

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. You may seek the advice of an attorney with respect to your 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 § 45.10. Please contact the United States Attorney's office to obtain information about these procedures.

COMPENSATION AND RESTITUTION

Victim Compensation—The Victim Compensation Program for the State of Alaska helps cover expenses for victims of certain types of crime. The Crime Victim Compensation Program may be able to reimburse you 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, contact our Victim-Witness Program.

State Compensation Program (800) 764-3040

What is 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 not awarded in civil cases, but is ordered as part of a criminal sentence. Restitution is only available for an actual monetary loss that 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 and counseling expenses, with receipts when possible. This information will be needed by the probation department if the defendant is convicted and 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.

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

- 1) The right to be reasonably protected from the accused;
- 2) 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;
- 3) 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;
- 4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding;
- 5) The reasonable right to confer with the attorney for the Government in the case;
- 6) The right to full and timely restitution as provided in the law;
- 7) The right to proceedings free from unreasonable delay;
- 8) The right to be treated with fairness and with respect for the victim's dignity and privacy.