

## THE ROLE OF VICTIMS AND WITNESSES IN THE CRIMINAL JUSTICE SYSTEM

Most people have some familiarity with the criminal justice system. It is unusual for a person who does not know at least of the existence of the police and the courts. Assuming this, it is important from the outset of a discussion about victims of crime to have some understanding of the role of a victim in the criminal justice system. A few basics should be in mind before going into the more detailed explanation in this booklet.

Victims' and witnesses' roles begin when a crime occurs. Assuming the crime is reported, law enforcement should conduct an investigation. Victims and witnesses may be called upon to provide information.

### **VICTIMS ARE NOT FORMAL PARTIES IN A CRIMINAL PROSECUTION.**

If an arrest is made and a criminal case is brought by the government (federal, state, or local), it is the state, not the victim, who controls the prosecution. Often the victim's interests and desires are similar to the state's but, occasionally the state's pursued action may be different from the victim's desires. Ideally a prosecutor will take into account the wishes of the victim, but he or she also considers broader social concerns and makes decisions considering the scope and confines of the law.

### **THE PURPOSE OF BRINGING A CRIMINAL TO JUSTICE**

Although the injury to the victim is part of the reason a criminal proceeding is initiated, the act committed is looked upon by the law as a "social wrong" and the justice system attempts to punish it as a crime against the state. The purposes to be accomplished by bringing the offender to justice are:

- to hold the offender accountable for his/her actions;
- to discourage others from committing crimes;
- to try to rehabilitate the offender; and
- to insure public safety.

The victim of course benefits from the accomplishment of these purposes, and also may benefit directly from the conviction of an offender in the form of restitution, which will be discussed later. (**Note:**

Wyoming and many other states are experimenting with and utilizing more “restorative justice” practices, particularly with juvenile offenders. These practices place greater focus on victim and community involvement in the process of dealing with crime. Because these programs and practices are relatively new and not well established in most Wyoming communities, we will not go into great detail here. Advocates should take note of if and how these restorative justice practices are operating in their communities. )

## **CONSEQUENCE OF NOT BEING A FORMAL PARTY TO THE CRIMINAL PROCEEDING**

The most significant affect on a victim of not being a formal party in criminal proceedings is lack of control over the process. Legally, the victim cannot insist that law enforcement or a prosecutor take specific action in the investigation or criminal proceedings, or prevent them from taking action that the victim may oppose. However, under the Wyoming Victim and Witness Bill of Rights, a victim/witness has many rights.

The Victim and Witness Bill of Rights gives victims access to information and participation in the process. These rights are subject to some conditions, the most significant of which is these rights are preempted if a conflict with the defendant’s constitutional rights arises. Right now there are no legal penalties if these rights are not strictly observed or not properly offered. A victim cannot sue an agency if information or an opportunity to participate is not properly offered.

Because of the nature of these rights, it is important for advocates and victims to get a good grasp on the organization and participants in the criminal justice system so they know how and with whom to deal to ensure victims rights are observed. The remainder of this booklet is dedicated to providing basic information concerning victim’s rights and options to assist in the education of those who help victims. A good place to start is an overview of victim’s statutory rights.

## SUMMARY OF WYOMING'S VICTIM AND WITNESS BILL OF RIGHTS

Perhaps the most concrete evidence of The State of Wyoming's awareness of and attention to victim's needs is the Victim and Witness Bill of Rights. The Bill of Rights was adopted in 1991 and is found in Wyoming Statutes (hereafter, W.S.) *1-40-201* through *1-40-210*. It is intended to be an official recognition by the State of the rights of crime victims and witnesses. Specific aspects of the Bill of Rights will be discussed in more detail throughout this booklet, but, in paraphrased form these are its main provisions:

- **The right to be treated with compassion, respect and sensitivity within the criminal justice system.**
- **The right to know the whereabouts of the defendant and the current status of the case.**
- **The right to request restitution from offenders.**
- **The right to know all rights under this law including information about services and victim assistance at the local level.**
- **The right to know about victim compensation.**
- **The right to reasonable protection and safety and the right to know of legal recourse if threatened.**
- **The right to prompt return of property.**
- **The right to preservation of employment while participating in the criminal justice process.**
- **The right to be informed about the opportunity to make a victim impact statement at sentencing and parole hearings.**
- **The right to be present at trial.**

Again, these rights are conditioned on the rights of the defendant. This means that if a victim's rights conflict with a defendant's or offender's constitutional or statutory rights, the defendant's or offender's rights will be respected. Also, many of these rights are a right to information about something and not the thing itself. For example, a victim has a right to know about a plea bargain and give his/her input, but not the right to say yes or no to the plea or set specific plea conditions.

Victims' rights will vary depending on the crime and situation. Advocates should be creative and flexible in their approach to dealing with the criminal justice system. Also, the importance of having good working relationships with the various participants in the criminal justice system cannot be

overstated. Good relationships and communication with these agencies will help insure victims' rights are observed, victim wishes are considered, and victim interests are respected.

Some of the agencies involved in ensuring these rights are: Prosecuting attorneys/district attorneys, defense attorneys, Department of Corrections, Probation and Parole, law enforcement, Justices of the Supreme Court, Judges, and Clerks of the courts. Following is a chronological overview of the Criminal Justice System with focus on victim and witness participation in the system.

## **REPORTING THE CRIME**

Statistics from the U.S. Department of Justice indicate that over 50 percent of crime victims do not report crimes. There are many reasons for this, but a prevalent theme historically has been fear and lack of trust in the criminal system. Victims often report their initial contact with the system is frightening. Although great strides have been made, victims tend to be "forgotten" persons throughout the criminal justice process due to an emphasis on apprehension and conviction of the offender. Many crime victims are confused and intimidated by law enforcement. As the victim's first contact, law enforcement has a great impact on the victim's perception of how the system works, and their ability to overcome fear.

### **SPECIAL REPORTING CONSIDERATIONS FOR CHILD ABUSE AND VULNERABLE ADULTS:**

Under *W.S. 14-3-205* persons required to report child abuse or neglect include any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse or neglect. The report should be made immediately to a child protective agency or local law enforcement agency.

Recent changes in the Adult Protective Services Act include stricter reporting requirements for individuals with knowledge of vulnerable adult maltreatment. *W.S. 35-20-111(a)* now includes consequences for failure to report. The statute now says that a person who knows or should have known that a vulnerable adult is, or has been a victim of abuse, neglect, or exploitation must report the information immediately to a law enforcement agency or to the Department of Family Services. Failure to report suspected vulnerable adult maltreatment may be prosecuted as a misdemeanor and

punishable by imprisonment for not more than a year and a fine of not more than a thousand dollars. Also of note, a person who reports vulnerable adult maltreatment and knows that the information is false is subject to misdemeanor charges.

### **INFORMATION PROVIDED TO VICTIMS WHEN REPORTING A CRIME:**

Law enforcement officers respond to the call, take statements from the victim(s) and witnesses, and collect any evidence. As the victim's first contact, law enforcement personnel can ease or intensify the emotional turmoil, which often surrounds victimization. The Victim and Witness Bill of Rights (*W.S. 1-40-204*) states law enforcement should inform victims of their rights, privileges, and interests. Responding law enforcement officers should also inform victims and witnesses of the Victim/Witness Coordinator's name and official phone number if this service is available. Pursuant to *W.S. 7-20-104* law enforcement should advise domestic violence victims of the existence of any family violence program in the community as well as their rights and remedies.

Other assistance and information that should be made available to victims and witnesses of crime include:

#### ***W.S. 1-40-204. Rights of victims and witnesses to be informed during the criminal justice process.***

Victims of a criminal act shall be informed without undue delay by law enforcement about:

1. The rights enumerated in this act;
2. The right to be informed of the status of the case from the initial police investigation to the final appellate review;
3. The fact that financial assistance or other social service options may be available to the victim;
4. The existence of the Crime Victims Compensation Act and that compensation may be available to the victim;
5. The right to have an interpreter or translator to inform the victim of these rights; and
6. The name and official telephone number of the primary law enforcement officer and agency investigating the case.

***W.S. 1-40-115.***

Each law enforcement agency shall exercise reasonable care to insure that victims of crimes are informed of the existence of the states program of compensation for injuries sustained by victims of crime and the procedure for applying for compensation.

***W.S. 6-2-309(g)(i)(ii). Medical examination of victim; costs; use of report; rights of victims; reimbursement (sexual assault).***

Except as provided in this statute, any victim of an alleged sexual assault reported to law enforcement shall be reimbursed for medical examination costs directly resulting from the sexual assault. The investigating law enforcement agency shall be liable for any medical examination costs relating to the investigation or prosecution of the sexual assault. These investigation costs shall include the following:

1. The cost of gathering evidence as outlined in the Wyoming sexual assault evidence kit.
2. Any other examinations authorized by law enforcement to aid in the investigation and prosecution of the sexual assault.
3. Costs of the sexual assault exam not covered by law enforcement may be covered by the Wyoming Crime Victims' Compensation Program.

## **INVESTIGATION OF THE CRIME**

An arrest may be made at the time a crime is reported, or the arrest may be delayed while more evidence is gathered. If the offender is not arrested at the scene or if the victim is not able to identify the offender, the case will be assigned to a law enforcement officer for further investigation.

### **A VICTIM HAS THE RIGHT TO CONTACT THE LAW ENFORCEMENT AGENCY AND KNOW THE STATUS OF THE CASE.**

The victim should be provided with the name of the investigating officer, and has the right to know how the investigation is proceeding, provided that giving out the information will not compromise the investigation of the crime. At all times, the victim should keep official agencies informed of their address so that these agencies can perform their duty of informing victims.

## **REASONABLE PROTECTION**

The victim is entitled to reasonable protection before, during, and after the criminal investigation. It is a crime for the suspect or anyone connected with them to threaten a witness or victim. The victim or witness should report any such incidents to law enforcement.

A suspect is not to influence testimony in any way. For example, a suspect should not make intimidating comments, which imply, directly or indirectly, that the victim will suffer consequences. The suspect can be charged with another crime for intimidating a witness or obstructing justice. The victim or witness may apply for a protection order or a stalking protection order if a suspect is attempting to influence or discourage the victim or witness from assisting an investigation.

## **WHEN WILL THE ACCUSED BE ARRESTED?**

If not arrested immediately, the accused will be arrested after the investigation is completed or when enough evidence to justify an arrest has been gathered. If an arrest is made, the suspect will be ordered to court either by a summons or a warrant. A summons requires the suspect to appear in court. If a warrant is issued a law enforcement officer will take the suspect into custody and escort him/her to court, the police station, or jail.

