

Crime Victims' Program



The Crime Victims' Program is a community based program through A Safe Place, Inc. that provides services to victims of all crimes in Warren/Forest Counties as their cases proceed through the criminal/juvenile justice systems. This program is funded through the Pennsylvania Commission on Crime and Delinquency (PCCD) with funding through Rights and Services (RASA) Act; Victims of Juvenile Offender (VOJO), Victims of Crime Act (VOCA) and additional funding through the Warren County Commissioners.

Important Case Information

Defendants Name:

Defendants Name:

Defendants Name:

Case/Docket Number:

Assistant District Attorney Assigned:

Assistant District Attorney Phone Number:

Notes

Understanding your Rights as a Victim of Crime

Victim's rights exist to ensure victims and witnesses of crime are informed, present, and heard at important stages in the criminal matter involving them.

These basic and fundamental rights seek to provide victims and survivors with a meaningful role in the criminal and juvenile justice system.

It is essential that you update the prosecutor or victim advocate assigned to you with your contact information so they can ensure you benefit from the rights available to you.

A Safe Place, Inc. does not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.

Crime Victim Program Grievance

If a victim feels that unlawful or inappropriate action has occurred, he or she may contact the Crime Victims' Program and request a complaint form, which may be completed and returned. The Crime Victims' Program will make every attempt to resolve the complaint. If the Crime Victims complaint remains unresolved to the satisfaction of the victim, the victim has the right to contact the office of the victim advocate using the following information.

Address: 1101 S. Front St., suite 5200, Harrisburg, PA 17104

Toll– Free Telephone: 1-800-563-6399

Web Address: www.ova.pa.gov.

Crime Victim Program Confidentiality Policy

The Crime Victims Act, 18 P.S. § 11.211, et seq. (2002), provides that the information a victim must provide in order to receive notifications of case and defendant status are confidential and may not be disclosed to any entity other than a law enforcement agency, corrections agency or prosecutor's office without the prior written consent of the victim. Section 11.502 provides that the testimony of the victim before the PA Board of Probation and Parole shall be confidential, including all personal information of the victim and family members.

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AS A VICTIM OF CRIME YOU HAVE THE RIGHT TO:

- » Receive basic information about the services available to victims of crime.
- » Be notified when certain significant events occur relating to your case including:
 - The granting or denial of bail to an adult offender.
 - Whether a juvenile was detained or released following arrest.
 - The filing of a petition alleging delinquency of a juvenile.
 - The escape and subsequent apprehension of an adult prior to trial or a juvenile prior to adjudication.
- » Be accompanied at all court proceedings by a family member, a victim advocate, or other support person.
- » Offer comment regarding a defendant's bail conditions at the time that bail conditions are set or at any later proceeding where bail conditions may be modified.
- » Receive immediate notice of the release of an adult offender on bail who is incarcerated in a local correctional facility for a violation of a Protection From Abuse (PFA) order, Sexual Violence Protection Order (SVPO), or Protection From Intimidation (PFI) order, or for a personal injury crime committed against the victim protected by the order.
- » Receive help in preparing an oral and/or written victim impact statement detailing the physical, psychological, and economic effects of the crime which will be considered by the courts.
- » Be restored as you were before the crime, as much as possible, through restitution, compensation, and the return of property seized as evidence.
- » Receive information on and assistance in preparing, submitting, and following-up with a claim for compensation.
- » Not be excluded from any criminal proceeding unless the court determines that testimony by the victim would be materially altered if the victim heard other testimony at the proceeding.
- » Be notified of the Address Confidentiality Program, if eligible to apply.
- » Be notified of an adult offender's transfer from a state prison to a mental health facility and the discharge, transfer, or escape of the adult offender from that facility.

Glossary Of Terms used in Criminal/Juvenile Cases

Preliminary arraignment	This appearance is for the purpose of setting bail, furnishing the defendant with a copy of the complaint, advising him/her of his/hers right to legal counsel, and setting the date for preliminary hearing.
Prima Facie Case	Enough evidence to hold the case for trial.
Prior Comment:	A written or oral statement detailing the victim's feelings concerning the crime. It is presented to a judicial authority before a change of plea or the dropping or reducing of an offender's criminal charge(s) takes place.
Prosecutor:	In criminal cases, the attorney for the county who represents the interests of the general public, also known as the District Attorney.
Restitution:	A commitment on the part of the offender by way of a Court Order to compensate the victim for losses incurred due to the offender's criminal activities.
Subpoena:	An order issued under an authority of a court, commanding a person to appear in court on a particular date, usually to give testimony in a legal case
Summons:	A written order by a Judicial oOfficer requiring a person accused of a criminal offense to appear in a designated court at a specified time to answer to the charge(s).
Victim Impact Statement:	Statement from a victim concerning the impact a crime has had on him or her and their life. The Judge takes this into consideration prior to sentencing.
Waive:	To give up the right to a proceeding, for example, to waive a hearing.

