



# UNITED STATES ATTORNEY'S OFFICE SOUTHERN DISTRICT OF GEORGIA WITNESS PROGRAM

## **Information and Assistance for Federal Crime Victims and Witnesses**

The United States Attorney's Office Victim Witness Program represents the interests of the Government and in particular the interests of victims and witnesses to crime. The United States Attorney's Office has an obligation to provide assistance to victims and witnesses throughout the prosecution of a criminal matter. The Victim Witness Program strives to fulfill this obligation by providing victims with notification of case events, directing them to necessary services, and ensuring that they understand the criminal justice process.

The following information has been prepared to help answer questions that may arise regarding how the Federal criminal justice system works. The role of the United States Attorney's Office is to prosecute cases fairly and justly. Any actions on behalf of a victim do not constitute an attorney-client relationship. The United States Attorney's Office cannot give legal advice to victims and witnesses. The interests of the United States may occasionally diverge from the interests as a victim.

## **Victims' Rights**

The Crime Victims' Rights Act gives victims of offenses charged in Federal court the following rights:

- The right to be reasonably protected from the accused.
- The right to reasonable, accurate, and timely notice of any public court proceeding involving the crime or of 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 that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.
- The right to be reasonably heard at any public proceeding in the district court 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 and timely restitution as provided in the law.
- The right to proceedings free from unreasonable delay.
- The right to be treated with fairness and with respect for the victim's dignity and privacy.

The United States Attorney's Office staff will make their best efforts to ensure victims are provided the rights described. Victims may personally seek the advice of an attorney with respect to these rights.

If you believe that an employee of the United States Attorney's Office failed to provide you with one or more of these rights, you may file an administrative complaint, as provided under 28 CFR Section 45.10. Please contact the United States Attorney's Office to obtain information about these procedures.

## **The Criminal Justice Process**

As the case moves through the Federal court system, there are several events that typically occur.

### INVESTIGATION

### ARREST

### DETENTION HEARING (POSSIBLE)

The Government is seeking to detain the defendant and may do so based on the statement of the prosecutor or by presenting witnesses and exhibits.

### PRELIMINARY HEARING

A Judge determines if there is sufficient probable cause to charge the defendant. This only occurs if the defendant has not been charged by the grand jury.

or

### GRAND JURY HEARING

A Grand Jury hears evidence in a non-public proceeding and may issue a formal charge called an Indictment.

An Arrest Warrant may be issued at this time.

### 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.

### DISCOVERY, PLEA NEGOTIATIONS & MOTIONS

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

## TRIAL

The Government presents its case with witnesses, followed by the defendant's case. The trial generally results in a verdict by a jury.

## PRE-SENTENCE INVESTIGATION & 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 written victim impact statements.

## SENTENCE

## APPEAL

### **Victim Compensation**

The Victim Compensation Program for the State of Georgia helps cover expenses for victims of violent crime who have suffered physical or psychological injury. The Crime Victim Compensation Program may be able to reimburse a victim for crime related expenses such as medical care, mental health expenses, and lost wages due to crime related injuries. To obtain further information and an application, go to their website at [www.cjcc.georgia.gov/victims-compensation](http://www.cjcc.georgia.gov/victims-compensation), then click on Victim Services or contact them at:

Georgia Crime Victim Compensation Program  
104 Marietta Street, Suite 440  
Atlanta, GA 30303-2743  
800-547-0060

### **Restitution**

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 and counseling expenses, with receipts when possible. If the crime was identity theft, losses include the value of the time spent by the victim restoring their name or credit. This information will be needed by the probation department if the defendant is convicted and ordered to pay restitution

### **The Emotional Impact of Crime**

Many victims of and witnesses to crime are emotionally affected by their experience and 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 personal safety and that of their family

Many people continue to have these responses for some time after the crime. The Victim Witness Coordinators can assist you in finding appropriate support services.

### **Threats or Harassment**

If a victim or witness is threatened or feels they are being harassed because of their cooperation in the case, there are remedies available. Safety is paramount. Please contact the investigating agent, Assistant United States Attorney prosecuting the case, or Victim Witness Coordinator immediately. They may discuss additional safety measures and assistance such as possible relocation or other appropriate referrals.

### **Other Assistance and Services**

#### **Victims are entitled to:**

- Notification of case events, usually by letter or e-mail, through the Victim Notification System. If the defendant is convicted and sentenced to the custody of the Bureau of Prisons, notification will continue regarding the defendant's release date, furlough, or escape. REMINDER: Victims should keep the Victim Witness Coordinator informed of any address, e-mail, or telephone number changes.
- Referrals to other agencies or professionals for counseling, shelter, and/or compensation.

#### **Victim and/or witnesses, are entitled to:**

- A separate waiting area away from defendant and defense witnesses.
- Courtroom support.
- Information and assistance with travel, lodging, parking, and reimbursement for mandatory court appearances and pre-trial interviews.

## **Limited Confidentiality Statement**

The Victim Witness Coordinators are available to assist victims and witnesses as they go through the criminal justice process. However, the Victim Witness Coordinators work as part of a team with the criminal prosecutor and the investigative case agent. They do their best to keep sensitive information confidential. As part of the team, there are times when information provided by the victims and witnesses may need to be shared with the other team members. This is especially important if the information pertains to safety, a medical emergency, information that relates to child abuse, and/or information that is critical to the investigation or prosecution of the case.

## **Contact Information**

VICTIM WITNESS COORDINATOR  
UNITED STATES ATTORNEY'S OFFICE  
SOUTHERN DISTRICT OF GEORGIA

Main Office  
22 Barnard Street, Suite 300  
Savannah, GA 31401  
888-624-1523 (toll free)  
912-652-4422

(mailing address)  
Post Office Box 8970  
Savannah, GA 31412