

VICTIMS' RIGHTS & RESTITUTION ACT

The Crime Victims' Rights Act gives victims of offenses charged federally the following rights:

- The right to be reasonably protected from the accused
- The right to reasonable, accurate, & timely notice of any public court proceedings or any release or escape of the accused
- The right not to be excluded from any such public court proceeding, unless the court after receiving clear and convincing evidence, determines testimony by the victim would be materially altered
- The right to be reasonably heard at any public proceeding involving release, plea, sentencing, or any parole proceeding
- The reasonable right to confer with the attorney for the Government in the case.
- The right to full & timely restitution as provided in the law.
- The right to proceedings free from unreasonable delay
- The right to be treated with fairness & with respect for dignity and privacy.
- The right to be informed in a timely manner of any plea bargain or deferred prosecution agreement
- The right to be informed of these rights and the services available, including contact information for the Victims' Rights Ombudsman.

Notification:

- Notices are sent by letter or e-mail through the Victim Notification System. If the defendant is convicted & sentenced, notification will continue regarding the defendant's release date, furlough, or escape. **REMINDER: Please keep us informed of any changes to your contact information.**

YOU ARE ENTITLED TO

- Courtroom support
- Assistance w/ travel, lodging, parking, & reimbursement for court appearances
- Information regarding emergency medical & social services; restitution or other relief you may be entitled; counseling, treatment, or support programs
- A separate waiting area away from the defendant & defense witnesses

THE EMOTIONAL IMPACT OF CRIME

Victims of and witnesses to crime are often emotionally affected by their experience. Although everyone reacts differently, many people report common reactions such as:

- Anger
- Feelings of panic and/or anxiety
- Nightmares and sleep pattern changes
- Feelings of self-doubt, shame, or guilt
- Reliving what happened
- Depression, difficulty concentrating
- Increased concern for safety

LIMITED CONFIDENTIALITY STATEMENT

The Victim Witness Program is here to assist you as you go through the criminal justice process. However, we work as part of a team with the criminal prosecutor and the investigative case agent. While we do our best to keep sensitive information confidential, there are times we may need to share information you provide. This is especially important if you share information regarding your safety, a medical emergency, information related to child abuse, and/or information critical to the investigation or prosecution of the case.

INFORMATION AND ASSISTANCE FOR FEDERAL CRIME VICTIMS AND WITNESSES



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INFORMATION FOR VICTIMS AND WITNESSES OF FEDERAL CRIME

The role of the United States Attorney is to prosecute cases fairly and justly. If you are identified as a victim under the Crime Victims' Rights Act, we will make our best efforts to ensure you are provided the rights and services described in this brochure. We will also do our best to assist you with accessing a variety of services and help you navigate the criminal justice system.

Our actions on your behalf do not constitute an attorney-client relationship and we cannot give you legal advice. The interests of the United States may occasionally diverge from your interests as a victim.

COMPENSATION AND RESTITUTION

Victim Compensation: The Violent Crime Compensation Board (VCCB) helps cover expenses for victims of certain types of crime. The VCCB may be able to reimburse you for crime related expenses such as medical care, mental health expenses, & lost wages due to crime related injuries. To obtain further information and/or an application, contact our Victim-Witness Program, 907-271-3041. You can also contact VCCB directly at (907) 465-3040 or visit their website, doa.vccb@alaska.gov

Restitution: Restitution in the simplest terms is compensation for a loss that is paid by a criminal to the victim of the crime. It is ordered as part of a criminal sentence. Restitution is only available for an actual monetary loss a victim sustained as a result of the defendant's criminal conduct.

Under Federal law, restitution is mandatory for many (but not all) types of crimes. It is important for victims who may be entitled to restitution to keep a record of their losses, medical expenses, property damage & counseling expenses, with receipts when possible. This information will be needed if the defendant is convicted & ordered to pay restitution.

THE FEDERAL CRIMINAL JUSTICE PROCESS

INVESTIGATION

ARREST

DETENTION HEARING (POSSIBLE)

A hearing to determine the custody status of the defendant. The Court will make a custody determination based on statements from the prosecutor, defense attorney, and/or subpoenaed witnesses and exhibits. Defendants on release pending trial are typically supervised by a Pretrial Release Officer.

PRELIMINARY HEARING or GRAND JURY HEARING

In a preliminary hearing, a Judge determines if there is sufficient probable cause to charge the defendant for the alleged offense. The Government may call witnesses to testify. This hearing only occurs if the defendant has not been charged by the Grand Jury. Alternatively, a Grand Jury hears evidence in a non-public proceeding and may issue formal charges via an Indictment.

An Arrest Warrant may be issued at this time in which case, a detention hearing may occur (see above).

ARRAIGNMENT

A defendant appears in court and hears the charge(s) against him/her. At this time, the defendant typically enters a plea of not guilty and a trial date is set by the Court.

DISCOVERY, PLEA NEGOTIATIONS & MOTIONS

This may include hearings & rulings on motions concerning the admissibility of evidence, trial issues, or a possible guilty plea from the defendant.

TRIAL or GUILTY PLEA

In a trial, the Government presents its case with witnesses, followed by the defendant's case. The trial generally results in a verdict by a jury. Alternatively, the defendant may enter into a plea agreement with the Government and change his/her plea to guilty rather than proceeding to a trial. In most cases, you have the right to make a statement to the Court at a public hearing involving the defendant's plea.

PRE-SENTENCE REPORT PREPARED

After a finding of guilt, a pre-sentence report is prepared for the judge by U.S. Probation, at which time you have the right to submit a written victim impact statement.

SENTENCE

The defendant is sentenced by the Court. In most cases, you have the right to make a statement to the Court at a public hearing involving the defendant's sentencing.

IF YOU ARE THREATENED

If anyone threatens you or you feel you are being harassed because of your cooperation with this case, there may be assistance available. Your safety is paramount. Please contact the investigating agent or the Victim Witness Coordinator immediately. They may discuss with you additional safety measures and assistance such as temporary restraining orders, possible relocation, or other appropriate referrals.