



GUIDEBOOK FOR CRIME VICTIMS

**OFFICE OF THE FAYETTE
COMMONWEALTH'S ATTORNEY**

**CRIME VICTIM SERVICES
PROGRAM**

Prepared by
Office of the Fayette Commonwealth's Attorney
Crime Victim Services Program
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Dear Victim/Witness:

This guidebook has been prepared by our Crime Victim Services Program to familiarize you with our services and to explain the criminal justice system in Kentucky. Because so many victims and witnesses are unfamiliar with court proceedings, we have found them to be apprehensive and uncertain regarding what is expected or required of them. We hope this guidebook will help alleviate some of these concerns and provide the basic information needed to understand the path ahead.

An important factor in the successful prosecution of any criminal case is the cooperation of victims and witnesses. Accordingly, we extend to you our sincere appreciation for your willingness to assist the Commonwealth of Kentucky. You are deserving of, and will receive our fullest support as this case progresses through the criminal justice system.

Sincerely,

Kimberly Henderson Baird
Fayette Commonwealth's Attorney

THE PROSECUTOR

The primary obligation of the prosecutor is to see that truth and justice are served. In doing so, the Office of the Fayette Commonwealth's Attorney undertakes the serious responsibility of serving the interests and concerns of citizens who are victimized by felony crime in Fayette County.

The primary responsibility of the Commonwealth's Attorney and the Assistants is to prosecute all felony violations of criminal law. A felony is any crime punishable by imprisonment of one year or more.

THE CRIME VICTIM SERVICES PROGRAM

The Crime Victim Services Program began in 1985 as a division within the Office of the Fayette Commonwealth's Attorney. The goal of the program is to identify and provide criminal justice information and resources to victims of serious violent crimes including homicide, sexual assaults, physical assaults, domestic violence, stalking, offenses involving child victims, robbery, kidnapping, wanton endangerment, and residential burglary.

The services provided by our program are:

- case information and court notifications;
- accompany victims and family members to court;
- explanation of the judicial system and proceedings;
- providing referrals for counseling or other available community services;
- assistance in filing for financial aid through the Kentucky Claims Commission;
- assistance with obtaining a restitution order, when applicable; and
- assistance in filing a Victim Impact Statement.

THE ROLE OF THE VICTIM

As a victim or witness of a crime, your assistance is vital to our system of criminal justice. The following information will explain how a case progresses through the criminal justice system and what services are available to you and your family. A prosecuting attorney **and** victim advocate will be working with you while your case proceeds through the courts. It is essential to keep the **Commonwealth Attorney's Office** informed of any changes to your contact information.

ARREST AND DISTRICT COURT ARRAIGNMENT

After a suspect is charged with and arrested for a felony crime, he or she must appear in the felony division of District Court for an **arraignment** in order for the judge to officially notify the defendant of the charges against her/him. The defendant will enter a plea of not guilty and the judge then sets a date for a **preliminary hearing** generally within 10 to 20 days. It is not essential that a victim or a witness appear in court for the arraignment, but the proceeding is open to the public.

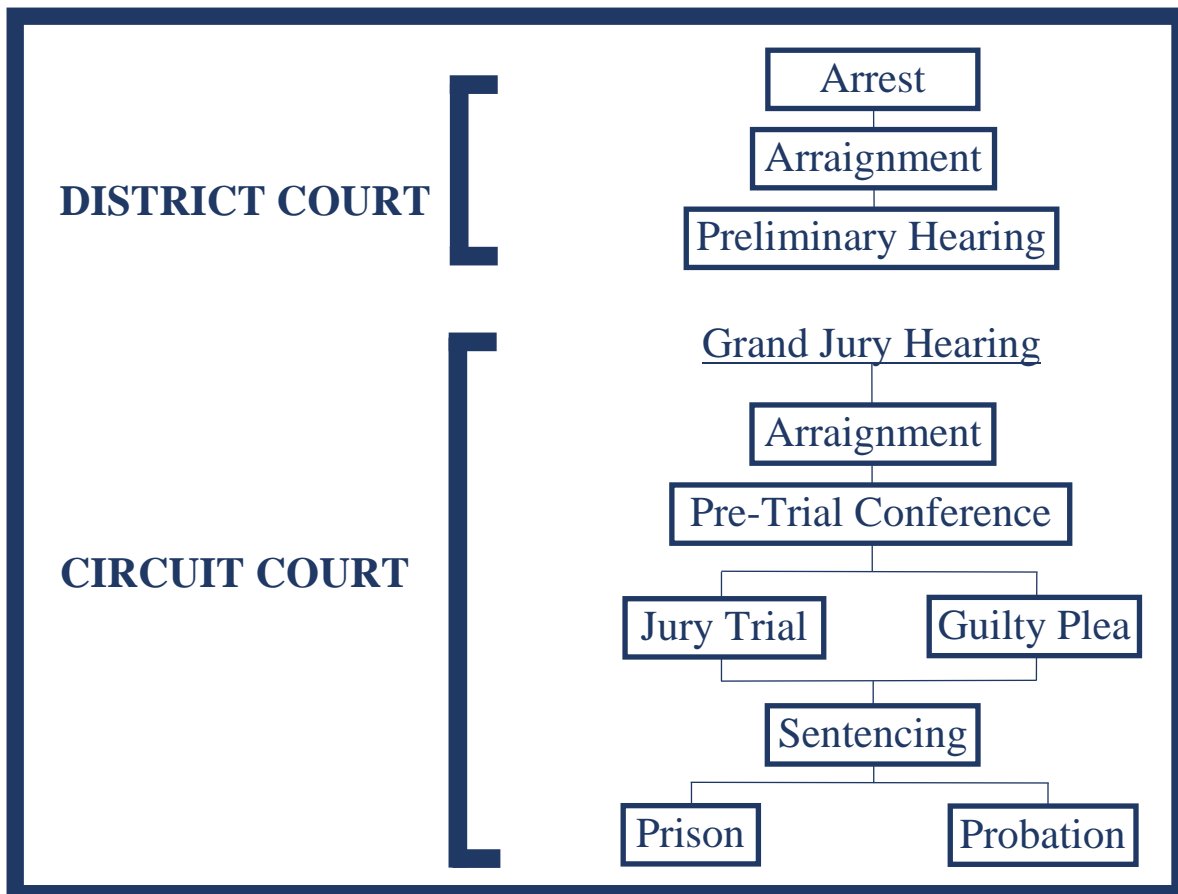
PRELIMINARY HEARING

A **preliminary hearing** is held to determine whether there was probable cause for the charges made against the defendant. At this hearing, the District Court Judge will determine if there is sufficient evidence of the crime, usually from testimony by the arresting officer and/or the victim. If so, the case will be referred to the Fayette County Grand Jury. The defendant can waive their right to a hearing which will also send the case to the Grand Jury. It is at this point that the case is submitted to our office and a victim advocate is assigned to applicable cases and will be in contact with the victim. You can also check the status of a criminal case and sign up for updates here: www.vinelink.com

THE COURT SYSTEM

There are two types of courts in Kentucky which handle criminal cases: **District Court** has jurisdiction over felony preliminary hearings, misdemeanors, juvenile matters, and traffic offenses. **Circuit Court** has jurisdiction over felony cases.

Felony cases begin in District Court, progress to the Grand Jury and, if indicted, proceed on to Circuit Court.



Anyone in need of assistance involving a misdemeanor should contact

The Fayette County Attorney's Office

District Court Building, 150 N. Limestone Room D444

Lexington, Kentucky 40507

(859) 254-4941

or contact the **District Court Clerk** at 859-246-2228

GRAND JURY

The Grand Jury is a closed proceeding made up of twelve Fayette County residents, chosen at random, who hear testimony from subpoenaed witnesses. Evidence is presented by the prosecutor to allow the Grand Jury to hear enough information about the case to be able to determine whether there is sufficient evidence to formally charge, or “indict”, the defendant. Nine of the twelve jurors must agree for an indictment to be returned.

CIRCUIT COURT ARRAIGNMENT

At the Circuit Court arraignment, the defendant appears in open court and is notified by the Circuit Judge of the charges contained in the indictment. The defendant enters a plea of guilty or not guilty. If incarcerated, the defendant often participates by video feed from the jail and is not present in the courtroom.

