

# What is Victim Services?

We help victims of all crimes.

We advocate for victims' needs with attorneys, judges and other officials throughout the system.

We provide emotional support and guidance before, during and after the criminal justice process.

We help secure emergency funds for food, clothing, shelter, transportation, etc.

We assist with emergency legal advocacy.

We secure Crime Victim Reparations funding.

We ensure victims get the rights and services they need to recover.

We provide case information and updates.

We provide witness preparation before testimony.

**If you have any questions  
please call Victim Services at:**

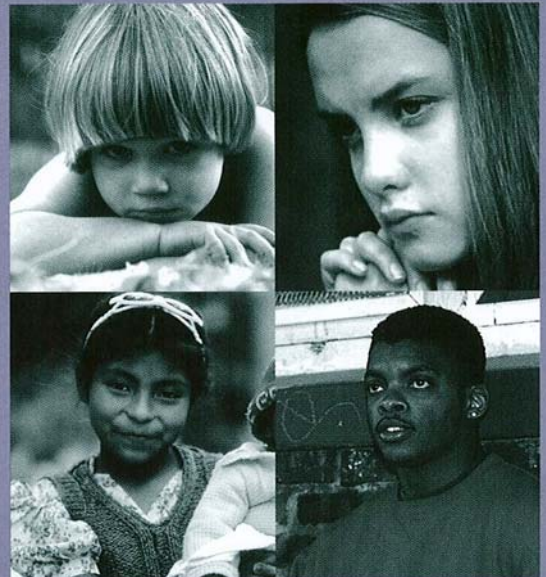
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# THE JUVENILE and COURT The Rights of Victims & Witnesses SYSTEM





## *This Is Where It All Starts*

**INVESTIGATION & CHARGE.** The juvenile court system begins with a report that a crime has occurred. Law enforcement officers investigate these reports and forward the results of their investigation to the juvenile court. If sufficient evidence is found to warrant charges, the juvenile court files a petition. A petition is a formal document that alleges the minor committed one or more crimes.

**SUMMONS/DETENTION.** Immediately after being charged with committing a crime, a minor can be ordered to appear in court by either being served a summons or taken to detention. The minor's parent/guardian is required to attend the court hearing with the minor. A summons orders the minor to appear in court on a scheduled day. If the minor is arrested, he or she is taken by a law enforcement officer directly to detention where he or she is confined until a detention hearing is held.

### *Rights of Victims and Witnesses:*

From the investigation through the entire criminal justice process, all victims and witnesses of crimes have the right to be "treated with dignity, respect, courtesy, and sensitivity." The participation of children victims and witnesses is to be conducted in the most effective and least traumatic, intrusive, or intimidating manner.

Like the defendant, victims and witnesses have the right to a speedy resolution. Any victim or witness who has particular concerns about a speedy resolution should discuss them with the prosecutor to ensure the process moves as quickly as possible.

### *Duties of a Witness:*

Victims and witnesses have a duty to fully and voluntarily cooperate with law enforcement and prosecutorial agencies throughout the entire criminal process.

## *The First Hearings At Court*

**DETENTION HEARING.** If the minor is being held in detention, he/she has the right to a detention hearing within two days. At that hearing, the judge determines whether it is safe to release the minor. The judge may order that the minor remain in detention, is released on home detention, or is released on his/her own recognizance. An arraignment/pre-trial conference is then set.

**ARRAIGNMENT.** The first time a minor is required to appear in court on an allegation of criminal conduct is called the arraignment. If the minor is found to be indigent (without the ability to hire an attorney), the court may appoint a lawyer to represent him or her. These lawyers are often referred to as public defenders. At the arraignment, the minor admits or denies the allegation of criminal conduct. If the minor admits that he/she is guilty, the judge then orders disposition (sentencing). See section five for more on disposition.

### *Rights of Victims and Witnesses:*

If a victim or witness of a felony provides his/her address and phone number to the prosecutor, he/she is entitled to notice of all hearings and the trial.

Victims and witnesses are entitled to be present for all hearings and the trial unless the judge orders, under a rule called the exclusionary rule, that witnesses must remain outside the courtroom during the presentation of evidence. This rule is designed to keep witnesses from being influenced by other witnesses' testimony. It generally applies to all witnesses except for the defendant, the lead investigator for the prosecution, and the victim.

Victims and witnesses have the right to be free from threats and intimidation. They also have the right to be informed about what is available to them to protect them from intimidation and harm.

