

**INFORMATION FOR
CRIME VICTIMS
AND
WITNESSES**

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A MESSAGE...

Garden City law enforcement is acutely aware of the negative impact crime has on families, individuals, and our citizenry as a whole. The ever-present threat of the criminal in our society has tended to diminish our freedom and our ability to enjoy the traditional lifestyle of our community. Awareness of this threat affects the way we think, live, act, and how we raise our children. It is our goal to curtail this threat and thereby enhance the quality of life we all enjoy.

Our law enforcement organizations work extremely hard to help those whose lives have been damaged and/or interrupted by crime, as well as to ensure that the guilty are brought to justice. This obligation includes our concern that victims and witnesses are not further victimized by a criminal justice system that sometimes may appear callous to the rights of the innocent.

Accordingly, the Garden City Legal Department is available in order to make the vulnerable victim's experience as a State's witness as comfortable as possible. In addition, we have provided this brochure as a service to victims and witnesses involved in all categories of crime. We hope that it will be beneficial to you. It is only through your cooperation that any criminal can be brought to justice.

THE GARDEN CITY LEGAL DEPARTMENT

Generally, the Garden City Prosecuting Attorney's Office prosecutes violations of city ordinances, state traffic infractions, and state misdemeanors committed within the municipal limits of Garden City. The Prosecuting Attorney is an administrator of justice, an advocate, and an officer of the Court. The Garden City Legal Department provides support, information, and referral services for victims and witnesses of crimes.

One of the goals of the Garden City Legal Department is to improve the treatment of crime victims by providing them with the assistance and services necessary to speed their recovery from a criminal act, and to support and aid them as they move through a complex criminal justice process.

All adult criminal cases committed in Garden City are prosecuted at the Ada County Courthouse, 200 West Front Street, Boise, ID 83702, (208)287-6900.

VICTIM'S RIGHTS

As a victim of a crime, you have the following rights:

- To be treated with fairness, respect, dignity and privacy throughout the criminal justice process;
- Permitted to be present at all criminal justice proceedings;
- Entitled to a timely disposition of the case;
- Given prior notification of trial court, appellate and parole proceedings and, upon request, to information about the sentence, incarceration or release of the defendant;
- To be heard, upon request, at all criminal justice proceedings considering a plea of guilty, sentencing, incarceration or release of the defendant unless manifest injustice would result;
- To be informed of a possible plea agreement by the prosecuting attorney prior to entry into that agreement in criminal or juvenile offenses involving crimes of violence, sex crimes, or crimes against children;
- Allowed to **refuse** an interview, *ex-parte* contact or other request by the defendant or any other person acting on behalf of the defendant, unless such request is authorized by law;
- Consulted by the presentence investigator during the preparation of the presentence report and allowed to read the report prior to the sentencing hearing;
- Assured the expeditious return of any stolen or other personal property by law enforcement agencies when no longer needed as evidence;
- Notified whenever the defendant or suspect is released or escapes from custody.

After a complaint is filed, you will receive a Victim's Rights Notification Form in the mail. *In order to be awarded these rights, you must promptly complete the form and mail it to the Garden City Legal Department's address on the form.*

ADDRESS CONFIDENTIALITY PROGRAM

If you move to a new location to escape domestic violence, sexual abuse or stalking, the Address Confidentiality Program (ACP) can help keep your new address confidential.

Upon approval of your ACP application, your first-class mail is sent to the secure ACP substitute address and then forwarded to your new home. You can also use the substitute address for a variety of state and local government requirements, such as:

- Applying for and receiving child support
- Getting an Idaho driver's license
- Enrolling your children in public schools
- Applying for a marriage license

The ACP can help protect you and your loved ones by keeping your physical address private, where it would appear in public records.

The ACP is free and it is easy to apply.

Contact the Idaho Secretary of State's Office at:
P.O. Box 83720
Boise, ID 83720-0080

Phone: (208) 334-2852
Fax: (208) 334-2282
E-Mail: sosinfo@sos.idaho.gov

Or call the Idaho Council on Domestic Violence & Victim Assistance at (208) 334-6512 for the name of a victim assistance program near you.

Contact your local victim assistance program and meet with an ACP Application Assistant.

If your application is approved, you will receive your ACP authorization card within 10 business days and you can begin to use the substitute address.

CRIME VICTIMS COMPENSATION

The Idaho Crime Victims Compensation Act pays benefits to innocent victims who are injured or killed as the direct result of a crime. The program is administered by the Idaho Industrial Commission. The program is funded by fines imposed by state court judges in felony and misdemeanor criminal cases. Benefits include medical, counseling, wage loss, death benefits, and funeral expenses. This program does not pay for property loss or damage. Claim forms may be obtained at the Garden City Prosecuting Attorney's Office in the Legal Department or by contacting:

Victims Compensation Program
Idaho State Industrial Commission
317 Main Street
P.O. Box 83720
Boise, ID 83720-0041

All claim forms must be submitted to the above address. If you have questions about the Crime Victims Compensation Program or need additional information, please call (208) 334-6080 or 1-800-950-2110 during regular business hours.

RESTITUTION

Restitution is victim reimbursement for out-of-pocket expenses and is paid by the perpetrator of the crime. The restitution program is housed and operated by both the Ada County Prosecutor's Office and the Garden City Legal Department. According to state law, the victim is entitled to an order of restitution unless it is deemed undesirable or inappropriate by the judge, in which case an order stating the reasons for the denial must be issued. A restitution request will be included in the victim's rights notification package sent to the victim and should be completed as soon as accurate estimates can be accumulated.

Restitution is usually made in monthly payments that are based on the defendant's ability to pay. These payments may be set by fine enforcement, the judge, or the probation officer. Payments are distributed to victims of the offense shortly after they are received by the prosecutor's office in the following priority: individuals, businesses, insurance companies, and government agencies.

Should the defendant be sent to the penitentiary, the parole board will decide if restitution is appropriate upon the defendant's release.

COURT ORDERS AND VICTIMS OF DOMESTIC VIOLENCE

There are two kinds of law: civil and criminal. Each has a corresponding court system, which are the civil court system and the criminal court system. You can file a civil case yourself or you can hire a private attorney to file it for you and represent you in court. You can settle your case out of court by reaching an agreement with the other person or in court by asking the judge to make the other person do something or stop doing something.

The civil court system deals with disputes between private citizens. The criminal system deals with violations of the criminal laws that control conduct. For example, the criminal law makes it illegal for people to physically abuse each other. If your spouse physically abuses you, it is a crime against the State of Idaho and you are a witness to this crime. You should report the crime to your local police or sheriff's department because they enforce the State's criminal laws. The person who hit you could be charged with a crime, and the State's attorney, the prosecutor, will decide whether to go forward with the case. Criminal cases are in the State's control, not the victim's.

TYPES OF ORDERS FOR PROTECTION:

1. CRIMINAL NO CONTACT ORDER (“NCO”)

When a person is arrested and charged with domestic violence, stalking, or violation of an existing protection order, they are held in jail until their first appearance before a judge. At that time a bond amount will be set, and a NCO is often put in place. The NCO usually requires that the person not contact another person at all. NCOs are effective until ended by the court.

Even if there is a NCO, you can also file a petition in the civil court system for a Temporary Protection Order and a long-term Protection Order.

The court will dismiss the NCO if the case is dismissed. However, when a person is convicted or pleads guilty to a criminal charge, the judge can extend the NCO for a year or longer. If a defendant is sentenced to probation, it is possible for the NCO to stay in place until the end of the probation.

2. CIVIL PROTECTION ORDERS (“CPO”)

A victim of domestic violence or dating violence can ask the court for a CPO. In Idaho, “domestic violence” means physical injury, sexual abuse, or forced imprisonment, or threats of physical injury, sexual abuse, or forced imprisonment. The CPO will prohibit an abuser from contacting the victim.

The person asking for a CPO fills out a form available at the court clerk’s office at the local courthouse, giving a sworn statement describing the abuse. One can also get a completed form for filing by going to <http://www.courtsselfhelp.idaho.gov/domestic.asp> and answering questions.

Filing the Petition is free, and the person seeking protection does not need to have an attorney. However, to obtain a CPO, the person filing the Petition (“Petitioner”) must be (or have been) in a domestic relationship with the abuser (a parent may file on behalf of a minor child).

A judge will review the Petition within one business day and the Petitioner may need to give more detail to the judge. At that first hearing, the abuser will not be present. If the judge finds that there is a danger of immediate harm, a Temporary Protection Order, which will last up to 14 days, may be issued. A second hearing will be scheduled to occur within 14 days to decide if a long-term order should be signed.

MODIFICATION OR TERMINATION OF ORDERS

You can petition the court to change an order issued for your protection, which is especially useful if you need to add or change locations of people who are protected under the order. Also, you can ask the court to end orders issued for your protection. Before asking the court to terminate an order, it is strongly recommended that you talk to a domestic violence or sexual assault professional to help develop a safety plan.

A safety plan helps you prepare to stay safe during a future domestic violence incident. It is important to have a safety plan even if you do not think there will be a “next time.” Your safety plan should include escape routes from your residence, safe places to go, phone numbers to have on hand, and methods for keeping emergency money available.

WITNESS REIMBURSEMENT

You are entitled to an \$8.00 witness reimbursement for each time you are subpoenaed to testify on behalf of the Garden City Prosecutor's Office. The handling attorney should have the original subpoena and will initial it after you have finished testifying. If the handling attorney does not have the original subpoena, he/she will make other processing arrangements. Take the original subpoena to the cashiers' front counter at the Ada County courthouse, and ask for a witness claim form. You can also claim mileage reimbursement at the current mileage rate. Please don't forget to sign the form. You will receive your witness reimbursement fee within six to eight weeks. (The same process applies to hearings that are continued or waived).

