



CRIME VICTIMS RIGHTS

HANDBOOK TO THE CRIMINAL JUSTICE SYSTEM WASHTENAW COUNTY

If you are in danger, call 911.

**Brian L. Mackie
Prosecuting Attorney**

Dear Citizen:

I am sorry that you have been victimized by crime. We at the Office of Prosecuting Attorney want you to know that your concerns are uppermost in our minds as we seek justice in this case. This booklet contains information about your rights as a victim and also explains 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 "Brian Mackie". The signature is written in a cursive style with a large, prominent initial "B".

*Brian L. Mackie
Prosecuting Attorney*

VICTIM RIGHTS SERVICES

Being a victim of domestic violence can be a very painful experience. The Victim/Witness Advocates work to help people like yourself return to their normal ways of life, while offering guidance through the criminal justice system. We are here to assist you. Please call us with your questions at (734) 222-6650.

The basic services we provide are:

- **Explanation of the Criminal Justice System**
Explaining subpoenas and court procedures; giving specific information about your individual case;
- **Court Support Services**
Attending court proceedings with victims; notifying you of changes in court schedules;
- **Case Status and Disposition**
Informing victims of ongoing status and final disposition;
- **Referrals**
Directing victims to community resources for further assistance;
- **Crime Victims Compensation**
Helping qualified victims apply for financial assistance from the Michigan Crime Victims Compensation Board;
- **Impact Statement**
An opportunity for you to express your feelings to the judge at the time of sentencing. An advocate is available to assist you and answer any questions you may have.

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

**SAFEHOUSE - 24 HOUR CRISIS LINE
995-5444**

VICTIM COMPENSATION

The Michigan Crime Victim Compensation may provide financial assistance to crime victims who are injured or lose earnings or support because of a crime. The Victim/Witness Advocates can answer any questions you might have concerning the act and provide you with an application.

To be eligible for compensation:

- The crime must have happened in the State of Michigan.
- The crime must have been reported to the police within 48 hours, and the victim must cooperate with the investigation.
- The victim must have a \$200 out-of-pocket medical expense and/or 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 that can be paid by another source will not be covered.
- Property loss is **NOT** covered.
- A claim must be filed within one year from the date of injury. (Sexual assault cases must be filed within one year from date of reporting.)

Crime Victims Compensation Board
Lewis Cass Building
320 South Walnut Street
Lansing, MI 48913
(517) 373-7373

YOUR RIGHTS

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

- The right to be treated with fairness and respect for your dignity and privacy throughout the criminal justice process;
- The right to timely disposition of the case following arrest of the accused;
- The right to be reasonably protected from the accused throughout the criminal justice process;
- The right to notification of court proceedings;
- The right to attend trial and all other court proceedings the accused has the right to attend;
- The right to confer with the prosecution;
- The right to make a statement to the court at sentencing;
- The right to restitution;
- The right to information about the conviction, sentence, imprisonment, and release of the accused.

YOU HAVE THE RIGHT TO BE FREE FROM HARASSMENT AND INTIMIDATION. IF YOU FEEL YOU ARE IN DANGER CALL 911. IF ANYONE HARASSES YOU, CALL THE POLICE TO REPORT WHAT HAS HAPPENED.

The following are rights given to you under the Crime Victims Rights Act of 1985.

- **To be notified** by police regarding emergency and medical services;
- **To receive notification** of victim compensation benefits and the address of the Victims' Compensation Board from the police, as well as the eligibility requirements for these 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 Prosecuting Attorney's office 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:

- **To be present** following your testimony at the trial;
- **To be free of threats** and acts of discharge by your employer because you are a subpoenaed witness or requested to be a witness;
- **To be provided with a waiting area**, separate from the defendant, their families and witnesses, if possible; and
- **To consult** with a Prosecuting Attorney to give your views about the disposition of your case.

These are other rights you are guaranteed during prosecution but will be provided only at your request:

- **To receive notice** of any scheduled court proceedings and changes of schedule;
- **To confer** with the Prosecuting Attorney prior to jury selection and trial;
- **To receive notice** of defendant's escape if he/she is awaiting trial;
- **To receive written notice** of conviction;
- **To receive notice** of address and phone number of probation department that is preparing pre-sentence report;
- **To have your impact statement included** in the pre-sentence report;
- **To make an oral impact 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 the post-sentencing rights, you must inform the Sheriff, if the defendant was jailed, or the Department of Corrections, if defendant was sent to prison, that you want to be notified. It is *your responsibility* to keep them informed of your current address.)

- **To be notified** of location where defendant is to be confined;
- **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 to a community residential program, extended furlough, or transfer to community status;
- **To be notified** of a reduction of 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 hearing on reprieve commutation or pardon of sentence.

CRIMINAL JUSTICE TERMS

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; the amount of bond is set; a no contact order *could* be put in place.

Misdemeanor

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

Motion

A court hearing to answer legal questions.

