



# **CRIME VICTIMS RIGHTS**

## **WASHTENAW COUNTY'S HANDBOOK TO THE JUVENILE CRIMINAL JUSTICE SYSTEM**

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.*

*Very truly yours,*

A handwritten signature in black ink that reads "Eli Savit". The signature is written in a cursive style with a large, sweeping "E" and "S".

*Eli Savit*

*Prosecuting Attorney*

# VICTIM ASSISTANCE

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Being a survivor of a criminal offense can be a stressful and painful experience. To make you feel more comfortable with the juvenile justice procedures that follow your report of the crime, the Victim/Witness Advocate in the Prosecutor's Office is available to provide the following services:

## Services:

- Information and assistance in applying for Michigan Crime Victim Compensation.
- Referrals to other community agencies that may provide counseling or other services.
- Information about the Juvenile Court, its procedures, and the status of your case.
- Accompanying you to court when requested.
- Assisting you with victim impact statements.
- Providing an opportunity for you to express your feelings to the Court, regarding the orders to be imposed.
- Providing information and assistance in seeking "restitution"—that is, monetary compensation for losses you suffered as a result of a juvenile's criminal conduct.

**If you are intimidated or threatened with physical violence by anyone associated with your case, call 911. If you are in need of further assistance, contact the Victim/Witness Advocate at 734-222-3404.**

# 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.

## **You have these rights under the Crime Victims Rights Act of 1985.**

- **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 telephone number of the Juvenile Detention Center—so that you can call to learn whether or not the juvenile has been released from custody;
- **To receive** an explanation of Juvenile Court procedures.
- **To receive** an explanation of procedures to follow if you are threatened or intimidated by the juvenile offender. (If this should happen to you call the police immediately.)
- **To have** your property, which was held during the investigation, promptly returned to you, except as otherwise provided by the law.
- **To make** a written and oral victim's impact statement for use at the disposition.
- **To have** “restitution” ordered by the Court—that is, money to compensate you for certain losses you suffered as a result of the crime.

**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.
- **You are entitled to a contact** within the Prosecutor's Office to provide you information about your case. In Washtenaw County, please contact:

VICTIM / WITNESS ADVOCATE  
Washtenaw County Prosecutor's Office  
200 North Main Street., Suite 420  
P.O. Box 8645  
Ann Arbor, MI 48107-8645  
734-222-3404

**Under the law, these rights are also guaranteed to crime survivors, 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 alleged juvenile offender escapes from custody while awaiting trial;
- **To receive written notice** if the alleged juvenile offender has been found responsible for the crime;
- **To receive notice** of the address and phone number of the probation department that is preparing the “dispositional report” (a report that can influence an alleged juvenile offender’s sentence);
- **To submit** a written victim impact statement to the probation officer, who will provide that information to the Court. This information is generally available to the alleged juvenile offender, unless exempted by the court.
- **To make an oral victim’s impact statement** during the “dispositional hearing”—the time at which the alleged juvenile offender is “sentenced”;
- **To be notified** of the time and place of the dispositional hearing;
- **To be notified** if the juvenile offender has filed an appeal;
- **To receive** an explanation of the appeals process;
- **To be advised** if the alleged juvenile offender has been released from custody;
- **To be notified** of the time and place of appeals court proceedings;
- **To be notified** of the result of the appeal.

**To take advantage of these rights, you must notify the Victim / Witness Advocate by completing and mailing the REQUESTED RIGHTS form, enclosed in the back pocket of this brochure. Please advise the Victim / Witness Advocate if you change your address or telephone number.**

# **RIGHTS AFTER SENTENCING**

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The following rights are also provided **ONLY UPON YOUR REQUEST.**

- **To receive** written notice of the juvenile offender's final disposition.
- **To be notified** of a scheduled review hearing for a juvenile offender in placement.
- **To be notified** of a transfer or pending transfer of the juvenile offender from a secure facility to a non-secure facility.
- **To be promptly notified** of the escape of the juvenile offender from a secure detention or treatment facility.
- **To receive notification** from the Court or the Department of Human Services before the juvenile is dismissed from Court jurisdiction.

To take advantage of these rights, **YOU MUST** inform the Court or the Department of Human Services (if the juvenile offender is a ward of the state) that you want to be notified. You must also keep the Juvenile Detention Center or the Department of Human Services informed of your current address. Addresses may be found on the last page of this brochure.

# JUVENILE JUSTICE TERMS

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## **JUVENILE**

A person under the age of 17.

## **PETITION**

A request for court action against a juvenile accused of a crime. A “petition” is roughly equivalent to a request for criminal charges to be filed.