## **PROPERTY HELD AS EVIDENCE**

In some cases, law enforcement may need to temporarily hold property as evidence. Upon completion of the trial, the victim has a right to the prompt return of his/her property unless there is a compelling reason for law enforcement to retain the property. Usually property release occurs within 45 days after sentencing unless there is an appeal. Sometimes, at the victim's request, photos can be taken and used as evidence so actual property can be returned.

After trial and all possible appeals have been completed, the prosecuting attorney has a duty to contact law enforcement agencies to inform them that the property can be returned to the victim.

## WYOMING'S COURT SYSTEM

Crimes are prosecuted in different courts in Wyoming. Before going further into explaining victims issues during prosecution and trial, a brief overview of the court system is in order. The court systems in which a victim may be involved in Wyoming include municipal (city) court, justice of peace court, circuit court, district court, Supreme Court, federal court, and tribal court.

### **SUPREME COURT**

Chief Justice and 4 Justices

### **DISTRICT COURT**

9 Districts, 19 District Judges

### **CIRCUIT COURT**

All Counties

### **MUNICIPAL COURT**

98 Municipalities, 77 Judges

**The Supreme Court**, located in Cheyenne, is the highest court in the state. It hears appeals from the lower courts. Almost all of the cases it hears are appeals from district courts. Litigants who are dissatisfied with a decision of the district court may appeal that decision to the Supreme Court. It regulates the practice of law in the state and admits new attorneys to that practice. The five justices serve a term of eight years and must be retained in office on a statewide ballot in general elections. They must retire when they reach 70 years of age.

**The District Courts** preside over felony criminal and civil cases as well as juvenile and probate matters. They can consider all cases except for small claim cases and misdemeanors, which go to circuit courts. They also hear appeals from lower court decisions. There are 19 district judges in the state organized into nine judicial districts. District judges, appointed by the Governor, serve six-year terms. Similar to justices in the Supreme Court, their retention is determined by voters and they must retire at the age of 70. District court is held in each county seat so the judges must regularly travel to all counties within their district to hear the case in the jurisdiction of origin.

**The Circuit Courts** presently operate in all counties in Wyoming, The jurisdiction of Circuit Courts includes civil cases in which the damages or recovery sought does not exceed \$7,000. These courts hear family violence matters and all misdemeanors. The Circuit Court sets bail for a person accused of a crime and it conducts preliminary hearings in felony cases. Circuit Court judges are full-time, appointed by the Governor to serve four-year terms, and must be lawyers. The voters retain them in office. A Circuit Court judge may appoint county court commissioners to assist them. This practice is a familiar process in family violence cases.

**The Municipal Courts** have jurisdiction over violations of municipal ordinances and have no civil jurisdiction. Municipal courts operate in all 97 incorporated cities and towns. The municipal court judge may assess penalties of up to \$750 and/or six months in jail. These judges are appointed by the mayor with the consent of the municipal council. The terms can vary depending on the local council. These are mostly part-time positions, and about one-half of the judges are lawyers. Some municipal judges are appointed to more than one municipal court.

**The Federal Court** has jurisdiction over violations of federal law occurring within the District of Wyoming and Yellowstone National Park (including those portions of the park located in Idaho and Montana). In some circumstances the federal court has jurisdiction when violations of a specific federal law occurs, the case involves interstate or inter-country violations of law, or if a crime occurs within an area identified as an exclusive federal jurisdiction including Yellowstone National Park, Wind River Indian Reservation, and F.E. Warren Air Force Base. The U.S. Attorney's Office also has concurrent (shared) jurisdiction in many areas with state and local authorities. For example, most drug trafficking offenses involve violations of both state and federal laws and can be prosecuted in either state or federal court.

**The Tribal Court** has jurisdiction over the criminal and civil codes enacted by the Shoshone and Arapahoe Tribal Governments. For violations of specific federal law, the U.S. Attorney's Office has criminal jurisdiction over cases on the Wind River Reservation. Sometimes a defendant on the Wind River Indian Reservation, arrested for committing a crime in that geographic area can be prosecuted in both federal and tribal court.

## COURT PROCESS

### **PRE-TRIAL STAGE – PREPARING THE CRIMINAL CASE**

After crime is reported to law enforcement, investigated, and sent to the prosecutor, he/she will:

1. Determine if there is sufficient evidence a crime was committed, the accused committed it, and the case has a reasonable chance of success at trial.
2. Determine, based on the evidence, what charges to file (not all cases result in filing of charges).
3. If a prosecutor decides not to file charges, the case may be dropped or may go back to law enforcement for further investigation.

### **TYPES OF CRIMES AND DETERMINING CHARGES**

Crimes in state statutes fall into one of three categories:

*Felonies:* The most serious of crimes. A felony is a crime punishable by imprisonment in the Wyoming State Penitentiary for more than one year.

*High misdemeanor:* The next most serious type of crime. This is punishable by up to one year in the county jail.

*Simple misdemeanor:* The least serious type of crime. A misdemeanor is punishable by up to six months in the county jail.

In determining a charge the prosecutor reviews the evidence gathered by law enforcement and decides whether it meets the elements of a chargeable crime. The elements of individual crimes are found in state statutes.

### **THE INITIAL APPEARANCE**

If the prosecuting attorney decides to file charges:

1. A complaint or information is prepared. This document provides information to the accused documenting the date of the crime and for what crimes he/she is charged.

2. An arrest warrant is prepared and, if the accused is not already in jail, the accused is arrested.
3. After an arrest, in most criminal cases the accused is brought before a Circuit Court judge as soon as possible.

The purpose of this initial appearance is for the judge to inform the defendant of the specific charges against him/her and to inform him/her of his/her rights. If charged with a felony, the defendant is not allowed to enter a plea at this time. The defendant has a right to counsel, to be provided by the state if he/she cannot afford to retain an attorney. Unless the defendant waives this right, the judge assigns defense counsel at the initial appearance.

### **SETTING BAIL AND POSTING BOND**

At the initial appearance hearing the judge may set bail to assure the defendant's appearance at future proceedings. The United States and Wyoming Constitutions require all offenders arrested for an offense not punishable by death be allowed to post bond. Bond is money or other security the defendant places in trust with the court to insure he/she will appear at all stages of the criminal justice process.

#### **Bond may consist of:**

1. cash
2. security
3. property
4. the offender's own recognizance

Recognizance means a promise to appear. If an offender is released on his/her own recognizance, it means that he/she has been released based solely on his/her promise to appear at the proceedings.

Even if a defendant posts bond the Court may set conditions upon the defendant's conduct. These conditions may include:

1. Requirements that the defendant have no contact with a victim or witness.
2. Prohibit the defendant from approaching certain locations.

## **ARRAIGNMENT**

When the defendant is arraigned in district court, he/she is again advised of the nature of the charges against him/her and informed of his/her rights. At this point, the defendant is required to enter a plea. The defendant can plead guilty, not guilty, or nolo contendere. The term “nolo contendere” is a Latin phrase for “I will not contest.” For practical purposes, it is a plea of guilty without admitting guilt. The benefit of a nolo contendere plea for a defendant is that it may not be used in a civil trial. A defendant may plead nolo contendere only if the court consents. If a guilty plea is entered in felony cases, the judge will order a pre-sentence investigation to be done on the offender’s background. The offender will then be ordered back into court at a later date to be sentenced. If the judge refuses to accept the guilty plea, a plea of not guilty is entered for the offender.

If the defendant pleads not guilty, the judge will schedule a date for a pre-trial conference and the trial. Bail conditions may be reevaluated and either increased, decreased, or revoked.

Victims and witnesses may be required to appear and testify before the judge at arraignment. Between the arraignment and the trial a number of things may happen. Most criminal cases do not actually result in a trial. The prosecutor may dismiss the charges. The court may also dismiss the charges on the motion of the defendant. The prosecutor and the defendant may enter into a plea agreement. Plea agreements (also called “Plea Bargains”) are discussed on page 13 in this handbook. Sometimes after discussing the case with counsel, the defendant pleads guilty, after which the court proceeds to sentencing.

## **PRE-TRIAL CONFERENCES**

While setting the date for trial, the judge may grant continuances, or additional time for the attorneys to prepare the case. During this period of time the prosecutor or defense attorney may request meetings with the judge. The pre-trial conference is where the judge will rule on the various motions which may have been filed by either the state or defense counsel. The motions often address whether or not certain evidence should be excluded from the trial and whether there have been any violations of the offender’s constitutional rights during the investigation and arrest. The purpose of the pre-trial conference is to discuss matters that may save time in the actual trial. Generally, the victim is not included in pre-trial conferences. However, following the pre-trial conference, the judge issues a written summary of the agreements of the conference. Victim advocates may have access to these reports. Victims should remain in contact with the prosecutor’s office and victim advocates to maintain up-to-date information on the results of these conferences. As previously noted, most criminal cases are settled prior to a trial. A settlement may be reached at the pre-trial conference. In addition, if the offender is in jail, he/she

may obtain a pre-trial release. Also, changes to bail arrangements can be discussed at every meeting.

### **WHAT TO DO IF THE DEFENSE ATTORNEY OR A PRIVATE INVESTIGATOR CONTACTS THE VICTIM ABOUT THE CASE**

Victims and witnesses do not have to, but may, discuss the case with a defense attorney or private investigator if they wish. Again, there is no obligation to do so. If they are contacted by the defense attorney or a private investigator they may want to report it to the prosecuting attorney handling their case. Any person has the right to refuse to talk to attorneys, private investigators, law enforcement, or anyone else unless they are testifying in court under subpoena.

### **VICTIMS HAVE A RIGHT TO KNOW WHAT IS HAPPENING WITH THEIR CASE AND WHEN COURT APPEARANCES WILL BE HELD**

Victims should be informed who the prosecutor is, general status information about the case, and about upcoming trial dates. There is an exception if the prosecutor believes that giving certain information to a victim will damage the prosecution of the case, or the ongoing investigation. Victims and advocates should keep official agencies informed of a current address so that these agencies can perform their duty of informing victims pursuant to the Victims Bill of Rights.

### **PLEAS, PLEA BARGAINS AND VIOLATION OF PROBATION/PAROLE**

Most cases never make it to a formal trial. There are a few ways in which a case might be resolved without a trial. One, there is a possibility that a defendant will plead guilty to charges sometime during the pre-trial stage. If this happens there is no need for a full trial and the judge will set a date for sentencing. Sentencing is discussed on page 17.

Another possibility is that a plea bargain will be made between the prosecuting attorney, the defendant and his/her attorney. In plea bargaining, the offender is frequently offered a reduced or less serious charge if the offender agrees to plead guilty. Plea bargains may include sentence agreements. The prosecutor weighs many factors such as,

- ability of a victim to testify;
- outcome of the case if tried in court;
- availability of witnesses (out-of-state);
- cost of a trial to the county.
- provability of the case;
- credibility of witnesses;
- quality of the evidence;

The judge does not take part in the plea bargaining, does not have to accept it, and sentencing is still up to the judge.

