

Managing your case From the Domestic Violence Prevention Workbook CRF

Covered in this section is:

1. Frustration discussed from the Victims advocate, Court, Police and the Victims
2. Article from a Court Observer on Victims in the Courts
3. Being in Charge of Your Life/Being a Credible Witness
4. Managing Your Case
5. Managing Your Evidence
6. Status Reports
7. What you need to bring to Court and What you Need to know about the system
8. Making a Victim Impact Statement
9. Following Through if you Apply for Victims Compensation
10. Set Backs and Disappointments
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No one is more motivated than the victim to recover.

Part of the process in stepping in to the legal system is being prepared and having the knowledge necessary to navigate the stem with confidence and ease.

In this portion of the workbook, we will attempt to alleviate the fears, provide insight from individuals who work with victims on their frustrations, management techniques on being a credible witness and an empowered former victim, and tools for Case management.

You have personal responsibility, when you have set the wheels of justice in motion, to carry through with the entire process regarding prosecution or safety.

Think your case is unique? Read on:

The following article comes from Project SafeGuard (Winter 2001), titled "A Volunteer's Perspective"

Everybody's done it. Raising a finger to your lips asking for just one moment of silence. Holding your hand up, cutting someone off in mid-sentence. A quick roll of the eyes or a heavy sigh in a moment of frustration. The difference between everybody and you is, in all of these brief moment's, you are the victims last line of defense. That victim, who missed three hours of work to come to Denver central or to Arapahoe County to share a courtroom with her abuser. That victim who relies on the system and those in it to guide her and do the right thing on her behalf. She is lost, but she is also hopeful.

She believes that of she adheres to the rules and does what is expected of her, the city will fight and prosecute her abuser and she will have at least a moment's peace.

That is why, when I sit in a courtroom, my observations and notes are weighted by and reflect not only the outcome, but the process....because while the victim waits. Assuming she has the courage to take the necessary steps to get her this far, she is subject to those seemingly insignificant gestures we all experience. Perhaps, as a victim she is no longer as sensitive to those shrugs and wave offs as I am. She is here for something far more

important; an outcome that validates her fears and substantiates her claims.

As one illustration of the above, I recently sat next to a woman waiting for the case against her ex-boyfriend to be called. While we waited, several others defendants charged with domestic violence made the trip to the podium. In one instance, the defendant had been arrested three times in less than a month, with at least 2 charges in each case. The proposed disposition was to place the defendant on parole, suspend jail, and drop seven of the nine charges. That outcome is what the victim sees, and what cause her to ultimately ask herself if what she is doing is worth the hassle, and if it is worth making what maybe a difficult trip for her. The woman next to me asked me if coming to Court warranted the eventual outcome. What could I say? "It's a step in the right direction."

In another incident, a victim rushed into the Courtroom 20 minutes late, looking confused and nervous. She clearly had no idea of what to do. She finally turned to me and after telling me why she was there, I directed her to the City Attorney. When she approached him, he waived her off. She immediately sat down, shrugged her shoulders, and

proceeded to wait. When her case was called, the city attorney said he was passing the case because the witness failed to appear. When she stood up and told the judge she was, indeed, present, the city attorney's response was a heavy sigh and slapping his case folder on the desk. Did the victim notice? I doubt it, but I did.

This behavior isn't necessarily chronic and it isn't necessarily unjustified-to us. These women, though, are often here as a last resort. Many have pressed charges before but, fearful of being completely alone, or without other means of financial support, failed to follow through on these prior arrests. It is only after they become desperate and afraid that they take what they consider to be drastic steps of pursuing legal action.

The victim has to have faith that, when she finally steps into the courtroom, the people who are supposed to, are indeed rooting for her and doing everything within their means to prosecute to the fullest extent of the law. I am thankful for the victim's faith because sometimes, sitting in a courtroom, I leave with a little less of myself. A quick reassurance or eye contact by someone in apposition of power can do a great

deal to alleviate the victim's fear. By and large, that behavior is what I witness. I would just like to know I

will always see it, with every attorney and judge, and that I can continue to tell the victim that what

she is doing truly is a step in the right direction. (Valeri Jarstad)

And the last article from project safeguard is titled "Imagine...."

