APPEAL

The judgment of the court is issued either immediately or within a few weeks. The judgement can be appealed within a certain period of time. Some types of offences can only be appealed if the court issues a permission to do so. The process in the appeals court is similar to that in the district court. For a case to be considered in the Supreme Court, a special appeal permission needed.

COMPENSATION FOR DAMAGES

Compensation ordered by court may be collected through enforcement. How the offender will pay the compensation can be worked out on behalf of the victim by the victim's advocate. Compensation for damages in the case of offences against life, health and liberty can be paid directly from the State Treasury.

VICTIME PROTECTION

- If the victim feels threatened by the offender, he or she can apply for a restraining order.
- The police will discuss the matter with the victim and decide whether special protection is needed during the pre-trial investigation and the trial.
- In the case of serious crimes, the victim has the right to be informed when the prisoner is released.

ASK FOR HELP.

Victim advocates from Victim Support Finland will help you throughout the processing of a crime. We can be present when you report the crime, during the hearings, when meeting with your legal counsel and throughout the trial.

- We will help you in processing emotional difficulties arising from the process.
- We will help you with special arrangements, such as if you do not want to face the offender during the trial.
- We will help you find legal counsel and information about how much the process will cost you.
- We will help you prepare for mediation talks.
- We will help you in matters relating to the enforced payment of compensation and in filling out the application to the State Treasury.

 riku.fi

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Victim Support Finland provides support free of charge throughout Finland – online, by phone at 7 regional offices and 31 service points.

Information about all our services and contact data is available online at riku.fi

