

## Victim's Role with Prosecution

*Victim must make a request in writing to the prosecuting attorney for notification concerning the following:*

- Whether the accused has filed a motion for a new trial or an appeal of his or her conviction;
- Whether the accused has been released pending disposition of the above described motion or appeal;
- The time and place of any appellate court proceedings relating to the motion or appeal and any changes in the time and place of those proceedings.

*In order to receive notification, a victim must provide a current address and telephone number to the following:*

- The investigating law enforcement agency;
- The prosecuting attorney, until final disposition or completion of the appellate and post-conviction process, whichever occurs later; and
- As directed by the prosecuting attorney
  - A. The sheriff if the accused is in the sheriff's custody for pretrial, trial, or post-conviction proceedings;
  - B. The Department of Corrections if the accused is in the custody of the state;
  - C. Any county correctional facility if the defendant is sentenced to serve time in a facility which is not a state facility; and the State Board of Pardons and Paroles.

The victim has the option to waive any of the information or notification or other obligations specified under the Crime Victims' Bill of Rights. A victim has the right to designate a spouse, adult child, parent, sibling, or grandparent to act on behalf of him or her, when that person is physically unable to personally assume the rights under this law.

### Criminal Justice Coordinating Council

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## Custodial Role

*Upon conviction, the offender may be sentenced from a variety of alternatives which may require that he or she be incarcerated. Even if the offender is incarcerated, he or she may be paroled before the time period for confinement has lapsed. Throughout these steps a victim also has certain rights that can be involved. These include:*

1. If the custodial authority is a county or municipal jail, a representative must provide prompt notification calling, at the number supplied, the victim and informing him or her of the release of an accused.
2. If custodial authority is a state or county correctional facility all current state laws apply regarding notification.
3. The State Board of Pardons and Paroles must provide the victim with twenty (20) days advance notification whenever the Parole Board considers making a decision to grant parole or any other clemency action of more than sixty (60) days, and allow the victim to file a written objection to such action.



## KNOW YOUR RIGHTS AS A VICTIM

### The Victims' Bill of Rights

The Crime Victims' Bill of Rights mandates that the criminal justice system provide the fundamental service of notification concerning case status to victims throughout all phases of the justice process. The Bill outlines the obligations of law enforcement to crime victims and explains how crime victims rights are incorporated within the context of the criminal justice system.

# Knowing Your Rights

## Who should be notified?

*Those who are victimized as a result of one of the following crimes:*

- Homicide
- Burglary
- Assault & Battery
- Arson
- Kidnapping
- False Imprisonment and Related Offenses
- Theft
- Armed Robbery
- Sexual Exploitation of a Child
- Cruelty to Children
- Homicide by Vehicle
- Feticide
- Feticide by Vehicle
- Stalking
- Serious Injury by Vehicle
- Sexual Offenses

## Victim's Role

- The victim must provide the law enforcement agency, prosecuting attorney, and custodial authority a current telephone number (not a cell phone or pager) to be entitled to notification of the accused's arrest, accused's release from custody; and any judicial proceeding wherein the release of the accused may be considered.
- The victim must provide, the investigating agency, a current address for correspondence concerning specified actions in a criminal case against the accused.

## Law Enforcement's Role

*After a victim has made initial contact with law enforcement and court personnel they will make the following information available:*

- The possibility that the accused may be released from custody prior to trial.
- Certain rights he/she has during various stages of the criminal justice process.
- If an arrest of an accused is made, the arresting law enforcement agency must inform the investigating agency of this action. Upon receipt of this information, the investigating agency must promptly notify the victim of such action.

*Law Enforcement should notify victims of the following resources:*

- Additional information about the Crime Victims' Bill of Rights can be obtained by contacting the Criminal Justice Coordinating Council at (404) 559-4949/ (404) 559-4177 TDY or 1-800-547-0060.

- The availability of compensation for victims of violent crimes who sustained a physical injury. For further information, see O.C.G. A. 17-15-1 or call (404) 559-4949/(404) 559-4177 or 1-800-547-0060.
- He or she may have available community based victim service programs and that more information may be obtained by contacting the Governor's Victim Assistance Help-line at 1-800-338-6745
- He or she must meet any applicable aforementioned obligations, e.g. providing a current telephone number and address in order to be contacted O.C.G.A. sec. 17-17-6.

## Prosecution's Role

*During the prosecution phase of the case, the prosecuting attorney has many requirements for keeping the victim informed. These include the following, provided the crime victim has supplied all appropriate information:*

- Explain the procedural steps in processing a criminal case; inform the victim of his or her rights under the law; suggest certain procedures a victim may utilize if he or she is being subjected to threats or intimidation and provide telephone numbers of contact persons at both the prosecuting attorney's office and custodial authority.
- Notify the victim prior to any proceeding in which the release of the accused will be considered.

- Offer the victim the opportunity to express his or her opinion as to the release of the accused pending a judicial proceeding.
- Upon a court granting pretrial release or bond and receipt of a written complaint from the crime victim, the prosecuting attorney may move the court to revoke such action.
- The victim shall have the right to wait during judicial proceedings in an area separate from the accused and his or her relatives, friends, and witnesses. If such area is not practical or is unavailable, the victim may request that the court minimize such contact.
- The court, under certain conditions, may order that the victim's current address, telephone number or place of employment not be released to the defendant by anyone, including defense counsel.
- The prosecuting attorney must offer the victim the opportunity to express his or her opinion regarding the disposition of an accused's case if it is a product of a plea bargain or it involves the accused's participation in a pretrial or post-trial diversion program.
- The prosecuting attorney must direct the victim regarding which custodial authority he or she must provide a current telephone number and address.