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| General Criminal Investigation Timeline Worksheet | | | |
| Timeframe | **What happens** | **Points of Advocacy** | **Victims’ Rights** |
| Initial Disclosure | **Reporting**: Police Report Made or Child and/or Adult Protective Services Report Made. Reports to Police are reviewed by detectives. Sometimes the will want more information other times they will conclude there is enough information. On both occasions, they may want to interview the victim. Depending on what the interview reveals, a warrant for the suspect’s arrest may be issued or not. |  | * Right to make a police report * May file an amended report if client believes the report to be inaccurate * Right to a support person * Right to report name of officer taking report, badge # * Right to not answer irrelevant questions * Right to privacy * Right to not reveal immigration status * Right to be informed of crime victims’ rights, including Crime Victims’ Compensation * Right to an interpreter |
| Generally Within 2 Weeks | **Interview with Victim & Police and/or Prosecutor**: may happen more quickly if perpetrator is in custody; type of interview may be based upon protocols such as Child Sexual Abuse Investigation protocols by country; victims age 4-9 will be interviewed by child interviewer at prosecutor’s office, often observed by detective and CPS worker; victims ages 10-11 – joint interview with prosecutor and detective at prosecutor’s office; victim age 12 or older – detective’s discretion, generally just with detective.  **Arrest of Suspect**: Arrest and continued in-custody status determined by seriousness of crime and need to protect community; flight risk of alleged perpetrator. Arrest and release may occur and formal charges may come later. |  | * Right to a support person * Right to privacy * Right to be informed when suspect is likely to be in released if in custody * Make sure prosecutors know of any restrictions client would like on suspect if released, e.g. no contact with victim or children, etc. |
| 3-6 Months (Depending on Crime Lab Backlog) | **Charges Filed or NOT**: For most crimes, except homicide, the prosecutor generally has a time limit on which a crime may be formally filed with the court. This is known as the statute of limitation. For crimes of sexual assault the statute of limitations may vary. This needs to be determined by the prosecutor. However, in most cases, if the prosecutor is going to issue formal charges against an alleged perpetrator it is likely to occur within three to six months depending on the pace of the detective’s investigation. Sometimes the prosecutor cannot locate the defendant but will formally file charges against him in order to preserve the ability to prosecute the case at a later date. This is not uncommon when DNA evidence is available but the prosecutor has not yet identified to whom the DNA belongs to. If victim is child some prosecutors may wait until a SANE exam has been conducted. If victim is adult prosecutor are likely to wait until results of rape kit are returned. Could also be 3 – 6 months depending on crime lab backlog.  **Arraignment**: Formal court proceeding where charges are entered against the defendant and the defendant pleads either guilty or not guilty. Generally where an attorney will be appointed to the defendant if he/she cannot afford one themselves. |  | * 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 has right to attend * Victim has right to address court whenever defendant’s release is considered * Victim has a right to counsel (although at victim’s expense) * Right to be informed of any plea offers and to give input regarding what may happen to the defendant. * Right to be present at the plea hearing. |
| 3 – 6 months (Depending on Crime Lab Backlog) | **Defense Interviews**: A pretrial interview that the defense attorney requests with the victim. A judge may require the victim to participate. Victims can ask that all requests like this from the defense go through the prosecutor’s office. |  | * Right to a support person * Right to an interpreter * Right to not answer irrelevant questions * Right to privacy * Right to be treated respectfully * Right to counsel (although at victim’s expense) |
| 9 – 12 Months | **Trial**: If defendant is in custody, trial must occur within 60 days, if out of custody within 90 days, unless the defendant waives his/her right to speedy trial. Defendants often wave their right to a speedy trial to give their attorney more time to prepare their case. In felony rape cases it is not uncommon for trial dates to be a year after the initial assault occurred. Witnesses are only required to be present when testifying. |  | * Right to a support person * Right to interpreter * Right to counsel (although at victim’s expense) * Right to be informed * Right to be heard (when defendant is considered for release) * 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. * Right to a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendant, whenever practical |
| Within 40 Days of guilty verdict or entry of guilty plea | **Sentencing**: Where the punishment the defendant is going to receive for the crime he/she is convicted of, is formally presented. The victim may attend and submit and/or present a statement about the impact of the crime. A pre-sentence investigation (PSI) report is prepared in all sex crimes thus it is likely that sentencing will not occur at least 8 weeks after the trial to allow for the PSI to be drafted. |  | * 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 * May have 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 |