



Victim Information Pamphlet *(En Español)*

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Coping with the Criminal Justice System

You may think that coming to grips emotionally with the serious injury or killing of your loved one is your sole task. Unfortunately, it is not.

If the driver of the vehicle responsible for the crash survived, you are also now thrust into the criminal justice system. It is a system few people learn about until they have to.

This booklet is intended to help you better understand the criminal justice system and learn how to interact with it. Since the Victim Information Pamphlet is an introduction to criminal justice, you will need to ask your local MADD chapter or state office for more specific information about the laws in your state and criminal justice procedure in your county.

In most cases the offender is apprehended. In some hit-and-run vehicular crashes, the offender is never found. This situation adds another difficult component to the recovery process of the injured and surviving family and friends. The need for fairness and justice is totally thwarted in these cases. It is difficult to focus anger when the person responsible has not been apprehended. Feelings of helplessness and hopelessness can emerge. The anger can easily, if not always appropriately, be focused on law enforcement agencies who cannot locate the offender.

When the offender is killed, survivors report mixed emotions. Some feel a sense of relief although this does not diminish their grief about what happened to their loved one. Others feel it would have been better for the offender to be dealt with by the criminal justice system.

For purposes of this booklet, we will assume that the offender was not killed, was apprehended, and you are now involved with the criminal justice system. It is against the law to kill or injure another human being intentionally, maliciously, with criminal negligence, or while operating a vehicle under the influence of alcohol or other drugs. Therefore, the State has a responsibility to prosecute the offender for the commission of a crime and attempt to obtain a conviction.

As the injured victim and/or surviving family, you probably are interested in obtaining justice and seeing the offender punished, even though no sentence seems "just" or adequate for what was done.

The word "State" is significant. You are not a party in the criminal case. The style of the criminal legal documents does not read "Victim Name v. Offender Name," but "The State v. Offender Name." Unless you were present and fully aware of the circumstances surrounding your injury or and eye witness when your loved one was killed, you will not be automatically involved in the prosecution of the case.

Most victim families find the detachment of the criminal justice system personnel extremely frustrating. You may say, "It was not the State that was killed. It was my loved one!" That is true, but the role of the state is to prosecute and punish the offender because he broke the law of the state. You will learn more about what you personally can do in suing the offender civilly in MADD's booklet *Financial Recovery After a Drunk Driving Crash*.

Within the last few years, the criminal justice system, in many jurisdictions, has become more concerned about and responsive to the rights of the victim and/or the victim's family. These changes have come about in response to people both inside and outside the system who believe that the scales of justice must again become balanced as our country's founders intended. Those who have actively sought for the right of victims to be present and heard in the criminal justice system are commonly called the "Victim Rights Movement." MADD has played a significant role in the Victim Rights Movement.

While more than 1500 victim rights statutes have been passed during the last decade, remedies for failure to put the statutes into practice are rare. Few sanctions exist for the prosecutor or representatives of the State who neglect to grant the victim family their rights. Since many of the rights are on paper only, you may have to be assertive in order to claim them.

The Crash Report

The crash report, or accident report as it is sometimes called, is prepared by the law enforcement agency which investigated the crash. It is usually the City Police Department if the crash occurred within the city limits. The County Sheriff's Department investigates crashes outside the city limits. The State Highway Patrol or Troopers investigate crashes on State Highways or Interstates. Call the appropriate agency, give the date and location of the crash, and ask how and when you may obtain copies of the initial report and supplemental reports.

Sometimes the investigating officer will give you the identification number of the report at the scene, at the hospital, or at the death notification.

When you get the report, look it over closely for the following data:

- Do you see errors in the report? If so, report them immediately to the investigating officer whose name is at the bottom of the report. Even if they seem minor, they can be crucial in court.
- Are there any indications on the report that the offender had been drinking or using other drugs? IF so, see if a Blood Alcohol Content (BAC) level is indicated on the report. BAC is usually determined by breath, blood, or urine testing shortly after the crime was committed. If the tests were not performed, you have the right to know why they were not. Valid BAC testing is essential to assist in prosecution of the case. If it is not done, cases are subject to dismissal at the discretion of the law enforcement agency, prosecutor, or at the direction of the trial judge.