Another possible situation in which a trial might not occur is when a defendant is already on probation or parole for another crime. If the defendant is on probation or parole, or awaiting sentencing on another charge when he/she is arrested, he/she may not be tried for the most recent offense.

### **VICTIMS DO NOT HAVE THE RIGHT TO PREVENT A PLEA FROM BEING ACCEPTED BY AN OFFENDER OR A PROSECUTING ATTORNEY**

The prosecuting attorney negotiates any plea bargaining with the offender and the offender's attorney. If it is accepted by the offender, and approved by the judge in the case, the case is concluded. The victim does not have the right to force a full trial by disapproving of a plea bargaining arrangement. However, the victim has a right to be informed of the possibility that a plea may be negotiated, and, the essentials of the agreement. The victim may state their opposition to the plea agreement to the prosecuting attorney and explain their idea of what constitutes an appropriate sentence. The prosecutor should explain the reasons for disposing of the case by plea bargaining. In felony cases, the victim also has a right to make a victim impact statement that should be considered at sentencing. Victim impact statements and sentencing are discussed in more detail on pages 17 and 18.

## **THE TRIAL**

While most do not, some cases make it to trial. The process of a trial is the same in both district courts and lower courts. In summary, each side presents its arguments, evidence, and testimony, and then a judge or jury decides the case.

### **TRIAL BY JUDGE OR A JURY**

The right to trial by jury is an integral part of our judicial system. However, the majority of criminal and civil trials are heard by judges alone, not by juries. If the case is heard by the judge, the process is the same as if the case was before a jury.

## **THE VICTIM OR WITNESS AT TRIAL**

If the case goes to trial, victims and witnesses may be required to give testimony before the judge and/or jury. They are notified either by subpoena, or personally by the prosecuting attorney's office or other law enforcement officials. They are told when and where to appear and what, if anything, to bring with them. Honoring the subpoena or the request to appear for any hearing is very important. Violating a subpoena is contempt of court and may result in a fine or imprisonment.

Victims and witnesses should check with the prosecutor's office, victim/witness, and/or staff about arrangements for lodging and travel. Victims may be required to be present throughout the entire trial.

In some cases the judge may sequester a witnesses. This means witnesses will be prohibited from discussing their testimony with other witnesses. A sequestration order may also prohibit a witness from remaining in the courtroom while other witnesses are testifying. A witness may feel during the defense attorney's cross-examination his/her motives are being questioned or the defense attorney is putting words in his/her mouth. The cross-examination is not meant as a personal attack on the witness. The purpose of cross-examination is to ensure that all sides of the case are put before the jury, and to test the credibility of witnesses.

## **PROSECUTOR'S ROLE IN THE TRIAL**

The trial will begin with opening statements from the prosecuting attorney, following which the defense attorney may or may not choose to make a statement. Next, the prosecuting attorney will call witnesses and present all of the evidence the state has against the defendant. This is commonly referred to as the "state's case." Any witnesses that testify during the state's case may be cross-examined by the defense attorney. The prosecutor or someone from his/her office will usually explain the process to victims and witnesses. The prosecuting attorney cross-examines any of the witnesses testifying on behalf of the defendant. After both prosecution and the defense have called their initial witnesses, there is opportunity for each to call rebuttal witnesses to testify. At the completion of all testimony, each side is allowed to make a closing argument or statements, which sum up each side's case.

## **DEFENSE ATTORNEY'S ROLE IN THE TRIAL**

At the beginning of the trial the defense attorney may make an opening statement. After the completion of the state's case the defense attorney will often make a motion for a judgment of acquittal. A judgment of acquittal will only be granted if the state has not presented a minimum level of evidence to sustain a conviction. Although this does happen, it is rare and generally the trial continues. The defense attorney calls witnesses on the defendant's behalf and presents all evidence in the defendant's case.

## **VICTIM/WITNESS PRESENCE IN COURT**

While the Victim and Witness Bill of Rights provides for in person participation during a hearing or trial, the law also provides for the practice of sequestering of victims and witnesses. The court may find good cause to exclude the victim from the trial. This may occur if the victim is going to testify at the trial and other evidence presented could affect the testimony. "Good cause" only applies until the victim testifies. After his/her testimony the victim should be permitted to attend the rest of the trial.

## **VICTIMS AND WITNESSES CAN BE COMPENSATED FOR BEING A WITNESS**

State statutes allow a witness to be compensated in the amount of \$30 per day and \$15 per half day. Payment may take up to six weeks to receive because it may have to be processed through the court voucher system. Additionally, victims and witnesses may be able to receive compensation for travel expenses, or "mileage". Compensation is usually only received if a victim or witness is subpoenaed by the state or defense attorney.

## **DELIBERATIONS AND VERDICTS**

After closing arguments in jury trials, instructions are given to the jury by the judge, and then the jury goes to a private room to deliberate, or in other words, to decide the guilt or innocence of the defendant. Jury deliberations may take only hours or they may last for days depending on the complexity of the case. For example, if the defendant has been charged with a number of offenses, the jury may be required to decide of which offense(s) the defendant is guilty. If the jury returns a guilty verdict, the judge sets a future date for sentencing the offender. At this point, the defendant may be taken into custody by law enforcement and put in jail, or he/she may be released until the sentencing day. If the jury returns a verdict of not guilty, the offender is acquitted and is free to go. When the jury is not able to make a decision, it is called the "hung jury". The case may be re-filed at the prosecutor's discretion.

## **THE SENTENCING PROCESS**

If a defendant is found guilty, there will be sentencing proceedings.

### **PRE-SENTENCING PROCEDURES & PRE-SENTENCING INVESTIGATION**

Sentencing is held sometime after the trial or plea agreement. In felony cases, after an offender is convicted, but before he/she is sentenced, a judge will usually order the prosecuting attorney or the Division of Probation and Parole to investigate and prepare a written report pertaining to the offender and his/her background. This report is called a pre-sentence investigation (PSI) report and should include:

- the criminal record of the offender;
- the present and past social history of the offender;
- if practical, the report should include the findings of a physical and mental examination of the offender;
- a written statement from the victim(s); and
- a summary of the impact of the offense on the victim or victims.

The PSI report is used by the judge to assist him/her in determining the appropriate sentence for the offender. The victim's cooperation with probation and parole is very important.

### **VICTIM IMPACT STATEMENT**

A victim has the right to make an impact statement, and to have that statement considered by the judge as a factor in sentencing in felony cases, and is often allowed in misdemeanor cases as well. Preparation for the victim impact statement should be considered as soon as a crime occurs or is reported. Often plea agreements occur within a few days of a crime. Without the victim's input, the victim's interests, including possible restitution, will likely not be considered as part of the sentence. The impact statement contains information from the victim about what consequences the crime has had on his/her life. This includes physical or emotional trauma and economic loss. The victim may also state why he/she needs restitution. It is important the written statement clearly describes how this crime has affected the victim. The local victim /witness coordinator may have a form to make this process easier and can explain about the local protocol. Examples of information the victim should include are:

- Why do you need restitution?
- Were you injured? Explain your injuries.
- How much have you paid in medical bills? Include copies of the bills.
- Is it likely that you will continue to require medical attention? If possible, include a copy of a statement from your doctor.
- Do you or your family still fear for your life? If so, why?
- Has the offender, or anyone associated with the offender, done anything to threaten or intimidate you?
- Do you have any reason to believe that if the offender were released on probation he/she would harm you or your family? While committing the criminal act, was the offender particularly vicious or cruel?
- Have you had to attend counseling to help you deal with the crime? Are you likely to continue to need counseling?
- Did you lose any property as a result of the crime? If so, what was its value?

This statement becomes part of the PSI report if one is done and is a factor considered by the judge in imposing a sentence. It will be one of the things considered when determining the appropriate sentence and whether the victim will receive restitution from the offender.

## **THE DIFFERENT TYPES OF FINES THE COURT CAN ORDER AT THE SENTENCING HEARING**

**Fines** - an assessment the judge imposes on the defendant for the specific crime committed.

**Surcharges** - an assessment paid by a convicted defendant to the *Crime Victims Compensation Account* to be disbursed by the Wyoming Attorney General's Division of Victim Services for compensation and other victim services in the state. The statutory minimum surcharge is \$50 for low misdemeanor and \$100 for high Misdemeanor and felonies. There is no maximum. The surcharge is a mandatory assessment for crimes listed in the statutes.

**Court Cost** - an assessment that is set by statute or by the Supreme Court rules; for example, a \$20.00 court cost is assessed on all misdemeanors.

**Restitution** - available if the offender is convicted of a crime and ordered by the court. Restitution

is payment of crime related expenses by an offender to a victim . The intent of restitution is to have the offender pay for the damage he/she has caused or give equivalent value for any loss, damage or injury a victim suffers. The court is required to consider restitution in all criminal cases in which the defendant is convicted and it is requested. The court may order restitution for the victim’s actual property losses, medical and mental health expenses, loss of earnings or support, and any other related losses, as well as wrongful death damages. Also, the court may order restitution for long term physical health care for any foreseeable future actual pecuniary damages. Restitution is part of the sentencing order. (For a more thorough explanation of restitution, what it is, how it is ordered, etc., see Appendix A.)

## **THE SENTENCING HEARING**

Victims are usually given the option to appear in court at the sentencing hearing and make an oral statement about the impact the crime has made on their life. Occasionally, a judge may require a victim to appear and testify at the sentencing hearing. The victim may or may not choose to have an attorney at this hearing.

## **SERVING THE SENTENCE**

### **DEFENDANT SERVING HIS/HER SENTENCE**

Adult offenders who have been sentenced to serve a period of incarceration under the custody of the Department of Corrections, will initially begin serving their sentence at the Wyoming State Penitentiary in Rawlins for males or the Wyoming Women’s Center in Lusk for females. Offenders may, however, be moved to another correctional facility depending on their classification status, recommendations by the court for them to participate in a specific program, or crowded conditions. These facilities may include the Wyoming Honor Farm in Riverton; Wyoming Conservation Camp in Newcastle; a jail or out-of state facility; or one of the state’s four (4) community corrections centers which are located in Cheyenne, Gillette, Mills, and Rock Springs. Inmates being transferred to a community corrections center, however, must be within nine (9) months of their parole eligibility date and must be approved by the local Community Corrections Board.