STATUS HEARING

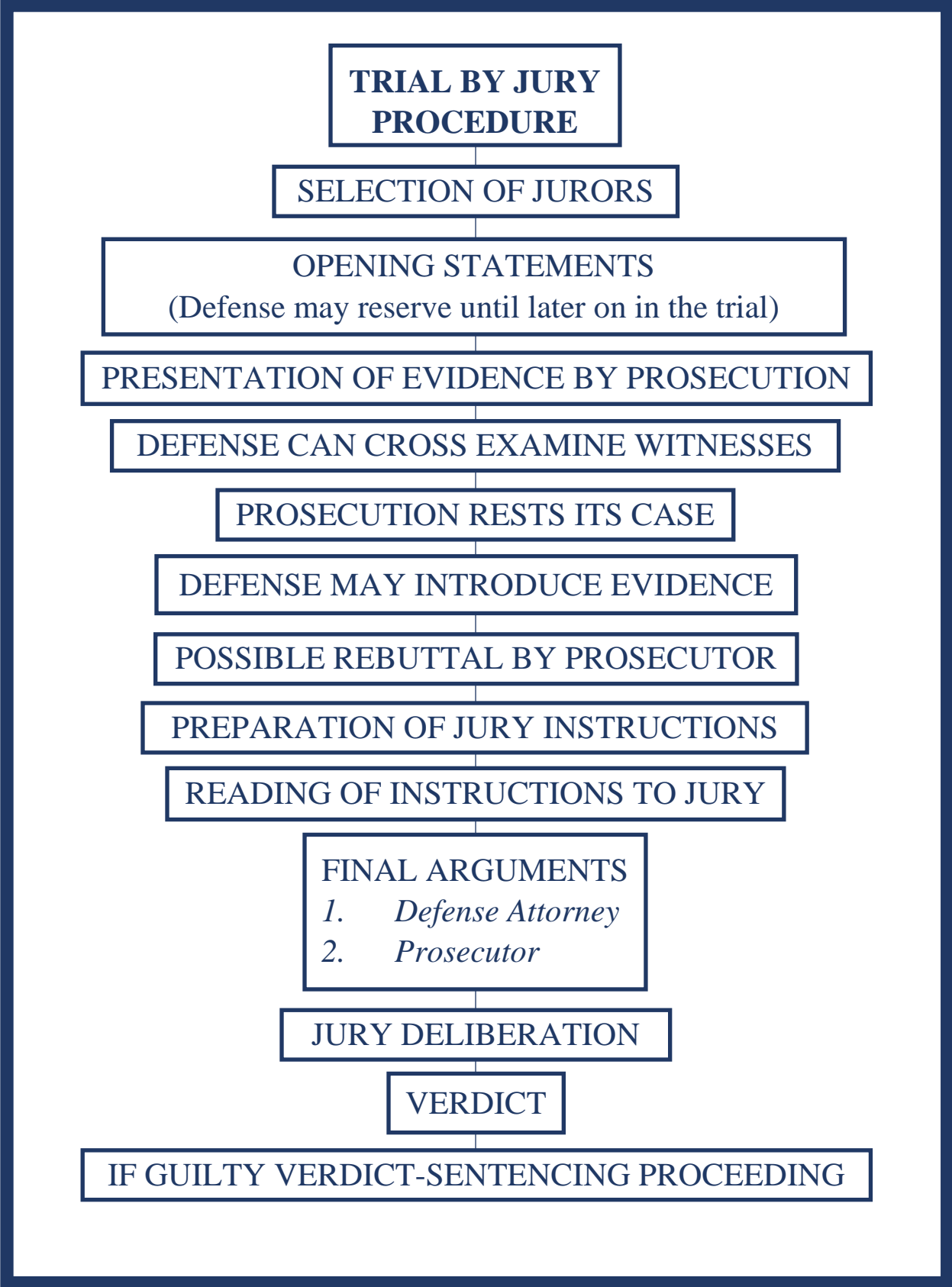
Status Hearings occur routinely throughout the Circuit Court process to allow the assigned judge to remain informed on the status of a case in an effort to keep it moving forward. Status Hearings are open to the public but victims are not required to attend.