Glossary Of Terms used in Criminal/Juvenile Cases

Arraignment:	The proceeding in which an accused person is brought before a Judge to hear the charges filed against him/her. The offender will enter a plea of guilty, not guilty, or 'no contest'. Arraignment may be waived by the defendant, which would automatically enter a "not guilty" plea.
Arrest Warrant:	A document issued by a judicial officer, which directs a law enforcement officer to arrest a person who has been accused of an offense.
Bail:	Money or property promised or given to the court as security when a defendant is released before or during his/her trial, with the agreement that the defendant will return to court when ordered to do so.
Bench Warrant:	A Court Order, which directs that the defendant who has been released before trial and fails to return when ordered to do so, be brought to court to appear before the Judge.
Complaint	A statement of facts about an alleged crime which when filed in court formally charges a person.
Continue:	To reschedule a hearing on a criminal matter from a scheduled date to a future date for a valid reason.
Cross Examination:	The questioning of a witness by the defense attorney.
Defendant:	A person who has been formally charged with committing a crime and against whom a criminal proceeding is pending.
Direct Examination:	The questioning of a witness by the District Attorney or Assistant District Attorney.

AS A VICTIM OF CRIME YOU HAVE THE RIGHT TO:

- » Have notice and provide prior comment on a judicial recommendation that the defendant participate in a motivational boot camp.
- » Give prior comment on the sentencing decision of an adult offender or the disposition of a delinquent juvenile including the submission of a victim impact statement.
- » Be notified of the disposition and sentence of an adult, including sentence modifications
- » Have notice and provide comment on resentencing decisions regarding an offender.
- » Have notice and provide prior comment on prosecutor's waiver of eligibility requirement of an offender to enter the Recidivism Risk Reduction Incentive (RRRI) Program.
- » Be notified and provide comment if the court considers an offender to be eligible for the State Drug Treatment Program.
- » Receive notice of the arrest of a defendant for violating a PFA order.
- » Receive notice 90 days prior to the offender's parole date and submit a pre-parole statement regarding the offender's parole supervision, including suggestions of special conditions or written petition to deny parole, and to appear in person or through representation to provide testimony before the parole panel.
- » Receive notice of the parole board's decision before the offender's release.
- » Be present at trials, including murder trials, and not be excluded from the trial if providing input at sentencing.
- » Be present at the execution of an offender.

VICTIMS OF A CRIME COMMITTED BY A JUVENILE HAVE THE ADDITIONAL RIGHT TO:

- » Receive prior notice of delinquency hearings and notification of hearings about the transfer of a juvenile to and from criminal proceedings.
- » Receive notice of the details of the final disposition of a juvenile's case.

VICTIMS OF PERSONAL INJURY CRIMES HAVE THE ADDITIONAL RIGHT TO:

- » Receive notice of the arrest of a suspect or the filing or forwarding of a complaint relating to the crime.
- » Receive notice of a dispositional proceeding including location and time if the prosecutor's office has advance notice of said proceeding.
- » By request, receive notice when an adult offender is released from incarceration at sentencing.
- » Receive notice of an opportunity to give prior comment on and receive post-sentencing decisions involving an offender's release from a state prison, such as medical release, work release, furlough, parole, pardon, or community treatment center placement.
- » Receive notice of and provide prior comment on recommendations that an offender may participate in a motivational boot camp.
- » Receive notice of the release of an adult offender from a local correctional facility, including medical release, work release, furlough, parole, release from a boot camp, or release from a community treatment center placement.
- » Receive immediate notice of the escape/apprehension of an adult offender
- » By request, receive notice of the filing, hearing, or disposition of appeals.
- » Receive notice of the commitment to a mental health institution from a state or local correctional facility.
- » Receive notice of the termination of the courts' jurisdiction.
- » Provide prior comment on medical release or work release of an offender from a state or local correctional facility.
- » Give prior comment on the potential reduction or dropping of charges or any changes of a plea in a criminal or delinquency proceeding or diversion of a case.

You have rights as a victim of crime. In addition, there are standards of service that you can expect to receive as a victim of crime. The standards help ensure that you receive information, practical and emotional support, and are able to participate fully in the criminal justice system. These standards were created to make sure that you are treated with dignity and respect at all times, regardless of your gender, age, marital status, race, ethnic origin, sexual orientation, disability or religion.

What is a Victim Impact Statement?

Who will see my Victim Impact Statement?

A copy of your statement will be given to the presiding Judge, District Attorney, probation department, and defense counsel. Please be aware that the defendant will have access to your statement in accordance with Pennsylvania law.

Only you can decide whether or not to submit a Victim Impact Statement, it is not mandatory. Please keep in mind that in order for the court to have enough time to review your Victim Impact Statement it is important that you submit it to the Crime Victims' Program office at least one week prior to sentencing.

What should I consider when preparing my Victim Impact Statement?

You can consider a number of factors when writing your statements or speaking to the court including:

- » The physical injuries incurred as a result of the crime, either temporary or permanent.
- » The emotional and psychological impact of the crime.
- » The financial impact of the crime including medical or counseling expenses, property damage, and missed work or lost wages.
- » If the crime resulted in death, the family may want to talk about who that person was and the life they led including their accomplishments, awards, activities. Photographs and family portraits may be helpful in the scenario.
- » Impact on other members of the family including children.
- » Your feelings on the person who committed the crime.
- » How you feel justice can best be served.

Please note the provided victim impact form is only a guideline. If you choose, you may write your statement in the form of a letter instead. Be sure to sign and date your statement.

What is a Victim Impact Statement?

