

## 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 PA 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 Unit.

**PA State Compensation Program : 1-800-233-2339**

**What is Restitution?** Restitution is compensation for a loss that is paid by a criminal to the victim of the crime. Restitution is only available for an actual monetary loss or out-of-pocket expense 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. 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

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.

#### APPEAL

### 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
- 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 503c of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607c) and provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice.

## SERVICES

- Supportive counseling
- Referrals to professional counseling, treatment or support groups
- Information about the process of the Justice System
- A separate waiting area away from the defense
- Accompaniment to meetings, hearings, and court events
- Information about restitution
- Information and assistance with travel, lodging, and parking for court appearances in which you have been subpoenaed
- Case status updates including:
  - Filing of charges
  - Scheduled public court proceedings
  - Detention status of the offender
  - Acceptance of a guilty plea or verdict at trial
  - Outcome of case
  - Filing/outcome of an appeal
  - Release of inmate from the Bureau of Prisons

Notices are sent by letter or E-mail through the Victim Notification System (VNS).

**REMINDER: Please keep VNS updated with of any address, e-mail, or telephone number changes.**

## POTENTIAL REACTIONS TO CRIME

Victims of crime react in a variety of ways and every victim is different. A few common symptoms of trauma are listed below. You may experience some, all, or none of the following:

- Anger
- Denial
- Anxiety
- Panic
- Stress
- Depression
- Numbness
- Shock
- Disbelief
- Nightmares
- Trouble Sleeping
- Memory and /or concentration problems

You may experience these feelings at any time and sometimes there is a delayed reaction, which is normal. The Victim-Witness Program can assist you in finding appropriate support services.

## IF YOU ARE THREATENED OR HARASSED

If anyone threatens you or you feel that 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 Unit immediately. They may discuss with you additional safety measures and assistance such as temporary restraining orders, possible relocation, or other appropriate referrals.

## LIMITED CONFIDENTIALITY STATEMENT

We are here to assist you as you go through the criminal justice process. However, you should know that we work as part of a team with the criminal prosecutor and the investigative case agent. We do our best to keep sensitive information confidential. As part of the team, there are times when we may need to share information you provide with the other team members. This is especially important if you share information regarding your safety, a medical emergency, information that relates to child abuse, and/or information that is critical to the investigation or prosecution of the case.

## INFORMATION AND ASSISTANCE FOR FEDERAL CRIME VICTIMS AND WITNESSES



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