



# **CRIME VICTIMS RIGHTS**

## **HANDBOOK TO THE CRIMINAL JUSTICE SYSTEM WASHTENAW COUNTY**

If you are in danger, call 911.

Eli Savit  
Prosecuting Attorney

*To my neighbor,*

*I am so sorry that you have endured harm as a result of an alleged crime. Thank you for your strength and courage.*

*At the Washtenaw Prosecutor's Office, your needs and concerns are front-and-center as we seek justice in this case. This booklet contains information about your rights as a crime survivor—and provides a brief overview of how our justice system works.*

*Our Victim/Witness Assistance Unit is available to answer your questions and assist you during business hours. Please feel free to call whenever you need more information about your rights as a victim.*

*Very truly yours,*

A handwritten signature in black ink that reads "Eli Savit". The signature is written in a cursive, flowing style.

*Eli Savit*

*Prosecuting Attorney*

# VICTIM RIGHTS SERVICES

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Being a survivor of a crime can be a painful experience. Our Victim/Witness Advocates are here to protect your rights under the Crime Victim Rights Act, and to assist you through the criminal justice process. Please call us with your questions: 734-222-6650.

The basic services we provide are:

- **Explanation of the Criminal Justice System**

Explaining subpoenas and court procedures regarding your case;

- **Court Support Services**

Attending court proceedings with survivors; notifying you of changes in court schedules;

- **Case Status and Disposition**

Informing survivors of the status of their case throughout the process;

- **Referrals**

Directing survivors to community resources for further assistance;

- **Crime Victims' Compensation**

Helping qualified survivors apply for financial assistance from the Michigan Crime Victims Compensation Board;

- **Impact Statement**

An advocate is available to assist you and answer any questions you may have regarding impact statements.

**If you are receiving threats of violence or are being intimidated, call 911.**

# VICTIM COMPENSATION

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Michigan's Crime Victim Compensation Act is a law that—in some circumstances—provides financial assistance to crime survivors. Victim/Witness Advocates can answer any questions you might have about that law. Victim/Witness Advocates can also provide you with an application to receive compensation.

## To be eligible for financial assistance under the law:

- The crime must have happened in the State of Michigan.
- The crime must have been reported to the police within 48 hours, and the survivor must cooperate with the investigation.
- The survivor must have at least (1) a \$200 out-of-pocket medical expense, and/or (2) a loss of two continuous weeks of earnings or support.
- In the case of death, a family member may file a claim.
- Expenses or losses that are covered by personal insurance, or can be paid by another source, are not covered.
- Property loss is **NOT** covered.
- A claim must be filed within one year from the date of injury. In the case of sexual assault, claims must be filed within one year from date the crime was reported.

**Crime Victim Services Commission**  
**Grand Tower, Suite 1113**  
**235 S. Grand Avenue, PO Box 30037**  
**Lansing, MI 48909**  
**Victim only toll-free: 877-251-7373**  
**Fax: 517-373-2439**  
**All others: 517-373-7373**

# YOUR RIGHTS

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## **Article 1, Section 24 of the Constitution of the State of Michigan guarantees you, as a crime survivor:**

- The right to be treated with fairness and respect for your dignity and privacy throughout the criminal justice process;
- The right to have your case move forward in a timely manner;
- The right to be reasonably protected from the accused throughout the criminal justice process;
- The right to be notified of court proceedings;
- The right to attend trial and all other court proceedings the accused has the right to attend;
- The right to talk with the prosecution about your case;
- The right to make a statement to the court at sentencing;
- The right to restitution (compensation from the accused person, if convicted);
- The right to information about the conviction, sentence, imprisonment, and release of the accused.

## **Michigan's Crime Victims Rights Act provides crime survivors these rights:**

- **To be notified** by police regarding emergency and medical services;
- **To receive notification** from the police about victim compensation benefits, as well as eligibility requirements for those benefits;
- **To be notified** of the telephone number of the police agency to call to learn whether or not the defendant is in custody;
- **To be notified** of the address and phone number of a contact person within the Prosecutor's office from whom you can contact to obtain information about victim rights;
- **To receive** notification of court proceedings; and
- **To be told** the procedures to follow if you are being threatened or intimidated by the defendant. **If you are threatened or intimidated, call 911 or local law enforcement.**

## **During prosecution, you are entitled to these rights:**

- **You may be present** during the entire trial unless you are to be a witness;
- **Your employer may not threaten you, or fire you,** because you are asked to be a witness;
- **You are entitled to a waiting area,** separate from defendants, their families and witnesses, if possible; and
- **You are entitled to consult** with a Prosecuting Attorney to give your views about your case.