In accordance with the Pennsylvania Victim's Bill of Rights, victims have the rights to submit a written or verbal victim impact statement to the court.

Victims of crime have the right to participate and be heard in the criminal and juvenile justice systems through the use of victim impact statements. A victim impact statement gives victims the opportunity to speak out about the pain, anguish, and financial devastation the crime has caused for them, their families and in some cases, their businesses. It also provides the presiding judge with essential information to consider prior to sentencing an offender.

A victim impact state is only submitted to the court if an offender pleads guilty or is found to be guilty by a jury or a Judge. It is usually presented to the Judge in writing before he or she decides on a sentence for the offender. Victim impact statements can also be made verbally at the time of sentencing. If you wish to make verbal statements, please inform the Crime Victim's Program office prior to the sentencing date so arrangements can be made with the court.

Is there anything I should NOT include in my statement?

As long as the statement is not abusive or offensive, it can be written freely. Focus on writing about the impact of the crime, rather than the details of the crime itself.

If you need assistance in preparing a Victim Impact Statement or have any questions please do not hesitate to call the Warren or Forest County Crime Victims Program.

VICTIMS OF SEXUAL ASSAULT HAVE THE ADDITIONAL RIGHT TO:

- » Receive information concerning the availability of protection orders.
- » Have the confidential support of a counselor from a rape crisis center at the hospital during and after a forensic rape exam.
- » Have a sexual assault evidence kit collected and tested anonymously/without a name attached to it.
- » Have a sexual assault evidence kit collected and tested even if the exact location of the crime cannot be provided.
- » Not be billed or charged for the costs of a forensic exam or sexual assault evidence kit.
- » Have sexual assault evidence kept according to the statute of limitations.
- » Be notified of the status of a sexual assault evidence kit, if requested, including at least 60 days prior to the destruction of evidence.

VICTIMS OF PERSONAL INJURY CRIME COMMITTED BY A JUVENILE HAVE THE ADDITIONAL RIGHT TO:

- » By request receive notice prior to the release of a juvenile from residential placement, a shelter facility, or a detention center.
- » By request be notified and be able to submit a written objection prior to the transfer or release from a placement facility of a juvenile who has been adjudicated delinquent, when such action is contrary to a previous court order or placement plan approved at a disposition review hearing.
- » By request be given immediate notice of a juvenile's escape from residential placement, a shelter facility, or a detention center and later apprehension.
- » By request submit written comment and oral testimony at a disposition review hearing.

Your rights will be provided to you by several different agencies, which include a state or local law enforcement agency, the prosecutor's office, local correctional facility, Board of Probation and Parole, the juvenile probation office or the Department of Public Welfare. Who provides specific notifications to you depends on where the case is in the criminal or juvenile justice system. There are some rights that you will need to request in order for them to be provided to you.

Services Available to all Victims of crime

The Crime Victims' Program provides the following services at no charge to all victims of crime, witnesses, significant others and their families.

- » Advocacy
- » Case Status
- » Court Accompaniment
- » Courtroom orientation
- » Enrollment in inmate state notification program (PA Savin/Vine link)
- » Property Return
- » Restitution
- » Supportive Counseling
- » Victim Compensation Assistance (VCAP)
- » Victim Impact Statements
- » Victim Rights Notification

Pennsylvania Address Confidentiality Program (PA ACP)

Provides victims of domestic violence, sexual assault, human trafficking or stalking with an alternate mailing address to keep their actual home address out of public records where their perpetrator may find their location. ACP is designed to be a part of an overall safety plan for victims who are planning to move or have recently moved to a location unknown to the perpetrator.

**ACP is not a witness protection program.*

Pennsylvania Victim Notification System (PA Savin/ Vine link)

As a victim of crime, this service provides you with free, confidential notification regarding an offender's release, transfer or escape. Including offenders under the supervision of county jails, state prisons, and state parole.

To learn more and register, contact the Office of the Victim Advocate at

(800) 563-6399, during regular business hours.

To register online visit: www.vinelink.com

Pennsylvania Victims Compensation Assistance Program (VCAP)

VCAP helps victims and their families through the emotional and physical aftermath of a crime by easing the financial impact placed upon them by the crime. As a victim of crime, you will always be treated with dignity, compassion, and respect when being assisted through the victims compensation claim process. You may be **eligible** to receive financial help from VCAP for a **variety of expenses**, such as medical and counseling expenses, loss of earnings, loss of support, stolen cash, relocation, funeral, or crime scene cleanup.

You may be eligible for compensation if:

- » The crime occurred in Pennsylvania
- » The crime was reported promptly to proper authorities or a Protection from Abuse order (PFA), Sexual Violence Protection order (SVPO) or Protection from Intimidation (PFI) is filed.
- » The victim must cooperate with the police, courts, and the Victims Compensation Program
- » Victim must file the claim within five years of the crime
- » Victim must have a minimum loss of at least \$50.00 because of the crime (if you are less than 60 years old)

What can I be compensated for under VCAP?

- » Medical Expenses
- » Counseling expenses
- » Loss of earnings
- » Loss of Support
- » Relocation expenses
- » Funeral Services
- » Crime Scene clean up expenses
- » Childcare/Home healthcare expenses
- » Stolen cash if your main source of income is retirement, pensions, disability, or court ordered child support.