I recently sat in Aurora Municipal Court for a trial involving domestic violence when the lights went out. This particular courtroom had no windows, so you can imagine how dark the courtroom became. I could not see my hand in front of my face. It took a minute or so for the generator to put on the backup lights, but that minute or so seemed much longer. As I sat there in total darkness, concerns for my own safety raced through my mind. I relaxed then that similar thoughts must go through the minds of domestic violence victims everyday as they sit in the courtroom. For a DV victim, sitting in any courtroom with the perpetrator present is like sitting in total darkness. Keeping the "lights on" for the DV victim is important. The following is checklist that should be considered is assessing the safety of your courtroom:

- *Is a security guard always present in the courtroom?*
- *When no security guard is present, is the judge or clerk always present and able to maintain safety? Is there a victim advocate available?*
- *Is the victim left sitting for long periods of time alone with the defendant?*
- *Is the seating in the courtroom arranged so that the victim does not have to sit close to the defendant?*
- *When the proceedings are completed for the day, is the defendant asked to remain behind in the courtroom allowing the victim to exit and maintain safety?*
- *Is it possible to have a separate and secure area as a waiting room for the victim?*
- *Are the microphones turned up so that parties for restraining orders do not have to raise their voices to be heard?*
- *Are the defendants prevented from passing notes to their victims?*
- *Are defendants prevented from making hand signals to their victims?*

As you can see, there is a lot care and effort for your safety and well-being both inside the court, before court and after court.

The Victims Advocates and the Police speak:

Frustration seems to occur on both sides of the field. The victim's advocates, the police and the Court's become frustrated for a variety of reasons. Some are highlighted below:

"Victims sometimes do not show up in Court, they don't stay in touch."

"The Court Process is clearly not a priority in the lives of the victim."

"The victim doesn't want to prosecute because they can't see a positive outcome."

"The victims call the police when there is immediate crisis, and then, after, when all is blown over, they don't see the relevance in the rest of the process."

"A constant frustration I have (from a victim's advocate) is that a victim will/may change their mind about what they want to see happen with a case a dozen times between the time the case is filed and final disposition. One day they may not want the case to be prosecuted (loves him, feels sorry for him, wants him to be a father to the kids), the next day they want the death penalty. This makes a challenge for the folks in the system who try and figure out an appropriate plea offer that will be satisfying to the victim. We often end up dealing with an angry, venting frustrated victim."

"Failure to show up in Court (victim.)

Can the victim please give the correct addresses?

The Court speaks:

"Prosecutors sometimes get caught in the "Why did they call the police mode?", if the victim fails to follow through."

"Why do victims start to prosecute, and then decide halfway through they don't want to "punish" the person?" (The victim sees the incident as diminished, or they have rationalized whatever the incident was, or the abuser feels some remorse, and that the arrest has changed them forever.)

The Victims speak:

“ I am frustrated and angry with the criminal justice system because the cases move too slow and by the time it gets to court, the person who abused me forgot what they did.”

“He learned nothing.”

“I can’t stop my entire life for this!”

“ If I go through with this (prosecuting) he will get out and be more angry and come and kill me.”

Being in Charge of your Life

How to be a credible Witness

Technique #1 Learn how to breath

Practice today on breathing slowly, and taking deep breathes before making statements or acting.

Part of your job in being a credible witness is to be prepared and knowledgeable. Many vicimts of repeated crimes learn to speak in whispers, staccato or screaming tantrums to be heard. As of today, this will no longer be necessary. Breathe. In and out.