## **CONVICTED OFFENDERS AND THE LENGTH OF SENTENCES THEY SERVE**

An offender who is sentenced to a prison term will generally serve at least his/her minimum sentence less any special good time allowance. "Special good time allowance" is a reduction of the inmate's minimum sentence. Special good time allowance may be accumulated at a set rate for each month of time served on the sentence. Inmates may not begin earning special good time allowance until they have served six (6) months of their sentence. Special good time is awarded at the sole discretion of the correctional institution warden. All inmates are eligible if they display especially proper and helpful attitude, conduct, and behavior while in the institution and exhibit an especially exemplary adherence to the rules.

Special good time allowance is at times granted to offenders serving time in county jails. Offenders also receive credit for time served pre-trial (on bond).

An inmate may also petition the sentencing court for a reduction of sentence. A motion to reduce sentence must be filed within a year following the sentence. The prosecutor's office should advise the victim if a motion is filed.

Inmates may also serve less than their minimum sentence if the Governor commutes their sentence. A commutation is a reduction of a penalty to a less severe one. The Wyoming Constitution gives this power solely to the Governor.

The victim has a right to be informed by the Governor's Office of the pardon or commutation of the offender's sentence. If this information is desired, obtain a Victim and Witness Bill of Rights Advisory/Information Request Form from the prosecutor's office. After the form is completed, certified by the prosecutor, and mailed to the Department of Corrections, the victim has the duty to keep the DOC Offender Status Reporting Section informed of any address changes.

## **PROBATION, PAROLE, AND THE DIVISION OF FIELD SERVICES**

The Division of Field Services, Probation and Parole, is an agency within the Department of Corrections. The Division is responsible for supervising the conduct of all persons on parole, probation, or conditional release. The Division has twenty (20) field offices located throughout the state and the main headquarters in Cheyenne.

The Division is also responsible for preparing the written PSI reports discussed earlier for courts.

A defendant found guilty of a crime but who is not sentenced to prison or jail, is usually placed on probation. Probation is a set of requirements and conditions imposed by the court on an offender, the violation of which may result in incarceration or further prosecution for the offender. The defendant may be placed on unsupervised or supervised probation. Supervised probation requires that he/she report to a probation officer. The court retains authority during the probation period and if the defendant violates probation, it can modify the conditions or impose a term of confinement.

Parole applies only to offenders who serve some time in prison or jail. Parole is permission for the inmate to leave the prison under supervision before his/her maximum sentence has been served. Parole does not completely release the inmate from the authority of the correctional institution. Parole is conditional, and may be revoked if the inmate does not comply with the conditions, meaning the offender will have to go back to prison. Decisions on who does and does not qualify for parole are made by the Board of Parole. The Board of Parole is made up of seven members from throughout the state appointed by the Governor and accountable to the public. They do not actually supervise parolees; however, they do determine whether parole will be revoked if a parolee violates parole.

### **WHAT THE PAROLE BOARD CONSIDERS WHEN DETERMINING WHETHER TO GRANT PAROLE**

An inmate is eligible for parole after the inmate has served the minimum sentence less any “special good time” and credit for time served pre-trial.

In order to grant an inmate parole, the Board must determine there is a reasonable probability the inmate, when released, will not commit any further violation of law.

When an inmate is eligible under the law for a parole hearing, the Parole Board considers the following factors:

- past criminal history, and how the past criminal history of the offender relates to the present crime;
- the current criminal act, including who was impacted by the crime, the sentence structure, and the relation of this crime to other crimes committed by the offender in the past;
- the offenders' current environment, and how well he/she functions in the prison environment;
- the inmates' prospects for success under his/her parole plan, or the feasibility of the parole plan;
- the inmates' means of support if he/she is paroled.

An inmate serving a life sentence is not eligible for parole although he/she may be eligible for commutation.

Although an inmate may be eligible for a parole hearing under the timeline noted above, there is no guarantee the inmate will be released on parole. This is because the inmate may not meet the requirements established by the Parole Board for parole. Additionally, if an inmate faces a consecutive sentence for a different crime at the time parole is granted from the sentence being served, the inmate may simply be paroled to begin serving the consecutive sentence.

### **VICTIMS HAVE A RIGHT TO EXPRESS THEIR FEELINGS TO THE PAROLE BOARD REGARDING THE OFFENDER'S POTENTIAL PAROLE**

A reasonable effort should be made to notify the certified victim of parole hearings. The victim should be provided an opportunity to attend the parole hearing and express his/her concerns. If the victim cannot attend, he or she may submit a statement in writing (or other approved format) to the Parole Board.

It is very important that the Division of Probation and Parole has the victim's current address and phone number (see Victim Notification Section). If the victim works during the day, he/she may want to include a work number or a number where a message can be left. This is important because the Probation and Parole Division only has to make a reasonable effort to contact the victim. As a back up plan, the victim and/or family should also keep the local prosecutor's office and/or victim witness advocate aware of any address and phone number changes.

## **THE VICTIM'S COMMENTS IN THE LETTER TO THE PAROLE BOARD**

The letter should include the same type of information that was included in the Victims Impact Statement when the pre-sentence investigation was done.

The victim's statement is important, particularly if the victim still have reason to fear for their personal and family safety. The Board of Parole has the ability to order parole conditions to address victim's safety concerns. The Board might require the offender to stay away from the victim and their family as a condition of parole. In some instances they can require an offender on parole stay away from an entire geographical area. If the victim feels the offender is still a threat, he/she should be specific as to why the offender still poses a threat to the victim and/or family. Victims can request help in writing the letter from local advocates such as MADD, safehouse staff, or victim/witness programs.

## **OFFENDERS SENTENCED TO LIFE IN PRISON AND PAROLE**

If the offender is sentenced to "life in prison" he/she may not be paroled. However, the Governor may, upon the recommendation of the Board of Parole, commute the sentence to a term of years, which would eventually allow for parole consideration.

## **VICTIMS' NOTIFICATION PROGRAM**

Under the Victim and Witness Bill of Rights, victims and other individuals are entitled to receive notification of various changes in the status of offenders after they have been convicted and sentenced to the Department of Corrections (DOC). DOC is the responsible agency for tracking offenders and victims and reporting on offender status to victims.

### **WHO IS ENTITLED TO NOTIFICATION?**

The Victims Bill of Rights provides that victims, key witnesses, offices of prosecutors, victim-witness coordinators, and advocates must be offered the opportunity to receive written information about the status of offenders, if they were involved in the offender's case and the offender has been sentenced to incarceration.

Notification of the following matters is provided:

- The commencement of the offender's imprisonment to serve the sentence imposed and the name, official address and security classification of the place of confinement.
- The earliest date upon which the offender could be released;
- Any transfer of the offender to another facility including the security classification of that facility;
- Any work release of the offender and the assigned work release date;
- Any decision to grant or modify parole and any conditions imposed;
- The escape, recapture, or death of an offender.
- Any reduction or extension of the offender's sentence;
- Furloughs;
- Discharge upon completion of sentence;
- Applications for pardons;
- Pending commutations; and
- Final appellate review of criminal convictions.

## **HOW TO ASK FOR NOTIFICATION OF OFFENDER STATUS**

To obtain notification of offender status, the victim or advocate should ask the Prosecutor's Office for a VICTIM AND WITNESS BILL OF RIGHTS ADVISORY/INFORMATION REQUEST FORM. A member of the prosecutor's office staff should provide assistance in completing the form. The victim should indicate what information is desired on the form and complete personal information, which will enable DOC to contact him/her with notification. Finally, the prosecutor's written certification that the victim is entitled to notification is required. After the form is completed, signed and certified, it must be sent to the Department of Corrections, Victim Notification Program, at the address listed at the end of the form.

## **SPECIAL MATTERS AFFECTING NOTIFICATION RIGHTS**

- DOC does not automatically provide notification to all interested individuals. Victims and others will only receive notification if they request it through the prosecutor's office as outlined above.
- DOC only provides notification regarding offenders who are initially sentenced to incarceration within adult penal institutions supervised by DOC. DOC Victim Notification Program does not provide notification regarding misdemeanor offenders sentenced to local, county, jail, or offenders sentenced to probation.
- The identity and location of victims who request notification is confidential and is not available to offenders.
- Notification will be discontinued if:
  - DOC is unable to contact a notification recipient because of a change of address/telephone number, etc., of which DOC has not been informed; and
  - The offender is discharged from the sentence received in the case in which the victim/notification recipient was involved.
- Victims and other notification recipients have the right to state their viewpoints on the status of an inmate. However, DOC officials have the final say on classification, transfer, work release, or other dispositions of offenders. As noted, the Parole Board will consider comments from victims in their deliberations.

## **SENTENCE REDUCTION**

Wyoming law gives the sentencing court authority to reduce the original sentence anytime within one year after sentence is imposed. Examples of permissible sentence reduction are: reducing the number of years a defendant must serve in prison or on probation, and changing a prison sentence to a sentence of probation. A court may reduce the sentence at the request of a defendant or on its own authority without any request. The court is not required to reduce a sentence, doing so is within its discretion, and is a rare occurrence.

## **APPEALS**

After an offender is convicted of a crime in the trial court, they have a right to ask a higher court to review the trial proceedings for legal errors that may have occurred. An appeal is not a trial; proceedings in the appellate court are confined to an examination of the record of proceedings from the trial court for legal errors which may have prejudiced the defendant. An appeal may result in the higher court affirming the conviction and sentence imposed below when no prejudicial errors are found, or a new trial may be ordered if errors prejudicing the defendant are found.

## **JUVENILE COURT**

Each county has a court designated as a juvenile court. Juvenile courts are courts of equity, rather than criminal courts. This means that an order or decree issued from a juvenile court will not be considered a conviction of a crime. The philosophy behind the juvenile court system is that it punishes minors for crimes committed, but also allows minors to start with a “clean slate” when he/she reaches the age of majority.

If the minor is charged as a juvenile, the proceeding will take place in juvenile court and the proceedings will be closed to the general public. However according to *W.S.14-6-505*, Victims of Delinquent Acts (which mirrors the Victim Bill of Rights), victims have the right to attend all court proceedings that the juvenile defendant does, unless the judge makes a specific ruling that the victim may not attend.

## **POTENTIAL CONSEQUENCES IF A MINOR IS FOUND GUILTY IN JUVENILE COURT**

Depending on the severity of the offense the court may:

- impose a fine;
- require the minor to perform community service;
- place the minor on probation;
- require the minor or his/her parents to pay restitution for any damages of loss caused by his/her wrongful act;
- if the minor is twelve (12) years old or older the court may commit the minor for an indefinite term to the Wyoming Boys' School or the Wyoming Girls' School;
- commit the minor to a residential treatment program;
- commit the minor to the Wyoming State Hospital or any other certified hospital for substance abuse or specialized treatment and rehabilitation; and/or
- impose any demands, requirements, limitations, or controls that a parent could impose.

