



CRIME VICTIMS RIGHTS

HANDBOOK TO THE
CRIMINAL JUSTICE SYSTEM

VICTIM SERVICES
WAYNE COUNTY PROSECUTOR'S OFFICE



Kym L. Worthy, Wayne County Prosecutor



KYM L. WORTHY
PROSECUTING ATTORNEY
RICHARD P. HATHAWAY
CHIEF ASSISTANT
DARYL CARSON
CHIEF OF STAFF

**COUNTY OF WAYNE
OFFICE OF THE PROSECUTING ATTORNEY
DETROIT, MICHIGAN**

200 CRIMINAL JUSTICE CENTER
5301 RUSSELL STREET
DETROIT, MICHIGAN 48211
TEL: (313) 224-5777

A message to crime victims:

The mission of the Wayne County Prosecutor's Office is to pursue justice, to safeguard community by demanding accountability for those who commit crimes and to enhance the quality of life by changing the culture of violence.

As your Prosecutor, I pursue this mission by enforcing the criminal laws while working with other agencies to change the culture that permits crime to cast a shadow over our community.

No one plans to be a victim of crime. When crime does strike, victims are immediately drawn into a legal system that can be confusing and frustrating. The Victims Services Unit in my office provides a voice for victims' rights. Our trained advocates will help you understand your rights and what is expected of you. Advocates can give you the guidance and information necessary to successfully manage this difficult time in your life.

You play a vital role in the achievement of justice. This handbook provides you with valuable guidelines for understanding and navigating a case as it moves through the system. While I cannot presume to understand what you are experiencing at this moment, I do understand something about trauma having been a victim of violence myself. I understand that victims and survivors of all crimes need access to information about their case and advocacy to secure their rights in the criminal justice system.

When citizens report crime and testify in court, they help make our community safer. By taking the time to identify and meet the needs of victims and survivors of crime, this office commits itself to creating a culture of respect for human life. Every member of my staff is committed to treating victims and witnesses with dignity and respect while advocating vigorously for justice.

It is my hope that, regardless of the outcome of your case, you will emerge from this experience feeling that you have received the support you needed and that you are a strong and valued individual. Once again, I thank you for your participation and cooperation in your case.

Sincerely,

Kym L. Worthy
Prosecuting Attorney

WAYNE COUNTY PROSECUTOR'S OFFICE
Victim Services Unit

We are Here to Help You

If you are a victim of crime, the Victim Services Unit is here to guide and assist you through the criminal justice system. You are a victim if you have suffered physical, financial, or emotional harm as a result of a crime. If you have questions or need help, please call 313.224.5800.

How We Can Help

Provide information about:

- Court dates
- Court procedures
- Your rights

Accompany you to court to provide support and answer questions

Encourage and assist you in completing a victim impact statement to

- Give information to the judge at the sentencing hearing
- Express any physical, emotional or financial impact that the crime has had on your life

Help you determine if you qualify for **Crime Victim Compensation**, and (if you qualify) help you apply for financial help

- If you were hurt as a direct result of a crime, because you were trying to help a crime victim, or if a member of your family died as a direct result of a crime, the crime victims' services commission may be able to help you
- Lost wages, medical and counseling expenses that you can document may be covered
- Crime Victims Compensation funds are only available after any public funds and private insurance payments have been exhausted
- It does NOT cover property loss or damage, pain and suffering or relocation expenses
- You can contact the Crime Victim Services Commission through your advocate or directly at

320 South Walnut Street
Lansing, Michigan 48913
517.373.7373

ADDITIONAL SERVICES

- ◆ **HIV:** Providing victims of criminal sexual conduct with the defendant's HIV status after a Preliminary Hearing – Victim Advocates are HIV/AIDS certified counselors
- ◆ **Appeals:** Providing information regarding the appeals process and court events to victims when the defendant requests an appeal
- ◆ **Personal Protection Order (PPO) Information:** Providing victims with information regarding PPOs, including how to obtain one and how to have it served on the person
- ◆ **Information about prisoners/inmates:** Victims of crime can complete paperwork to receive information about the prisoner, such as eligible release dates, movement to community corrections, and escape
- ◆ **Michigan Department of Corrections – Offender Tracking Information System (OTIS):** Provides information such as inmate location, reason for incarceration, and parole eligibility date via the internet
www.state.mi.us/md.state.mi.us/mdoc/otis
- ◆ **Michigan Crime Victim Notification Network:**
800.770.7657 TTY: 866.847.1298
 - Provide inmate custody status and court information.
 - Crime victims may register for automated telephone notification or by email at Vinelink.com
- ◆ **Third Judicial Circuit of Michigan:** Access to public criminal & non-criminal court case records.
www.3rdcc.org/OPA.aspx