If you are awarded compensation through VCAP, the defendant in your case will in turn have to pay the program back.

What is Restitution?

As a victim of crime in Pennsylvania, you have the right to be restored to your pre-crime economic state. Restitution is one method of regaining your losses that you suffered as a result of criminal activity.

How do I file for restitution?

You can file for restitution by filling out the form and returning it to the Crime Victims' Program office. If you have any questions about this form, need new forms, or require assistance to complete the form, please do not hesitate to call our office.

What can I include on my restitution claim?

You have a right to be restored to your pre-crime economic status. This means you can include any financial loss you've directly incurred. Examples might include payment for medical bills, reimbursement for damaged or stolen property, service fees from banks and other institutions, insurance deductibles, and lost wages from missed work directly associated with the crime.

Is there a deadline for submitting a restitution claim form?

Your forms should be submitted to the Crime Victims' Program office as soon as possible, but at least one week prior to the sentencing of an offender. If you believe there are going to be additional losses such as ongoing medical or counseling expenses, please note this on the claim form. The court must have a restitution amount at the time of sentencing. Restitution cannot be ordered after a defendant has been sentenced.

When will I receive my restitution?

If restitution is ordered in your case it is important for you to understand that it isn't likely for you to get money quickly. Payment may be delayed due to the defendants employment status or if the defendant is incarcerated. Restitution will typically come to you in installments over a period of time.

What information is needed to file a restitution claim?

It is helpful to the court if you provide proof of your losses and their value. Include copies of bills, receipts, estimates of value, replacement costs, insurance invoices, or other documentation that shows your financial loss. These documents can be returned to you upon request.

Warren County Crime Victims' Program

Office Location/Mailing Address:

Warren Co. Court House,

204 Fourth Avenue, Room 122, Warren, PA 16365

Phone: 814-728-3468 or 814-728-3458

Fax: 814-728-3470

Forest County Crime Victims' Program

Office Location/Mailing Address:

623 Elm Street, P.O. Box 21, Tionesta, PA 16353

Phone: 814-755-3300

Fax: 814-755-3176

Directory

	Warren	Forest
Adult Probation.....	(814)-728-3520	(814) 755-3851
A Safe Place.....	(814)-726-1271	(814)-755-3175
Children and Youth.....	(814)-726-2100	(814)-755-3622
District Attorney's Office.....	(814)-728-3460	(814)-755-3164
Juvenile Probation.....	(814)-728-3500	(814)- 755-3851
Sheriffs' Office.....	(814) 723-7553	(814)- 755-3541
Pennsylvania State Police.....	(814) 726-3600	(814)-927-5253
PA Childline.....	1-800-932-0313	
Area Agency On Aging.....	(814)-723-3763	
City of Warren Police.....	(814)-723-2700	
Conewango Twp. Police.....	(814)-726-0725	
Youngsville Police Dept.....	(814)- 563-7555	
Pennsylvania State Police Corry.....	(814)-663-2043	
Office of the Victim Advocate (OVA)..	1-800-563-6399	
Pennsylvania Attorney General.....	(717)-787-3391	

In case of Emergency call 9-1-1

Information Regarding the Warren County Court House

Address: 204 Fourth Avenue, Warren PA 16365

» Single Point of entry into the Court House is at the Fifth Street Entrance

Located in the basement:

- » Adult Probation Office: Room #59
- » Courtroom B: Used for Preliminary Hearings

Located on the First Floor

- » Crime Victims Office Room #122
Located at the stop of the stairs after single point of entry (main entrance)
- » Restrooms located across the hall from Crime Victims Program Office

