

## IF YOU ARE THREATENED OR HARASSED

It is a federal offense to threaten, intimidate, or harass a victim or witness in a criminal proceeding. If someone threatens you or you feel that you are being harassed because of your cooperation with this case, notify your investigating agency. In an emergency, call 911.

## COMPENSATION AND RESTITUTION

### Victim Compensation

The Idaho Crime Victims Compensation Program can provide certain kinds of financial assistance to eligible crime victims and their families. ICVCP benefits may cover medical, counseling, and funeral expenses, as well as wages lost by victims as a direct result of the crime. The program does not cover property losses or damage to property, or provide compensation for pain and suffering. For further information and an application, contact the ICVCP at (208) 334-6080.

### Restitution

Restitution is compensation for a loss that is paid by a defendant to a victim of a crime. It 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 detailed records 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.

## OUR ROLE

The role of the United States Attorney's Office is to prosecute cases fairly and justly. Our actions on your behalf do not constitute an attorney-client relationship, and we cannot give you legal advice.

## UNITED STATES ATTORNEY'S OFFICE DISTRICT OF IDAHO

### Boise

Kristi Johnson, Victim-Witness Coordinator  
Audrey Campbell, Victim-Witness Assistant  
(208) 334-1211 or 1-888-895-1036 (toll-free)  
<http://www.usdoj.gov/usao/id/>

### Pocatello

(208) 478-4166

### Coeur d'Alene

(208) 667-6568

### Tribal Victim Assistance Specialist

Elizabeth Tollesbol  
(208) 676-7349 or (208) 916-5692

## IF YOU MOVE . . .

Please keep us informed of any address, email or telephone number changes.



# FEDERAL VICTIM-WITNESS ASSISTANCE PROGRAM



Department of Justice  
United States Attorney's Office  
District of Idaho  
1290 W Myrtle St., Suite 500  
Boise, Idaho 83702  
208-334-1211  
1-888-895-1036

*Joshua D. Hurwit*  
United States Attorney

## FEDERAL CRIME VICTIMS' RIGHTS

The Victim-Witness Assistance Program was established by the U.S. Attorney's Office to assist victims of federal crime during the prosecution process, provide information and referrals, help protect victims' rights, and notify them of public court proceedings. After charges are filed in federal court, victims of the charges filed are entitled to the following rights under the Crime Victims' Rights Act (18 U.S.C. §3771):

- 1) The right to be reasonably protected from the accused.
- 2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole 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.
- 9) The right to be informed in a timely manner of any plea bargain or deferred prosecution agreement.
- 10) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice.

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 described. You may 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 § 45.10. Please contact the United States Attorney's Office to obtain information about these procedures.

## THE CRIMINAL JUSTICE PROCESS

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

### INVESTIGATION

#### ARREST / DETENTION HEARING

The Government may seek to detain the defendant in custody. Victims may have the right to be heard at this hearing.

#### 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.

#### 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 or a summons 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 & rulings on motions concerning the admissibility of evidence, trial issues, or a possible guilty plea. Victims may discuss the proposed plea with the prosecutor. Victims may have the right to be heard at the plea hearing.

#### TRIAL

If a plea agreement is not reached, the case will go to trial. The Government will present its case with witnesses, followed by the defendant's case. The trial generally results in a verdict by a jury.

#### PRE-SENTENCE INVESTIGATION & REPORT

If the defendant is found or pleads guilty, a pre-sentence report is prepared for the Judge by a U.S. Probation Officer, and victims may have the right to submit written victim impact statements.

#### SENTENCE

Victims may have the right to be heard at the sentencing hearing.

#### APPEAL

## VICTIM AND WITNESS SERVICES

After the defendant is charged with a federal crime, Victim Witness Coordinators provide certain information, assistance and services to victims and witnesses. They:

- Provide notification to victims about public court proceedings (see below for further information)
- Refer victims to the Idaho Crime Victims Compensation Program and provide restitution information
- Supply victims with Victim Impact Statement forms
- Provide information about federal court procedures
- Notify subpoenaed witnesses of changes in court dates
- Make travel and lodging arrangements for court appearances by subpoenaed non-local witnesses
- Submit witness vouchers for court attendance fees and reimbursement of allowable expenses

Upon request, Victim Witness Coordinators may:

- Accompany victims to court proceedings
- Refer victims to social services and other community resources
- Notify employers and creditors of a victim's or witness's role in a criminal proceeding

## VICTIM NOTIFICATION

After charges are filed in a federal criminal case, victims are entitled to notification of public court proceedings and may:

- Request written notification from the U.S. Attorney's Office about court proceedings during prosecution
- Use the Victim Notification System (VNS) Call Center, Website or Email for computer-generated information
- Access the U.S. District Court's website (PACER) to view case information, events and documents
- Contact the Victim-Witness Coordinator or prosecutor

Further information is provided in the initial victim notification letter.