CRIME VICTIMS RIGHTS

You have these rights under the Crime Victims Rights Act of 1985, as amended by 1988 PA 22.

Rights Concerning Immediate Needs

You have the right to know:

- About victims compensation benefits, eligibility requirements, and the address of the Crime Victims Services Commission
- The telephone number of the police agency to call to determine if the defendant has been released from custody
- Court procedures
- Procedures to follow if you are threatened or intimidated by the defendant

Rights During Prosecution

You have the right to:

- Be present during the entire trial
- Be free of threats of discharge or discipline by your employer because you are subpoenaed to testify in court as a witness
- Be provided with a waiting area, separate from the defendant(s), their families and witnesses, if possible
- Consult with a Prosecuting Attorney to give your views about the disposition of your case
- Receive the name of the person to contact within the Prosecutor's Office for information about your case
- Request restitution for property loss or damage as a result of the offense (upon conviction)

**Rights During Prosecution
Provided Only Upon Your
Request**

Upon your request, you have the right to:

- Receive notice of any scheduled court proceedings and changes of schedule
- Confer with the Prosecuting Attorney prior to jury selection and trial
- Receive notice of defendant's escape if he or she is awaiting trial
- Receive written notice of conviction
- Receive address and phone number of probation department that is preparing pre-sentence/disposition report
- Have your Impact Statement included in the pre-sentence/disposition report
- Make an oral Impact Statement to the pre-sentence investigator and to the court at the time of sentencing/disposition

You can exercise these rights by contacting your advocate or by completing the forms provided to you by your advocate.

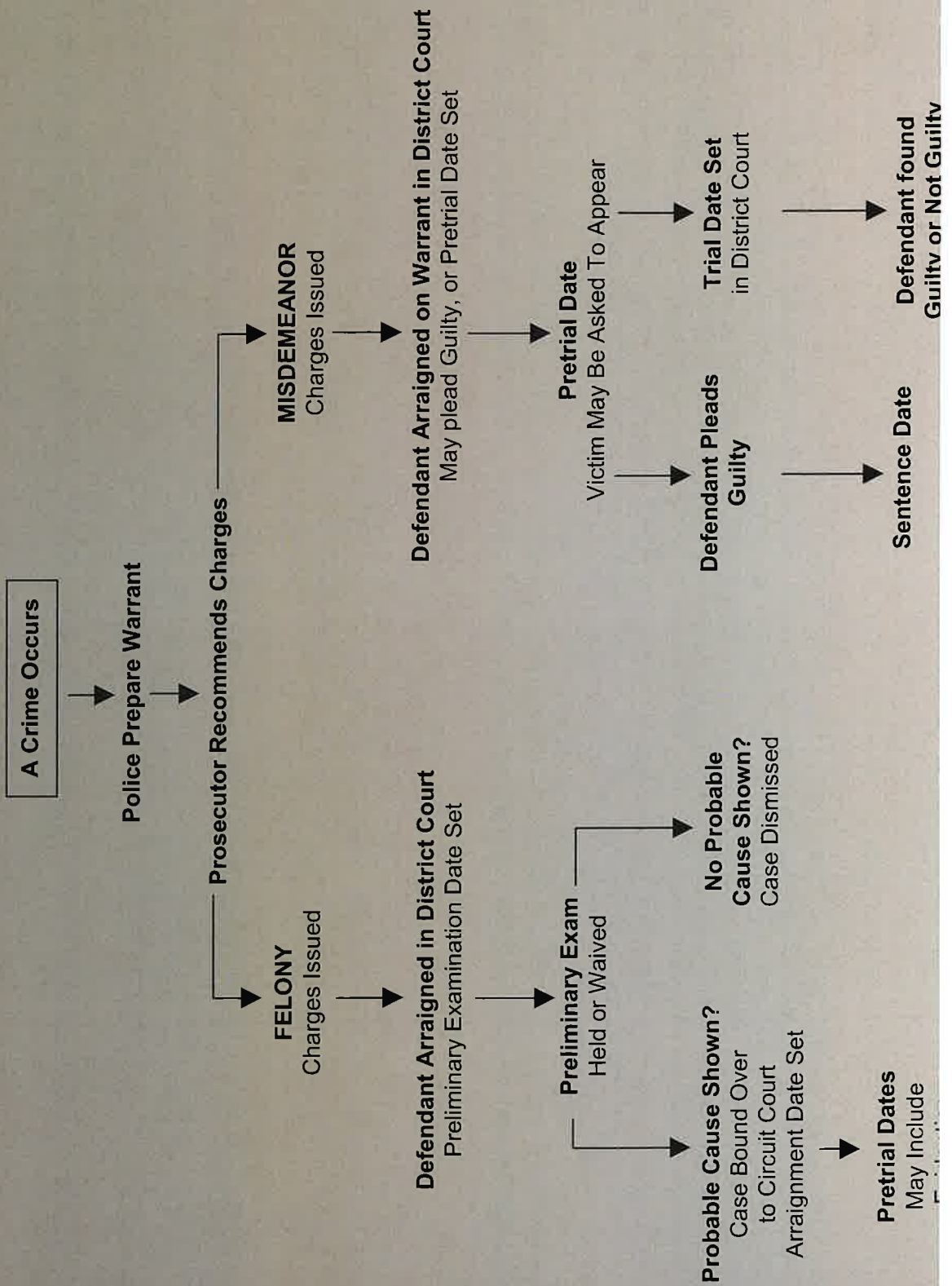
**Post-Sentence/Disposition Rights
Provided Only Upon
Your Request**