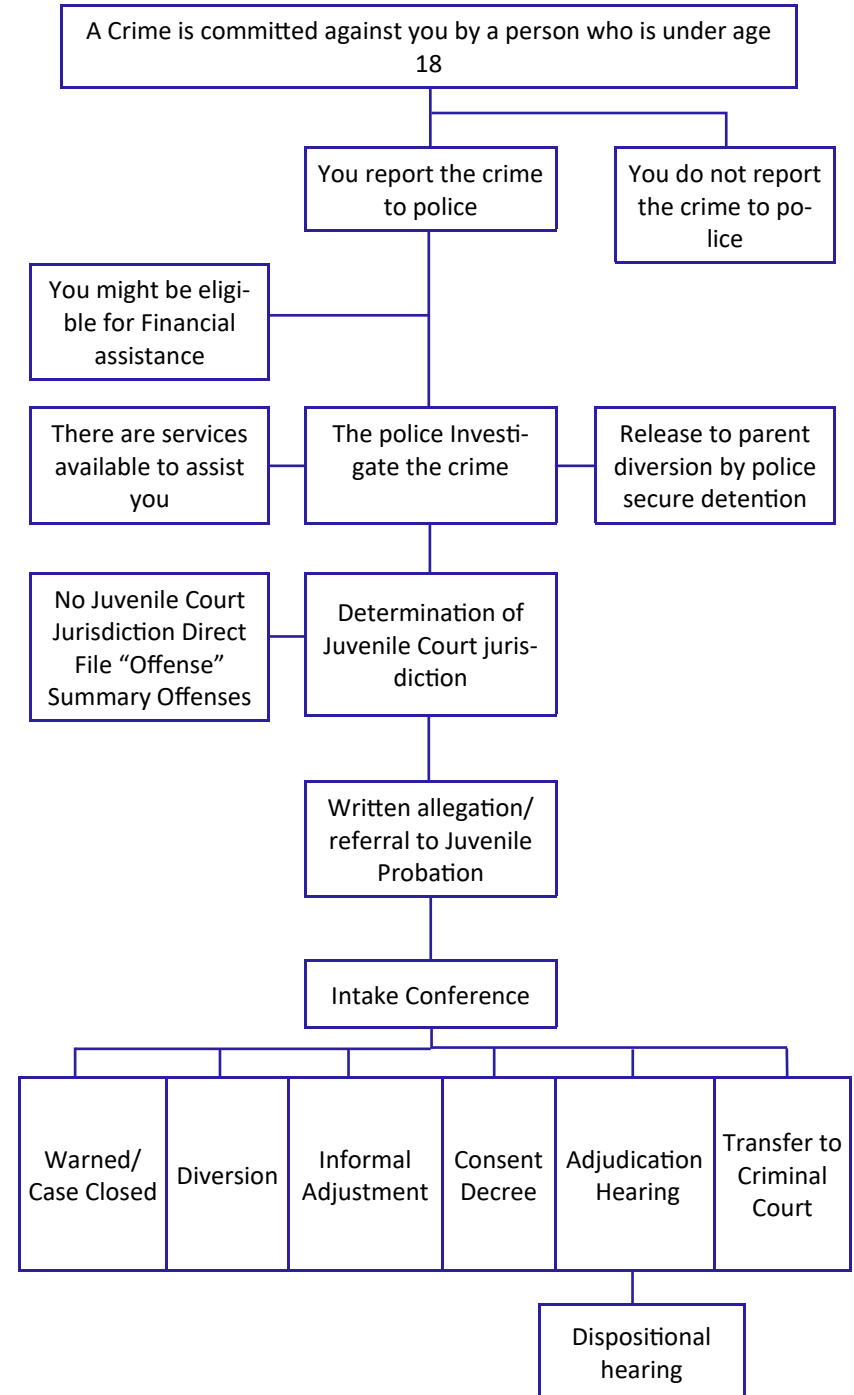
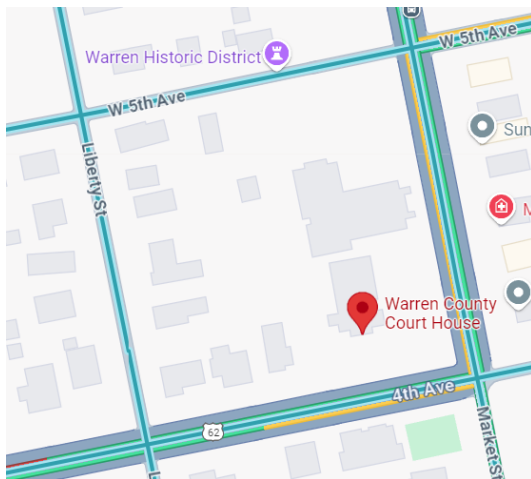
Located on the second floor

- » District Attorney's Office Room #208
- » Jackson Court Room
- » Restrooms located outside Jackson courtroom
- » Main Court Room

Located on the Third floor

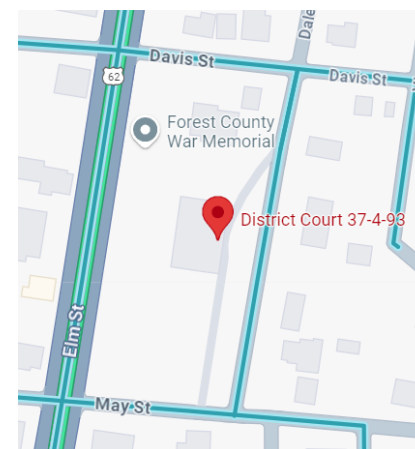
- » Juvenile Probation Office Room # 308

*Vending Machines are located in the hallway to the left of the Market St Exit door.

