

CRIME VICTIM AND WITNESS RIGHTS ACT

In recognition of the Commonwealth's concern for the victims and witnesses of crime, in 1995 the Virginia General Assembly signed into law the Victim's Bill of Rights to ensure that crime victims and witnesses are treated with dignity, respect, sensitivity, and that their privacy is protected to the extent permissible under law. A summary of the rights afforded crime victims are as follows:

❖ Protection From Harm and Threats of Harm Arising Out of their Cooperation

- Information as to the level of protection available through federal, state or local resources and assistance in obtaining this protection.
- Upon request, a separate waiting area shall be provided during court proceedings.

❖ Financial Assistance

- Assistance in having personal property being held as evidence returned promptly.
- Assistance in having restitution ordered by the Court.

❖ Notification Assistance

- Advance notification of all judicial proceedings.
- Notification from DOC and local jails regarding the release or transfer of a defendant.

❖ Victim Input

- Submission of Victim Impact Statements prior to sentencing.
- Right to remain in the courtroom.
- Right to be advised of negotiated plea agreements prior to being presented to the court.

❖ Courtroom Assistance

- Confidentiality of the victim's contact information.
- Use of interpreters and closed hearings if appropriate.

❖ Post Trial Assistance

- Shall receive the final disposition, in writing, within thirty days of the sentencing and notified of any filing of appeal.



Victim/Witness Assistance Program

Yolanda Hines – Director (434) 246-1085

Commonwealth's Attorney's Office

Regina Sykes (434) 246-1020
Commonwealth's Attorney

Courts

General District and (434) 246-1096
Juvenile and Domestic Relations Court

Circuit Court (434) 246-1012

Emergency 911

Sussex County Sheriff's Office

Sheriff E. L. Giles, Sr.
Non-Emergency (434) 246-5000

Sussex County Jail

General Information (434) 246-5361

Virginia State Police

General Information (804) 834-2368

Family Violence/Sexual Assault Unit

Nancy Turner – Director (434) 348-0100

Child Advocacy Center

Katherine Turner – Director (434) 637-8155

James House

24 Hr Crisis Line (804) 458-2840
General Information (804) 458-2704

Department of Social Services

General Information (434) 246-1083



Victim/Witness Assistance Program

Sussex Commonwealth's

Attorney's Office

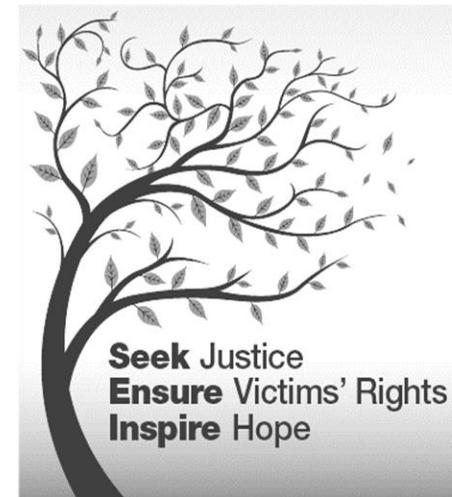
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THE SUSSEX COUNTY VICTIM/WITNESS ASSISTANCE PROGRAM



An Informational Guide for Victims and Witnesses of Crime.

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Director

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The mission of the Sussex Victim Witness Assistance Program is to provide quality and compassionate assistance to victims and witnesses of Crimes in Sussex County. Victim Advocates are here to help you and your family. It is not only about prosecuting the defendant, but it's about saving lives, restoring relationships, and helping anyone who is a victim.

The Victim-Witness Assistance Program (VWAP) is staffed by Victim Advocates whose primary focus is on the needs of the victim.

The priority of the VWAP is to reduce the trauma of crime by providing:

Referrals for community resources that will address specific needs;

- ❖ Orientation for your court appearances;
- ❖ Support during the process;
- ❖ Case status and disposition information;
- ❖ Property return and information about possible restitution.

The Victim/Witness Assistance Program is part of the Office of the Commonwealth's Attorney. The main purpose of this program is to inform victims and witnesses of their rights under the Crime Victims and Witnesses Bill of Rights. We will strive to ensure that victims and witnesses of crime are treated with respect, empathy, and compassion while they are involved in the criminal justice system.

