

# ***What I wish I knew – my personal story***

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## **Part 1 - My Journey**

I am a crime victim. On 12 August 2007, I was Helen, wife of Garry Newlove and mum of three young daughters, Zoe, Danielle and Amy. That morning, I woke up a wife but went to bed a widow. Our daughters lost their dad when a gang beat him to death on our family doorstep. The consequences were devastating, yet nothing prepared me for the way our girls were treated by the courts and criminal justice system. I learned the hard way that whilst the needs of victims and witnesses are easily forgotten, the ramifications will linger forever.

## **I want to help**

I hope this guide helps your journey as you struggle through the justice system at a time in life when you may be drained and struggling to get one foot out of bed.

I also hope that sharing my experiences of the justice system following Garry's murder, reassures you that you're not alone.

Everyone deals with bereavement differently. Agencies are there to support you, and you have the right to be treated with sensitivity and respect at **ALL TIMES** and ask questions if you're unsure about anything. The purpose of my story is to help you to get the best out of the services available. I want nobody to suffer in silence.

Nothing prepares you for dealing with the aftermath of a crime. Overnight I was plunged into an alien world of police, courts, lawyers and judges.

The judicial journey is very different from TV dramas. You may find yourself wading through reams of information from different bodies, written in an incomprehensible language. Like me, you may find it all confusing, not knowing where to turn.

## **Part 2 - What does 'victim' really mean?**

Following the immediate shock of the crime, when you're stunned, you need to come to terms with the fact that you are a 'victim'.

As we were bereaved victims of a murder, the police gave us a Family Liaison Officer (FLO), and we couldn't have been in safer, more supportive hands through the trial. To this day, I appreciate everything they did. Our lives changed overnight, my family became public property and my daughters had people queuing up to interview them.

Police interviews focus on what you remember about events leading up to the crime, the crime itself and the aftermath. I was asked questions, over and over. My home was filled with people, making me feel I had no control over who came in or how I planned my day.

Garry's murder dominated the headlines but I had no experience dealing with the press. Just remember....

*You have the right to see people at a time convenient for you. Ask for an appointment to be rearranged if it doesn't suit you.*

*You can discourage professionals from dropping by. Ask them to contact you before they visit and the reason why. You should always know who is coming and what agency they're from.*

*You can arrange for a friend or relative to accompany you to appointments.*

*Tell people whether you'd like to be contacted by phone, face-to-face contact or email, and make it clear what works best for you.*

*Speak to police regarding media - they can support you in how best to deal with their attention.*

## **Understanding the Criminal Justice System (CJS)**

The criminal justice system can leave you utterly confused. I found that agencies often tell you things at a stage when you're unable to take it in. But it's unreasonable for agencies to expect victims to grasp it by being told once.

Information is only useful if you understand it, and have time to digest it. I wish I'd known that:

*Never feel embarrassed admitting you don't understand. Professionals with years of experience under their belt can explain information easily. But they didn't gain it by being told only once or handed a leaflet!*

*If you don't understand something, ask the professional to explain it again. If necessary, say you need time to consider it if you're pressed for a decision.*

*You can ask for a friend or relative to be present when people talk to you. They can take notes and may recall details clearly, to help you see the bigger picture.*

*Leaflets can be helpful but nothing beats a proper verbal explanation. Keep all your written notes in one place if you decide to go back over it in future.*

*When reading victim-related information, jot down any questions. Then ask whoever gave it to you to explain anything unclear. Chances are, if you don't fully understand what's being said, other victims won't either so don't stay silent.*

## **Part 3 - Court trial for victims**

### **Giving evidence**

Some aspects about the court experience shocked me to the core. Nothing prepared me for the anguish I felt for my daughters giving evidence.

Whilst I had the utmost respect for our justice system, my experience sickened me. Sitting in court hearing the professionals discussing the trial, my ears pricked up hearing Garry's name, but I soon deflated realising he seemed nothing more than a 'case file'.

**You may hear that you're only a witness to the crime and that the prosecutor is acting for the Crown and not you.** This is technically true but an insult. You're a victim and have the right to be treated with dignity and respect. No one should make you feel you're a nuisance or incidental to court proceedings. Ask as many questions as you need, and take time before making any decisions.