Technique #2 Carry your workbook and updated journal with you- this is called documnetary evidenxce

The Journal

The journal is used as the first tool in moving forward, for the victim to see the “truth”, and provide a catharsis in their lives. It will provide three things:

- 1. Provide evidence The journal will help the police to visualize all offenses.**
- 2. Provide a hard look at the truth. In refusing to see the truth, you enable the victim status to stay alive, once again giving away your power to the offender. Each time you are tempted to say, “It’s not that bad,” or “It only happens every once in a while,” go back and review journal.**
- 3. It can be read at sentencing in Court as part of the Victim Impact Statement. (Use a highlighter for the most meaningful account of what you have been through.)**

Effective journaling begins with a process for entering the data.

Provide the following information, consistently outlined, as follows:

Who- who was present?

What-what actually happened (omit emotion, detail just the facts)

When- the date

Where- time, place of incident

Why- brief outline of event (it was a custodial pick up day, anniversary,)

How you felt- this is where you can briefly go into how you felt. It is important to not trivialize your emotion. If you were scared to death, say so. Again, keep this brief and to the point.

Add photographs where necessary or references to taped telephone conversations or video taped evidence.

Journal

Who: _____

What: _____

When: _____

Where: _____

Why: _____

How I

felt: _____

Action

Taken: _____

Credibility begins with truthful, consistent reporting of the facts of your case. A journal can also be used as a victim impact statement in court, before sentencing of an offender. Keep a copy of your journal off site, with a friend or relative, a copy with you at all times.

Technique #3- carry a disposable camera and a tape recorder with you- it also will provide necessary evidence for Court

Technique#4- Ask questions, take notes. It is up to you to work within system guidelines, and in managing your case, keep track of business cards from officers who take reports, case numbers and incident report numbers. Listen to the advice of the professionals who are working with you. Yes, you are angry, but these individuals have nothing to do with your anger, and are there to assist and help you through the system.

Technique #5- obtain legal papers necessary for your safety i.e. A restraining order where necessary. Project SafeGuard holds daily clinics in the CourtHouse in Denver Colorado for anyone seeking a TRO.

(Forms are in the back for your use)

The Restraining order

Contact Project Safeguard for information on obtaining a Restraining Order from the Courts. A Restraining Order is not a flack jacket, and will not protect you against anger and rage, but is a useful tool for the police in effective predator containment. When a temporary restraining order has been issued by the Courts, it must be served by the Sheriff's Department or another process server. It must be signed by the defendant, and a return of service issued back to you. Why? If there is no proof that the defendant actually received this order, how can it be enforced properly?

The Four Rules Apply consistently here when you have a Restraining order:

- 1. Zero Contact- no contact, period, with the offender. Period.**
- 2. Zero Tolerance- if the offender violates the Court's law, call the police immediately.**
- 3. Tell the Truth at all times. Breathe. Credibility with the police lies in your ability to be concise, consistent, and truthful.**
- 4. Keep 10 copies of the Order, SIGNED by the offender, in your car, purse, home and work.**

Never give out the only Restraining Order you have.

Checklist:

- 10 copies of the Restraining Order
- Custody Papers for my children
- Journal
- Camera disposable

Technique #6

My Zero Contact card

Rules #1 Zero Contact with the defendant Rule #2 Zero Tolerance Every crime must be reported to the authorities Rule #3 Breathe Rule #4 Tell the Truth My advocates Phone #

Make sure you:

1. Give the correct address to everyone involved with your case. Back up this address with another address of a trusted friend, relative or individuals in case you move.
2. Keep a log of Court dates in your packet. Label the dates and mark your calendar. Call a week prior to make sure the Court date has not been moved, continued or delayed in any manner. Not showing up for Court is similar to the story of the boy who cried wolf too many times, eventually, when you need real help and are willing to see it through, your credibility may have been severely damaged by no shows.
3. You have the responsibility, if you pick up the phone and dial 911, to want to prosecute and follow the case to the end. (See Disappoints and Setbacks)

**Managing Your Case
Managing Your Evidence
Status Reports**

What you need to bring to Court and What you Need to know about the system

Making a Victim Impact Statement

Following Through if you Apply for Victims Compensation

Your Case will be divided into many groups, with many people managing and overseeing your case.

