

*A Guide for Victims:*



*How to Survive a Crime*

## *The Real Deal*

The criminal justice system is extremely complex. It is designed to punish the guilty, protect our rights, and protect society by taking criminals off the streets. Not all of these competing goals address how crime adversely affects those who have suffered real harm.

What you need to know right up front is that the system is designed, in large part, to protect the defendant's rights throughout the whole process. You as a victim are considered both a victim and a witness. What can get lost is that a real person suffered a real harm. If you, as a victim, are looking for closure or a sense of justice, be prepared that you may not find it through this process. Even when the system "works" and a defendant gets exactly what you feel he or she deserves, you may still walk away disappointed. This pamphlet explains what you can reasonably expect from the criminal justice system and provides you with information to assist you in the process.

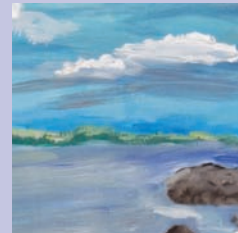


## *Protect Yourself*

When a crime is committed, no matter how serious, it will feel like the system is reacting in slow motion. This is the time to take control and to find someone in the criminal justice system who will provide you with the answers to your questions. A victim advocate is located in each prosecutor's office. If you have questions that are not being answered, contact your victim advocate immediately! That person can help you find out what is going on. As a crime victim you have certain rights, including the right to be notified of all court hearings concerning your case. You may also have the right to receive financial assistance right away through Victim's Compensation. Your victim advocate can explain the application process to you.

## *The Basics*

**Arraignment:** An arraignment is a brief hearing in which the defendant or accused enters a plea to the crime the defendant was charged with. In most cases the defendant enters a plea of not guilty. Now, you may ask, how are they allowed to enter a plea of not guilty when they were caught in the act and admitted to committing the crime? Remember they are innocent until proven guilty. One of the most important things decided by the judge at this hearing is whether the defendant should be allowed to remain free or be held in jail until the case is resolved. The decision often depends on the risk that the defendant will commit more crimes if released and the risk that the defendant will flee. The judge can also order other conditions of release. These are things the defendant is ordered to do and not do while the case is being resolved. It is very important that the victim advocate knows any special requests you may have to keep you and your family safe. Be prepared to have the defendant free while he awaits trial. If you are unable to attend the hearing, your victim advocate will inform you about the conditions of release and help you consider what you can do to remain safe.



**Change of Plea:** Most cases do not go to trial and are resolved by a plea agreement. A change of plea occurs when the defendant appears before the court and changes his plea from not guilty to guilty. This is usually done after the prosecutor has reached a plea agreement with the defendant's lawyer. Generally, the prosecutor will consult with you prior to finalizing a plea agreement. However, you might not agree with the plea bargain. While your views are a factor in the prosecutor's decision making you don't have veto power in this process. The case will then proceed to sentencing.

**Pre-Trial Hearings:** If a case proceeds to trial, there may be a number of hearings scheduled before the court. These hearings usually involve motions to suppress evidence and other legal issues which need to be resolved before trial. You will be provided notice of these hearings and are always welcome to attend.

**Trial:** When a case is scheduled for trial, your victim advocate will let you know the date and time of the trial well in advance. You may be called upon to testify. If this is the case, the prosecutor and victim advocate will help you prepare for your testimony. Feel free to let your advocate know what will make you feel the most comfortable during this process. For instance, would it help to have a friend accompany you to court or have a glass of water available during your testimony? If you are a witness, you will not be able to watch the trial. At the end of the trial a jury will decide if the defendant is guilty or not guilty. Remember, a not guilty verdict does not necessarily mean that the defendant is innocent. Many times there is not enough evidence for a jury to convict a person but it does not mean you did not do a good job testifying.

**Victim Impact Statement and Sentencing:** Your victim advocate should provide you with a victim impact statement form to complete. Your victim advocate can help you prepare your statement. This is your chance to let the court know, in your own words, how you feel about the crime, the effect it had on you, and what sort of sentence you would like to see imposed. This is an important piece of information for the judge to consider. Although the judge will listen carefully to what you have to say, it does not necessarily mean the defendant will get the sentence you may feel he deserves. The judge has multiple factors to consider in determining the sentence. If you are unable to attend the sentencing hearing to read your victim impact statement in open court, your victim advocate can read it for you. It is very important to let the judge and the defendant know exactly how this crime has impacted you and your family.