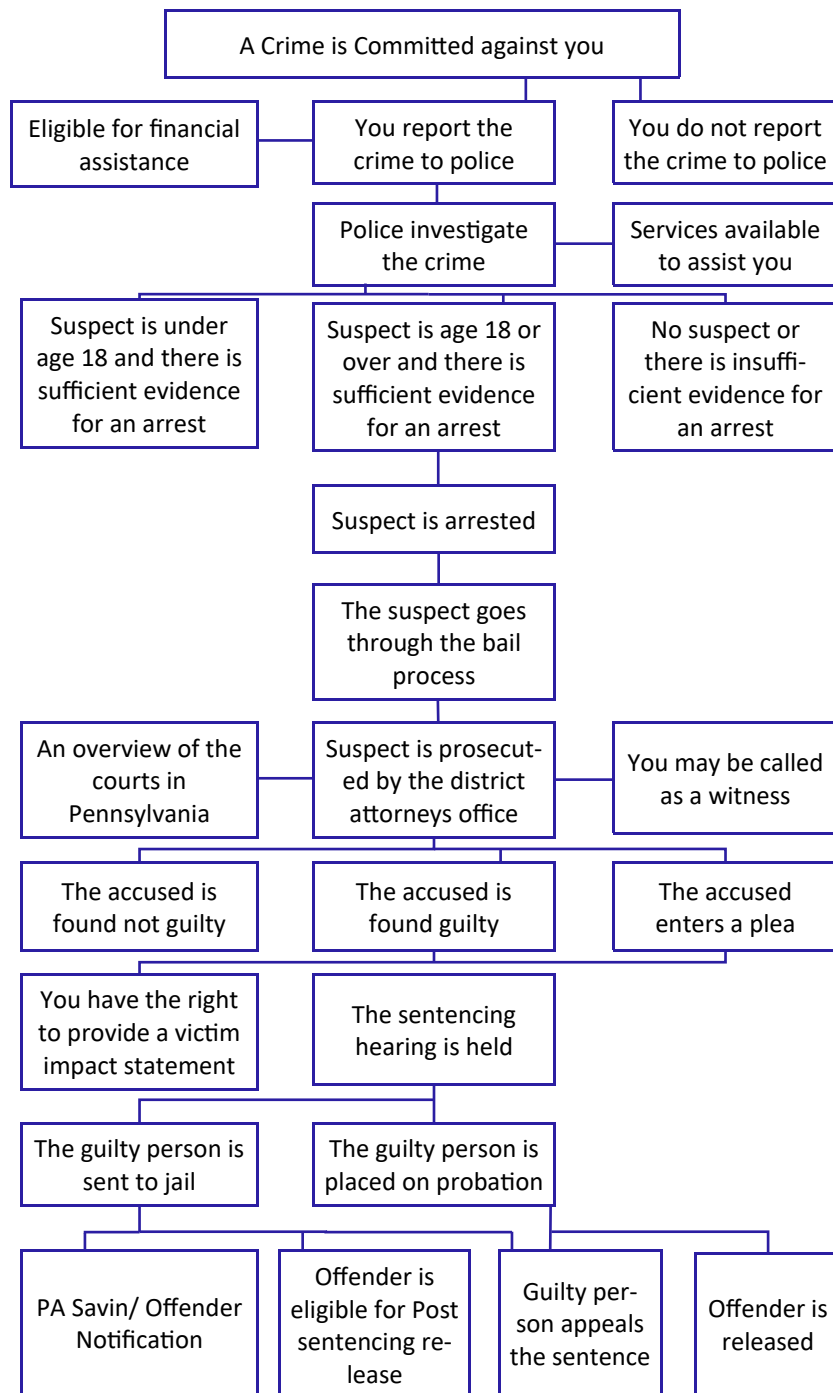


Glossary of Terms	
Adjudication Hearing	A juvenile criminal proceeding where a Judge determines if the accused offender is delinquent (in violation of the law).
Consent Decree	A judicial decision whereby a juvenile offender's charges are held open for four to twelve months to allow the offender time to correct his behavior and begin making positive changes for his life.
Delinquency	The state of being in violation of the law.
Disposition Hearing:	A juvenile criminal proceeding where a Judge determines the punishment for the offending youth.
Informal Adjustment:	A judicial decision to hold a juvenile offender's case open for three to six months while he/she is supervised and/or receives necessary services.
Intake Conference:	The initial proceeding in a juvenile crime case to determine whether or not the offender should be referred to Court.
Juvenile:	A person under 18 years of age.
Subpoena:	An order issued under an authority of a court, commanding a person to appear in court on a particular date, usually to give testimony in a legal case

Information Regarding the Forest County Court House
Address: 526 Elm Street, Box 3 Tionesta, PA 16353
Located on the First Floor:
Prothonary's Office (clerk of court)
Located on the second floor:
Courtroom
District Magistrates office (Tionesta Office)
Information regarding Criminal Justice Building
<i>(Located next to the court house)</i>
Located on First Floor:
Forest County Sheriffs Office
Located on Second floor:
District Attorneys Office
Probation Offices
Information regarding District Magistrates office
Marienville Address: 108 S. Forest Street, Marienville PA 16329



Process of Criminal Case



The Juvenile Court System

In any of these alternatives, the juvenile may be ordered to pay restitution, do community service, attend counseling, avoid contact with the victim, attend school, or complete drug and alcohol counseling and/or treatment. After successful completion of these terms, the juvenile can have the offenses erased from his record. Juveniles who do not comply with the terms and conditions or the informal adjustment or consent decree may still be referred to court.

If a court referral is made, and an adjudication hearing is scheduled before the Judge. At this hearing, the Judge will determine whether or not the juvenile has violated the law. If the juvenile does not admit to the charges, it is not necessary for witnesses to appear, but they may do so if they wish. Juveniles who are not adjudicated delinquents (found to be guilty) are released from the jurisdiction of the court. Those who are adjudicated delinquents are scheduled for a disposition hearing at a later date.

Before the disposition hearing, a thorough background investigation is conducted by the probation department. The Crime Victims' Program or juvenile probation will contact all victims to determine if any losses have been sustained due to the juveniles criminal activities. Victims will also have the option to submit a victim impact statement to be presented to the Judge at Disposition (sentencing). The victim can attend the disposition hearing if desired. Otherwise, the Crime Victims' Program will provide notification of the outcome of any restitution that may be ordered.