Pre-trial

A meeting between lawyers to see if the case can be settled 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

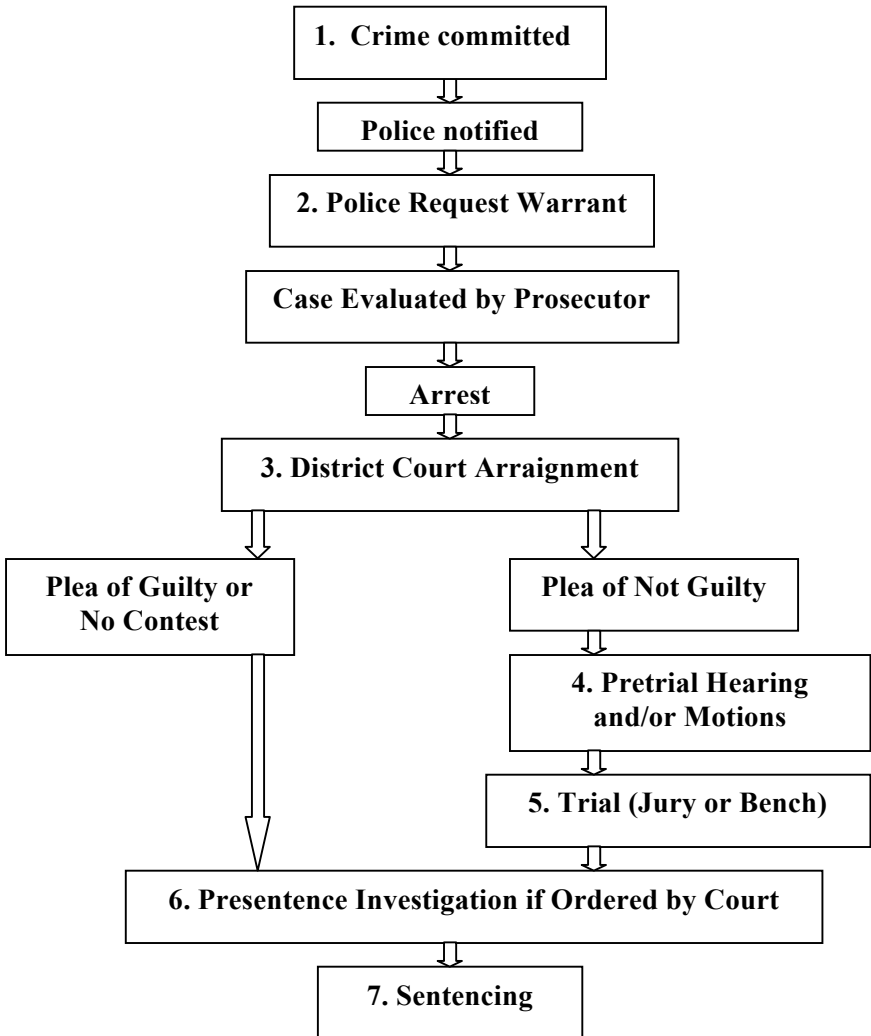
A possible plea; the same as not guilty.

Subpoena

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

PROCESSING A MISDEMEANOR

The following information will help explain how a misdemeanor case goes through the criminal justice system. These steps, however, are an example. Not every case will go to trial, so not all of these steps will necessarily occur in your case.



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. **Warrant request and decision to prosecute.** When a police officer has probable cause to believe a person has committed a crime, the police will request a warrant for the arrest of the suspect. The prosecutor determines whether a person should be charged with the crime, and if so, what the charges should be. (In some cases, a warrantless arrest is possible.)
3. **District Court Arraignment.** Once arrested and charged with a misdemeanor, the suspect appears in District Court for arraignment. At arraignment, the defendant is notified of the charges against him/her and advised of his/her constitutional rights. The conditions and amount of bond is set, and a no contact order might then be issued. You should be aware that most defendants are released on bond. 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. **Pretrial Hearing and/or Motions.** Many events can occur prior to trial. The court may hear motions to determine whether evidence will be admitted or excluded at the 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.
5. **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. A trial is an adversary proceeding; the prosecution must present evidence to prove the defendant's guilt beyond a reasonable doubt. The prosecutor must call all witnesses to the crime. The defendant is neither required to prove his/her guilt or innocence, nor to present any evidence.
6. **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, the events of the crime, and may discuss the matter with the victim. This information is then used to determine the guidelines that the defendant falls under. The judge reviews this report before determining a sentence.
7. **Sentencing.** The judge reviews the presentence investigation report and will consult the sentencing guidelines issued by the Michigan Supreme Court. After doing so, the judge will issue a sentence. It is the judge's sole responsibility to do so, although some crimes carry a mandatory minimum sentence.

TESTIFYING

Testifying in court may be a new experience for you that is both stressful and inconvenient, but our system of criminal justice 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 to be, not what someone else has told you.

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

If you, as a victim of domestic violence, 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. Be sure to explain that you are a domestic violence victim and that you have been threatened in relation to the crime. If there is a no contact order or PPO in place, be sure to mention that, as well.

Things to keep in mind while testifying:

The Prosecutor will question you first regarding the crime that was committed against you. After the prosecutor is done, the defense attorney will ask you questions.