You will need to keep a separate file for:

- ❖ **Your Victims Advocate**
- ❖ **The Police**
- ❖ **The Restraining order**
- ❖ **Evidence/ Article for individuals managing your case on Dv, DV and children, DV and custody**
- ❖ **The Prosecutor**
- ❖ **Your Attorneys**
- ❖ **Guardian Et Lietum**
- ❖ **Custody Evaluators**

- ❖ **A Date Book for Court Appointments (Trial Dates, Postponements-list of needs to bring), Custody Evaluations, Cut off Dates for turning in Tax Info/School records, etc.**

- ❖ **Status Reports from:
Victims Advocate
Court/Prosecutor**

Managing Your case

One of the most important tools we have learned and in turn taught to victims of stalking for 3 years was that to empower yourself in the Court system, it is necessary for you to manage your case. That means that you are informed victim, parent or witness, and that all materials pertaining to your case are organized, filed and neatly presented.

In being a credible witness, it is up to you to maintain your life and your appointment book.

Managing Your Evidence

In the legal system, there is something called the chain of evidence. When a crime has occurred, the police collect the evidence, mark it, and bring it to a single location where it is monitored, thereby guaranteeing the Court that no has tampered with it or it has not been lost or misplaced.

Your basic evidence in your case may have many parts.

Below, make a list of items you will need for Court and place them in the pocket provided:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

7. Immigration papers, custody papers, child support orders

8. Your journal

9. Your Restraining Order(which must have a return on service attached) and 10 copies

10. Your Workbook

Maintaining Accurate Status Reports

A status report helps to hold the individuals accountable for what they are assigned to do for your case. This is a job, and should be treated like one. On the day that you have met with an individual connected to your case, make a status report for yourself concerning what was said, what you need to do, what they have agreed to do and when all of this needs to be accomplished.

Sounds like a lot of work? If you disregard this management part of your case, trying to recollect what was said and promised weeks or months later will be difficult, inaccurate and tedious. Also, every individual managing your case has accountability to you and your family. This is the way it is done in business.

Sample Status Report

(Make 30 copies)

**Status Report
Your Name**

**Completed By Your Name
For the Week of _____**

<u>Project</u>	<u>Tasks Completed</u>	<u>Person Responsible</u> <u>Action Items</u> (these are things currently being done)
Ongoing		
a.		
b.		
c.		
d.		

<u>Short term</u> (due in a few days)	<u>Date Due</u>	<u>Person responsible</u>
1.		
2.		
3.		
4.		

<u>Medium Term</u> (next week)	<u>Date Due</u>	<u>Person responsible</u>	<u>Tasks Completed</u>
Project			

<u>My Tasks for the Week</u>	<u>Date Due</u>	<u>Completed</u>
<u>1.</u>		
<u>2.</u>		
<u>3.</u>		
<u>4.</u>		

What you Need to Bring to Court

The first and most obvious thing to bring is yourself. Make sure that you are well rested, have eaten a meal, bring water and a snack, and focus on deep breaths. Court can seem very intimidating to an outsider, and taking care of yourself may be the last thing on your mind. And yet, a credible and reliable witness is one who is focused and prepared.

Dress as if this was a very important job interview. Appearance does matter. Look good and feel good. Bring your Victim Workbook and make sure the night before that all of your material that you have been asked to provide for the Court are in their packets.

Below, make a list for your Court date of what to bring:

1. _____
2. _____
3. _____
4. _____

What does a sample day in Court look like for a victim of DV?

Delays ,continuances, length, actual time from start to finish of a case and its deposition

What is a Victim Impact Statement?

As a victim, you are entitled to receive from the State certain monies to help you in your recovery. You also have the right as a victim of crime to make a statement in front of the court regarding your case. Many victims will read parts from their journal. Often, this personal story from the victim to the Court puts this case on a personal level and assists the Judge in appropriate sentencing based on the level of fear, intimidation, etc that the victim has experienced.