The Juvenile Court System

If you are a victim of a crime committed by a juvenile, the court process will differ from that of an adult court proceedings. Most juvenile hearings are not open to the public and are generally less formal.

When a juvenile commits a crime, the police conduct an investigation to determine if there is enough evidence to file a petition alleging acts of delinquency. If there is, the petition is referred to the juvenile probation department. They, in turn, have two options in handling the case. One is to release the offender to the custody of the parents or guardians until an intake conference is scheduled, the other is to detain the juvenile. A juvenile in detention will also have an intake conference.

At the intake conference, the parents (or guardians) and the juvenile are required to appear for an information interview. Depending on the circumstances and seriousness of the offense, the intake officer will determine whether the juvenile should be referred to the court. In cases which are not referred to the court, the intake officer has three options.

1. Warn, reprimand, and counsel the juvenile. No further action is taken.
2. The case is held open for three to six months under an informal adjustment while the juvenile is supervised by the probation department and/or receives other necessary services.
3. Recommend to the Judge that the juvenile be placed on a consent decree. The charges are then held open for four to twelve months, pending the successful adjustment of the offender. A probation officer supervises the juvenile during this period.

Frequently Asked Questions in the Criminal Justice Process

What is Expected of me as a victim or Witness of a crime?

You are expected to report the crime to your local Police department and to testify as to what happened. The police will take your statement and file a complaint. A **Complaint** is a statement of facts about an alleged crime which, when filed in court, formally charges a person. An **arrest warrant** or **summons** to appear is then issued by the District Justice. An arrest warrant is an order signed by a judge authorizing the police to arrest a person believed to have committed a crime. A summons is mailed to the accused and directs him/her to appear for a preliminary hearing.

What Happens after the suspect is arrested?

The person accused of the crime is now called the **defendant**. The defendant will make his/her first appearance before a local Magisterial District Justice soon after the arrest at a **preliminary arraignment**. This appearance is for the purpose of setting bail, furnishing the defendant with a copy of the complaint, advising him/her of his/hers right to legal counsel, and setting the date for preliminary hearing. Your appearance is not required at the preliminary arraignment.

What is the purpose of Bail?

Bail is used to ensure the defendant's appearance in court. All defendants, except those charged with an offense punishable by death, are entitled by law to reasonable bail prior to trial. The seriousness of the crime charged is only one of the factors the judge considers in setting bail. He/she must also consider the status of the defendant—employment, family, age, residence and any other factors relevant to whether the defendant is likely to flee the jurisdiction. The defendant will be released when he/she or someone on his/her behalf, posts money, property or bond for bail. If a defendant later fails to appear at a scheduled court meeting, a warrant will be issued for his arrest, and he will be brought before a judge.

What if I am threatened by the defendants or his friends?

Most witnesses never have this problem; however, if the defendant or anyone else attempts to intimidate you, notify your local police department immediately and call the Crime Victims' Program/District Attorney's office. Criminal Charges may be brought against the person making the threat, and if the defendant threatens you, his bail may be revoked.

Frequently Asked Questions in the Criminal Justice Process

What is a Preliminary hearing?

A **preliminary hearing** is a scheduled court proceeding with testimony under oath, where the Magisterial District Justice, the defendant, the defendants attorney, the prosecutor from the Office of the District attorney, the police officer in charge of the case, and you– the victim or witness– are present. The hearing is held at the Magisterial District Justice office in the area where the crime occurred. The purpose of a Preliminary hearing is to establish that there is enough evidence to hold the case for trial (a **Prima Facie Case**). The burden of proof lies with the prosecution to show that a crime has been committed, and that there is reason to believe the defendant committed the crime. If you are called to testify, the office of District Attorney will want you to sit in the witness chair and answer the questions about who you are and what you know about the case. Usually, the defendant offers no defense at this time. However, you will be cross examined by the defendants attorney. If a prima facie case is shown, the Magisterial District Justice will rule that the defendant shall go to trial in the courthouse. The defendant can waive (not demand) the preliminary hearing and proceed to trial. In which case you will not have to testify at the preliminary hearing. You will receive notice when the case is scheduled for trial.

Do I need to get an attorney to represent me?

No, the District Attorney will handle the prosecution of your case. He/she is an attorney who represents the interest of the people. He/she will work with you, the police and other witnesses to prepare and prosecute your case. The District attorney is paid by the county, so you are not required to pay legal fees.

What if the defense attorney contacts me about the case?

Before speaking to anyone about the case, you should ask to see the person's identification. You are under no obligation to talk to anyone. You have the right to refuse to discuss the case with the defense attorney; you may speak with him/her if you wish, or you may agree to speak with him/her only in the presence of the Assistant District Attorney. You should report all contacts to the Office of the District Attorney.

What if I move before/during the case?

The Crime Victims' Program should be notified of any changes in your address or phone number. These changes should also be updated if you are enrolled in PA SAVIN or with any other provider of services having to do with your case.

Frequently Asked Questions in the Criminal Justice Process

What should I do if the no contact/no trespass order is broken?

If the defendant in your case breaks the no contact/no trespass order and you are in immediate danger call 911. Let the dispatcher and responding officer know that you are a victim in a criminal case against this person and there is a no contact either through a bail condition or sentence order.

If you are not in immediate danger, but the defendant is having contact with you, contact the officer or agency who handled your case and report the incident to them. Always keep a record of dates and times for any incident where the no contact/no trespass order is broken. Also, it's helpful to get the name of the person/agency you reported the incidents to. Follow up with the Crime Victims' Program to inform them that a report has been made.

Court Room etiquette?

- » Cell phones must be turned off and are not permitted in the courtroom.
- » Do not post or comment about your case on any form of social media.
- » Photographs, video or audio taping are all strictly prohibited in the courtroom.
- » Dress professionally, conservatively and respectfully. Your manner of dress should show respect for the Judge. Be mindful of length of dresses or skirts, excessive high heels, revealing blouses, ripped jeans, vulgar t-shirts, loud jewelry.
- » Don't talk when the court is in session.
- » Address the Judge as "Your honor".
- » Wait for your turn to talk. Do not interrupt the Judge, opposing party or your attorney.
- » Don't roll your eyes, shake your head, etc. when you hear the opposing party or counsel say something that is not true or that you don't agree with.
- » Stay composed. It shows that you are a rational, reasonable person. Don't gloat, cry or storm out of the courtroom. Refrain from laughing, losing your temper or arguing with attorney's
- » Thank the Judge, and court staff for their time.
- » Speak clearly and loudly
- » Do not chew gum bring mints or hard candy
- » If you do not hear a question, ask to have it repeated
- » If you do not understand the question, ask to have it explained.
- » Do not nod "yes" or "no" say "yes" or "no"
- » Observers (friends, family) who are in the courtroom must be quiet and still.

Frequently Asked Questions in the Criminal Justice Process

When will the defendant be sentenced?

If the defendant is found guilty, the judge will set a date for sentencing. The judge may direct that the adult probation department conduct a pre-sentence investigation of the defendant's background and the circumstances of the crime. They then provide the judge with a pre-sentence report and a recommended sentence. If you are the victim of a crime, you have a right to let the sentencing judge know how the crime has affected you physically, psychologically and financially. Members of your family may also comment on how the crime has affected them. You may be contacted by the probation officer who is preparing the reports, and you should make these facts known to him/her. In addition, you may be present in the courtroom on the day of sentencing, and you may address the judge directly if you wish. Although your presence is not required at sentencing, you are encouraged to attend because it can sometimes make a difference in the length of the sentence handed down. If you would like notice of sentencing date, please contact the Crime Victims' Program.

How long can this whole process take?

If a defendant is out on bail, the commonwealth has 365 days to bring this case to trial.

What is a no contact/No trespass order?

A no contact/no trespass order means that the defendant in your case will be told that they are not allowed to contact you, approach you, or speak to you and that they are not allowed to go into your home, whether or not you are present. They also are not allowed to direct another person (third party) to speak with you or enter your home on their behalf.

No contact/ no trespass orders can be either a bail condition on the defendant or a part of the defendant's sentence. If the order is part of the bail condition and they violate the bail condition, the court has the option to revoke the defendant's bail and they may be put back in jail. If the defendant breaks a no contact/no trespass order that is part of their sentence, they may face having their probation/parole revoked if their offense is severe enough.

What about security?

The courthouse has a single point of entry with security. All pocketbooks, briefcases and packages will be scanned. You may not bring weapons, pocketknives, box cutters or mace into the courthouse. If you do, the Sheriff's Office will take them, and keep them for you until you are ready to leave. There are also Sheriff Deputies in each courtroom to provide security and keep order.

Frequently Asked Questions in the Criminal Justice Process

What happens before trial?

There are some things that can occur between the arraignment and a trial such as a plea, a pre-trial diversionary program etc.. It is the responsibility of the District Attorney or Assistant District attorney to explain this to you. In the event your case is going to trial, the Crime Victims' Program will notify you as to the date of the trial. You may be asked to meet with the district Attorney or Assistant District Attorney before that time. Because of their caseload, it may be difficult to pinpoint an exact time at which your trial will begin. You will be given as much advance notice as possible the District Attorney's office will try to minimize your having to wait long for your case to start.

What happens on the day of the trial?

Four things that can happen on the day of the trial.

1. The trial will be held and your testimony will be required
2. Defendant may plead guilty, your testimony is not required
3. Case may be continued or postponed to another day for a valid reason
4. The defendant may fail to appear, and a bench warrant will be issued for his/her arrest. Once he./she is apprehended, a new trial date will be scheduled.

What can I expect during trial?

The District Attorney or Assistant District attorney has the burden of proving the defendant's guilty beyond a reasonable doubt. If you are called as a witness, you will be placed under oath to swear to tell the truth. The District Attorney will question you first. This is called direct examination. After this is complete, the defendant's attorney has the right to ask you questions. This is called cross examination.

Who is permitted in the courtroom?

Children should not be brought into the courtroom unless they are there to testify and have been requested to be brought. Your friends and family may be in the courtroom while you testify provided that they, themselves, will not be called as witnesses. If they have been subpoenaed, they will be asked to wait outside the courtroom (sequestered) while you give your testimony. Witnesses are not permitted in the courtroom while others are testifying because the court wants to hear what each witness remembers about the crime. The court wants to know what you remember, and asking you to remain outside the courtroom is the best way to guarantee this.