

THE VICTIM/WITNESS PROGRAM

The Victim/Witness Program of the Finney County Attorney's Office is designed to answer questions and provide assistance to you in dealing with the juvenile justice system. This pamphlet contains an explanation of the steps that are involved in a typical juvenile offender case.

* Please read this material carefully

JUVENILE - NORMAL CASE

Crime committed/reported

Investigation

Suspect Identified

Suspect Arrested/Released

Suspect Arrested/Detained

First Appearance on complaint

Detention Hearing (with 1st appearance)

Pre-Trial

Adjudication

Disposition

JUVENILE "ADULT CERTIFICATION"

Crime committed/reported	
Investigation	
Suspect Identified	
Suspect Arrested/Released	Suspect Arrested/Detained
First Appearance	Detention Hearing with First Appearance
Pre-Trial Certification Hearing	Juvenile Certified Not as Adult (Juvenile Court)
Juvenile Certified as Adult (Criminal Court)	Preliminary Examination
Adjudication	Jury Trial
Sentencing	Disposition

At any time after charges have been filed against a juvenile they may be accepted for a Formal Diversion.

* Plea hearings may be scheduled if plea negotiations have been entered into.

* If you are seeking restitution for damages you must submit proof of loss to the Victim Witness Coordinator.

* Notice of all hearings will be sent to victims if we have current addresses. It is not required that you attend a hearing unless you have a subpoena or summons.

What are the stages and how are you involved?

Crime Committed/Reported: Once a crime is reported, law enforcement officers begin an investigation. They may either arrest a juvenile on "probable cause" or present all reports to the County Attorney's Office and request a complaint to be filed.

Suspect Arrested: Most juveniles are not detained for more than the amount of time necessary to gather personal information and interview them if they wish to speak. State and Federal laws generally forbid the incarceration of juveniles in adult jails except in the most limited of circumstances.

First Appearance: The juvenile and his/her parents are formally informed of the charges by court. The juvenile may request court-appointed counsel or hire counsel. No formal action is taken until counsel represents the juvenile.

Pre-Trial: The parties have an opportunity to discuss the case and discuss potential plea negotiations. The juvenile may admit, deny or plead "no contest" to the charges. If

denied, the court sets a date for Adjudication. In some cases more than one pre-trial may occur.

Detention Hearing: If the juvenile has been detained on the charges, the Court will decide based on the circumstances of the case if detention will continue or release of the juvenile, usually with restrictions. If detained, the juvenile will remain in the Juvenile Detention Center (or Jail if over 18) until further hearings.

Adjudication: This hearing is a trial before the Court. If charges are proved beyond a reasonable doubt the juvenile will be found to be a Juvenile Offender. Necessary witnesses will be subpoenaed for the hearing. Jury Trials are rare in juvenile cases.

Disposition: This hearing is equivalent to sentencing and may occur immediately after Adjudication or at a later time. Victims may address the Court at Disposition or their views will be presented based upon their completed Victim Impact Statement. The State will ask the Court that the juvenile be ordered to pay restitution victims have requested.

Please complete the **Victim Impact Statement** IMMEDIATELY!

Special Note: In special circumstances the State may seek permission from the Court to prosecute juveniles as adults. When the State files such a motion the Court must determine whether a particular juvenile merits adult prosecution. If certified as an adult, the case is prosecuted in adult criminal court. If the certification fails, the case is scheduled for juvenile adjudication as previously outlined.

NOTE: the Court has wide discretion in how to handle a juvenile offender case, making no two juvenile cases alike.

KANSAS LAW STATES:

KANSAS VICTIMS BILL OF RIGHTS

In order to insure fair and compassionate treatment of victims of crime and to increase the effectiveness of the criminal justice system by affording victims of crime certain basic rights and considerations, victims of crime shall have the following rights:

1. Victims shall be treated with courtesy, compassion, and with respect for their dignity and privacy and should suffer the minimum of necessary inconvenience from their involvement with the criminal justice system.

2. Victims should receive, through formal and informal procedures, prompt and fair redress for the harm which they have suffered.