PRETRIAL CONFERENCE

This is a closed meeting between the prosecutor, the defense attorney and the defendant where the evidence in the case is discussed and an offer to plead guilty can be extended.

GUILTY PLEA

Many criminal cases are resolved by the defendant pleading guilty, either as charged by the Grand Jury or to amended charges. Crime victims are consulted regarding plea considerations. A guilty plea can bring a faster resolution, within options allowed by law, and result in a known outcome for the victim and accountability for the defendant.



JURY TRIAL

If it is determined that the case will be tried by jury, investigating officers, victims and witnesses will receive a **subpoena** to appear in open court to testify under oath. Victims will be notified of the trial date and the prosecutor will meet with them prior to trial in order to prepare, if necessary. A victim advocate will attend all proceedings with the victim.

At trial, the prosecutor will present evidence to the twelve Fayette County residents who are selected to consider the case. It is the duty of the jury to determine whether the defendant is guilty or not guilty, beyond a reasonable doubt, of the crime(s) for which he or she is charged. If the defendant is found guilty of a crime, the jury is also responsible for recommending the penalty within the range allowed by applicable law.

SUBPOENA

A subpoena is an order requiring a person to be present in court. It may also be an order to bring a minor to court or present documents relating to a case. Subpoenas are served in person, usually by a Fayette County Deputy Sheriff. Information contained on this document includes the name of the person or information being subpoenaed, the defendant/case name, the court location, the date and time of appearance, and the contact information of the prosecutor issuing the subpoena.

AFTER RECEIVING A SUBPOENA

After receiving a subpoena, you should immediately call the **Commonwealth Attorney's Office at 859-246-2060** and ask to speak with the prosecutor named on the subpoena. This will allow the prosecutor to know that you have been served and to discuss with you the facts of the case and the nature of the proceedings in which you will testify.

If requested, we can assist you in explaining your responsibility as a subpoenaed witness to your employer, school or any other scheduled obligation. Legally, employers may not retaliate against you due to your absence while under subpoena if they have been provided a copy.

AT THE COURTHOUSE

In all cases where you will be a witness, you are required to remain outside of the courtroom until it is time for you to testify. Following your testimony, you will be excused by the judge and may leave the courtroom. Unless you are released as a witness, you should return to a waiting area outside of the courtroom until the prosecutor says that it is okay for you to leave or to reenter the courtroom.

The time that you will be needed in court will vary. It may be just a few minutes or you may be required to stay the entire length of the trial. Since the amount of time you will be needed to testify is unknown, it is best to make arrangements for childcare or coverage for other responsibilities in advance. You can bring magazines, books, laptops, snacks, a sweater or other items for use while waiting to testify.

VICTIM IMPACT STATEMENT

The Victim Impact Statement provides an opportunity for crime victims to describe, in their own words, the impact a crime has had on their life and to share their thoughts on the sentencing options the judge can consider after a conviction. The Victim Impact Statement is voluntary, but in addition to providing an important perspective to the courts, it also allows crime victims an opportunity to process through their feelings about the crime and can be beneficial to their recovery.

After the defendant pleads guilty or is found guilty at trial, a form will be provided by the victim advocate on your case; it can also be found on our website: www.lexingtonprosecutor.com . The completed form is returned to the Commonwealth Attorney's Office and delivered to the Circuit Court Judge on behalf of the victim prior to sentencing. A copy of the statement is also provided to the Division of Probation and Parole and the defendant through their defense attorney. If the defendant is sentenced to prison, a copy of the Victim Impact Statement is submitted to the Parole Board for their consideration when the defendant is eligible for parole.

JUDGEMENT AND SENTENCING

After the defendant has entered a guilty plea or has been found guilty by a jury, the Circuit Judge sets a final sentencing hearing; usually within 30 days. At the final sentencing hearing, the judge will impose the penalty determining whether the defendant is sent to prison or is probated. The judge will also decide whether multiple sentences are to be served concurrently (together) or consecutively (one after another), when applicable.

RESTITUTION

If the defendant is convicted of a crime, restitution may be ordered by the judge at sentencing. Restitution is based on expenses incurred as a direct result of a crime which were not covered by insurance. “Out-of-pocket” expenses can include things like deductibles, co-pays, property value at the time of loss/damage, repairs, etc. Any such expenses should be reported to the prosecutor or advocate on your case and it may be necessary to verify the injuries and losses you report with documentation and by completing a loss report which can be found on our website: www.lexingtonprosecutor.com Restitution is not paid while the defendant is incarcerated; but as a condition of probation or parole. It is important to note, if the defendant serves out their entire sentence, the criminal court will be limited in enforcement of the restitution order. If the restitution amount is disputed by the defense, a Restitution Hearing may be held.

If the defendant is ordered to pay restitution and is probated, the **Fayette Circuit Clerk’s Office (859-246-2224)** will disperse any payments made to the crime victim by check. If the defendant is paroled, the **State Probation and Parole Office (859-246-2177)** via the Parole Officer, will disperse any payments made to the crime victim.

If your mailing address changes, please contact the **Restitution Coordinator in our office (859-246-2060)** to ensure you receive any restitution payments that are made.

PAROLE BOARD

The Parole Board is the primary releasing authority for all incarcerated convicted felons in Kentucky and has three main responsibilities; determining when and if to authorize the release of an offender prior to the expiration of their sentence, setting the conditions by which the parolee must abide after release and revoking parole if those set conditions are violated.

Victim Impact Statements received by the Commonwealth Attorney's Office will be submitted to the Parole Board after sentencing if the defendant is sent to prison. Victims of violent crime who have indicated they want their contact information shared with the Parole Board will be notified about the defendant's parole eligibility and are entitled to make a personal appearance before the Parole Board and, if requested, the advocate and/or prosecutor on your case would be happy to attend the Victim Hearing with you.

If you want to be notified about parole eligibility, it is important to make sure the Parole Board is made aware of any changes to your contact information. The Parole Board also has victim advocates who can assist with providing additional information or answering questions you may have about the parole process or the defendant's parole eligibility status.

Kentucky State Parole Board

Department of Corrections

P. O. Box 2400

Frankfort, Kentucky 40602-2400

Toll Free Victim Line: 1-800-221-5591

<https://justice.ky.gov/Pages/Victim-Services.aspx>

Parole Board advocates can also be contacted via email at:

pbvictimservices@ky.gov

CRIME VICTIM COMPENSATION

If you suffer from injuries caused by a crime, you may be eligible for financial assistance from the **Kentucky Claims Commission** for your medical, counseling and/or funeral expenses if they were not covered by insurance. The Commission acts under the authority of KRS 49.260 through 49.490 and KAR Title 107

Who Can Apply?

- Any person who is an innocent victim of a violent crime, including victims of drunk driving, where bodily harm, psychological injury or death has occurred;
- In the event of death, any person who assumed the medical or burial expenses incurred as a direct result of the crime; and
- Any person who has lost earnings or support as a result of the crime.

Victims must report the crime to the proper authorities within 48 hours, must cooperate with law enforcement agencies, and must apply within five years after the crime occurred.

If you feel that you may be eligible for compensation, please contact the Kentucky Claims Commission for a claim form:

Kentucky Claims Commission
130 Brighton Park Blvd.
Frankfort, Kentucky 40601
1-800-469-2120
502-573-2290
<http://cvcb.ky.gov>