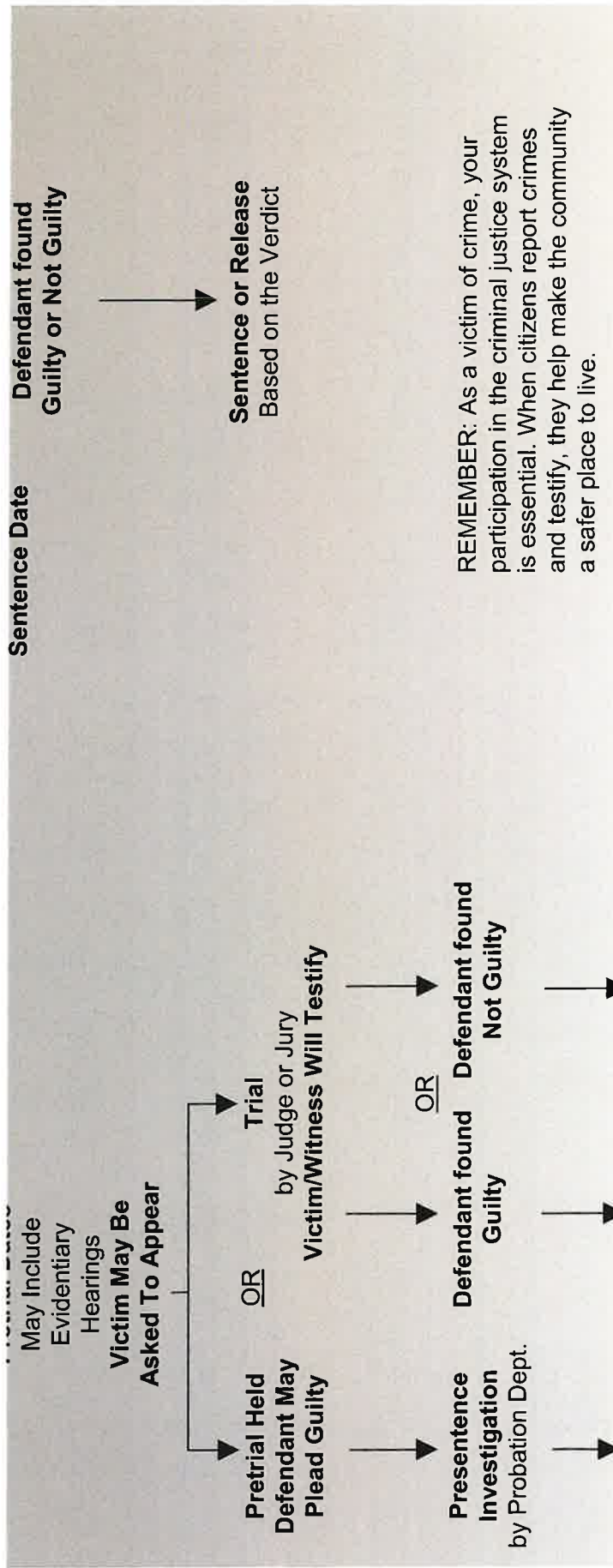
Upon your request, you have the right to:

- Be notified of the defendant's release or pending release to a community residential program
- Be promptly notified of defendant's escape
- Be promptly notified of defendant's release

In order to take advantage of the post-sentence rights, you must inform the Department of Corrections that you want to be notified by completing the forms given to you by your advocate. It is your responsibility to keep them informed of your current address.

CRIMINAL JUSTICE SYSTEM





COUNTY OF WAYNE
OFFICE OF THE PROSECUTING ATTORNEY
DETROIT, MICHIGAN

DEFINITION OF LEGAL TERMS

Adjournment	A delay in the proceeding of a case
Arraignment on the Information	A Circuit Court hearing where the defendant is informed of the charges against him/her
Bench/Waiver Trial	A trial heard by a Judge who will determine a verdict of guilty or not guilty
Bond	Financial security posted by the defendant to insure his/her appearance at all proceedings
Bound Over	A finding at preliminary examination that sufficient evidence exists (probable cause) to require a trial at the Circuit Court level on the charges made against the defendant
Charge	The crime defendant is accused of committing
Circuit Court	Felony trials are held in this court
Competency	The question of whether or not a defendant is mentally able to understand the situation and talk with a lawyer about it
Defendant	A person who is charged with a crime
Dismissal	The dropping of a case by decision of the judge
District Court	This court handles all misdemeanor cases, traffic violations, and the first stages of felony cases
Evidentiary Hearing	A hearing at which witnesses testify about the facts before the case can continue, such as motions challenging arrests, search warrants, identifications, or confessions
Final Conference	This hearing allows motions to be heard and the defendant the opportunity to plead guilty – if the defendant does not plead guilty, a trial date is scheduled
Jury Trial	A group of men and women sworn to consider the evidence presented and to deliver a true verdict or decision

DEFINITION OF LEGAL TERMS

Motion	A request to the court asking for a certain order, decision or hearing
Preliminary Examination	A hearing in a felony case before a District Judge who decides whether or not there is enough evidence to believe that a crime has been committed by the defendant, in order to bind over to Circuit Court for trial
Pre-Sentence Investigation	Investigation of the relevant background of the convicted defendant and discussion with victim regarding feelings about sentence – this serves as sentencing guide for the Judge
Pre-Trial or Calendar Conference	A hearing between lawyers and the Judge to see if a case can be settled without going to trial or to see if any motions need to be heard
Probation	A sentence that places the defendant under the close supervision of a probation officer and may or may not include jail time
Restitution	An amount of money set by the Court to be paid to the victim of a crime for property loss or injuries caused by that crime (upon conviction)
Sentencing	A hearing to determine what punishment and special conditions will be placed on the defendant
Subpoena	A legal order that requires a person to appear in court to testify and/or to produce documents
Waiver/Bench Trial	A trial heard by a Judge that will determine a verdict of guilty or not guilty
Warrant	A writ or document issued by a judge or magistrate that allows the police to arrest a person accused of committing a crime
Victim:	A person who suffers direct physical, financial and/or emotional harm, or is threatened as a result of the commission of a crime

TESTIFYING

Your cooperation in testifying is the first step to a successful prosecution

Appear At Court On Time

- Your presence is very important
- Call if you have transportation problems

Suggestions For Testifying

- Tell the truth – the single most important advice is to tell the court exactly what you remember
- Understand the question – if a question is not clear, ask that it be restated or repeated