### *Hurry Up and Wait*

Although the system tries to hold hearings in a timely manner, often there are delays. Since there is little you can do to control the timing of the hearings, try to remain calm and flexible. Also, the court may schedule a hearing with little advance notice to the parties. Therefore, it may be helpful to be ready to attend court with very little notice. This need for flexibility can cause added stress, especially if you have to juggle childcare and work schedules. This may be a good time to ask for some flexibility at work and set up help with childcare needs at a moment's notice.

## *The Power of You*

You do have control over how you present yourself and how you communicate the information you wish the court to consider. Here are some suggestions to help you make the strongest impression in order to influence the outcome of your case.

- Remember that it is normal to be emotional during this time. You need to create a plan to get the support you will need to get through each phase of the process. You are your own best advocate. Collect your thoughts, calm down, and get your points across. When you are angry, or upset, talk to someone you trust. Vent! Take action when you are calm and can focus your thoughts.
- Save everything! Receipts, information you remember, and notes on what your victim impact should include are a few of the important items to retain. This may be a very difficult time for you to concentrate, so bring a friend or relative to meetings or to court and ask them to take notes. Don't expect that you will be able to function at your best or that you will remember things like you usually do. The impact of the crime itself and the stress from all you are being asked to do may wear you down. Ask for help if you are feeling overwhelmed.
- The court process takes place in a professional atmosphere and one that should be respected, no matter what the outcome. Being in court makes an impression. You did not choose to be in this system and it doesn't seem fair that you are now being asked to dress and act in a certain way. Nevertheless, the reality is you need to present yourself in the best way possible. You can expect that the defendant will be encouraged to do the same thing.



## *Good Grief*

**Yes, your life is changed forever.** When you are involved with the legal system, initially you may experience a wave of attention, interest and support. When the proceedings end, however, the professionals have moved on to the next case. Things become quiet and you may feel alone. This is the time to try and make sense of what has happened. This may be the time to gather all the support that exists in your life. Don't be afraid to reach out and let people know how they can help you. Sometimes when tragedy strikes, people want to help but don't know how. It is okay to let people know you need help. Many believe that developing a positive approach to overcome tragedy is beneficial to survival. There are many paths to get there. Here are some practical suggestions which might be of help to you:

- Allow yourself the permission to grieve.
- Take it one day at a time and if necessary, one hour at a time.
- Keep up regular activities to help regain a sense of control.
- Try to get enough sleep or at least adequate rest.
- Exercise regularly. Walking helps relieve stress and might improve your mood.
- Drink plenty of water.
- Enjoy the company of those who comfort, sustain and nourish you.
- Join a team, club or group.
- Create a plan for support when emotions run high, keep the phone number of a close friend, therapist or a support group member with you.
- If you have children, include them in decisions when appropriate.
- Avoid watching graphic movies or news reports.
- Avoid making any major life changes.
- Write "to do" lists to help organize your thoughts and activities.
- Send thank you notes to people who were kind and helpful.
- Watch favorite upbeat movies.
- Read a good book.
- Take slow deep breaths, especially when you feel anxious.



- Join a yoga, art, craft or professional class.
- Create personal goals and take concrete steps to achieve them.
- Plant a garden and enjoy the process of watching it grow.
- If appropriate, create a memorial quilt or photo collage or art piece.
- Be open to humor. It's okay to laugh.
- Find a creative outlet for emotions and thoughts that may arise. Perhaps a journal.
- Forgiveness is a uniquely personal decision. But the only essential forgiveness is forgiveness for you.
- Spirituality can be a real asset in the healing process.



## *When to Seek Additional Help*

The initial feelings accompanying the normal trauma and stress response typically diminish or resolve within a month or two. If you are feeling stuck and overwhelmed or find that your experience is too powerful to handle on your own, contact your primary care physician or mental health care provider. Call for help when:

- Your emotions feel inhibited, dull or numb.
- You are experiencing depression, anxiety or thoughts of suicide or homicide.
- You have been unable to sleep for a prolonged period.
- Your reactions are interfering with life functioning.
- You feel angry and on edge most of the time.

## *Keep on Keeping on*

Don't overlook the fact that you've made it this far. Even if you don't feel like you're thriving, you are still surviving. Picking up the pieces and trying to make sense of a traumatic event, such as a crime, is challenging. Although your life may be forever changed, you can rebuild a life that integrates your traumatic events into your new life. Doing so can help you accept life as it is now. Remember there are a lot of good resources available to you as you move through the court process. Please do not hesitate to ask for help during the process and even years later if you experience difficulty. The most important thing for you is how you counteract the harmful effects of what happened with striving to nurture your own inner strength.

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