## **PRELIMINARY INQUIRY**

An informal review by the Court to determine appropriate action on a petition. A preliminary inquiry may be held if the juvenile is not in custody and the petition does not request that the juvenile be held in detention.

## **PRELIMINARY HEARING**

A court proceeding held 24 hours after a juvenile is placed in a detention facility. At the preliminary hearing, evidence is presented to determine whether the petition should be authorized.

## **PRE-TRIAL**

A court proceeding at which the juvenile offender either admits responsibility (plea negotiations can occur at this stage) or denies responsibility and requests a trial.

## **MOTION**

A court proceeding at which legal issues are argued and decided.

## **BOND**

Financial security posted by the juvenile offender to insure his/her appearance at further proceedings.

## **ADJOURNMENT**

A delay, requested by the judge or either party. The judge must agree to the delay.

## **DISPOSITIONAL HEARING**

A court proceeding in which a juvenile offender is sentenced.

## **DISPOSITIONAL REVIEW HEARING**

A court proceeding at which a juvenile offender’s progress and compliance with dispositional orders is reviewed.

**PROBATION**

A disposition that places the juvenile offender under the close supervision of a probation officer.

**REFEREE**

A person who acts on behalf of the court (instead of the judge) in certain juvenile proceedings.

**RESTITUTION**

An amount of money ordered by the Court to be paid to the victim for property losses or injuries resulting from the juvenile offender's conduct.

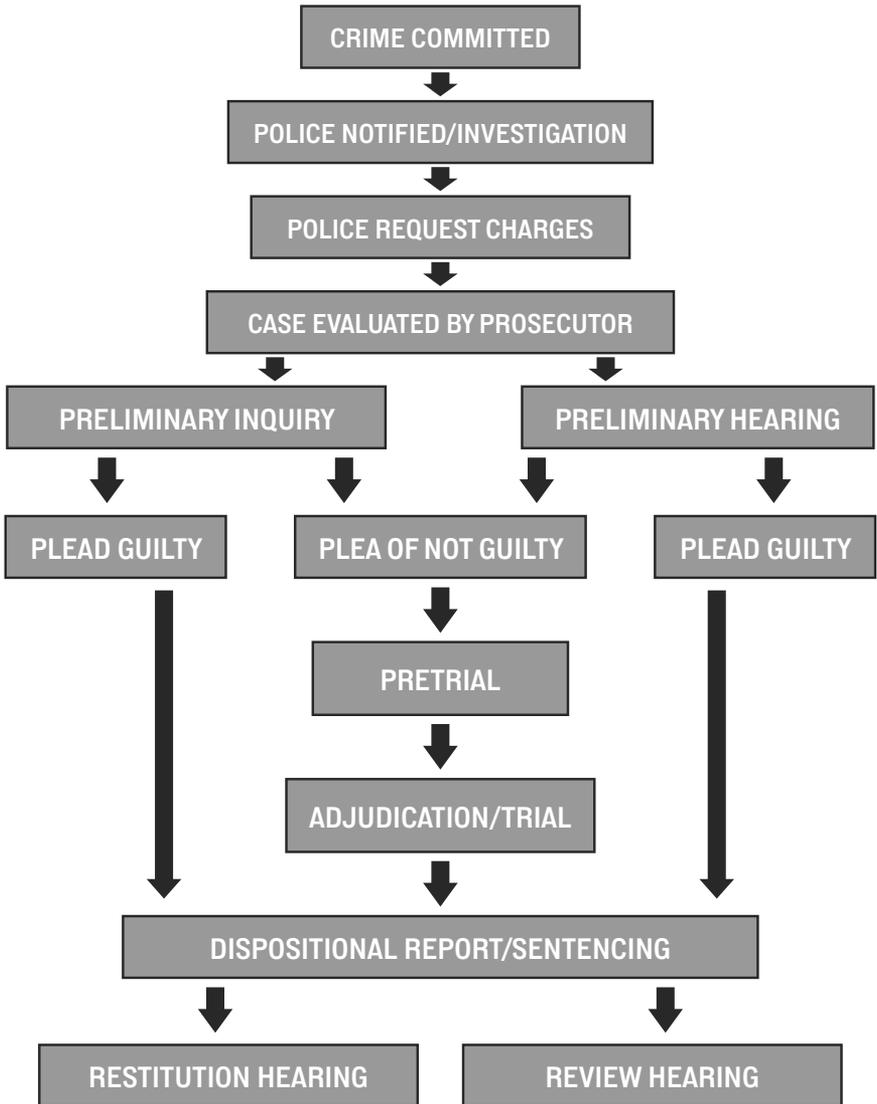
**RESTITUTION HEARING**

A court proceeding at which testimony and evidence are presented by the Prosecuting Attorney to support a request for restitution. Defense attorneys may also present witnesses and evidence in defense.

