

# **Facts About Victim Issues**

## **Helping Victims of a Crime**

**Provided by: Finney County Attorney's Office**

The victim/witness program of the Finney County Attorney's Office is designed to ensure that the victims and witnesses of crimes are not forgotten or lost in the justice system. It is well known that when victims are treated with compassion, understanding and respect, their willingness to cooperate with the prosecution improves. Also, when victims are informed and educated about their case, it brings an understanding to the victim of how the justice system works, and can help bring a sense of closure to the case.

### **Stages of a Criminal Case**

#### **1. Crime is committed/reported**

##### **a. Investigation**

Investigations are completed by: FISO, GCPD, HPD, KBI, SRS, and KHP.

##### **b. Suspect arrested**

Victims will often come to our office to fill out a citizen statement form, wishing to decline to prosecute the criminal case. Victims think that because they call the police, they are pressing charges. We inform them that a report is filed by law enforcement, investigated and then sent to our office for review. We also advise them that the Finney County Attorney's Office, which represents the State of Kansas, is the one that files the charges.

Sometimes, victims are sent by the suspect or the suspect's family or friends, who think that it will keep the case from going forward. These victims come out of fear for their own safety, their children's safety, their legal status, or the threat of discontinued financial support. The County Attorney's office decides if charges are to be filed based on the evidence that is brought forth in the affidavit. Victims are given a citizen statement form, which asks for reasons why they believe the prosecutor should either not file charges or continue with prosecution, as well as a resource list with agencies that can help with medical services, utilities, money, clothing, shelter and counseling if needed. When a decision is made by the prosecutor, the victim receives a notice if the case is not filed, or if we are going forward with the case.

##### **c. Probable Cause Hearing**

Whether arrested on a warrant or on probable cause, the defendant may be granted a bond by the judge. There are some cases where bond is not granted. It may be a

condition of bond that the defendant not contact the victim(s) or witness(es). What we often see in cases of domestic violence and stalking, is victims coming to our office wanting the “no contact” order lifted so that the defendant can have contact with the children, exchange home visits with the children, or participate in marriage counseling. The “no contact” order is issued by a judge and or a bond condition to protect the victim, as well as to keep the defendant from committing new crimes. Victims of crime, as defined by the law, shall be entitled to certain basic rights. According to the Kansas Statutes KSA 22-3436, 22-2202 & 21-4719, if a defendant is charged with a crime pursuant to articles 34, 35, 36, the prosecuting attorney shall inform the victim or victim’s family of: charges, before dismissing or declining the case; plea hearing; and any other hearing pertaining to the case. They are also informed that they have the right to be at any public hearing and to be heard at sentencing. Victims shall be treated with courtesy, compassion, and respect for their dignity and privacy.

\*\* A no contact order means the following: No contact by person, by phone, by text messaging, by e-mail, by letters or packages delivered, or by third party. Third party includes no contact by friends or family of the defendant, including asking questions or delivering a message to the victim on the defendant’s behalf.

## **2. First Appearance**

At this hearing, the defendant is informed of the charges against him/her, and is given the option of hiring an attorney or a lawyer, or having one appointed to him/her according to his/her earnings. Another hearing is set.

At this point, according to the Kansas Statute, the victim/witness office notifies the victim of the charges filed by the state. A statement of loss and victim impact statement is also sent, which allows the victim to share their feelings about the case with us. If they have any losses, we request that they send us receipts or estimates so that we can request restitution at the time of sentencing.

If this is a case of violent crime in which victims have suffered financial loss not covered by insurance or any other source, the Kansas Crime Victims Compensation Fund may be able to assist. While no amount of financial aid can erase the trauma of a violent crime, it is the goal of the program to ease the aftermath of the crime for the victim when possible. The Kansas Statute authorizes the board to deny claims that involve the victim’s contributory misconduct or participation in unlawful activities.

Those applying for the Kansas Crime Victims Compensation Fund must meet some eligibility requirements:

- Fill out an application for the Crime Victim's Compensation Board (with help from our office).
- Fully cooperating with law enforcement during investigation, and the State Prosecution.
- Claims must be filed within 2 years of incident, and the incident must have occurred in Kansas, or to a Kansas resident if outside of the state or U.S.
- Victim cannot be an accomplice to and have committed a crime in connection with this incident (e.g. gang activities, drug dealing), or provoked or caused the injury or death.
- Help with: medical bills, counseling, funeral expenses, grief therapy for family members of homicide, outpatient and inpatient mental health, lost wages and crime scene clean-up.
- If victims of a crime have an illegal status, they might be able to qualify for a visa. Sometimes, the Family Crisis Office is able to help with this process, or we call the Attorney General's office for referrals.

### **3. Case Management**

The case is set for a Bench Trial (if misdemeanor) or Preliminary Hearing (if felony).

### **4. Trial, Preliminary Hearing, Arraignment**

Our office helps coordinate meetings with prosecutors and victims to answer any questions in dealing with the criminal case. We provide transportation and/or childcare if needed, and accompany the victims to the hearings. If a victim has moved out of state, we make travel arrangements as well as hotel accommodations. If the defendant gets bound over at preliminary hearing; it then gets set for Jury Trial. When subpoenas go out for the above hearings and the victim/witness is not located, unserved subpoenas come back to our office and we must locate the victims before the next hearing through different resources we have in the community and office. Sometimes, hearings get continued by the defense attorney or our office due to conflict of days in court, officers not being available due to training, the defendant hiring a different attorney, etc.; this brings frustration to our victims and witnesses in the case. As the preliminary hearing time nears, they will become emotionally stressed due to the fact they must face the defendant in court and relive the incident by testifying in court. We try to offer comfort and support to make this process as comfortable as possible.

## **5. Pleas or Plea Negotiations**

If a plea is offered by the defense attorney at any time before a trial or jury trial, we contact the victim to set up an appointment for them to meet with the prosecutor to discuss the offer. For our prosecutors, it is very important to know the victims feelings about any negotiations.

## **6. Trial, Jury Trial and Sentencing**

If the defendant is convicted of the crime, the court will set a sentencing date. At this time, we prepare a restitution memo for the court if restitution is requested. The right to submit a victim impact statement before sentencing is specified in the Kansas statutes. It must be submitted to the prosecutor's office one week before sentencing so copies can be sent to the judge. Also, the victim has the right to address the court at sentencing and share how the crime has affected them and their loved ones.

The experience of being a victim or witness does not end at sentencing. Many times, victims return to our office for help in understanding letters they have received from the Victims' Unit at the Department Of Corrections, or with questions about getting a protection order when the defendant is released from DOC, when they are going to receive restitution if restitution was awarded by the court, and submitting medical bills for the Crime Victims Compensation Board.

Being a victim of a crime changes lives forever. Not only does it change the victim's life, it also has an effect on:

- a) The victim's family
- b) The victim's children
- c) The schools of the children
- d) The victim's friends
- e) The victim's business and co-workers
- f) The churches of the family
- g) The community in its entirety

**If you have questions or would like more information, please contact us:**

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