GLOSSARY OF LEGAL TERMS

- accused** - formally charged but not yet convicted of committing a crime.
- acquittal** - a jury verdict that a criminal defendant is not guilty, or the finding of a judge that the evidence is insufficient to support a conviction.
- appeal** - a request by either the defense or the prosecution that a decision of a lower court is reviewed by a higher court.
- arraignment** - the court proceeding in which an accused person is informed of the charges against him or her, advised of his or her rights, appointed a lawyer and is given the opportunity to enter a plea of guilty or not guilty.
- arrest** - to take a person suspected of committing a crime into legal custody for the purpose of charging him or her with committing a specific crime.
- Commonwealth's Attorney** - see prosecutor
- conviction** - a judgement of the court, based either on the decision of a jury, a judge or on the guilty plea of the accused, that the accused is guilty of a crime.
- court** – the government entity authorized to resolve legal disputes. Judges are sometimes referred to as “court” in third person, as in “the court has issued a ruling”.
- criminal justice system** - the government entities responsible for apprehending, prosecuting, defending, sentencing and punishing those who are suspected and/or convicted of committing criminal offenses.
- criminal law** - the law that defines what conduct is classified as a crime and how the government may prosecute individuals that commit crimes.
- defendant** - a person who has been formally charged with committing a crime.
- defense attorney** - the lawyer who represents the defendant in a legal proceeding.
- deposition** - an oral statement made before an officer authorized by law to administer oaths. Such statements are often taken to examine potential witnesses, to obtain discovery, or to be used later in trial. See discovery.
- discovery** - the disclosure or production, by a party to an action, of relevant documents or information to the other party.
- felony** - a serious crime for which the punishment is imprisonment in a state prison, usually for one year or more.
- guilty plea** - a formal acknowledgement in court by a person accused of committing a specific crime that they did commit the crime.
- hearing** - a legal proceeding in court to state one’s case before a judge.
- indictment** - a formal charge or accusation, made by a grand jury and filed in a court, alleging that a specific person has committed a specific crime.
- jail** - a confinement facility for people accused, or convicted of a crime.
- judge** - a judicial officer who has been elected or appointed to preside over a court of law.

jury - a group of citizens who are selected, and sworn in, to hear evidence in a trial and render a verdict on matters of fact.

jury selection - the process by which the judge, the prosecutor, and the defense attorney screen citizens who have been called to jury duty to determine if they are able to make a fair and impartial decision in a particular trial.

misdemeanor - a crime that is less serious than a felony and for which the maximum punishment is 12 months.

not guilty - a verdict by a judge or a jury that there is not enough evidence to prove beyond a reasonable doubt that the accused committed a charged crime.

offender - an adult who has been convicted of a crime.

parole - the conditional release of a convicted offender from a confinement facility before the end of his or her sentence with requirements for future behavior set and supervised by a parole agency for a defined period of time.

plea bargain - a compromise reached between the defense and the prosecution for the defendant to plead guilty; sometimes to a lesser charge, a lower sentence recommendation or dismissal of some counts contained in the indictment.

prison - a state confinement facility for adult offenders, usually those sentenced for one year or more.

pre-sentence investigation - a document prepared by the Division of Probation and Parole, submitted to the court before a sentencing decision is made. It includes information about the crime, the background and criminal history of the defendant and offers a recommendation regarding suitability of probation.

probation - the judge imposes a sentence that allows the defendant to be released into the community instead of serving time in prison; subject to specific supervision, conditions and a set time frame. Violations of these conditions can result in imprisonment for the probated prison sentence.

prosecutor - an attorney, elected, or employed by a government agency to represent the interests of the general public in criminal proceedings.

sentence - the punishment imposed by the court on a person convicted of a crime.

trial - an examination of issues of fact and law before a judge and jury at which evidence is presented to determine whether or not an accused person is guilty, beyond a reasonable doubt, of committing a crime.

verdict - the decision of the judge or jury at the end of a trial that the accused defendant is either guilty or not guilty, beyond a reasonable doubt, of the crime for which he or she has been tried.

voir dire - see jury selection

witness - a person who has directly seen an event, such as a crime, or has knowledge that is related to a court case.

HELPFUL CONTACT INFORMATION

Emergency

| | |
|---|--------------|
| Emergency Response | 911 |
| Fayette County Sheriff's Office | 859-252-1771 |
| Kentucky State Police | 502-782-1800 |
| Kentucky Child/Adult Protection Hotline | 877-597-2331 |
| Lexington-Fayette Urban County Division of Police | 859-258-3600 |

Legal/Court

| | |
|---|--------------|
| District Court Clerk (150 N Limestone St) | 859-246-2228 |
| Circuit Court Clerk (120 N Limestone St) | 859-246-2141 |
| Fayette County Attorney's Office | 859-254-4941 |
| Fayette Commonwealth Attorney's Office | 859-246-2060 |
| Kentucky Attorney General (Victim Advocacy) | 800-372-2551 |
| Legal Aid of the Bluegrass | 859-431-8200 |
| Pretrial Services | 859-246-2253 |