Victims and witnesses have the right to be informed and assisted throughout their participation in the criminal justice system. They have a right to an explanation of the various legal proceedings.

## Juvenile Offenders As Adults

**CERTIFICATION & SERIOUS OFFENDERS.** Before a minor may be treated as an adult, the prosecutor must first prove the allegation is listed as a serious youth offense. A minor can be treated as an adult in one of two ways. First, if a minor commits one of ten serious felony violations, for example: aggravated burglary, aggravated sexual assault, aggravated kidnapping, aggravated assault, etc., or any felony involving a weapon; the prosecutor has the discretion to file the charge as an adult. The second way a minor can be treated as an adult is if he/she has committed a felony, and it is determined that it would be in the best interest of the minor and/or society to treat the minor as an adult. The case will then be heard at a preliminary hearing.

**PRELIMINARY HEARING.** The prosecutor must first prove there is sufficient evidence to warrant a trial. The proof is made during a preliminary hearing. At this hearing, the prosecutor must establish that there is probable cause to believe the minor committed the crime charged. The amount of evidence required at this hearing is less than would be required at a trial. If probable cause is found, the judge will bind the minor over for trial.

### *Rights of Victims and Witnesses:*

Victims and witnesses are entitled to have their interests considered before any hearing where the trial is continued or delayed.

Victims are entitled to be present for all hearings to hear the evidence presented.

## The Trial

**PRE-TRIAL CONFERENCE.** It is possible in each case to have many pre-trial conferences. These conferences are scheduled to facilitate plea negotiations or discuss trial issues.

**TRIAL.** At the trial, the prosecution is required to prove the minor's guilt. The level of proof required to convict a minor is "beyond a reasonable doubt." The judge presides over the trial, rules on the admissibility of evidence, and determines if the minor committed the allegations. If the allegations are found not true, the minor is free to go, and the process is finished. If the allegations are found true, the minor is sentenced at that time, or a disposition hearing is set for a future date.

### *Rights of Victims and Witnesses:*

Victims and witnesses have a right, if a place is available, to a secure waiting area during the trial (and all other hearings) that is separate from the area where the defendant's family and friends are waiting.

Victims and witnesses are entitled to a witness fee if subpoenaed to court and, under certain circumstances, costs of travel.

Victims and witnesses cannot be required to disclose their home addresses and phone numbers in open court.

Victims are entitled to an explanation of any plea negotiations that resolve the case short of trial.

Victims and witnesses are entitled to employer intercession services to assist in resolving problems with missing work to participate in the criminal justice process.

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## *Disposition*

**DISPOSITION.** Generally, prior to disposition, juvenile probation officers collect social information about the minor and develop recommendations to give to the court. At the time of disposition, the prosecutor and defense attorney also give recommendations for disposition.

Juvenile Court is established to promote public safety and individual accountability by imposing appropriate sanctions on persons who commit violations of the law. Juvenile court also focuses on rehabilitation, re-education, and treatment of Juveniles who have violated the law.

### *Rights of Victims and Witnesses:*

Victims and witnesses have the right to provide written and/or oral statements to the judge at the time of disposition. The victim can express the impact the minor's crime has had on his/her life as well as any recommendations he/she has for disposition. A juvenile probation officer should contact the victim for input prior to finalizing the agency's recommendations to the judge.

Victims and witnesses are entitled to restitution for their losses and/or expenses that result from the minor's criminal actions. Juvenile probation officers and the prosecutor should ensure that a formal restitution order is included in the judge's order.

Victims and witnesses have the right to have any personal property returned as soon as it is no longer needed for law enforcement or prosecution purposes.

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## *Probation*

**PROBATION.** A minor can be placed on probation for a period of time after disposition. While on probation, the defendant has to abide by a list of rules. These could include: no contact with the victim, curfew, payment of restitution to the victim, etc. In addition to probation, the court can place the minor in a lockup facility, remove the minor from his/her home, set fines, or impose other sanctions as deemed appropriate. If the minor violates any terms of probation, he/she may be brought back to court to answer to the judge. The judge can put the minor back in detention or impose additional conditions of probation. The juvenile justice process is complete once the minor successfully completes probation.

### *Rights of Victims and Witnesses:*

Victims and witnesses are entitled to protection from threats or harm from the minor offender. Victims are also entitled to court ordered restitution from the minor offender.

Victims and witnesses are entitled to timely notification of probation hearings and are entitled to be present and make statements to the judge regarding continued supervision of the juvenile.