The Investigating Agency

Ask what charges are being recommended, why they were selected, and what elements of proof will be necessary for a conviction. There may be a delay between the crash or arrest of the offender and the time the offender is actually charged with a criminal offense. This delay, which may be a number of weeks, is generally caused because the investigating officer is waiting on crime lab results from the BAC testing.

Ask when the investigating agency is likely to transfer the case to the prosecutor's office (sometimes referred to as the county attorney, the district attorney, or state's attorney). Leave your name and phone number and ask to be notified when the case is transferred. If you have not heard from them within a few days after they planned to transfer the case, call to ask the case status.

Ask if the investigating agency has a victim advocacy program or a victim-witness assistance program. If it does, it is the responsibility of the victim assistance personnel to keep you informed of the status of the case and to provide services you may need as a crime victim. Services include referrals to appropriate agencies, victim counseling, and assistance in applying to the State Victim Compensation program for reimbursement of uninsured expenses resulting from the crash.

If you are not satisfied with the information the investigating officer or victim assistance personnel has given, ask to speak with the investigating officer's supervisor.

Evidence

Generally, you may assume that the investigating officers have collected all the evidence they need. However, it is wise to document everything about the crash at the time it comes to your

attention. You think you'll remember all the facts, but documentation will insure a good recollection of all details.

Additional witnesses may come forth who were not interviewed by the investigating officer. If so, refer them to the officer or to the prosecutor who will take their statement. If you are aware of witnesses who do not appear on the crash report, you should immediately notify the investigating officer or the prosecutor.

Photographs have probably been taken at the crash scene and perhaps at the hospital or the medical examiner's office. It is possible, however, that other pictures would be useful in both the criminal and civil cases. You may be able to take photos of the recovery process of the injured victim which investigators can't because their time is limited. A recent picture of the victim before the injury or death may be presented to the court prior to sentencing. It will personalize your loved one who is unknown to the court. If you take pictures that you think may be helpful, have someone witness your taking the photographs. You and the witness should sign and date the photos on the back, and take them to the prosecutor.

Ask for the return of clothing or personal effects of your loved one which may be in the investigator's office, the hospital, or the medical examiner's office. Some of them may need to be retained for the trial, but you should be given those that are not essential to the case. Ask about the condition of these things before you look at them. It is very upsetting to open a package of torn and blood-stained clothing when you are not prepared.

Keep all bills and receipts resulting from the crash. Begin a chronological record or log of all financial expenditures or losses which you would not have had if the crash had not happened. These may include medical and funeral expenses, lost wages, and costs of counseling. This information will be critical if the offender is found guilty and is ordered to pay restitution. It is also necessary in filing for State Crime Victims Compensation, insurance benefits, and will be essential if a civil suit filed.

The Prosecutor

After the investigating agency has transferred the case to the County Attorney, District Attorney, or State Attorney, call the Attorney's office to find out which prosecutor has been assigned to your case. The information will be filed under the defendant's name. Let him or her know that you want to be informed at all stages of the criminal justice process. In most states, you will not be informed unless you specifically request this. Therefore, notify the prosecutor and/or the victim advocate in person or by phone of your desire to be informed. Make a note of all your calls.

Then mail a follow-up letter to both the prosecutor and the victim advocate indicating your phone number, your desire to be informed, the facts of the crime as you understand them and any feelings you have about bail for the accused, plea bargaining, or any other aspect of the case. Ask in your letter to be informed if the prosecutor charges the offender any differently from the investigator's recommendation.

Charging

After reviewing the evidence in the case, the prosecutor may:

- charge the offender with the criminal charges recommended by the investigating agency
- charge the offender with different, fewer, or additional charges; or
- decide not to charge the offender because of insufficient evidence

In most states, one of two procedures will be used to determine whether probable cause or sufficient evidence exists to proceed to trial.

- A preliminary hearing may be held in which the prosecutor and sometimes a few witnesses appear before the judge. If the judge determines that sufficient evidence exists, the accused will be bound over for trial and scheduled for arraignment.
- A grand jury hearing is much the same as a preliminary hearing except the evidence is presented by the prosecutor to a group of citizens rather than to a judge. Most grand juries are composed of citizens who serve for several months at a time. Grand jury proceedings are closed to the public (including the victim's family). The accused is not present while others testify. The accused may or may not be called to testify. If the grand jury determines that sufficient evidence exists, they hand down a true bill of indictment. If they do not think that sufficient evidence exists, the case is "no-billed." If indicted by the grand jury, the accused will be scheduled for arraignment.

Arraignment

At the arraignment, the accused appears before a judge who informs him of the charges pending and of his constitutional rights, including the right to a court-appointed defense attorney. In some states, the defendant may waive arraignment or his attorney may appear for him and waive his appearance. At his point the offender becomes referred to as the "defendant." The defendant may enter a plea of guilty or not guilty at this time or at a later hearing.

The Defense Attorney

The attorney for the defendant or one of his investigators may phone, write or appear on your doorstep. Before you communicate with any attorney or investigator confirm his identity. A defense attorney is not a District Attorney even though he may refer to himself as a D.A. The defense attorney clearly is not an advocate of your rights as a victim.

You do not have to speak to the defense attorney or investigator. Ask him to get the requested information from the prosecutor's office.

Bail or Bond Hearing

Sometimes bond is set immediately following arrest or at the arraignment. Sometimes it is set at a separate hearing. Bail or bond is an amount of money or security given to a court by the defendant in exchange for his release and his promise to appear in court. The right to reasonable bond is guaranteed to offenders under the concept of "innocent until proven guilty." Bond is to insure the appearance of the defendant in court to face the charges against him. Courts do not use bonds as form of punishment and the amount of the bond cannot be excessive. If the defendant is, based on his prior record, a threat to the community or is a risk to flee the jurisdiction of the court, you should urge the prosecutor to ask for a higher bond. As jails become more overcrowded, lower bonds are being ordered. Drunk drivers are usually not considered violent offenders by courts for purposes of bond. The defendant can usually post bond through a bonding company by paying about 15% of the actual bond amount. The defendant may also post a cash bond for the full amount or in some cases may put up real estate as security for the bond.

Discovery/Preliminary Hearings

After arraignment, the prosecutor and the defense attorney will gather evidence to support their cases. If the defendant has been arraigned on charges you don't understand, ask the prosecutor to explain the elements which must be proven to get a conviction. Discuss the strengths and weaknesses of the case. If you understand these, you may be able to provide additional information which will be helpful to the prosecution of the case. You may know of additional witnesses or have ideas about key evidence. The prosecutor should know that you support him in trying to convict the defendant of the most serious charges that can be proven.

Continuances

Ask to be informed of pretrial hearings including requests for continuances. Pretrial hearings are open to the public (including you) although the attorneys usually tell you it is unnecessary for you to be there. During this time, both attorneys have the right to request "continuances" or postponements. Defense attorneys frequently request numerous continuances to "age the case." They know that the longer they can postpone trial, the more likely the State will lose its witnesses,

and witnesses' memories will fade. Ask the prosecutor to vigorously oppose unnecessary continuances.

In some states, the prosecutor may request a speedy trial on the basis of sensitivity to victims. (Defendants have a constitutional right to a speedy trial, but it is rarely in their interest to request it, especially if they have been released on bond.) Also, in some states the judge is required to state on the record the reason for granting a continuance.

Continuances may be requested by the State or by the defense and are often granted for legitimate reasons -- work conflicts, unavailability of witnesses, etc. They do not necessarily mean that your case is being ignored.