Penalty

| | |
|---|--------------|
| Division of Community Corrections (Fayette County Jail) | 859-425-2700 |
| Division of Probation and Parole | 859-246-2177 |
| Kentucky Parole Board (victim line) | 800-221-5591 |

Death

| | |
|---|--------------|
| Bluegrass Care Navigators (formerly Hospice) | 855-492-0812 |
| Fayette County Coroner's Office | 859-455-5700 |
| Kentucky Medical Examiner's Office | 502-852-5587 |
| Office of Vital Statistics (death certificates) | 502-564-4212 |

Crime Victims

| | |
|--------------------------------------|--------------|
| Kentucky Claims Commission | 800-469-2120 |
| Kentuckian's Voice for Crime Victims | 502-777-1027 |
| M.A.D.D. Kentucky | 502-871-4210 |

Crisis/Counseling

| | |
|---|--|
| 27/7 Crisis Text Line 741-741 | crisistextline.org |
| Bluegrass.org (counseling services) | 800-928-8000 |
| Bluegrass Rape Crisis Center (24/7 crisis line) | 800-656-4673 |

Community Services

| | |
|---|--------------|
| Children's Advocacy Center of the Bluegrass | 859-225-5437 |
| GreenHouse17 (24/7 domestic violence crisis line) | 800-544-2022 |
| The Nest (Center for Women, Children & Families) | 859-259-1974 |
| The Salvation Army | 859-252-7706 |

Miscellaneous

| | |
|--|--|
| Substance Abuse Treatment Information | gethelp.org |
| United Way Assistance Referral Information | 211 |

RESOURCES AFTER CONVICTION

Kentucky Online Offender Lookup (KOOL) <http://kool.corrections.ky.gov>
(Offender custody status and parole eligibility date)

Victim Information & Notification Everyday (VINE) www.vinelink.com
(inmate release, parole hearing & court action notification) 800-511-1670
VINE Protective Order Line 866-803-5858
Department of Corrections * Office of Victim Services 800-687-6818
(VINE & custody status questions)

Kentucky Parole Board * Parole Victim Services 800-221-5991
(parole eligibility & conditions questions)

Kentucky Attorney General * Office of Victims Advocacy 800-372-2551
(information on appeal status & explanation of decisions) 502-696-5312

Kentucky Revised Statutes * KRS Database www.lrc.ky.gov/statutes

This and other information pertinent to crime victims and witnesses can be found
on our website: www.lexingtonproscutor.com

CASE INFORMATION

Defendant(s): _____

Fayette County Indictment #: _____

Prosecutor: _____

Victim Advocate: _____

Judge: _____

Next Court Date: _____

Notes: _____

CRIME VICTIM'S BILL OF RIGHTS

Adapted from KRS 421.500

Victims of violent crime have certain basic rights in Kentucky. The Commonwealth Attorney's Office is responsible for the provision of the following of those rights which is facilitated by the assignment of a Victim Advocate to applicable cases:

- ***Notification** on judicial proceedings relating to the criminal case if provided with current contact information
- ***Notification** on scheduling changes regarding any proceeding victim is required to attend
- ***Consultation** on case considerations including dismissal, conditions of release, negotiated pleas and pretrial diversion
- ***Information** on VINE registration, including but not limited to; notification of the offender's release from custody and automated court updates
- ***Information** on how to be protected from intimidation, harassment and retaliation
- ***Information** on protective, emergency, social and medical services; including Community-based treatment programs
- ***Information** on the Kentucky Claims Commission to apply for crime victim compensation
- ***Assistance** in obtaining an order of restitution for direct out of pocket expenses caused by the crime and not covered by insurance
- ***Assistance** with providing a Victim Impact Statement to the court
- ***Assistance** in facilitating the return of personal property collected during the investigation, whenever possible, after the case is resolved
- ***Assistance** with any employment, school, or other obligations that conflict with scheduled court appearances and/or case meetings