### **FEDERAL VICTIMS AND WITNESSES**

The United States Attorney's Office for the District of Wyoming, located in Casper, Lander and Cheyenne, is responsible for prosecution of violations of federal law occurring within the District of Wyoming. The District includes the entire state of Wyoming and Yellowstone National Park (including those portions of the park located in Idaho and Montana). Depending on the circumstances of a criminal case, the United States may have criminal jurisdiction if a violation of a specific federal law occurred, or if a crime occurred within an area of exclusive federal jurisdiction. Common examples of "an area of exclusive federal jurisdiction" within Wyoming are Yellowstone National Park, Wind River Indian Reservation (Tribal and Federal, depending on offense), and F.E. Warren Air Force Base. If a crime occurs within these areas, the United States Attorney's office also has concurrent (shared) jurisdiction in many areas with state and local authorities. For example, most drug trafficking offenses constitute violations of both state and federal laws and can be prosecuted in either state or federal court.

Numerous federal law enforcement agencies operate in, or have resident offices located in Wyoming. Those agencies have investigative responsibility for certain federal offenses. For example, the Drug Enforcement Agency (DEA) investigates violation of federal drug laws. The Bureau of Alcohol,

Tobacco, and Firearms (ATF) investigates violations pertaining to weapon, explosives, alcohol, and tobacco products. Law enforcement rangers in Grant Teton and Yellowstone National Parks are the equivalent of the county sheriff or municipal police for most criminal violations occurring within the national parks. The Federal Bureau of Investigation (FBI) has investigative responsibility for major crimes occurring both within areas of exclusive federal jurisdiction and certain federal crimes regardless of location (i.e. homicide occurring on the reservation, national park, or military base; bank robberies or kidnapping cases). The Bureau of Indian Affairs (BIA) police are the equivalent of the county sheriff or municipal police for most crimes occurring within the Wind River Indian Reservation. In addition to federal criminal statutes, they also enforce criminal codes enacted by the Shoshone and Arapahoe Tribal governments. Other federal law enforcement agencies such as the Secret Service, Internal Revenue Service, Border Patrol, Customs, Marshals' Service, Fish and Wildlife Service, and Bureau of Land Management, as well as other federal law enforcement agencies also operate in Wyoming.

## **THE FEDERAL GRAND JURY SYSTEM**

Generally, there are two methods whereby a felony may be prosecuted in the federal system. The two methods are Grand Jury Indictment of Information. The Fifth Amendment to the United States Constitution requires that a grand jury review the case to determine if there is probable cause to believe a crime was committed and the person named committed it. If an offender agrees to waive his/her right to have the charges against him/her reviewed by the Grand Jury, the U.S. Attorney's Office may proceed by filing an "Information."

At the present time in the District of Wyoming, the Grand Jury convenes on a periodic basis to hear cases. The "case agent" is usually the law enforcement officer assigned to the criminal case. As part of the investigative process, victims and witnesses are occasionally subpoenaed to appear before the Grand Jury to testify and/or produce documents. Occasionally, witnesses will have to make more than one appearance before the Grand Jury depending on the circumstances of the case. Sometimes due to time constraints, all the cases scheduled may not be heard.

The only individuals allowed to participate in the Grand Jury are the jurors themselves, a court stenographer, the United States Attorney or an assistant, the witness, or the case agent and the victim advocate. Unlike trial proceedings, all witnesses are interviewed separately by the Grand Jury, defense attorneys and offenders are not present. This process is much more informal than criminal trial

proceedings; in addition to questions asked by the Assistant U.S. Attorney, grand jurors may also ask questions.

If the Grand Jury finds probable cause to believe that a crime has been committed and the person named committed it, the Grand Jury will return an indictment. The indictment is the charging document, which briefly explains the circumstances and describes the violation(s) of federal law.

Once an indictment is issued by the Grand Jury, either an arrest warrant or summons is authorized. If an arrest warrant is issued, the offender may be arrested by any federal, state, or local law enforcement officer. If a summons is issued, the offender is not arrested, but will be instructed to appear before a magistrate.

## **POST-INDICTMENT PROCEDURES**

Several factors affect how an offender is initially brought before the court in the federal system after he/she has been charged with a crime. Basically, an offender will appear before the magistrate for an initial appearance. A magistrate is a judicial officer, appointed by a United States District Court Judge, having some but not all powers of a judge. The offender is advised of his/her rights, the charge(s) and either his/her attorney appears with him/her, or he/she is appointed an attorney at that time. Bond and conditions of release are considered as well as whether the offender should be detained. The offender then appears before the United States District Court Judge for an arraignment where he/she is again advised of his/her rights, and the penalties to which he/she may be subject. At that time the offender must enter a plea to those charges.

Deadlines by which defense attorneys must file motions are established and a trial date is initially scheduled. The Assistant U.S. Attorney must then respond to any motions filed by the defense attorney.

Occasionally witnesses will be subpoenaed to testify at proceedings where motions by prosecuting and defense attorneys are heard by the district court judge. These proceedings are sometimes described as “suppression hearings or detention hearings.” A suppression hearing is an attempt by the defense attorney to exclude evidence so that it cannot be considered at trial. A detention hearing is held at the

request of the government to consider whether the offender should be held without bond until his/her trial starts. The offender's ties to the community, as well as any threat he/she poses to victims, witnesses, or the community, are factors considered by the court at a detention hearing. After motion arguments are heard, the court will usually do one of two things. The court will either rule immediately after the motion hearing, or take arguments under advisement and issue a written ruling. The outcome of the motion hearing may affect the case. Most of the time the case will proceed towards trial. Occasionally, the charges are modified as a result of the motion ruling by the court and sometimes a case is dismissed and the offender is released. Dismissal of a criminal case does not prevent a victim from bringing a civil suit (see appendix on civil suits).

## **TYPES OF VICTIM ADVOCATES**

In Wyoming there exists a variety of victim assistance service providers trained to help victims and witnesses of crime. There are domestic violence/sexual assault programs trained to help victims of domestic violence, sexual assault, and stalking. Victim/witness coordinators are located in private, non-profit organizations or employed within a law enforcement, court, probation office or prosecutorial setting. The functions of these service providers vary depending on the type of victimization that has occurred and the individual's community. MADD advocates specialize in drunk driving crashes and CASA advocates are trained to deal with children who are abused, neglected or abandoned by their families. For more specific information please refer to the listing of programs in the appendix. Following is a brief description of services provided by each type of victim service provider.

### **VICTIM/WITNESS ADVOCATES**

These are individuals employed in law enforcement, probation offices, court, prosecutorial settings, or non-profit organizations, who are trained to accompany victims and witnesses to court as well as assist victims and witnesses through the complicated maze of the criminal justice system. Their responsibilities are to insure that victims' and witnesses' statutory rights are maintained and that they are treated with consideration and respect throughout the entire criminal justice system process. Other services include keeping the victim apprised of the status of the investigation and location of the alleged offender(s), providing support if threats and intimidation are valid concerns, court accompaniment, assistance with filing reports, and accessing resources for financial losses such as assisting with compensation claims, filing for insurance, death benefits, etc. It is their responsibility to keep victims and witnesses apprised of court hearings, pre-trial conferences, any pending plea bargains, and to collect necessary

information for restitution requests to the court. The victim/witness coordinator is an advocate for the victim, and may speak on behalf of the victim with creditors, landlords, medical, and legal service providers.

## **FEDERAL VICTIM/WITNESS ADVOCATES**

Advocates are assigned to each United States Attorney's Office in the country. The main Wyoming office for the United States Attorney is located in Cheyenne. A staffed field office is also located in Casper. The advocate is available to victims and witnesses of serious federal crimes and is in a position to help answer questions about specific cases and situations. The Federal Victim-Witness Protection Act contains certain provisions, which may apply to victims and witnesses. The 1990 Crime Control Act also contains special provisions, which may apply to children who are involved in federal criminal cases. Options such as victim impact statements, restitution, and notification/consultation to victims and witnesses of serious crimes are available in the federal system. Any federal victim or witness who has questions should contact the Victim-Witness Coordinator at the U.S. Attorney's Office in Cheyenne, Wyoming at: **(307) 772-2124**.

## **DOMESTIC VIOLENCE/SEXUAL ASSAULT ADVOCATE PROGRAMS**

Twenty-four programs, one in each county and on the Wind River Indian Reservation provide services to victims of domestic violence, sexual assault and stalking. Each program is available 24 hours per day, 7 days per week. They can provide services including but not limited to: crisis intervention, safety planning, support groups, shelter, in person information and referrals, court advocacy, help with completing pro se protection orders, emergency financial assistance, personal advocacy with other agencies, information concerning victim's rights, and information and assistance in completing victim's compensation forms. These programs operate independently from the criminal justice system, and a victim does not need to have reported abuse to a law enforcement agency to receive services. Programs operate with both paid staff and volunteers who have completed required specialized training. Domestic violence/sexual assault programs also provide prevention educational programs in schools and for other agencies as well as training for other victim assistance providers in their community.

## **MOTHERS AGAINST DRUNK DRIVING (MADD)**

MADD has trained advocates throughout Wyoming. Wyoming MADD is a non-profit organization working under a local board of directors with supervision from a national board of directors. Victims and witnesses can find the location of the nearest MADD advocate by calling **1-800-498-5201**. MADD offers guidance and support for people whose loved ones are killed or injured in alcohol-related crashes. The advocates are trained to answer questions related to medical treatment and recovery alternatives for common injuries sustained in DUI car crashes such as brain injury, burns, and catastrophic injury. They provide court accompaniment during trials of criminal cases and advocacy in the interim while civil attorneys handle victim's wrongful death and personal injury cases. MADD advocates maximize the utilization of victim rights specific to drunk driving cases. Many of the advocates have been victims of crashes themselves and can connect the victims and/or family to support groups, other victims who have gone through the court process or civil cases, and the nearest DUI Impact Panels.

### **IN SUMMARY**

Advocates can provide information and referral services, general information about the victim's/ witnesses' rights and their role in the criminal and civil court processes. Sometimes conflicts can occur when the victim's preference is in conflict with the State's decision about their case. Advocates should inform victims of the rules and restrictions under which some advocates work.

## **VICTIM RESOURCES**

Crime victims and their families may be eligible for benefits from a number of federal, state, or local agencies which provide crisis intervention for basic survival needs, social services, legal, medical and/or financial assistance. Listed below are some of the agencies and governmental programs from which victims may be eligible for help. As available assistance varies among the different communities, this is not a complete list.

In addition to state and government agencies, there are also many private, non-profit organizations offering assistance in special circumstances. Look in the yellow pages of a local phone book to explore the availability of private assistance, under social service organizations, associations and clubs, church organizations, fraternal organizations, youth organizations, mental health agencies, crisis intervention services, etc. The Chamber of Commerce in each county maintains an updated list of resources.