3. Information regarding the availability of criminal restitution, recovery of damages in a civil cause of action, the Crime Victims' Compensation Fund and other remedies and the mechanisms to obtain such remedies should be made available to victims.

4. Information should be made available to victims about their participation in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings.

5. The views and concerns of victims should be ascertained and the appropriate assistance provided throughout the criminal process.

6. When the personal interests of victims are affected, the views or concerns of the victims should, when appropriate and consistent with criminal law and procedure, be brought to the attention of the Court.

7. Measures may be taken when necessary to provide for the safety of victims and their families and to protect them from intimidation and retaliation.

8. Enhanced training should be made available to sensitize the criminal justice personnel to the needs and concerns of victims and guidelines should be developed for this purpose.

9. Victims should be informed of the availability of health and social services and other relevant assistance that they might continue to receive the necessary medical, psychological and social assistance through existing programs and services.

10. Victims should report the crime and cooperate with the law enforcement authorities.

Tips for Testifying in Court

- 1. Tell the truth. No one remembers everything. If you do not know the answer to a question, say that you do not know or do not remember.*
- 2. LISTEN carefully to the question and answer slowly and clearly.*
- 3. If you do not understand a question, ask that it be repeated.*
- 4. Answer only the question asked. Do not offer additional information or opinions unless asked.*
- 5. If an attorney objects to a question wait until the judge indicates whether you should give an answer.*
- 6. Remember to dress appropriately.*
- 7. It is natural to be nervous. Take a few deep breaths to calm yourself and try to avoid nervous mannerisms.*

FREQUENTLY ASKED QUESTIONS

- Q. Will I receive compensation for appearing as a witness?
- A. By statute you will receive \$10 per day in witness fees plus mileage if you were subpoenaed out of town.
- Q. What if I am threatened as a witness?
- A. Any attempt to prevent or dissuade a witness from testifying is a violation of the law. Report any incident immediately to the police and the prosecuting attorney.
- Q. Should I talk to the defense attorney?
- A. This is strictly your decision. You have no legal obligation to talk to the defense attorney, but you may if you wish.

- Q. Can I receive compensation for losses that I have suffered as a result if a crime?
- A. Various means are available to assist you depending on the type of loss. Discuss this with the County Attorney's Office.
- Q. When can I get my property back?
- A. All property that was taken as evidence will be released as soon as possible; however, it will not be released until it is no longer needed as evidence.
- Q. What is a continuance?
- A. For a number of reasons, it may be necessary to change the date of the court appearance. The County Attorney's Office will make every effort to notify you by telephone if a hearing has been continued. You will also receive a new subpoena telling you the date and time.
- Q. What if I move or change jobs during the proceedings?
- A. Always notify the County Attorney's Office of any changes in telephone number, address, and/or employment. Please do this immediately as there may need to be contact at any time.
- Q. Which, if any, of the juvenile offender hearings are open to the public?
- A. Typically, hearings for juveniles 14 years old or older are open to the public. If the juvenile is under 14 years old, the case is sealed. As the victim, you may be present at all the hearings.

Compensation law provides victims of violent crimes with compensation for loss of earning and out-of pocket expenses for injuries sustained as a direct result of a crime against their person. Out-of pocket means reasonable medical care or other services necessary as a result of an injury. Other services include mental health counseling and partial funeral, burial, or cremation expenses. A dependant or legal representative of a victim, who has met death as a result of a violent crime, may apply on behalf of the victim.

Victims or their representatives can apply for compensation by filing a Declaration of Eligibility Form with the Crime Victims' Compensation Board. The form is available in the Finney County Attorney's Office or by contacting the Crime Victims' Compensation Board in Topeka, KS at (785)-296-2359.

As a victim or witness of a crime, your assistance is vital to our system of criminal justice. This system is absolutely dependant upon your cooperation. Without your help in reporting and testifying about a crime, it would not be possible to successfully prosecute criminals. Crime is a community concern and only through a cooperative effort can we make out community the best that it can be.

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VICTIM/WITNESS INFORMATION FOR JUVENILE CASES



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