

## Victim Rights

### VICTIMS HAVE THE RIGHT . . .

- ☐ To be reasonably protected from the criminal defendant or the convicted criminal throughout the criminal justice process;
- ☐ To be present at any criminal proceedings where the defendant is present;
- ☐ To be present and heard by the court if defendant is sentenced;
- ☐ To be notified, if requested, when a defendant is released from physical custody;
- ☐ To refuse an interview, deposition or other discovery requests by the defendant, the defendant's attorney, or other person or persons acting on behalf of the defendant;
- ☐ To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury;
- ☐ To have all relevant evidence admissible against the criminal defendant;
- ☐ To have a copy of a transcript of any court proceeding if one is otherwise prepared;
- ☐ To have no sentence set aside or modified except through pardon or the court process;
- ☐ To have all charges against a criminal defendant arising out of a single criminal incident, tried in a single trial;
- ☐ To be consulted, upon request, regarding plea negotiations involving any violent felony;
- ☐ To have a no contact order in place upon release of defendant if offense constitutes domestic violence;
- ☐ To not have victim's address and phone number released to defendant by defense attorney;
- ☐ To be informed of these rights as soon as reasonably practical.

## Clatsop County District Attorney's Office Victims' Services Unit

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## UNDERSTANDING THE CRIMINAL JUSTICE SYSTEM

### The Court Process, Restitution, Crime Victims' Rights & Compensation



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There are many steps that occur between the time a crime is reported to law enforcement and when the case is concluded in the courts.

When a crime is reported to law enforcement, an officer is sent to the crime scene to find out what happened. An arrest may be made at that time. In some cases, a detective will be assigned for further investigation. The officer or detective will gather evidence and write a report that will be sent to the district attorney with a criminal charge indicated on the report. The district attorney's office receives over 2,000 such reports each year.

The office of the district attorney assigns the report to one of the deputy district attorneys. The report is evaluated to determine if there is enough evidence to file charges. At this time one of three things will occur: 1) no charges are filed due to lack of evidence; 2) further investigation is required and law enforcement is asked to obtain the information; or 3) charges are filed in a document called an information or complaint depending on whether the charge is a misdemeanor or felony.

### **GRAND JURY** (If the charge is a felony)

A grand jury is a panel of seven persons. The grand jury listens to the witnesses presented by the district attorney's office, and based on that evidence may indict the defendant if five of the jurors concur. Neither the defendant nor the defendant's attorney is present during the grand jury process. If a the grand jury panel determines, based upon the evidence, a crime has been committed, a "True Bill" is signed and the defendant is indicted on the felony charges.

There are several times a defendant may be brought before the court after a crime is committed:

### **ARRAIGNMENT**

If a suspect is arrested and held in jail, this hearing must take place within 36 hours. The appearance will occur before the case is brought before a grand jury. If the suspect is not held in jail or is released on bail, a summons will be issued after the district attorney has filed formal charges. This appearance can take place up to a month after the charges are filed.

At this hearing the charges will be read to the defendant, he will be advised of his rights, and appointed an attorney if needed. Bail will be set in almost all cases regardless of the crime committed. The suspect may agree to appear and be released on personal recognizance. Other conditions of release such as a no contact order with the victim can be addressed. The defendant will enter a guilty plea or not guilty plea at this time.

### **CASE MANAGEMENT CONFERENCE**

At the arraignment hearing, the court will set a date for a case management conference. At this conference meeting, the defendant and attorney meet with a deputy district attorney before the presiding judge to review the pre-trial offer prepared by the district attorney's office and attempt to resolve this matter. If a resolution is not met, the court may set an additional case management conference. If an agreement is not reached at either management conference, the court will set the case for trial. If the defendant enters a plea at the resolution hearing, the court may proceed to sentencing, unless the victim would like to attend the sentencing. The court would then set over (postpone) the sentencing to give the victim the opportunity to speak to the defendant and the judge about the impact of this crime. If the victim is not comfortable appearing in court, a written victim impact statement may be provided and read into the record in open court.

### **MOTION TO SUPPRESS**

This is a court hearing at which the defendant or his representative requests to suppress, or keep certain evidence out of the trial.

### **CHANGE OF PLEA HEARING**

This hearing takes place when the defendant reconsiders his original plea, and chooses to plead guilty to charges against him/her. Sentencing often occurs at this time. Again, the district attorney's office will make every attempt to contact the victim and advise them of the status of the case. If the defendant pleads guilty to the charge, a date for sentencing will be set and a pre-sentence investigation (PSI) may be ordered. Every effort will be made to advise the victim of the scheduled sentencing date. If the defendant pleads not guilty, a trial date will be set in due course.

### **TRIAL**

Subpoenas are issued to anyone who will be testifying in the trial. If the trial is called off or postponed, witnesses will be notified by the district attorney's office. *If you do not receive a phone call from the district attorney's office, please call the phone number on the subpoena to verify if the trial is still going forward.* Because there are so many cases in the court system and only a certain number of trial days, a trial may be reset multiple times.

Trials can be heard before either a jury or only a judge. Many times witnesses may not come into the courtroom until they testify. Trials are open to any interested person who is not a witness.

### **SENTENCING**

Sentencing may occur quickly, if a Pre-Sentence Investigation (PSI) is not ordered. If a PSI is ordered, a sentencing date will be scheduled after a conviction or change of plea hearing. Victims are encouraged to use this time to write an impact letter to the judge (whether or not they can be present at sentencing) explaining how the crime has affected them. Victims have a right to be heard at sentencing, either in person or by written statement.

### **RESTITUTION**

The court may order a defendant to pay restitution. Restitution is money, which the offender pays to reimburse you for medical bills, property damage, and other financial losses, which were a direct result of the crime. Restitution is paid to the state court where a record is kept of the amount received. The victims services unit will send the payment to you. Important! In order to ensure prompt delivery of restitution payments, you must notify the district attorney's office and the court if you change your address. The local community corrections office usually monitors restitution payments.

### **CRIME VICTIMS COMPENSATION**

The Oregon Department of Justice administers a program, which provides money for people who suffer personal injury as a result of a crime. If you suffered an injury that lead to medical expenses, resulted in loss of wages, or temporary or permanent disability, you may be eligible for benefits under this program. *There is no money for property losses.* If you are interested in learning more about this program, contact the victim services unit. The district attorney's office does not administer this program, but we will help you apply for compensation.

### **SERVICES PROVIDED BY THE VICTIMS SERVICES PROGRAM**

It is the goal of the Clatsop County District Attorney's Office Victim's Services Unit to provide information and support to crime victims. It is our desire to see that the criminal justice system does not cause a second injury to the victim. Our office assists victims with ongoing case status, community resources, assistance with restitution, crime victims' compensation, victim impact statements and court appearances. If our office cannot meet your specific needs, we will refer you to an appropriate social service agency, which can help you in coping with the problems resulting from the crime.