

GA Crime Victims Bill of Rights

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Helen P. Bradley
Eastern Judicial Circuit
Office of District Attorney Larry Chisolm
Victim-Witness Assistance Program
P.O. Box 2309
Savannah, GA 31402
(912) 652-7329
hbradley@chathamcounty.org

Thanks to Kim McCoy of Cobb Judicial Circuit VW Unit.

GA Crime Victims Bill of Rights

O.C.G.A Title 17, Chapter 17

⌘ Passed in 1995
to provide victims with
the fundamental
services of notification
of case status
throughout all phases
of the criminal justice
system



WHO?

❖ LAW ENFORCEMENT
AGENCIES



❖ PROSECUTION
AGENCIES



❖ VICTIMS



crimes applicable to CVBR

Homicide	Assault	Battery
Kidnapping & related offenses	Cruelty to Children	Thefts of any kind
Stalking / Aggravated Stalking	Sex Offenses (child or adult victims)	Sexual Exploitation of Child
Arson	Burglary	Armed Robbery
Feticide	Homicide / Feticide / Serious Injury by Vehicle	Reckless Conduct

LAW ENFORCEMENT

- ❖ In writing if possible:
 - notify victims of possibility of pre-trial release and
 - victims rights info
 - stages in the judicial process
 - Availability of victim compensation
 - Community- based victim service agencies

Law Enforcement compliance

- ❖ Procedures / policies for notification and compliance with mandates
- ❖ Brochures (Chief's photo works!)
- ❖ Notification systems (Include check-off on police report that CVBR info given)
- ❖ Trained officers

*PROSECUTION
RESPONSIBILITIES*

- ⌘ Notification of any hearing where release/bond considered
- ⌘ Opportunity for victim to express opinion on release of accused
- ⌘ If pretrial release or superseadeas bond granted, victim has right to file written complaint with prosecutor asserting physical violence or threats of physical violence

PROSECUTION (cont)

- ❖ Provide a private waiting area away from defendant and his family for victims and victim's family
- ❖ Upon initial contact with victim, provide
 - ❖ Procedural steps in processing criminal case
 - ❖ Rights and procedures of victims

PROSECUTION (cont'd)

- ⌘ Suggested procedures if victim is intimidated or threatened
- ⌘ Names/numbers of contact persons in prosecutor office and of custodial authority

PROSECUTION

Prompt advance notice of any court proceedings and notice of changes

PROSECUTION (cont'd)

Court proceedings shall include:

- ⌘ Pretrial commitment hearings
- ⌘ Arraignment
- ⌘ Motion hearings
- ⌘ Trial
- ⌘ Sentencing
- ⌘ Appellate review
- ⌘ Post conviction relief

PROSECUTION

Victim has right to express opinion on disposition of case

- ⌘ Pleas
- ⌘ Pretrial or post-conviction diversion programs

Prosecution compliance

- ❖ Procedures / policies for notification and compliance with mandates
 - ❖ Written information and brochures
- ❖ Victim advocacy programs
- ❖ Train prosecutors
- ❖ Letters, calls, recorded witness line info

VICTIMS

- ❖ provide landline telephone number and all contact information to all agencies
- ❖ request in writing that their rights be afforded to them

Custodial authority

- ⌘ Notification of release from custody of state or county correctional facility

But victim must know this right and WHO to call at jail for this notification. Needs to know it is **not** prosecutor who notifies of release.

Defense counsel

17-17-10

Requirement by court that defense counsel not disclose victim info to accused

Court may require counsel not to reveal contact info of victim

Ways Victim Advocates can handle CVBR & other stuff

- ⌘ Notification of case status, including pleas
- ⌘ Compensation & restitution forms
- ⌘ Explains CJ sys. in non-legal terms
- ⌘ Advocates can listen for a loooooong time
- ⌘ Set up appointments
- ⌘ Obtain updated contact info

More ways Advocates can help

- ⌘ Witness on-call and dismissal info to avoid unnecessary court appearances
- ⌘ Emotional support
- ⌘ Practical tips: parking, how to dress, courtroom decorum, per diem, directions, snacks, restrooms, etc.
- ⌘ Victim Impact Statements

Advocates

- ⌘ Advocates know community resources
- ⌘ Advocates are trained to deal with people and emotions
- ⌘ Allows prosecutor time to focus on actual case, facts, court hearings, legal issues

Use your Victim Advocates!

COMMUNICATATION, COMMUNICATION, COMMUNICATION.

Advocates cannot communicate with victims if Advocates are not in the loop.

How to deal with victims

- ⌘ HONESTLY and REALISTICALLY system is slow, strengths/weakness of case, limitations of system.
- ⌘ Say "I'm sorry this happened or "I'm sorry you have to be here."
- ⌘ Don't make promises you can't keep

How to deal with victims

- ⌘ Treat victims with dignity and respect.
- ⌘ Treat victims as persons
- ⌘ It's ok to say "I don't know" if you or someone finds out the answer for them
- ⌘ Avoid legal jargon
- ⌘ Be able to explain negotiated pleas (don't say "plea bargain")

How to deal with victims

- ⌘ Do not take anger personally
- ⌘ No guarantees in system. Use words "tentatively" and "possibly"
- ⌘ Never say "get on with your life" or "time to move on"
- ⌘ Say if def's family, media will be there
- ⌘ Look them in the eye.
- ⌘ Call them back if you say you will.

REMEMBER

❖ ROLE OF CRIMINAL JUSTICE SYSTEM
❖ TO SEEK JUSTICE



- ❖ Sometimes what is best for the victim may not be what is best in the "system"
- ❖ Often causes conflict between victim and service providers

Advocates, law enforcement must be able to explain:

- ❖ Compassionately and with conviction why the “system” operates in the manner it does when conflicts occur:
 - ❖ limitations of the system
 - ❖ safety of the victim
 - ❖ accountability of the defendant
 - ❖ safety of others / community
 - ❖ always, always, always, make referrals to other agencies who can assist when you cannot

REMEMBER...

A victim's perception of reality may not be what you expect, what they expect, or how you have seen others react...

WHY?

Human nature! Each of us receives, processes and deals with things differently...

What victims need

- ❖ from service professionals (YOU):
 - ❖ good, caring, compassionate attitudes
 - ❖ reassurance
 - ❖ protection
- ❖ recognized as the victim
- ❖ emotional support
- ❖ to be taken seriously
- ❖ treated as people rather than as evidence
- ❖ proper and correct information
- ❖ to be kept up to date and informed



RESOURCES

- ❖ National Organization for Victim Assistance
www.try-nova.org
- ❖ Criminal Justice Coordinating Council
www.ganet.org/cjcc
- ❖ Office for Victims of Crime
www.ojp.usdoj.gov/ovc
- ❖ Prosecuting Attorneys Council of Georgia
www.pacga.org
- ❖ Office of Justice Programs
www.ojp.usdoj.gov
- ❖ Governor's Victim Assistance Helpline
800-338-5745

RESOURCES (cont)

- ❖ National Coalition Against Domestic Violence
www.ncadv.org
- ❖ Georgia Coalition Against Domestic Violence
www.gcadv.org
- ❖ 24 hour hotline or to locate the nearest safe shelter
1-800-33HAVEN
- ❖ Mothers Against Drunk Driving: www.maddga.org
- ❖ National Children's Advocacy Center
www.nationalcac.org/
- ❖ Georgia Network to End Sexual Assault
www.gnesa.com/