### **CRIME VICTIMS COMPENSATION**

Provides financial assistance to victims of crime who suffer personal injury or death as a result of a criminal attack or while trying to prevent a person committing a crime, trying to help a law enforcement officer, or trying to help a victim. Dependents are also eligible. Out-of-pocket expenses may be reimbursed after deducting amounts received or available from other sources such as insurance.

Compensation may be available to eligible applicants for medical and dental services, prosthetic devices, mental health counseling and care, funeral and burial expenses, loss of earnings, loss of support to dependents, homemaker replacement services (to include home maintenance and child care), and other economic losses approved on a case by case basis.

For additional information and applications contact the *Division of Victim Services*, at (307) 777-7200.

### **WORKER'S COMPENSATION**

Victims or the victim's next of kin may be eligible for worker's compensation if the victim was injured or killed while working. For more detailed information concerning procedures and benefits, contact the State Division of Workers Safety and Compensation at (307) 777-7441.

## **UNEMPLOYMENT INSURANCE**

Unemployment insurance may be available to victims who are unable to work as a result of a crime. Eligibility requirements for unemployment compensation are determined on a case by case basis. Contact the Employment Resources Division of the State Department of Employment at **(307) 235-3253** or the local Employment Resources Center to file a claim.

## **THE DEPARTMENT OF FAMILY SERVICES**

The Department of Family Services (DFS) is a state agency, which administers a variety of programs to maintain public health and safety. Additionally, the department makes sure that the citizens in the state have at least the basic necessities to sustain life and health. The Department has one field office in each county. These offices are listed in the phone book, under state government. Some of the major programs are:

- Personal Opportunities with Employment Responsibilities (POWER)
- Food Stamps
- Low Income Energy Assistance Program (LIEAP)
- Medicaid
- Adult Protective Services
- Juvenile Services

For referral to a local office call the State Department of Family Services at **(307) 777-7561**.

## **SOCIAL SECURITY BENEFITS**

The Social Security Administration determines initial eligibility for a variety of benefit programs, some of which are linked to Medicare and Medicaid. General questions about any of the Social Security's programs should be directed to their national toll-free telephone number, 1-800-772-1213. A listing of telephone numbers and Social Security Offices in Wyoming are listed on the next page:

Office Location

**Cheyenne, WY**

(307) 772-2135

**Rock Springs, WY 82901**

(307) 382-2029

**Casper, WY 82601**

(307) 261-6209

**Sheridan, WY 82801**

(307) 672-7091

**Cody, WY 82414**

(307) 587-8155

**Riverton, WY 82501**

(307)856-7737

County Area Served

Albany, Laramie, Goshen, Platte, Carbon

Lincoln, Sublette

Big Horn, Natrona, Niobrara, Converse

Campbell, Crook, Johnson, Sheridan, Weston

Park, Teton, Yellowstone Park

Fremont

Benefits administered by the Social Security Administration include retirement benefits, disability benefits, survivors benefits, and supplemental security income (SSI).

**REDUCED COST MEDICAL CARE**

*W. S. 18-8-106* requires county memorial and district hospitals to provide free care in some situations. Ask the business office of your hospital for an application.

If you need to know which hospitals are obligated to provide these services, contact your local legal services office, or a private attorney. Also, information may be obtained from the Wyoming Hospital Association, 2005 Warren, Cheyenne, WY 82001; Phone (307) 634-1905.

**INDIAN MEDICAL AND SOCIAL SERVICES**

Native Americans living on or near a reservation are eligible for a variety of medical and social services

designed specifically for Native Americans. In Wyoming, Indian Health Services are provided at medical facilities located on the Wind River Indian Reservation. In some cases, Indian Health will pay for medical services provided by other medical care providers.

Services provided by Indian Health include: medical care, mental health counseling, dental care, and eye care. For more information on Indian Health Services, contact the **Indian Health Center:**

<b>Administration</b>	(307) 332-9418
<b>Contract Health</b>	(307) 332-9002
<b>Medical Clinic</b>	(307) 332-7300
<b>Preventative Health Service</b>	(307) 332-2716
or	(307) 332-2726
<b>Mental Health</b>	(307) 332-2716
or	(307) 332-2726
<b>PHS – Indian Health Center (Arapaho Area)</b>	(307) 856-9282
or	(307) 856-9281
or	(307) 332-7016
<b>Public Health Nursing</b>	(307) 332-3521
<b>Health Education</b>	(307) 332-9421
<b>Social Service</b>	(307) 332-2716
<b>Environmental Health</b>	(307) 332-7758
<b>Laboratory</b>	(307) 332-7672

**Victim Assistance in Indian Country**  
or

(307) 332-9255  
(307) 856-9404

## **WYOMING CRIME VICTIMS' COALITION**

The Wyoming Crime Victims' Coalition is an organization whose members are either victims, victim service providers, or concerned Wyoming citizens. The Wyoming Crime Victims' Center is sponsored by the Wyoming Crime Victims' Coalition. For victim resources referrals, visit their web site at: [www.wycrimevictims.org](http://www.wycrimevictims.org)

## **MOTHERS AGAINST DRUNK DRIVING (MADD Wyoming)**

MADD offers support, guidance, and information for people whose loved ones were injured or killed in alcohol-related crashes. For additional information, contact the Wyoming State MADD Office, 2955 E. 2nd St., Casper, WY 82609; Phone: 1-800-498-5201 or Fax: (307) 268-8792.

## **THE WYOMING COALITION AGAINST DOMESTIC VIOLENCE AND SEXUAL ASSAULT (WCADVSA)**

The Wyoming Coalition Against Domestic Violence and Sexual Assault (WCADVSA) is a non-profit organization comprised of the county-based domestic violence and sexual assault programs. WCADVSA supports its members in enhancing their services by combining efforts together in statewide projects as well as supporting members' work at the local level in providing advocacy and safety for victims of domestic violence and sexual assault in their communities. For further information call WCADVSA at (307) 755-5481.

## **COURT APPOINTED SPECIAL ADVOCATES - (CASA)**

CASA volunteers are Court Appointed Special Advocates for children who are trained and appointed by a judge to speak up for abused and neglected children in court.

For more information contact your local CASA program, or write or call: The National CASA Association, 2722 Eastlake Ave. E, Suite 220, Seattle, WA 98102; Phone: **1-800-628-3233**.

## **BRAIN INJURY ASSOCIATION OF WYOMING (BIAW)**

The Brain Injury Association of Wyoming was organized in 1990, through a grant from the Wyoming Division of Vocational Rehabilitation, in response to a statewide demand for services to persons who have sustained a traumatic brain injury. Statewide information and referral is available on brain injury issues such as therapy services, rehabilitation, educational materials, financial resources, and prevention. For additional information, contact Brain Injury Association of Wyoming, 246 S. Center, Suite 16, Casper, WY 82601; phone: (307) 473-1767, or (800) 643-6457; Fax: (307) 237-5222; E-mail: [biaw@trib.com](mailto:biaw@trib.com).

## **LEGAL SERVICES**

If victim/witnesses need legal assistance but cannot afford an attorney, they may be eligible for services from one of Wyoming's legal services offices. Additionally, some private attorneys will offer a limited amount of legal services at no charge. Legal services offices in Wyoming include:

### **Wyoming River Legal Services, Inc.**

Providing Services Statewide

P.O. Box 247

Fort Washakie, WY 82514

(307) 332-6626, or 1-800-442-6170; Fax: (307) 332-5753

### **Southeast Wyoming Legal Services Branch Office**

1603 Central Ave, Room 405

Cheyenne, WY 82001

(307) 634-1566 or 1-888-634-1566; FAX: (307) 634-1370

(307) 237-5266 or 1-888-737-5266; Fax: (307) 237-5325

### **Casper Branch Office**

152 North Durbin, Suite 220

Casper, WY 82601

## **FAMILY VIOLENCE/SEXUAL ASSAULT PROGRAMS AND VICTIM WITNESS PROGRAMS**

There are family violence/sexual assault programs in every county and victim witness programs in almost every county. These programs offer services to victims and witnesses and a completed listing by county can be found in Appendix B.

## **CIVIL SUITS**

A civil suit is a legal action which may be filed on behalf of a victim in civil court against an offender. In a civil suit, a victim of crime seeks money or other relief awarded for injuries or losses suffered as a result of the crime. A civil suit is completely separate from the criminal case.

### **WHO IS THE LAWSUIT BROUGHT AGAINST?**

The criminal himself/herself may be sued if he/she has been identified and located and if he/she has some substantial financial assets to pay the damages awarded by the court. Many criminals may not have enough money to justify filing a civil suit, but there may be other persons who have a duty to provide security or protection and are liable for your injuries. A victim may choose to sue these parties. In addition, sometimes a defendant may have insurance that may provide funds for recovery and compensation. Victims may wish to ask an attorney for a consultation to ascertain whether or not the case has potential for a civil suit.

### **VICTIMS AND COURT COSTS**

Civil suits brought to collect money damages are generally taken by lawyers on a contingent fee arrangement. This means the lawyer is paid a percentage of the money the victim receives in the case. The victim is often required only to pay for out-of-pocket expenses during the civil lawsuit. However, it is important to discuss a lawyer's policy on paying for expenses, as they can often be substantial. If the lawsuit is successful, the victim will be reimbursed for those expenses, and then the remaining money will be divided between the victim and the attorney based on the contingent fee contract. If the suit is not successful and the victim doesn't receive any money, he/she will not have to pay the attorney anything more.

### **TIME PERIOD FOR A CIVIL SUIT**

The law requires that the victim bring a civil suit within a certain time period after the criminal act has occurred. This is known as the "statute of limitations." For example, the statute of limitations for an

## **APPENDIX - A**

assault and/or battery is currently one (1) year. Failure to file a civil suit within this time period will permanently bar the victim from bringing a civil suit.

### **A CIVIL SUIT IN SMALL CLAIMS COURT**

The victim may bring a civil suit in small claims court if he/she is requesting damages of \$2,000 or less. Small claims court is very informal and an attorney is not required. However, victims may be represented by an attorney if they wish. If he/she arrives in court with an attorney, the judge may postpone the case to allow the offender to obtain an attorney as well. Generally, in small claims court the judge simply asks each party to tell his/her version of what happened.

### **FINDING A LAWYER TO TAKE YOUR CASE**

Victims should be aware that “shopping” for a good lawyer is a common and wise thing to do. Also, a wise choice is to ask family and friends to recommend a good lawyer. The victim can contact attorneys in their area who do civil suits by looking in the telephone book for lawyers who specialize in “personal injury” lawsuits.

Most will be happy to talk with a victim about their case without charge or for a small fee. It can be helpful to talk with several lawyers, since their opinions of a victim’s case may vary. It is important to find a lawyer with whom the victim is both confident and comfortable.

The victim may also contact the Wyoming State Bar for the names and contact information of attorneys. The lawyer referral telephone number is **(307) 632-9061**.

## **RESTITUTION**

If a victim suffered physical injury as a result of crime requiring long-term physical health care for more than one (1) year, restitution can be ordered for long-term care. The victim should provide a long-term estimated treatment plan detailing expected costs. The order will likely fix a monthly amount to be paid by the offender for as long as long-term physical health care of the victim is required. Victim advocates can assist victims in preparing the proper information for the court.

### **PAYMENTS AND OTHER POST-RESTITUTION ORDER ISSUES**

Depending on the offender's current financial status, the judge may order the restitution paid in one lump sum. More likely the offender will make a repayment plan with the Department of Correction (DOC) and the court. The offender will then ideally make payments over a period of time consistent with that plan. Payments are received and disbursed by the clerk of court. However, if an offender is on probation or parole with the Department of Corrections (DOC), Division of Probation and Parole, the agency should monitor restitution payments. If the Division of corrections is not supervising the defendant, the court should monitor payments. If the offender is incarcerated and is earning wages from a job in a DOC institution, DOC can submit a portion of those earnings to the Clerk of Court to pay restitution obligations.

If a victim is not receiving restitution payments, notify both the clerk of court and the appropriate DOC personnel. If the offender is on supervised probation or parole, contact the offender's probation or parole officer. Contact the prosecuting attorney or the local probation and parole office to find out the name of the officer assigned to the offender. If restitution is a condition of probation or parole, and the offender is refusing to pay the restitution, the offender's probation or parole may be revoked. If the offender is on unsupervised probation and parole, contact the prosecutor or victim advocate for assistance.

In cases of a long-term physical health care restitution order, the court may from time to time, on the petition of either the offender, the victim, or on its own motion, may modify the amount of monthly payments. Modification of the order should be based on a substantial change of circumstances relating to the cost of long-term physical health care or the financial condition of either the offender or the victim.

### **APPENDIX - B**

## **RESTITUTION ORDERS**

Restitution Orders made by sentencing courts require offenders to pay for expenses or losses that occurred as a result of a crime. These orders are limited to costs directly related to the crime, such as medical bills or counseling needed as a result of a crime. Restitution is not ordered for pain and suffering, mental anguish, loss of consortium (loss of society, affection, assistance, including, loss or impairment of sexual relations), or punitive damages.

Restitution is ordered at the sentencing of the offender. The prosecuting attorney ideally will inform the victim of his/her right to court ordered restitution and petition the court to order restitution on behalf of the victim.

**Important:** The victim (and the advocate) should submit bills or other documentation to the prosecuting attorney or victim witness program, verifying the amount of restitution they want considered by the court.

In cases of more serious crimes, mostly felonies and high-misdemeanors, a pre-sentence investigation report (PSI) is prepared. The judge usually relies heavily on the information contained in this report in deciding on a sentence. The probation officers preparing the PSI should request restitution information from victims and include it in the report. Victims and advocates will improve their chances of getting appropriate restitution orders if they cooperate in the preparation of the PSI and provided needed information.

The victim's most direct opportunity to personally communicate the need for restitution to the court is through the victim impact statement. In the impact statement the victim can make the judge aware that the crime has had emotional, physical, or other impacts in addition to financial costs. While the judge primarily considers financial costs in setting restitution amounts, knowing a victim's feelings and point of view does not hurt the decision.

The court should order restitution as part of the sentence to the victim or others who have paid victim's bills for documented expenses caused by the offender's criminal acts. Some courts may delay sentencing until the victim has been contacted and documentation of economic losses is presented to the court, but this is not always the case. Restitution might not be ordered if the judge makes a finding that the

offender has no ability to pay restitution, and that no reasonable probability exists that the offender will have an ability to pay.

It is advisable for victims to keep accurate records (such as receipts and estimates from counselors, doctors, and repair persons) of any expense incurred as a result of the crime. Copies of these expenses should be given quickly to the appropriate agency in the restitution requesting process. Special Note: Plea agreements may occur within days of the crime. Therefore victims and advocates need to be aware of actual and potential bills and have some kind of documentation or estimate available if bills or receipts are not available, as soon as possible.

After restitution is ordered, there is usually some type of payment plan made. On request by the offender, the court or the board of parole may modify the restitution plan at any time. But for practical reasons, the court will usually not listen to modification requests without good reason. If there is a hearing for modification of the original restitution order, the victim again has a right to make an impact statement to inform the court of the need for financial payments to the victim. Modification may result in partial or complete waiver of the restitution originally ordered. The court, when modifying a restitution order, should take into account the same factors considered in the initial restitution order, including the victim's damages. The victim should notify the prosecutor and/or victim witness advocate about his/her desire to be informed of hearings or requests for modification of restitution.

If the offender is no longer being supervised by probation or parole and still has not paid all restitution owed a victim, the order is enforceable as a civil judgment. The victim can request the clerk of court to issue execution against the offender for any assets (including garnishment of wages) that are subject to attachment in the same manner as civil actions. This may result in garnishing the offender's wages or attaching a lien on his/her property. In some instances the offender can be forced to sell property to pay restitution.

## **RESTITUTION ORDERS vs. CRIME VICTIMS COMPENSATION**

The Crime Victims Compensation Fund is administered by the Division of Victim Services (DVS) and, for qualified victims, may pay for some of the things for which restitution might be ordered. Compensation is limited to reimbursement of certain costs incurred for one year after the crime to

## **APPENDIX - B**

victims who have suffered personal injury or actual mental harm. The victim must meet eligibility guidelines. Any restitution that is paid by the offender for expenses that the Fund pays should go to DVS and back into the Fund.

The Crime Victims Compensation Fund does not cover losses due to stolen or damaged property. Restitution Orders may include provisions for property loss or damage. The benefit of the fund is that for victims who qualify, they get payments more quickly and consistently than is frequently the case with offender's restitution payments. Also, because DVS is entitled to any restitution that is paid for the expenses the fund covers, it has the risk of non-payment by the offender for those expenses.

# WYOMING VICTIM ADVOCACY PROGRAMS

## **ALBANY COUNTY**

S.A.F.E. PROJECT  
P.O. Box 665  
Laramie, WY 82070  
Phone: 307-742-7273

Laramie Victim Assistance Program  
P.O. Box C  
Laramie, WY 82070  
Phone: 307-721-5315

Southeast Wyoming  
Mental Health  
710 Garfield, Suite 320  
Laramie, WY 82070  
Phone: 307-745-8915

## **BIG HORN COUNTY**

C.A.R.E.S.  
P.O. Box 288  
Basin, WY 82410  
Phone: 307-568-3377

C.A.R.E.S.  
Extension Office  
355 E. 5th  
Lovell, WY 82431  
Phone: 307-548-2330

## **CAMPBELL COUNTY**

G.A.R.F  
P.O. Box 3110  
Gillette, WY 82716  
Phone: 307-686-8071

County Attorney's Office  
500 S. Gillette Ave.  
Suite 112  
Gillette, WY 82716  
Phone: 307-682-4310

Victim Services  
P.O. Box 518  
201 E. 5th St.  
Gillette, WY 82717  
Phone: 307-686-5313  
307-686-5252

6th Judicial District  
Court of WY CASA  
P.O. Box 2557  
Gillette, WY 82717  
Phone: 307-686-1140

## **CARBON COUNTY**

C.O.V.E.  
P.O. Box 713  
Rawlins, WY 82301  
Phone: 307-324-7071

Carbon County Sheriff's Office  
Victim Assistance Program  
P.O. Box 190  
Rawlins, WY 82301  
Phone: 307-324-2776

Rawlins Police Department  
Victim Assistance Program  
P.O. Box 953  
Rawlins, WY 82301  
Phone: 307-328-4530

## **CONVERSE COUNTY**

Converse County Coalition (C.C.C.)  
118 S. 2nd St  
Douglas, WY 82633  
Phone: 307-358-6148

Converse County Coalition (C.C.C.)  
213 W. Birch St. #2  
Glenrock, WY 82637  
Phone: 307-456-8732

County Attorney's Office  
Victim Assistance Program  
107 N. 5th St., Suite 140  
Douglas, WY 82633  
Phone: 307-358-5020

## **CROOK COUNTY**

FV/SA Services  
P.O. Box 128  
Sundance, WY 82729  
Phone: 307-283-2415

## **FREMONT COUNTY**

Fremont Alliance  
P.O. Box 1127  
Riverton, WY 82501  
Phone: 307-856-0942

County Attorney's Office  
Victim Assistance Program  
450 N. 2nd, Room 170  
Lander, WY 82520  
Phone: 307-332-1162

County Attorney's Office  
Victim Assistance Program  
818 S. Federal Blvd  
Riverton, WY 82501  
Phone: 307-857-3653

Riverton Police Department  
Victim Assistance Program  
816 N. Federal  
Riverton, WY 82501  
Phone: 307-856-4891

## **APPENDIX - C**

FBI  
Victim Assistance Program  
P.O. Box 990  
Lander, WY 82520  
Phone: 307-335-7559

### **GOSHEN COUNTY**

Goshen County Task Force  
P.O. Box 561  
Torrington, WY 82240  
Phone: 307-532-2118

Victim Assistance Program  
2125 East 'A' Street  
Torrington, WY 82240  
Phone: 307-532-4428

### **HOT SPRINGS COUNTY**

County Attorney's Office  
Victim Assistance Program  
4th & Arapaho  
Thermopolis, WY 82443  
Phone: 307-864-2004  
Hot Springs Crisis Line  
P.O. Box 824  
Thermopolis, WY 82443  
Phone: 307-864-4673

### **JOHNSON COUNTY**

CASA Program  
435 N. Main  
Buffalo, WY 82834  
Phone: 307-684-7794

Family Crisis Center  
P.O. Box 1001  
Buffalo, WY 82834  
Phone: 307-684-2233

### **LARAMIE COUNTY**

Cheyenne Police Department  
Victim Assistance Program  
2020 Capitol Avenue  
Cheyenne, WY 82001  
Phone: 307-637-6507

1st Judicial District  
Attorney's Office  
Victim Assistance Program  
310 W. 19th St., Suite 200  
Cheyenne, WY 82002  
Phone: 307-633-4643

Safehouse/Sexual Assault Services  
P.O. Box 1885  
Cheyenne, WY 82003  
Phone: 307-634-8655  
307-634-4220

Laramie County Sheriff's Office  
Victim Assistance Program  
1910 Pioneer  
Cheyenne, WY 82001  
Phone: 307-633-4756

Prevent Child Abuse Wyoming  
1902 Thomes, Suite 215  
Cheyenne, WY 82001  
Phone: 307-637-8622

Wyoming Supreme Court  
2301 Capitol Avenue  
Cheyenne, WY 82002  
Phone: 307-777-7480

Family Seasons Center, Inc.  
1107 E. 6th Street  
Cheyenne, WY 82001  
Phone: 307-638-9413

### **LINCOLN COUNTY**

The Turning Point  
P.O. Box 64  
Kemmerer, WY 83101  
Phone: 307-877-6834

Kemmerer Police Department  
Victim Assistance Program  
P.O. Box 870  
Kemmerer, WY 83101  
Phone: 307-877-9056

### **NATRONA COUNTY**

Casper Police Department  
Victim Assistance Program  
201 N. David  
Casper, WY 82601  
Phone: 307-235-8347

District Attorney's Office  
Victim Assistance Program  
200 N. Center, Suite 300  
Casper, WY 82601  
Phone: 307-235-9335

7th Judicial District Attorney's  
Victim Assistance Program  
200 N. Center, Suite 300  
Casper, WY 82601  
Phone: 307-235-9388

Sheriff's Department  
Victim Assistance Program  
201 N. David, 2nd Floor  
Casper, WY 82601  
Phone: 307-235-9298

Probation and Parole Office  
Victim Assistance Program  
P.O. Drawer 460  
Casper, WY 82602  
Phone: 307-234-2261

MADD of Wyoming  
2955 E. 2nd Street  
Casper, WY 82609  
Phone: 800-498-5201  
Self Help Center  
441 S Center Suite 300  
Casper, WY 82601  
Phone: 307-235-3119

### **NIOBRARA COUNTY**

Victim Assistance Program  
P.O. Box 1051  
Lusk, WY 82225  
Phone: 307-334-3614

Helpmate Crisis Center  
P.O. Box 89  
Lusk, WY 82225  
Phone: 307-334-3416

### **PARK COUNTY**

Crisis Intervention Services  
P.O. Box 1324  
Cody, WY 82414  
Phone: 307-587-3545

County Attorney's Office  
Victim Assistance Program

1002 Sheridan Avenue  
Cody, WY 82414  
Phone: 307-527-8660

Victim Assistance Program  
109 W. 14th  
Powell, WY 82435  
Phone: 307-754-8860

## **APPENDIX - C**

### **PLATTE COUNTY**

Project Safe  
P.O. Box 8  
Wheatland, WY 82201  
Phone: 307-322-4794

### **SHERIDAN COUNTY**

Advocacy & Resource Center  
P.O. Box 581  
Sheridan, WY 82801  
Phone: 307-672-7471

CASA Program  
P.O. Box 6022  
Sheridan, WY 82801  
Phone: 307-672-0311

### **SUBLETTE COUNTY**

S.A.F.V. Task Force  
P.O. Box 1236  
Pinedale, WY 82941  
Phone: 307-367-6305

Victim Assistance Program  
P.O. Box 2024  
Pinedale, WY 82941  
Phone: 307-367-4732

### **SWEETWATER COUNTY**

YWCA-SASH  
P.O. Box 1667  
Rock Springs, WY 82901  
Phone: 307-352-6630

County Attorney's Office  
Victim Assistance Program  
80 W. Flaming Gorge Way,  
Suite 232  
Green River, WY 82935  
Phone: 307-872-6454

County Attorney's Office  
Victim Assistance Program  
731 'C' St.  
Rock Springs, WY 82901  
Phone: 307-352-6858

### **TETON COUNTY**

Community Safety Network  
P.O. Box 1328  
Jackson, WY 83001  
Phone: 307-733-3711

Jackson Police Department  
Victim Assistance Program  
P.O. Box 1687  
Jackson, WY 83001  
Phone: 307-739-3006

### **UINTA COUNTY**

SAFV Program, V/W Coordinator  
350 City View Dr., Suite 203  
Evanston, WY 82930  
Phone: 307-789-3628

Uinta County Sheriff's Office  
Victim Assistance Program  
77 County Road 109  
Evanston, WY 82930  
Phone: 307-783-1037

**WASHAKIE COUNTY**

Victims of Violence Center  
P.O. Box 494  
Worland, WY 82401  
Phone: 307-347-4992

**WESTON COUNTY**

F.O.C.U.S.  
2007 ½ W. Main  
Newcastle, WY 82701  
Phone: 307-746-2748

**RESERVATION**

Sacred Shield  
P.O. Box 217  
St. Stephens, WY 82514  
Phone: 307-857-3877  
Tribal Prosecutor's Office  
P.O. Box 608  
Ft Washakie, WY 82514  
Phone: 307-332-9255

**SHOSHONE/ARAPAHO TRIBES**

Victim Assistance In Indian Country  
P.O. Box 676  
Ft Washakie, WY 82514  
Phone: 307-332-9255

**US ATTORNEY V/W PROGRAM**

P.O. Box 668  
Cheyenne, WY 82003  
Phone: 307-772-2124  
800-836-5801

**OFFICE OF THE ATTORNEY  
GENERAL  
DIVISION OF VICTIM  
SERVICES**

122 W. 25th Street, Herschler  
Building  
1st Floor West  
Cheyenne, WY 82002  
Phone: 307-777-7200  
**F.E. WARREN AFB V/W  
PROGRAM**

90 SW/JA  
6307 Randall Avenue  
F.E. Warren Air Force Base, WY  
82005-3207  
Phone: 307-773-2142

**WYOMING COALITION  
AGAINST DV/SA**

P.O. Box 236  
Laramie, WY 82070  
(307) 755-5481  
Web site:  
[Http://www.vcn.com  
/~wcadvsa](http://www.vcn.com/~wcadvsa)

## STATEWIDE MENTAL HEALTH CENTERS

**Big Horn County**  
P.O. Box 931  
Basin, WY 8241  
(307) 568-2020

25 West 10th St  
Lovell, WY 82431  
(307) 548-6543

**Hot Springs County**  
121 South 4th  
Thermopolis, WY 82443  
(307) 864-2247

**Jackson Hole  
Counseling**  
P.O. Box 1868  
Jackson, WY 83001  
(307) 733-2046

**Lincoln County Center**  
P.O. Box 376  
Afton, WY 83110  
(307) 885-9883

#230 Hwy. 233  
Kemmerer, WY 83101  
(307) 877-4466

**Sublette Community**  
P.O. Box 856  
Pinedale, WY 82941  
(307) 367-2111

**Community Center**  
409 5th St.  
Rock Springs, WY 82901  
(307) 352-6693

**Carbon County**  
P.O. Box 1056  
Rawlins, WY 82301  
(307) 324-7156

**Eastern WY Mental Health**  
1841 Madora Ave.  
Douglas, WY 82633  
(307) 358-2846

905 South Main  
Lusk, WY 82225  
(307) 334-3666

925 West Birch  
Glenrock, WY 82637  
(307) 436-8335

**Northern WY Center**  
P.O. Box 3079  
Sheridan, WY 82801  
(307) 672-8958

1221 W. 5th  
Sheridan, WY 82801  
(307) 674-4405

521 W. Lott  
Buffalo, WY 82834  
(307) 684-5531

P.O. Box 646  
Sundance, WY 82729  
(307) 238-3636

**Central WY Counseling**  
1200 East 3rd St., 3rd Floor  
Casper, WY 82601  
(307) 237-9583

**Fremont Counseling**  
748 Main  
Lander, WY 82520  
(307) 332-2231

1110 Major Avenue  
Riverton, WY 82501  
(307) 856-6587

**Mental Health Services**  
P.O. Box 3011  
Gillette, WY 82717  
(307) 685-7888

**Park County Center**  
P.O. Box 2746  
Cody, WY 82414  
(307) 587-2197

401 S. Bent  
Powell, WY 82435  
(307) 754-3448

**Pioneer Counseling**  
350 City View Dr., Ste 302  
Evanston, WY 82930  
(307) 789-7915

303 South Main  
Lyman, WY 82937  
(307) 786-2105

**Southwest Counseling**  
1124 College Rd  
Rock Springs, WY 82901  
(307) 352-6677

175 Riverview Dr.  
Green River, WY 82935  
(307) 872-3205

**Park County**  
401 South Bent  
Powell, WY 82435  
(307) 754-3448

**Southeast WY Center**  
P.O. Box 1005  
Cheyenne, WY 82003  
(307) 634-8653

1263 n. 15th  
Laramie, WY 82072  
(307) 745-8915

## **APPENDIX - D**

501 Albany Ave.  
Torrington, WY 82240  
(307) 532-4091

P.O. Box 1078  
Wheatland, WY 82201  
(307) 322-3190

**Southwest WY Center**  
1414 9th St.  
Rock Springs, WY 82901  
(307) 352-6685

**Washakie Mental Health**  
206 S. 7th St.  
Worland, WY 82401  
(307) 347-6165

**Rosen Recovery Center**  
10 Kilpecker Rd  
Reliance, WY 82934  
(307) 352-6689



# Office of the Attorney General

Division of Victim Services



## *Victim/Witness Handbook*



## **PLEASE READ**

This handbook is only intended to give the reader a general overview of the laws in Wyoming that relate to victims and witnesses of crime, and advocates who provide the services needed for recovery.

The information contained in this handbook is current as of January 2003. Please note that the laws and court procedures are constantly changing. If you need specific legal advice or need to know the current status of the law, you will need to contact an attorney.

## **ACKNOWLEDGEMENTS**

This handbook is an initial tool that will aid crime victims in making better decisions as they proceed through the court system, as well as assist victim service provider programs in the training of their staff.

Many individuals and agencies assisted in the completion of this handbook. This handbook reflects a consensus of viewpoints from the perspectives of crime victims and service providers, law enforcement and court personnel.

This handbook reaches crime victims through the very dedicated victim assistance providers and law enforcement officers throughout Wyoming. It is their work that ensures this manual reaches its intended audience. Thank you.

## TABLE OF CONTENTS:

<u>TOPIC</u>	<u>PAGE NUMBER</u>
The Role of Victims and Witnesses in the Criminal Justice System .....	1
Summary of Wyoming’s Victim and Witness Bill of Rights .....	3
Reporting the Crime .....	4
Investigation of the Crime .....	6
Wyoming’s Court System .....	8
Court Process .....	10
The Trial .....	14
The Sentencing Process .....	17
Serving the Sentence .....	19
Victims’ Notification Program .....	24
Juvenile Court .....	26
Federal Victims and Witnesses .....	27
Types of Victim Advocates .....	30

Victim Resources ..... 33

Civil Suits ..... Appendix A

Restitution ..... Appendix B

Wyoming Victim Advocacy Programs ..... Appendix C

Statewide Mental Health Centers ..... Appendix D