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| General Criminal Investigation Timeline Part II | | | |
| Timeframe | **What happens** | **Points of Advocacy** | **Victims’ Rights** |
| Initial Disclosure | Reporting | Offer your belief and validate the client’s experience; allow client to speak their truth; explain the reporting process – what client may expect to help reduce fear/anxiety; inform client of who, what, where, when and why if possible; address safety concerns; answer questions; inform client of privacy rights when reporting.  After initial report is made to police department – depending upon what client wants, advocate should be prepared to help facilitate getting the report forwarded to the prosecutor’s office for potential filing. This may mean finding out what other information the detective may need/want, clarifying exactly what is preventing the detective from forwarding the report is made the prosecutor, and generally being proactive about what happens once a report is made depending on what the client would like your assistance with. | * Right to a support person * Communications with sexual assault advocate are confidential as are program’s records * May file a police report at any time * May file an amended report if client believes the report to be inaccurate * If appropriate, apply for Crime Victim Compensation Benefits |
| Generally Within 2 Weeks | Interview with Victim & Police and/or Prosecutor  Arrest of Suspect | Explain interview process to victim prior to interview. Inform victims they may take breaks and ask interviewer to repeat themselves if they don’t understand the question; can refuse to answer questions that are not directly related to the sexual assault incident in question.  Make NO assumptions about how the victim feels.  Reassure the victim that they are not in trouble and talk about the threats perpetrator may have made to victim if he/she tells about the abuse.  If client desires prosecution, encourage law enforcement to forward report to prosecutor.  If suspect is arrested as law e3nforcement and/or the prosecutor when he/she will likely be released – think about advocating for the higher bail amounts. | * Right to a support person * Right to privacy * Ask to be informed when suspect is likely to be in released if he/she is in custody * Make sure prosecutors know of any restrictions client would like on suspect if he/she is released, e.g. no contact with victim or children, etc. |
| 3-6 Months (Depending on Crime Lab Backlog) | Charges Filed or NOT  Arraignment | Prosecutor makes a decision based upon the available evidence whether or not to file a criminal action against the perpetrator. The standard they use is whether they believe they can convince a jury beyond a reasonable doubt that this person committed this crime. Often the prosecutor will decline to file criminal charges. This is an opportunity for advocacy. Find out why they declined – what additional information would be helpful, with the client’s authorized consent (if the client desires prosecution) inform the prosecutor of the client’s desires and/or concerns.  Discuss with client decline is not equivalent of prosecutor not believing victim – can call or meet with prosecutor regarding decision if helpful to client (only if client desires).  At arraignment make sure any conditions of release are included on the record (no contact provision) inform prosecutor if client wants to make statement if defendant is going to be released on bail – potential for advocating to prosecutor why normal bail amount may not be appropriate. | * Right to a support person * Right to give input about charging to the prosecutor * Right to privacy * Victim has right to attend all court proceedings; defendant attends with judge’s discretion * Victim has right to address court whenever defendant’s release is considered * Victim has a right to counsel (to represent their interests) |
| 3 – 6 months (Depending on Crime Lab Backlog) | Defense Interviews | Victim may request that defense counsel requests an interview through the prosecutor’s office. Inform client who is likely to be present at the interview. Victim may refuse to be interviewed by defense counsel. If they agree, victim may request that interview occurs at a time and place convenient for them. Victim should be provided with information about recording of any interview – victim may consent or not. If victim refuses interview with defense counsel, may be called to appear at a deposition. | * Remind prosecutor that victim has a right to be informed of any plea offers and to give input regarding what may happen to the defendant. * The victim has a right to be present at the plea hearing. |
| 3 – 9 Months | Case Setting Hearing – aka Omnibus Hearing/ Case Readiness Hearing | Describe what this is to client – let prosecutor know of any upcoming future dates the client will be unavailable (vacation plans) so as not to set a trial date in conflict with victim’s already existing plans. Inform prosecutor of victim’s work schedule and what days and times are preferable for testifying in order to reduce client’s stress regarding absences at work. Talk with prosecutor and get a sense of realistic trial time line so client knows what to expect… | * Right to a support person * Review Crime Victim’s Bill of Rights – give client a copy. |
| 9 - 12 Months | Trial | Work with prosecutor to help alleviate client’s anxiety – explain court process, visit courtroom prior to testimony; inform client of who will likely be in the courtroom; address all safety concerns and any other concerns client may have, e.g. day care attire, transportation.  Talk with client about importance of victim impact statement depending on outcome of trail – they may submit a written statement to the court and/or read a statement out loud while the defendant is present. Keep client well informed before and during process of what is happening. | * Right to s support person * Right to have employer contacted to minimize any problems related to absence at work. * Right to have witness fees such as parking and mileage reimbursed * Right to be informed of any changes in court dates in which they have been subpoenaed for. |
| Within 40 Days of guilty verdict or entry of guilty plea | Sentencing | Inform client how victim impact statement may be used depending on defendant’s sentence. Help Client draft statement as effective court document. Discuss with client conditions that victim wants imposed on defendant when he/she is released. Make sure they are communicated to the prosecutor and included in the victim impact statement. Inform client about victim/witness notification through Department of Corrections. Inform client that evaluations of the defendant for SOSSA eligibility and/or sexual deviancy may delay sentencing date. Inform prosecutor of dates that victim will not be available. | * Right to a support person * Right to submit and/or read a victim impact statement to the court * Right to request specific conditions be imposed on defendant upon release * Right to restitution * Right to secure waiting area * Right to have any personal items used as evidence returned * Right to ask that defendant be tested for HIV |
| Depends on type and length of sentence – less credit for good time served | Post Sentence – Release | Determinate Sentence – offender is sentenced and fulfills length of sentence, May be released under community supervision but cannot be returned to prison for violating conditions of release – only remanded to jail for up to 60 days  Determinate Plus Sentence – Victim impact statement is further reviewed by Indeterminate Sentence Review Board to determine if defendant should be released. Victim may submit more information or appear before the board and provide testimony regarding the defendant’s release. | * Victim needs to be informed that Victim Impact Statement becomes part of defendant’s file and is public record |