**SUBPOENA**

A legal order that requires a person to appear in court to testify as a witness or produce items to the court.

# PROCESSING A JUVENILE CASE



# JUVENILE COURT PROCEDURE

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The following information will help explain how a case processes through the juvenile justice system. These steps, however, are an example. Each case is handled differently, taking into account the juvenile's history, the seriousness of the offense, and the best path forward to ensure rehabilitation.

- (1) When the police complete an investigation, involving an offense committed by a juvenile, the officer may:
  - a) reprimand the juvenile and allow for release to parents or guardians;
  - b) refer the juvenile for voluntary counseling; or
  - c) seek a petition in the Juvenile Court charging the juvenile with a crime.
  
- (2) If a petition is filed, the Juvenile Court may:
  - a) Warn the juvenile and dismiss the petition, ending the case;
  - b) Set the matter on the Formal Docket. (The Formal Docket means that the juvenile appears before a Juvenile Court Judge or Referee in the courtroom and has the right to be represented by an attorney) or
  - c) Under certain strictly regulated circumstances, the juvenile offender may be transferred to the Circuit Court to be tried as an adult.

(3) If the petition is placed on the Formal Docket the steps are as follows:

- a) If the juvenile is detained in a juvenile detention center, a **PRELIMINARY HEARING** is scheduled to determine if there is “probable cause.” “Probable cause” means that there enough evidence to believe the juvenile offender has been involved in criminal behavior. A decision is also made regarding the placement of the juvenile until further proceedings.
- b) A **PRE-TRIAL** is held at which the juvenile may plead guilty or not guilty, after being advised of the charges against him/her. In cases where the juvenile is detained, the appropriateness of pretrial release is determined. If the alleged juvenile offender pleads guilty, the court will schedule the case for disposition (which is similar to sentencing.) If the juvenile offender pleads not guilty, the case will be set for trial.
- c) The **ADJUDICATION HEARING, (or TRIAL)**, can be before a judge or jury. During this proceeding, the judge or jury will determine whether the juvenile offender has committed a crime and, if so, what that crime was. The Prosecution must present evidence to prove the juvenile offender’s guilt beyond a reasonable doubt. The juvenile offender is not required to prove his or her innocence or to present any evidence. If the petition is “substantiated” (in other words, if the juvenile is found guilty of committing a crime), the judge will set a date for “disposition.” “Disposition” is the term used for sentencing in the juvenile context.
  1. A dispositional report is usually prepared by a juvenile probation officer. It provides information regarding the juvenile offender’s history, any prior court involvement, and the role of parents in the juvenile’s life, along with recommendations. The victim’s input, through the impact statement or interview, may also be included.

- b) A DISPOSITIONAL HEARING may be overseen by a referee or a judge; however, determining the appropriate disposition is ultimately the responsibility of the judge. Alternatives may be considered such as probation, residential treatment at the Juvenile Center, or commitment to a private institution or state facility. The judge might order participation in programs such as counseling, education, or drug/alcohol treatment. Or, the judge may order community service and financial restitution to the victim.
  - e) A RESTITUTION HEARING may be held to determine the amount of money a juvenile needs to pay to the crime survivor. A hearing will be held if the juvenile disputes the amount of restitution claimed by the crime survivor. You will be required to provide documentation to support your claim and appear at the hearing to testify.
- (4) Alleged juvenile offenders may appeal the outcome of their case to the Circuit Court and, in some instances, to a higher appellate court.

# 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 do not 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.

# **IMPORTANT PHONE NUMBERS**

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**Victim/Witness Advocate  
Juvenile Court  
734-222-3404**

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

**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

**Washtenaw County Department of Human Services**  
22 Center St.  
Ypsilanti, MI 48198  
(734) 481-2000  
Ask for Delinquency Supervisor

**Washtenaw County Juvenile Court**  
101 E. Huron St.  
Ann Arbor, MI 48107  
(734) 222-6900

**Washtenaw County Juvenile Detention Center**  
4125 Washtenaw Ave.  
Ann Arbor, MI 48108  
(734) 973-4343 (24 Hours)

**Washtenaw County Police Agencies**

Ann Arbor City Police.....	994-2911
Chelsea Police.....	475-9122
Eastern Michigan University Police.....	487-1222
Michigan State Police Brighton Post.....	1-810-227-1051
Milan Police.....	439-1551
Northfield Township Police.....	449-8900
Pittsfield Township Police.....	996-3011
Saline City Police.....	429-7911
University of Michigan Public Safety.....	763-1131
Washtenaw County Sheriff.....	971-8400
Ypsilanti City Police.....	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**