TIPS FOR TESTIFYING

1. Be truthful. Never exaggerate your testimony. Just tell the facts as simply and concisely as you know them.
2. Listen carefully to the questions. If you do not understand a question, ask that it be repeated or explained.
3. Do not guess. If you do not know the answer, say so.
4. Report to the specific area at the time indicated on your subpoena, unless you've been instructed differently by the prosecuting attorney.
5. The judge and jury are interested only in the facts. Do not give your opinion or your conclusions unless they are specifically requested.
6. If an attorney objects to a question, do not begin to answer until the judge instructs you to do so.
7. Be polite when answering questions. Do not lose your temper with the attorney questioning you.
8. If you realize you have given misinformation, immediately advise the judge so you may be allowed to correct the error. If you have already left the stand, tell the prosecuting attorney at the next break.
9. A criminal proceeding is an extremely serious matter. The judge, jury, and court personnel expect witnesses to wear appropriate clothing in court.
10. Always answer out loud so that the court reporter or recording device can make an accurate record. Do not shake or nod your head.
11. Be aware of questions involving distances and time. If you make an estimate, make sure that everyone understands that you are estimating.
12. Do not talk to jurors.
13. Do not talk to other witnesses about the case.
14. If asked whether you have talked to an attorney or an investigator, admit freely if you have done so.

LEGAL TERMINOLOGY

ACQUITTAL: when the defendant is absolved of any guilt or charge of wrong doing.

ARRAIGNMENT: the first court appearance in which the defendant is formally notified of the charges and bond is argued.

ARREST WARRANT: document signed by a judge allowing law enforcement officers to arrest the defendant.

CONVICTION: when the defendant is found guilty of a crime.

DEFENDANT: the person accused of a crime.

DEFENSE ATTORNEY: attorney representing the defendant.

DISTRICT COURT ARRAIGNMENT: hearing where a defendant enters a plea to a felony allegation and a trial date is set.

FELONY: a crime of a more serious nature than a misdemeanor; the punishments for committing a felony range from six months in prison to death.

GUILTY PLEA: admission of guilt by a defendant in court.

INFRACTION: a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding a \$100 fine and for which no period of incarceration may be imposed.

JUDGEMENT: the final decision of the court resolving legal questions, including the guilt or innocence of the offender and the severity of the sentence.

MISDEMEANOR: an offense less serious than a felony; the punishment for a misdemeanor ranges from a \$300 to \$3000 fine, and from up to six months to a year in jail.

PRELIMINARY HEARING: a hearing held in felony cases after the arrest and arraignment of the defendant. At the hearing, the prosecutor must produce evidence that a crime has been committed and that the defendant committed it.

PRETRIAL CONFERENCE: a meeting of the parties to a case conducted prior to trial.

PRE-SENTENCE INVESTIGATION: a report on the defendant conducted by a presentence investigator prior to sentencing in felony cases. The report contains a variety of detailed information on the defendant's background.

PROSECUTOR: the prosecuting attorney or deputy prosecuting attorney designated to appear for the prosecution of a given case.

RESTITUTION: a sentence imposed by a court that requires the defendant to pay for damaged or stolen property or the cost of medical treatment.

SENTENCING: the judgment of the court concerning the defendant's punishment, ranging from death, imprisonment, or fine and probation, restitution, community service, and treatment.

SUBPOENA: a written command to appear at a certain time to give testimony about a crime or other matter. You can be held in contempt of court if you do not obey a subpoena.

TELEPHONE NUMBERS

Ada County

Ada County Jail	577-3080
Prosecuting Attorney	287-7700
• Criminal Felony Division	287-7700
• Criminal Magistrate Division	287-7700
• Juvenile Division	577-4930
• Victim-Witness Coordinator	287-7700
• Restitution	287-7700
Sheriff's Office	577-3306
• Detectives	577-3000
• Victim-Witness Coordinator	577-3000
• Non-Emergency Dispatch	377-6790

Boise City

Detectives	
• Property	373-5410
• Violent Crimes Unit	373-5406
• Special Victim's Unit	373-5450
• Victim-Witness Coordinator	373-5473
Prosecuting Attorney	
• City Office	384-3870

Meridian City

Police Department	888-6678
Victim-Witness Coordinator	846-7367/ 846-7368

Garden City

Police Department	472-2950
Prosecuting Attorney	472-2900

Other

CARES	577-4460
Child Protection	334-6800
Commissions for Pardon & Parole	334-2520
Crime Prevention	577-3851
F.A.C.E.S.	577-4400
M.A.D.D.	853-3700
Misdemeanor Probation	327-1757
Domestic Violence	343-7025
Rape Crisis	345-7273
W.C.A. Women's Crisis Center	343-3688
Victim's Compensation	334-6080

YOUR CASE INFORMATION

Case Number:

Police Officer (s):

Prosecuting Attorney:

Defendant (s):

Date of Arraignment:

Date of Pretrial Conference:

Date of Trial:

Date of Sentencing Hearing:

IMPORTANT:

Please contact the Garden City Legal Department prior to each court date to verify date and time.

Immediately contact the Garden City Legal Department if you've changed your address and/or phone number.