In some states victims have the right to be informed of pretrial hearings as well as to provide input into them. If you do have these rights in your state, claim them. Do your best to see that your case is not disposed of without your knowledge.

Plea Bargaining/Sentence Bargaining

These terms refer to negotiations which take place between the prosecutor and the defense attorney. These negotiations may result in a guilty plea to a lesser charge or a guilty plea in exchange for a reduced sentence. These "bargains" seem distasteful to victim families who feel that to "cut a deal" is to diminish the significance of the crime. Attorneys and judges favor plea/sentencing bargains because they do not have the time or resources to take every case to trial. Only a small percentage of all criminal cases are actually tried.

In some circumstances, plea/sentencing bargaining is beneficial. If the preliminary investigation was inadequate, the offender may have been arraigned on a charge the State cannot now prove. Critical witnesses may not longer be available. It may be better, in these circumstances, to allow the defendant to plead guilty to a lesser charge and be punished for it than to go to trial and risk losing everything.

Many states now require that the victim be informed if plea or sentence bargains are considered. In some states, the victim may offer an opinion. In order to understand what a proposed plea/sentencing bargain means, it is critical that you understand the various charges, elements of proof for each, and sentencing options which the State can consider. Otherwise you cannot offer an informed opinion.

Know your rights and assert yourself in claiming them. It is very important that you be present when a plea is presented to the judge. It will remind him that both the victim and the defendant should be considered in the decision rendered.

Victim Impact Statements

Nearly all states have passed laws which allow for the victim, or the victim family when someone has been killed, to give a written or oral statement to the court about the impact of the crime on their lives. These statements are presented after the defendant has been convicted and before he is sentenced.

Most judges require the Probation Department to conduct a "presentence investigation" on a defendant to collect information about what kind a sentence would be most appropriate. A convicted offender may be sent to jail or prison for few or many years. If the prison sentence is probated, conditions of probation can vary widely. The convicted criminal may or may not be required to pay restitution to the victim family. He may or may not be required to attend counseling, or a number of other options probation officers may recommend.

Until recently, presentence investigations focused solely on the offender. The victims movement has succeeded in convincing state legislatures that unless the victim perspective is also presented, the court has not heard the whole story. The advent of Victims Impact Statements is a tangible result of this movement.

It is very important the Victim Impact Statements be prepared and presented to both the prosecutor and the probation department before a hearing to consider a plea bargain or sentence plea. Otherwise, the judge may proceed immediately to sentencing without the victim being informed.

Most states have a Victim Impact Statement form which can be requested from the prosecutor, Probation Department, or victim advocate. If not, simply write in letter form an explanation of the emotional impact the crash has had on your family, as well as the financial impact including medical expenses, funeral expenses, lost wages, property damage and any medical or counseling expenses required by the family as a result of the trauma. Documentation of these expenses can result in the defendant being ordered to reimburse you. If your state statute allows, you may also include your opinion about what kind of sentence the defendant should be given.

In preparing statements, be sure your information is accurate. Write from the heart about your pain, but try not to make bitter or disparaging remarks about the offender. The sentencing of the defendant is the responsibility of the judge or jury.

Going to Trial

If the defendant persists in pleading not guilty, the case will be set for trial. He has a constitutional right to choose whether he wants his case to be decided by a judge (bench trial) or a jury. In most

jurisdictions, the State must accept the form requested by the defendant. Be prepared for numerous postponements or continuances after a trial date has been set.

If the defendant chooses a jury trial, jury selection may take days or weeks before the trial actually begins. Most injured victims and surviving families want to attend the trial although they know it will be an emotionally draining experience. Because trials can take several weeks, victim families may have difficulty getting off work to attend. Several states now acknowledge that victims should have the right to attend their trials without penalty, much the same as employees who are called to serve jury duty. Inquire about your rights from your victim advocate or prosecutor. If no statute exists in your state, explain to your employer why it is important for you to be at the trial.

You may be surprised to learn that the defense may try to prevent you from attending the trial. The defense attorney's goal is to minimize the victim sympathy factor during the trial. The defense wants any sympathy to be focused on the defendant and not on the victim.

A common tactic of the defense is to subpoena you as a potential witness and then ask the judge to invoke the "rule of sequestration" - a rule stating that witnesses cannot listen to each other testify and must therefore be "sequestered" out of the courtroom. Even though you may not be called to testify, you will, thereby, be kept out of the courtroom, never to be seen by the judge or jury. If you did not witness the crime and therefore, would not testify until sentencing, ask the prosecutor to advocate that you be allowed in the courtroom. If you are sequestered you should be allowed to remain in the courtroom after you have testified.

Several states now statutorily allow victims (or victim's representatives/family) to be present during the trial if they are not going to testify, or if they are, to remain in the courtroom following their testimony. One state even allows the victim to sit with the prosecutor at counsel table, just as the defendant sits beside the defense attorney.

Some prosecutors fear that the victim family may become emotionally upset during the trial and unduly prejudice the jury, providing grounds for a mistrial. Assure the prosecutor that you will assume an appropriate courtroom demeanor if you desire to be present in the courtroom.

Be aware of these general courtroom guidelines.

Do not discuss the case in the halls or restrooms. Your behavior out of the courtroom is as important as your behavior in it.

Never speak to the judge or a juror, even if you encounter them in the hall or at lunch. They must remain bias-free as they hear the evidence.

Be prepared for the emotional impact of hearing the defendant say "not guilty." Even though you know you would not be in a trial unless he was pleading "not guilty," many victims report a jarring emotional response when they actually hear the words. In many cases, these are the first words the victim or the victim family has heard the defendant speak.

Expect to hear upsetting testimony. You may hear gruesome details for the first time. You may see photos you have never been shown before. You may also hear the defense attorney attempt to show that you were responsible for the crash or your loved one was responsible for his or her own death. The defense attorney has an ethical responsibility to do all he can to represent his client's legal interests. Therefore, much of what is so important to you may seem like gamesmanship of players who try to outskill each other in courtroom drama. It is up to the judge or jury to determine the truth.

If you feel you may lose control of your emotions during the trial, leave the courtroom. Your presence or demeanor in the courtroom must not be intended to influence the judge or jury.

If you have questions or concerns during the trial, write them down and give them to the prosecutor or victim advocate. Don't whisper during the trial.

Victim advocates from the prosecutor's office or from Mothers Against Drunk Driving are usually available at your request to attend court with you and answer questions at appropriate breaks.

Courtroom Procedure

Standard courtroom procedure during a criminal trial is as follows:

Opening statements are given by both attorneys.

The State calls witnesses to the stand in order to prove that the defendant is guilty as charged. The prosecutor's questioning of each State witness is called "direct examination." The witness is then "cross-examined" by the defense attorney. The procedural rules for cross-examination are more liberal than rules for direct examination. For example, in cross-examination, leading questions may be asked such as "Isn't it true that ...?" After cross-examination, the witness is given "re-direct-examination" by the prosecutor and "re-cross-examination" by the defense. The witness is then dismissed, unless either attorney plans to call the witness back to testify later. Once dismissed, witnesses may usually remain in the courtroom.

After the state has presented all its witnesses, the defense will present its witnesses, going through the same procedures of direct and cross-examination. The defendant is not required to testify in the case.

After all the evidence has been presented, each side may introduce witnesses to rebut testimony previously presented. Sometimes this rebuttal testimony comes from former witnesses not previously dismissed. Sometimes they are new witnesses.

Each side presents closing arguments. The State has the burden of proof in the case and therefore has the right to argue both before and after the defense, unless the defense does not put up any evidence. Typically, the prosecutor will summarize the evidence before the defense argues and then rebuts the defense's arguments.

The judge gives the jury instructions for their deliberations, or if it is a bench trial, retires to deliberate himself.

The Verdict

Hearing the announcement of the verdict is the climax of the trial and usually a very emotionally laden time for the victim and/or victim family. You must be aware that a legal verdict and the truth are, unfortunately, not always the same thing. While a defendant may not, in truth, be innocent, he may be proven "not guilty." Judges and juries are the best way our society knows to determine legal justice. Judges and juries are also susceptible to human error. All of this must be kept in perspective.

The standard of proof in criminal cases is "beyond a reasonable doubt," the highest burden of proof required in any trial proceeding. This term is legally undefined. However, if any doubt based on reason exists as to any element of the offense as charged, the verdict of the judge or jury must be "not guilty." Evidence must establish the facts so clearly, positively, and explicitly that there can be no reasonable doubt that the case was proven.

Sentencing Trial or Hearing

If the defendant is convicted in the adjudication phase (innocence/guilt phase) of the criminal trial, the case will proceed to sentencing. Sentencing may occur immediately following the conviction or be scheduled for a later hearing. In some jurisdictions, the judge decides the sentence and in others, the jury does. Even though you did not witness the crime, you may be allowed to testify during the sentencing hearing.

Victim Impact Statements should be submitted to the prosecutor and probation department before sentencing. They will pass them on to the judge, usually attached to the presentencing investigation (PSI) for the judge's consideration in sentencing. Be aware that the defense attorney will also read them.

If oral impact statements are allowed in your jurisdiction, you may be called to the witness stand to testify about the impact of the crime on your life. Your statement should not repeat evidence already presented, but should simply tell what the crime has meant to you. Statements usually last three to five minutes.

Evidence and procedures are different during sentencing, sometimes called the dispositional phase of the trial, than during the innocence/guilt phase. Defense witnesses will be giving subjective testimony about the defendant and why they feel he should receive a particular sentence.

Since the goal of your impact statement is to convey the effect your loved one's killing has had on you, it is not expected that you testify free of emotion. Be aware, however, that judges and juries can tell the difference between genuine and contrived emotion.

You need not fear testifying if you have discussed your testimony honestly with the prosecutor and have thought through how you want to present it.

Following are some suggestions which should help you testify with relative ease and maximum credibility.

- Dress conservatively - in a business suit if you are a man, in a dress or business suit if you are a woman. Your clothing should not be flashy or in any way detract from what you are saying.
- Take notes or a written statement with you to the witness stand if you think you need them. However, be aware that the judge, attorneys, and jury may be allowed to examine them.
- If the defense attorney asks if you have discussed your testimony with your attorney, it is appropriate to respond "yes." Your attorney may have helped you organize your statement, but you are testifying to the true impact of the killing on you and your family.
- If you don't understand a question by one of the attorneys, simply say so and ask that it be repeated. If you do not know the answer to a question, say so. If you feel an attorney is trying to manipulate you into an answer that is not true, turn to the judge and tell him that you will need to explain your answer.
- Be descriptive as you tell of the physical, emotional, and financial impact of the crash. Describe particular events that were/are painful for you. Your goal is to enable the judge or jury to come as close as possible to understanding how you feel.
- Do not use jargon or judgmental words if asked your feelings about the offender. Words such as "drunk," "alcoholic," and "crazy" are judgmental words you should not use. Talk about your pain and avoid bitter or disparaging remarks about the defendant.
- Avoid unnecessary phrases or *cliches* such as "I honestly believe that..." or "I can truthfully say that..." They are less powerful than short, simple statements.

- Maintain eye contact with the attorney who has asked you the question. Don't look to your own attorney for help when being questioned by the defense attorney. Look at the judge or jury if the attorney asks you to explain something to them.
- If you request that the defendant pay restitution to your family, be prepared to present actual bills and statements of the amounts paid or owed.
- Always be honest. Take your time. Pauses before your answers indicate that you are taking the questions seriously and thinking before you speak. If you approach the task of testifying with integrity, your testimony will be respected.