**Cross-examination of witnesses who are often victims can be traumatic.** It may feel like the witness is bombarded with personal, irrelevant or distressing questions. It happens because the lawyer defending the accused will attempt to weaken the case against them. The judge can intervene if they think the cross-examination is too aggressive or inappropriate. Nevertheless, many victims feel retraumatised by giving evidence in court.

**Witnesses are barred from talking to each other until after they've given evidence.** My daughters and I were all witnesses in Garry's murder trial, which meant I couldn't speak to them, hug them or offer words of reassurance before they gave their evidence.

**Cross-examination of witnesses is a fundamental part of our Justice System.** Find out as much as possible about what happens in court before the trial. There have been some improvements over the years. Under the Victims' Code, victims are entitled to special measures to help make their experiences in court less traumatic. For example, you can now give evidence behind a screen or video link. The Crown Prosecution Service, police or court witness service can explain what measures are available. Ask as many questions as you want as these services are there to support YOU!

**Courts are open to the public and anyone can sit in the public gallery to watch proceedings unless the judge rules otherwise.** The CJS stress the importance of justice being open to all. This means your family and friends can watch proceedings and support you. However, I wasn't prepared to see families of the accused sitting alongside you in the cafes, lifts and toilets, making an already difficult situation even harder.

Despite attempts to provide separate waiting areas for offenders and victims and their respective families, in many courts there's a long way to go. Before you go to court, ask what can be done to help prevent you from bumping into the offender and their family. My FLO's warned me to be prepared about walking the corridors outside the Courtroom because no special facilities were reserved for family of the victims.

The Witness Support Service aims to help court witnesses so it's worth talking to them. If you're given a leaflet, I suggest reading it during a quiet moment. You may find it helpful asking a friend to read it, so you can check you've understood. The witness support team was sensitive to my family's needs, though at times they had their hands tied. For example, the waiting room they found for my family doubled up as a witness video link room, so if another trial was listed, we couldn't use it. You may have a long trial so bring your own tea, coffee and snacks to cut costs.

## **Victim Personal Statement (VPS)**

As a crime victim you're entitled to make and read aloud a Victim Personal Statement in court. The VPS is a chance to say in your own words how the crime impacted you and your family. It can include physical, psychological, financial, practical and emotional impact. You don't have to make one, but you have the right to do so. If you haven't written a VPS and want to consider it, ask the police or Witness Support Worker about it. Your voice is important, so seek help if you need support to complete your VPS.

## **After the court case**

After a tense, distressing trial, even a conviction didn't ease my pain. I felt bewildered. My life changed from one with a clear focus to one where everyone who'd provided support disappeared. Suddenly I was expected to get on with my life. When I closed our front door, my daughters' eyes seemed to ask, 'What do we do now mum?' It's like breaking your ankle only to realise your crutches are snatched away. You are truly alone.

Nothing prepares you for this and it's worth giving yourself breathing space to think about what help you need to adjust. Consider talking to your local victim services or seeking counselling. I understand the crossroads when you struggle to work out whom you need to speak to next, so I've added a phone number for the Victims Information Service at the end of this pack.

Give yourself time and take small steps. There's no set pattern, as I say, we're all different with unique needs.

## **Part 4 - Sentences and appeals**

### **Remembering what happens in court**

When I look back at Garry's trial, I remember some of the Judge's comments, but so much detail is a blur probably because I was still in shock.

Some victims find it distressing that they can't recall exactly what happened. Maybe you want to remind yourself what happened so you're able to answer questions from your children when they're older. To help remind you, ask for a copy of the judge's summing up statement and their sentencing remarks. They're on public record and the police or witness support worker should be able to get you a copy.

### **Sentencing**

If the offender pleads guilty or is convicted, the Judge or Magistrate will pass sentence immediately or fix a date for sentencing. Be aware and make sure that you're notified of the date.

Sentencing is emotionally hard for any victim and it's essential to ensure the Crown Prosecution Service, Police or Witness Support worker helps you understand the different sentencing options so you know a bit about how they operate. A brief explanation is below:

### **Community sentences**

If the offender receives a community sentence, there must be a punitive element. This could be community payback, a fine or curfew. An offender will serve the full community sentence.

### **Prison sentences**

There are two types of prison sentences – determinate and indeterminate.