Dress Neatly

- Your appearance in court is important– appropriate clothing must be worn
- Judges do not allow jeans, cutoffs, low cut tops, tank tops, halter tops, spandex clothing, shorts or very short skirts

Threats

- If you are threatened, you should immediately report it to your local police agency and to your Victim Advocate at the Prosecutor's Office
- Be sure to explain that you are a crime victim and that you have been threatened in relation to the crime

Witness Compensation

- A witness will receive \$6.00 for each half day and \$12.00 for each full day that he or she is called to testify
- These amounts are set by law

Witness Parking

- Parking is available in lots around the court building
- The Victim Services Unit cannot pay for parking tickets

Children

- Many judges do not allow children in the courtroom as spectators
- Court proceedings sometimes take longer than expected, children often become restless, agitated and upset
- There is no child care available for your child while you testify
- **Please find a babysitter before the court date**

IMPORTANT INFORMATION TO REMEMBER

Officer in Charge of Case (OIC): _____

OIC Phone #: _____

Defendant's Name: _____

Case Number #: _____

Charges Issued: _____

Prosecuting Attorney: _____

Phone #: _____

Contact Person/Advocate: _____

Phone #: _____

Notes:

www.waynecounty.com/prosecutor

VICTIM RESOURCES

**Wayne County Prosecutor's Office
Criminal Justice Complex
5301 Russell St, Suite 200
Detroit, MI 48211
(313) 224-5777**

**Victim Services
(313) 224-5800**

**Special Victims Unit
(313) 224-5857**

**Domestic Violence Advocates
(313) 224-8500**

**Detroit Police Department
1301 Third St.
Detroit, MI 48226
(313) 237-6394
detroitmi.gov**

**Wayne County Sheriff's Department
Prisoner Information
5301 Russell St, Suite 1020
Detroit, MI 48211
(313) 224-5222
waynecounty/sheriff**

**Personal Protection Orders
Coleman A. Young Municipal Bldg.
2 Woodward Ave.
Detroit, MI 48226
(313) 224-5222
Closed for Lunch from 12pm to 1pm**

**3rd Circuit Court
Criminal Division
Criminal Justice Complex
5301 Russell St, Suite 100
Detroit, MI 48211
(313) 224-5777
www.3rdcc.org**

**Probation Dept, 36th District Court
Felony: (313) 224-2600
Misdemeanor: (313) 965-3414
36thdistrictcourt.org**

**Department of Corrections
P.O. Box 30003
Lansing, MI 48909
(517) 335-1426
michigan.gov/corrections**

**Crime Victim Services Commission
P.O. Box 30003
Lansing, MI 48909
(517) 373-7373
(877) 251-7373**

**** Advisory ****

The following items are prohibited Third Circuit Court Buildings
(Check with other courts for list of prohibited items)

Alcoholic Beverages	Curling Irons	Noisemakers of any kind
Ammunition	Dental Floss	
Aerosols or any spray device	Flatware including knives, forks or spoons	Palm Pilots or other PDA's (except attorneys with a current Bar Card)
Batteries	Food or Beverages	Pencil Sharpeners
Cameras and Recording Devices Including phones or PDA's with cameras, Blackberry phones and Smart Phones	Glass or Mirrors of any kind, including make-up compacts	Radios (or headsets)
Can Openers of any kind, including P38's	Hair Clippers	Safety Pins
Cans – aluminum and metal	Hair Spray	Scissors
Vapor Pens	Head Phones (with cords)	Screwdrivers
Cigarette Lighters/Matches	Heavy Metal Objects	Sharp Objects or Blades
Combs – metal or rattail	Large Bags of any kind, including duffle bags, backpacks, oversized purses	Spikes
Cord-like Objects , including ropes, chains, straps, heavy belts, and wires	Large Perfume Bottles	Staplers or Staple Removers
	Lights of any kind	Video Games , giga pets, gameboys, etc.
	Markers or Paints of any kind, including grease pencils Mace , Pepper Spray	Weapon-like Objects , including bats, clubs, batons, irons
	Master Locks	Weapons , including toys or replicas (except law enforcement with ID)
	Nail Clippers / Metal Nail Files	Whistles
	Needles of any kind, except with medical documentation	

Other items deemed dangerous by Court security personnel will also be prohibited.
Surrendered items will be confiscated and not returned.