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 which court you are going to be at. 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 reimburse you for parking.

NUMBERS TO KNOW

**Victim/Witness Advocates
(734) 222-6650**

**Washtenaw County Prosecutor's Office
Domestic Violence Unit
BRIAN L. MACKIE – PROSECUTING ATTORNEY
200 N. Main St. Suite 420
P.O. Box 8645
Ann Arbor, MI 48107
(734) 222-6650**

Circuit Court Probation Department
101 E. Huron St.
Ann Arbor, MI 48107
(734) 222-3390

14A-1 and 14A-2 District Courts Probation
(The probation for both jurisdictions are at 14A-2 for domestic violence cases)
415 West Michigan Ave.
Ypsilanti, MI 48197
(734) 484-6695

14A-3 and 14A-4 District Courts Probation
(The probation for both jurisdictions are at 14A-3 for domestic violence cases)
122 South Main Street
Chelsea, MI 48118
(734) 475-0709

14B District Court Probation
7200 South Huron River Drive
Ypsilanti, MI 48198
(734) 483-7336 extension 4

15th District Court Probation
206 East Huron Street
Ann Arbor, MI 48107-8650
(734) 994-2751

SAFETY PLANNING

Although you may or may not feel that the defendant has hurt you this time, it is entirely possible that he/she will try to hurt you in the future. It is important to be prepared for a quick escape for you and your children and pets if you have any.

- 1. Pack extra clothes and leave them in a safe place.** You may pack a bag and leave it at a friend's or family member's house or a closet at work.
- 2. Keep extra items in a safe place.** Keep an extra set of car keys somewhere safe – at a neighbor's house or with a close friend, for example. Along with an extra set of car keys, you should try to set money/cash aside so it's available to you if you need to leave. You should place an extra set of important papers in a safe place, such as birth certificates (yours and your children's), social security card/numbers, bank account numbers, financial papers, wills, custody orders, and/or powers of attorney. All of these documents can be very important if you decide to escape and start over – even temporarily. You will want to make sure the safe place you have chosen to place these items are available to you if you decide to leave your home. It could also be helpful to have a telephone calling card number with you and important telephone numbers such as Safe House number (995-5444).
- 3. Plan where you will go and how you will get there.** Is there a safe and easy way for you to get out of your house/apartment besides the front door? Once you get out, how will you get away? Run? Drive? Get on a bus? Where will you go? You may want to consider Safe House or a local police agency as your place to escape to for safety. If you are going to family or a friend's home, what will you do if they are not there? What is your back up plan? Oftentimes, planning for your safety is complicated. We encouraged you to call the experienced staff at Safe House, (995-4444), to develop a safety plan that is right for you.

If you are in danger, call 911.

RESOURCES

If you or your children are being abused, there are places for you to get help. There are shelters and counseling resources throughout Washtenaw County. A few are listed below. If you would like more, please call a Victim/Witness Advocate at (734) 222-6650. We have additional resources to share with you. We will answer any questions you have about the legal process and we are available to accompany you to court.

SAFE House Center

P.O. Box 7052

Ann Arbor, MI 48107

Business Line: (734) 973-0242

24 Hour Crisis Line (also call if you are seeking shelter) 995-5444

A shelter for male and female survivors of sexual assault and domestic violence and their children, SAFE House provides emergency shelter, individual counseling, and hosts support groups. All services are free.

Personal Protection Office - 222-3381 – Assistance with domestic related PPO's (101 E. Huron St., located on the first floor of the Washtenaw County Courthouse.)

Washtenaw County Community Mental Health

Adult Mental Health Treatment

Intakes completed through Access at 481-2502

Provides outpatient individual and group therapy. Specializes in working with victims of domestic and sexual abuse. Payment is on a sliding scale basis; no one is denied due to an inability to pay.

Washtenaw County Community Mental Health

Huron Valley Child Guidance Clinic

2940 Ellsworth, Ypsilanti, 48197

(734) 971-9605

Provides outpatient counseling to children aged 0-18 years and their families.

Washtenaw County Jail

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

Department of Corrections

Crime Victim Notification Unit
Grandview Plaza Building
P.O. Box 30003
Lansing, MI 48090
(517) 373-4467
(877) 886-5401 (toll free)

Michigan Crime Victim
Notification Network
1 (800) 770-7657

Washtenaw County Police Agencies

Ann Arbor City Police994-2911
Chelsea Police475-9122
Eastern Michigan University
Police.....487-1222
Michigan State Police
Ypsilanti Post.....482-1211
Milan Police.....439-1551
Northfield Township Police.....449-8900
Pittsfield Township Police.....996-3011
Saline City Police429-7911
University of Michigan Public
Safety.....763-1131
Washtenaw County Sheriff971-8400
Ypsilanti City Police483-9510

In an emergency, call 911.

The Mission of the Prosecuting Attorney Office

To protect the rights, safety and security of all persons within the boundaries of the County through fair and equitable prosecution of crimes and the enforcement of all state law as mandated by State Constitution and Statutes.



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 Office222-6650**

Updated 11/12