**Under the law, these are rights you are guaranteed during prosecution, but only if you ask for them:**

- **To receive notice** of any scheduled court proceedings and changes of schedule;
- **To speak** with the Prosecuting Attorney before jury selection and trial;
- **To receive notice** if the defendant escapes while awaiting trial;
- **To receive written notice** that the defendant has been convicted;
- **To receive notice** of the address and phone number of the probation department that is preparing pre-sentence report (which can influence a defendant's sentence);
- **To have your impact statement included** in the pre-sentence report;
- **To make an oral statement** to the pre-sentence investigator and court at the time of sentencing;
- **To be notified** of time and place of the sentencing.

**You will be provided with the following post-sentencing rights *only* if you request them in writing:**

To take advantage of these post-sentencing rights, you must inform the Sheriff, (if the defendant was in jail), or the Department of Corrections, (if the defendant is sent to prison). The contact information for the Sheriff and the Department of Corrections is included in the “Numbers to Know” section at the end of this booklet. It is your responsibility to keep them informed of your current address.

- **To be notified** of the location where the defendant is to be held;
- **To receive**, within 30 days of your request, a notice of the earliest possible release date for the defendant;
- **To be notified** of release, or pending release, of the defendant into a community program outside the jail or prison (like a community residential program or a furlough program);
- **To be notified** of a reduction of the defendant’s sentence as a result of the County Jail Overcrowding State of Emergency Act;
- **To be promptly notified** of defendant’s escape;
- **To submit a written statement** to the parole board or member of the panel having authority over defendant’s release on parole;
- **To be notified** within 90 days prior to defendant’s release, if practical; and
- **To be notified** of a hearing that could result in the defendant being released, such as a commutation or pardon hearing.

# CRIMINAL JUSTICE TERMS

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## **Adjournment**

A delay requested by the judge or by either side; the judge must agree to the delay.

## **Arraignment**

The court proceeding where the defendant is formally charged and can plead either guilty, not guilty, or stand mute. At the arraignment, the conditions that a defendant must meet to be released from jail pre-trial are set. A no-contact order—which prevents the defendant from having contact with the crime survivor and/or others—could also be put in place.

## **Felony**

A crime punishable by one year or more in a state prison.

## **Misdemeanor**

A crime for which a person may be sentenced to not more than one year.

## **Motion**

A court hearing to answer legal questions.

## **Preliminary Exam**

A court hearing, in a felony case, in which a judge decides if there is enough evidence for a defendant to go to trial.

## **Pre-trial**

A meeting between lawyers to see if the case can be resolved without going to trial or to see if all parties are ready for trial.

## **Probation**

Sentence that places the offender under the close supervision of a probation officer.

## **Restitution**

An amount of money, set by the court, to be paid to the victim of a crime for property losses or injuries caused by the crime.

## **Stand Mute**

A possible plea; the same as not guilty.

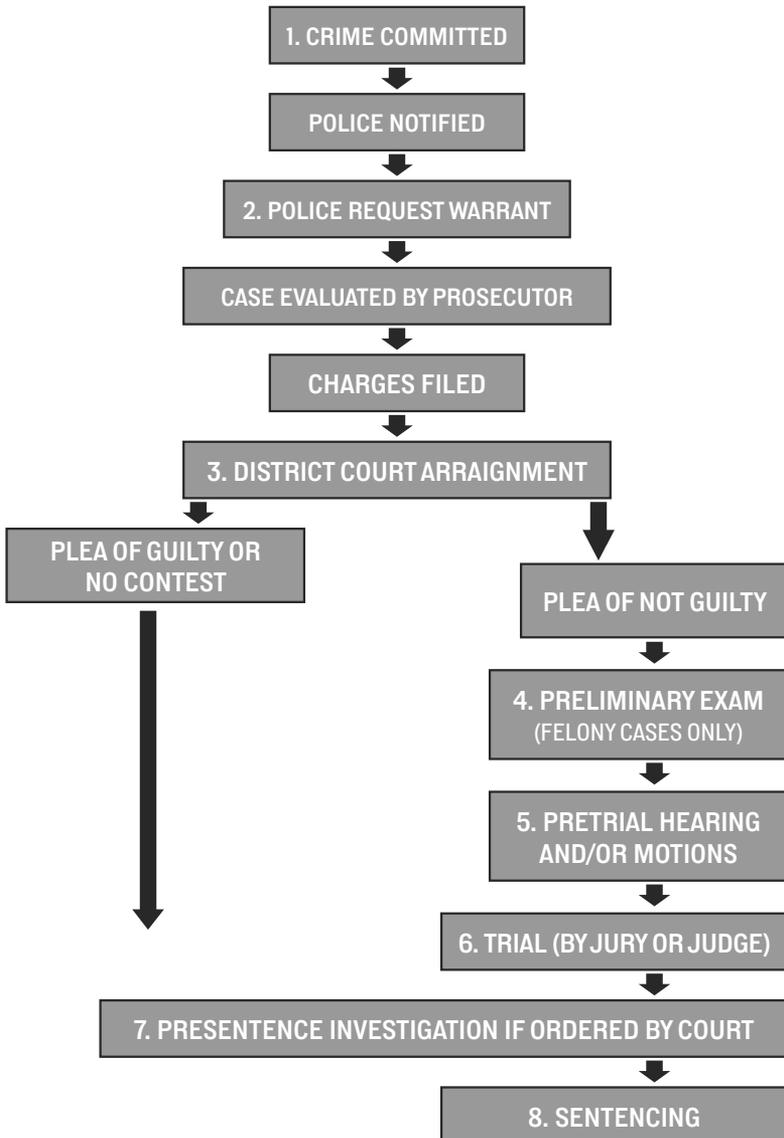
## **Subpoena**

A legal order that requires a person to appear in court to testify as a witness.

# PROCESSING A CASE

The following information will help explain how a case works through the criminal justice system. These steps are just an example. All these steps may not occur in your case. Note that step 4 (preliminary exam) occurs only in felony cases.

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1. **Crime committed and police notified.** A crime is committed, and the victim or some other person reports the crime to the police. The police begin the investigation.
2. **Case evaluated by prosecutor and charges filed.** When a police officer has probable cause to believe a person has committed a crime, the police will ask the Prosecutor's Office to file charges. The prosecutor determines whether a person should be charged with the crime, and if so, what the charges should be. A person who is charged with a crime might be arrested or not, depending on the circumstances.
3. **District Court Arraignment.** Once charged with a crime, the defendant appears in District Court for arraignment. At arraignment, defendants are notified of the charges against them and advised their constitutional rights. The conditions for pre-trial release are set, and a no-contact order might then be issued. You should be aware that, in most cases, defendants are released pending trial. To find out if the suspect in your case has been released, you may call the county jail (see last page for phone number).
4. **Preliminary Exam.** A preliminary exam is a hearing, in felony cases only, where a judge decides whether there is enough evidence for the defendant to go to trial. The judge will hear testimony from witnesses. The prosecution must show that there is enough evidence that a crime has been committed, and that the defendant is the person who committed the crime.
5. **Pretrial Hearing and/or Motions.** The court may hear motions to determine whether certain evidence can be used at trial, or whether there is some legal reason why the defendant should not be tried. In addition, the prosecutor and defense attorney may meet to determine whether the defendant will plead guilty to the crime charged or some other offense.
6. **Trial.** The defendant will be tried by either a judge (bench trial) or a jury (jury trial). During the trial, the judge or jury will determine whether the defendant has committed the crime charged or some lesser offense. The prosecution must present evidence to prove the defendant's guilt beyond a reasonable doubt. Defendants are not required to prove their innocence, or to present any evidence.
7. **Presentence Investigation Report.** If a defendant is found guilty, the Probation Department begins a presentence investigation. In the process of putting this report together, the probation officer will examine the defendant's background and the events of the crime. The probation officer may also discuss the matter with the survivor. This information will be used by the judge to help determine an appropriate sentence. The judge, however, is ultimately responsible for determining a defendant's sentence.
8. **Sentencing.** The judge reviews the presentence investigation report. The judge will also consult sentencing "guidelines" that are issued by the Michigan Supreme Court. After doing so, the judge will issue a sentence. In general, judges may impose any sentence that they believe fits the crime.

# TESTIFYING

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Testifying in court may be a new experience for you. Testifying is both stressful and inconvenient, but our criminal-justice system needs you. Your cooperation and patience make the system work.

## **Suggestions for your day in court:**

**Tell the truth.** The single most important advice we can give you is to tell the truth. Tell the court exactly what you remember.

**Dress neatly.** It is important that you dress neatly in court.

**Stick to the facts.** The judge wants to hear only the facts as you know them, not what someone else has told you.

**Relax and speak clearly.** You have nothing to fear when giving honest answers. When you are asked questions, give the judge or jury your answer as clearly as possible.

**If you receive a threat from the defendant or from any other person in relation to your case, you should immediately report it to your local police agency.**

## **Things to keep in mind while testifying:**

**The Prosecutor** will question you through your testimony. The Prosecutor's questions will generally encourage you to talk about the event in a "narrative" manner—that is, explaining "who, what, when, where, and how."

**On cross-examination**, don't let the defense lawyer upset you. It may seem at times that he or she is trying to pin you down, but the defense lawyer has the right to test how many of the facts you know and remember.

**Answer all questions** to a point. If you can answer a question with a simple "yes" or "no," do so. If you don't know an answer to a question, say so.

**If you don't understand or didn't hear** the question, ask that it be explained or repeated.

### **Witness Compensation and Parking**

A subpoenaed witness will receive \$6.00 for each half day and \$12.00 for each full day that he or she is called to testify. The witness will also be paid \$0.10 a mile. These amounts are set by law. Parking options vary depending on the court at which you are testifying. Contact the court directly or call a victim advocate at the Prosecutor's Office for specific parking information. The Prosecutor's Office cannot pay parking tickets, nor can the Prosecutor's Office reimburse you for parking.

# NUMBERS TO KNOW

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## Victim/Witness Advocates 734-222-6650

**Washtenaw County Prosecutor's Office**  
**ELI SAVIT - PROSECUTING ATTORNEY**  
**200 N. Main**  
**P.O. Box 8645**  
**Ann Arbor, MI 48107**  
**734-222-6620**

### **Department of Corrections**

Crime Victim Notification Unit  
Grandview Plaza Building  
P.O. Box 30003  
Lansing, MI 48909  
517-373-4467  
877-866-5401 (toll free)

### **Vine Service (MI-VINE)**

*MI-VINE is a free, confidential service that allows crime survivors to check to see whether a defendant is being held in jail or prison, and the status of their case. Call: 1-800-770-7657.*

### **Washtenaw County Jail**

2201 Hogback Road  
Ann Arbor, MI 48104  
734-973-4770

### **Circuit Court Probation Department**

101 E. Huron St.  
Ann Arbor, MI 48107  
734-222-3390

### **14A 1,3 & 4 District Court Probation**

4133 Washtenaw Ave.  
Ann Arbor, MI 48108  
734-973-4545

### **14A 2 District Court Probation**

415 W. Michigan Ave.  
Ypsilanti, MI 48197  
734-484-6695

**14B District Court Probation**

7200 S. Huron River Dr.  
Ypsilanti, MI 48197  
734-483-7336

**15th District Court Probation**

206 E. Huron St.  
Ann Arbor, MI  
734-794-6761

**Washtenaw County Police Agencies**

Ann Arbor City Police.....	734.994-2911
Chelsea Police.....	734. 475-9122
Eastern Michigan University Police.....	734. 487-1222
Michigan State Police Brighton Post.....	810-227-1051
Milan Police.....	734.439-1551
Northfield Township Police.....	734.449-8900
Pittsfield Township Police.....	734.996-3011
Saline City Police.....	734.429-7911
University of Michigan Public Safety.....	734.763-1131
Washtenaw County Sheriff.....	734.971-8400
Ypsilanti City Police.....	734.483-9510

**In an emergency, call 911.**

# The Mission of the Prosecuting Attorney's Office

The Washtenaw County Prosecutor's Office is committed to making our community safer and healthier by promoting fairness, equity, and restoration. The Prosecutor's Office seeks to protect the rights of everyone involved in the criminal legal system, and is committed to evenhanded administration of justice—irrespective of sex, race, gender, sexual orientation, gender identity, religion, national origin, immigration status, or socioeconomic status.



The Victim/Witness Unit ensures the rights of victims of crimes as established by the Michigan Crime Victims Rights Act.

**Victim / Witness Unit of the Washtenaw County  
Prosecuting Attorney's Office.....734-222-6650**