A determinate sentence means the offender has been sentenced to a specific number of years, e.g. a 10-year sentence. An offender will serve at least half their sentence in prison and the rest in the community, on probation supervision, known as 'on license'.

An indeterminate sentence (often known as 'life') means the offender serves a minimum period in prison (known as the tariff) set by the judge. Once the tariff has been served, the Parole Board decides whether it is safe to release. When an offender serving a life sentence has been released, they're subject to probation supervision, potentially for the rest of their life, known as 'life license'.

### **Sentencing of young offenders**

If offenders under 18, commit an offence which normally carries a sentence of 'life imprisonment', they're sentenced to the equivalent sentence known as 'Detention at Her Majesty's Pleasure'. As with adults, the young offender is set a tariff, but they can apply to the courts to have this reduced if they make good progress.

### **Appeals against sentence and conviction**

When the judge has passed a prison sentence, it gives you an idea how long the offender will spend in prison. Remember, the offender is entitled to appeal against the length of the sentence (and/or the conviction - though this is more rare).

Under the Victims' Code, you're entitled to be informed if the offender is going to appeal and the outcome. The appeal may be weeks or months after sentence, and the police and victim services can tell you more, including how you can attend if you wish to. Be aware that the outcome may be a reduced sentence. You can't change this, but at least you can try to prepare mentally.

As well as appealing their sentence, young offenders can apply to have their tariff reduced once they've served half of it. If a judge decides the offender has made *exceptional progress* the tariff can be reduced, and they can be considered for release sooner.

Remember you're entitled to make a VPS and attend Court to hear the judge's decision if you choose. The National Probation Service, police, or Witness Support worker should be able to tell you more.

## **Part 5 - Probation services**

### **Offenders on license**

Once released, an offender must report to a probation officer and restrictions can be put in place instructing them where they can live and what they can do.

### **Rehabilitation for victims**

The National Probation Service runs the Victim Contact Scheme (VCS). This is an opt-in service currently only available for victims of the most serious and violent crimes. I was advised about this scheme after Garry's trial ended, but I was too shell-shocked to take in any more information.

By signing up to the VCS, you receive basic information about the offender, particularly regarding their release:

You're informed if the offender has periods of temporary release, or moves to an open prison.

You're able to request license conditions that could be included in the offender's release license, which may give you reassurance. For example, a condition not to contact you or ban the offender from your hometown.

If the offender has been given a sentence where the Parole Board determines release, membership of the VCS enables you to choose whether to prepare a victim personal statement (VPS) for parole hearings. The statement informs the Parole Board of the impact of the crime on you, when they consider whether to release the offender into the community. They'll also consider a VPS if the offender is sent to a lower security prison or be considered for temporary release.

You must give consent to be included in the scheme, otherwise the probation service is legally prevented from keeping your contact details on their records.

Of course, it's a very personal decision whether you opt to receive any information about the offender. If you decline to participate, I suggest you keep note who to contact, if you should change your mind in future.

## **Part 6 - Remember, you're not alone**

Dealing with the justice system can plunge you into an alien world at a time when you're struggling to rebuild your life. But remember, there are many fantastic services to help victims. The CJS is becoming more aware of the importance of supporting victims, rather than just seeing them as a means to secure a conviction. Some areas try to make things easier by giving victims a sole contact for help and advice. This is a positive development, and I'd encourage you to keep their number safe and contact them whenever you're unclear about anything. They can put you in touch with other services that can help you in the months ahead.

I know only too well how crime can change your life forever. Nothing can turn back the clock. But healing is possible, and, if you're like me, there'll be good days and bad. Services and agencies can help you probably more than ever. I'd encourage you to ask agencies questions and be clear about your needs. We hear a lot about the *victim's voice* these days, so speak out, expect to be listened to and if you're dissatisfied, speak up.

There isn't an easy rule for how victims cope. Indeed, you may still be trying to make sense of the harm that's happened. If we smile, people think we're moving on, yet inside we're heartbroken. But although you don't forget, you can still recover and carve out a happy future.

That's why I hope my guide has provided some help. And if you only find one section useful, then I'll be satisfied.

***Remember, we're all different with different needs, but by -***

***Coming together this is the beginning  
Keeping together is progress  
Working together will be a success***

For more support, visit the [Victims and Witness Information site](#).