Below is an explanation of the Victims Compensation Rights:

You may be entitled to Compensation!

You may be entitled to financial assistance under the Crime Victim Compensation act, section 24-4.2-100 Colorado Revised Statute. You can also ask for help and information by contacting the Victim Compensation Administrator at your local District Attorney's office.

The following is a summary of the rights guaranteed by the U.S. Federal Victim Rights Act (for those people living in Colorado, a complete listing of your rights is available through the Colorado Revised Statutes § 24-4.1-101 through § 24-4.1-304.)

- To be treated with fairness, respect and dignity;
- To be informed of and present for all "critical stages" of the criminal justice process;
- To be free from intimidation, harassment, or abuse, and the right to be informed about what steps can be taken if there is any intimidation or harassment by a person accused or convicted of the crime or anyone acting on the person's behalf;
- To be present and heard regarding bond reduction, continuances, acceptance of plea negotiations, case disposition, or sentencing;
- To consult with the district attorney prior to any disposition of the case or before the case goes to trial and to be informed of the final disposition of the case.
- To be informed of the status of the case and any scheduling changes or cancellations, if known in advance.
- To prepare a Victim Impact Statement and to be present and/or heard at sentencing.
- To have restitution ordered and to be informed of the right to pursue a civil judgment against the person convicted of the crime;
- To a prompt return of the victim's property when no longer needed as evidence;
- To be informed of the availability of financial assistance and community services;
- To be given appropriate employer intercession services regarding court appearances and meetings with criminal justice officials;
- To be assured that in any criminal proceeding the court, the prosecutor, and other law enforcement officials will take appropriate action to achieve a swift and fair resolution of the proceedings;
- Whenever practicable, to have a safe, secure waiting area during court proceedings;
- Upon request, to be informed when a person accused or convicted of the crime is released from custody, is paroled, escapes or absconds from probation or parole.
- Upon written request, to be informed of and heard at any reconsideration of sentence, parole hearing, or commutation of sentence;
- Upon written request, to be informed when a person convicted of a crime against the victim is placed in or transferred to a less secure correctional facility or program or is permanently or conditionally transferred or released from any state hospital;
- To be informed of any rights which the victim has pursuant to the constitution of the United States or the State of Colorado.
- To be informed of the process for enforcing compliance with the Victim Rights Act.

Additional rights and services are provided to child victims or witnesses. Law enforcement, prosecutors, and judges are encouraged to designate one or more individuals to try to assure the child and their family understand the legal proceedings and have support and assistance to deal with the emotional impact of the crime and the subsequent criminal proceedings.

**¡CONOCE TUS DERECHOS
CÓMO VÍCTIMA Y COMO
CONSEGUIR UNA COMPENSACIÓN!**

Lo siguiente es un compendio de los derechos garantizados por el Acta Federal de los Estados Unidos de los Derechos de las Víctimas (para quienes viven en Colorado, una lista completa de sus derechos está disponible a través de los Estatutos Revisados de Colorado '24-4.1-101 through ' 24-4.1-304.)

- ◆ Ser tratado con igualdad, respeto y dignidad;
- ◆ Ser informado de todas las “etapas críticas” del proceso de justicia criminal;
- ◆ Ser libre de intimidación, acoso o abuso y el derecho de ser informado sobre los pasos que se pudieran tomar en caso de haber intimidación o acoso de parte de la persona acusada o condenada del crimen o cualquier otra persona que actúe por esa persona;
- ◆ Estar presente y escuchar cualquier reducción de condena, contingencias, aceptación de negociaciones, aceptación de peticiones, disposición de caso o sentencia;
- ◆ De consultar con el abogado de distrito antes de cualquier disposición del caso o antes de que el caso vaya a juicio y de ser informado de la disposición final del caso.
- ