

Criminal Justice Process for Special Assault Cases in King County

Process:	Timeline:
Initial police report filed: Case is assigned to detective for investigation.	1 – 7 days.
Interviews: You may be asked to attend an interview with a detective or a joint interview with a detective, prosecutor and advocate. If the victim is a minor, your child would meet with a child interview specialist. A Victim has the right to have an advocate present at any interview.	Usually occurs within two weeks of police report.
Arrest of suspect: Arrest can depend on case circumstances and police discretion. Suspect may also be arrested and booked into custody. Others may be released after initial arrest and booking.	Possibly at the time of initial police reporting, arraignment, because of a warrant or if there is a violation of a no contact order or protective order.
Investigation: Detective will conduct interviews of witnesses and possibly of the suspect. After collecting possible evidence, the detective will submit the case to the prosecutor for a filing decision.	Usually occurs within three months
Review for Filing Decision: The prosecutor will review all the information in the case file and decide to file charges, decline to file charges or send case back to detective for more investigation.	Usually occurs within three months of the case being submitted to prosecutor.
Arraignment: The defendant is informed of the criminal charges, bail amount set, and no contact orders are entered. A Victim may be able to address the court regarding concerns of safety or the defendant's risk to flee.	Arraignment occurs within two weeks of charges being filed.
Case Setting Hearing: The case setting hearing is either: (1) set for trial, (2) a plea date is set, or (3) continued to allow for time to review the case.	Case Setting hearings occur within three weeks of arraignment. After the initial case setting hearing, there are commonly 4 - 10 hearings set about 3-4 weeks apart.
If case goes to trial:	If suspect pleads guilty:
Defense Interview: Defense attorney has right to interview all witnesses in case. Victim has right to have prosecutor and an advocate present at any interview. The defendant is <u>not</u> present at the interview.	Plea Hearing: The defendant enters a plea of guilty and a sentencing date is set approximately 4-6 weeks after plea.
Omnibus Hearing: Trial readiness hearing. Set about ten days in advance of trial.	Sentencing: Sentencing is generally scheduled for Friday afternoons. A Victim has a right to address the court at the sentencing; in person, in writing or through their advocate.
Trial: Generally trial date is 6 months – 1 ½ year from arraignment date. Victim has the right to have advocate or support person present in court when they testify. Trial outcome will be conviction, hung jury or acquittal. If defendant is found guilty, sentencing will be set out 4 –6 weeks .	Note: Your Legal Advocate will provide support and information regarding your rights and choices through each step of the legal process. Please let your advocate know if you have any questions or concerns. This information is provided by King County Sexual Assault Resource Center . If you need to speak to someone immediately, please call our 24hr resource line at 1-888-99VOICE .

Court Glossary

Legal Advocates provide support and legal information confidentially and free of cost. The advocate can assist you in navigating the criminal justice process. They help you understand what to expect, provide legal updates, information on your rights and options, accompany you to interviews or court hearings, connect you with other professionals involved in your case and advocate for what you would like to see happen.

Prosecutor The attorney for the State of Washington who is responsible for prosecuting people who commit crimes.

Filing Charges When the Prosecutor formally accuses someone of having committed a criminal offense, that person is "charged" with a crime.

Arraignment A court hearing at which a defendant is formally notified of the charge(s). The defendant has an opportunity to enter a plea to the charges against him/her. In most cases a plea of "not guilty" is entered at this stage of the criminal court process.

Bail The temporary release of an accused person awaiting trial, sometimes on condition that a sum of money is lodged to guarantee their appearance in court. Bail amount is ordered by a judge. The judge considers the defendant's public safety risk, ties to the community, flight risk, previous criminal record and seriousness of the accused crime. Bail is not used to keep someone in custody, but to ensure the defendant returns to all court hearings. You can ask your advocate to share with the prosecutor any specific safety concerns you may have. You may also be able to address the court.

Sexual Assault Protection Order (SAPO) is a protection order entered at arraignment involving criminal sex offenses. The order requires the defendant to have no contact with victim directly, indirectly or through third party. A victim may also petition the court for a civil SAPO. An advocate can assist you with filing the paperwork and accompany you to court. A violation of these orders can result in arrest and new criminal charges.

No Contact Order is an order of protection put in place by the Court. The Judge orders a defendant to have no contact directly, indirectly or through third party with the victim and other witnesses. In some cases defendants are ordered to have no contact with any minor children or no unsupervised contact.

Case Setting This is a pre-trial hearing that happens several weeks apart. Criminal cases commonly have anywhere from 4-10 case settings. At a case setting hearing the case is either set for trial, set for a plea date or continued for further discussions.

Meet and Greet A chance for you to meet with your advocate and the prosecutor assigned to the case. You can ask questions or address any concerns you may have.

Defense Interview is a pre-trial interview that is requested by the defense attorney. The defendant is not present. If defense contacts you directly, you can refer them to the prosecutor's office to schedule a time to meet. You have a right to have your advocate or support person present with you along with the prosecuting attorney anytime you are asked questions about the case.

Plea Deal When the defense attorney and prosecutor negotiate a resolution for a criminal case. The prosecutor will request the victim's input before making a formal decision. The defendant agrees to plead guilty as charged or to an agreed-upon lesser charge. The trial date is then stricken and the case goes will be assigned a date for sentencing.

Special Sex Offender Sentencing Alternative (SSOSA) is a sentencing alternative that gives sex offenders an opportunity to serve all or part of their sentence out of custody while participating in a sexual deviancy treatment program. The defendant must go through an evaluation process and provide the evaluation to the prosecutor. The prosecutor will share their perspective on the appropriateness of the SSOSA request and involve the victim's input before making a formal decision.

Subpoena A legal document ordering a witness to appear in court and give testimony on a case. If you receive a subpoena, contact the number listed for further instructions. Most often, the date listed on the subpoena is not the actual date you will be instructed to come to court.

Omnibus Hearing Also known as a trial readiness hearing; this is a brief hearing a few days to a couple of weeks before the trial date. If parties are not prepared, a new trial date will be set.

Trial is a formal examination of evidence by a judge, typically before a jury. The State bears the burden of proof. After listening to all the testimony and the evidence presented, the jury deliberates. The jury's decision must be unanimous to find someone 'guilty' of a crime. If the jury is unable to reach a consensus; this is called a 'hung jury'. An 'acquittal' is if the jury finds that the prosecutor was not able to prove the case.

Sentencing is the hearing where the defendant is presented with the punishment for crimes they have pled guilty to or been convicted of. The victim and family have an opportunity to address the court about what they would like to see happen and how they have been impacted. An advocate is available to assist you.