Your role as a victim or witness in the criminal justice system is vital to bringing a case before the court. You may be unfamiliar with the system and this brochure briefly explains the services available to you through our Victim/Witness Program.

Services Provided

- ❖ Advance notice of judicial proceedings;
- ❖ Explanation of court procedures, your role as a witness, and/or a tour of the courtroom before you testify;
- ❖ Crisis counseling and appropriate referrals to community and state agencies for financial, medical and legal assistance, counseling and other service needs;
- ❖ Assistance in preparing a Victim Impact Statement;
- ❖ Assistance in filing a claim with the Criminal Injuries Compensation Fund for medical bills, counseling, etc.;
- ❖ Assistance in obtaining court ordered restitution from the defendant;
- ❖ Assistance in filing to receive notice if the defendant is released or transferred from jail;
- ❖ Assistance with court appearance such as transportation and scheduling;
- ❖ Emporia/School verification letters regarding court appearances or other case related meetings;
- ❖ In certain crimes you may be entitled to have your contact information confidential;
- ❖ Assistance with the return of personal property being held as evidence;
- ❖ Assistance from threats and harassment related to a pending criminal matter; and
- ❖ Assistance in obtaining protective order

THE CRIMINAL JUSTICE PROCESS

The criminal justice process starts when a crime is reported to law enforcement or the magistrate. There are two types of criminal charges:

Misdemeanor Cases: The defendant (the person charged with the crime) is tried in either the General District Court or Juvenile and Domestic Relations Court. All cases

involving juveniles or family members (whether they are the victims or the defendant) are tried in the Juvenile and Domestic Relations Court; all other misdemeanor cases are tried in the General District Court. The judge listens to the evidence that is presented and finds the defendant guilty or not guilty. If the defendant is found guilty, the judge passes sentence. Misdemeanor crimes may carry a maximum penalty of twelve months in jail.

Felony Cases: The defendant has preliminary hearing in either the General District Court or the Juvenile and Domestic Relations Court. If the judge finds enough evidence to believe that the crime was committed, he or she will send ("certify") the felony case to the Grand Jury. If the Grand Jury finds that the crime was committed the defendant is "indicted" and the date is set for the trial in the Circuit Court. Either a judge or a jury will hear the case. If the defendant is found not guilty he or she is acquitted and allowed to go free. If found guilty the judge imposes sentence unless a presentence report is requested and he/she will set a later date for the sentencing. At this point the victim may be entitled to submit a Victim Impact Statement for the court's consideration. Felony crimes are those for which a person can be placed in the penitentiary for a year or more.

In all felonies (and certain misdemeanors) the Commonwealth's Attorney presents the case to the court on behalf of the victim. The defendant presents his/her side through an attorney either appointed or hired.

If you receive a subpoena to testify in court you MUST appear. If you fail to appear at a criminal case after you have received a subpoena, the judge could issue a charge for failure to appear against you.

TIPS ON TESTIFYING

Be Prepared

Try to recall what happened, picture the scene and objects there. Do not try to memorize your testimony, simply state what happened in your own words.

Be Courteous

When a witness loses their temper they place themselves at the mercy of the cross-examiner. Try to remain calm and give the court the respect to which they are entitled.

Dress Appropriately

The way you dress and present yourself is a direct reflection on you. It is to your advantage to dress neatly.

Speak Clearly and Loudly

Everyone must be able to hear and understand your answers. If you did not hear the question or understand it, ask the person to repeat it.

Tell the Truth

Do not pause to try and figure out if your answer will hurt or help the case. Just answer truthfully to the best of your knowledge. If you do not know, say you don't know.

Answer Only The Questions Asked of You

If you can answer the question with a simple yes or no, do so. Do not volunteer information and remember to stop immediately if the judge interrupts you or an attorney objects to the question.

Be Prepared to Wait

Our courts are very busy and handle many cases every day. You may have to wait a period of time before your case is called so bring something to occupy your time such as a book or handwork.