Appeals

Following a conviction and sentencing, the defendant has the right to appeal the case, or in some circumstances the sentence, to a higher court to consider errors in procedure or application of the law at the trial court level. You need to be prepared for this, especially if the sentence is maximal. Most convicted felons are released on appeal bonds until the appeal is heard, which may be several years later. Under the concept of "innocent until proven guilty," a trial court decision is not considered final until appeals are heard. While this hardly appears fair from the victim perspective, it is a procedural safeguard that has proven useful, especially if a convicted defendant was indeed innocent.

Parole

Sentences assessed are seldom sentences served. Primarily, because of prison overcrowding and prisoner control, the concept of "good time," credit given for days of imprisonment because of good behavior, is common. The convicted criminal may receive two or three days credit for each day served, and, in fact, serve only a fraction of the actual sentence imposed.

As soon as the convicted offender is placed in jail or prison, obtain his identification number. Include this in all correspondence with parole boards as well as your own name and address so can receive a response.

Send a copy of your original Victim Impact Statement to the parole board. Write the parole commissioners responsible for the particular facility to which the prisoner is assigned as well as the State Parole Board. Inform the Parole Board in writing from time to time about the ongoing impact of the death of your loved one. Especially send new letters when it is time for parole review. Call prior to the review and ask if you may provide an oral statement. In any event, leave your phone number and ask to be informed when the review decision is made.

Cases Against Juveniles

In most states juvenile hearings are not open to the public, including the victim family. Juvenile case files are not open.

Writing Letters

Letter writing is a crucial part of all your interactions with the criminal justice system. If you feel that a conversation may be forgotten or misconstrued, write a follow-up letter. It can prevent a prosecutor, probation, or parole officer from saying "I don't remember you saying..." or "I was never informed."

The League of Women Voters suggests that you consider the magic sentence:

"_____ wants you to _____ because _____."

Consolidating your concerns into this format will help you keep your letters clear and persuasive. Use short sentences and short paragraphs. Use action verbs such as "urge" rather than "wish." Be polite and respectful.

Never write a letter directly to the judge until a final determination of the case has been reached. Ask your prosecutor when and how to communicate most effectively with the judge.

The Media

If the crash was sensational, or if the criminal case is unique, the media may be eager to present it in written or broadcast form. It is your right to choose whether to speak with the media. If you decide to, it is best to contact your attorney first. You don't want to jeopardize your case in any way. Sometimes, excessive publicity can result in a change of location for the trial.

If you speak with the media, be absolutely certain that you have your facts straight. Use the words "alleged criminal" until conviction. If you speak to a print media reporter, ask him to call and read his article to you before it goes to print, so that necessary corrections can be made.

Practically, the media can be an asset in exerting pressure on the justice system if you have reason to believe the case is not being handled appropriately. If all else fails, a good investigative reporter can make a difference in how your case is handled.

Ethical Review Procedures

Review procedures are available in most jurisdictions to investigate the conduct of attorneys if you feel they have been unethical in the treatment of your case.

Most states have a "prosecutor's council" or similarly named investigative group to look into complaints about prosecutors. Local and state bar associations also have procedures for

investigating complaints and taking appropriate actions. Attorneys may be disbarred or reprimanded by the State Supreme Court in many states.

Most states have "Judicial Conduct Commissions" or other regulatory groups to investigate judicial misconduct.

The State Attorney General's office is usually willing to investigate professional misconduct on the part of employees of the state.

If you use these avenues of recourse, be sure that you have your facts straight before filing a complaint.

Conclusion

Becoming an active player in the criminal justice system will add stress to your recovery process. You may decide that you aren't up to it and choose to let justice take its own course without your involvement. On the other hand, working in it may be an essential component in your emotional pilgrimage to get better.

Some say that regardless of the outcome, participating in the criminal justice system gave them a sense of completeness or closure. It will not cause you to grieve any less or erase the horror of your injury or your loved one's death. But it may give you some sense of accomplishment.

The final disposition of the case can provide a historical perspective that will enable you to focus less on the offender and more on yourself and your journey toward recovery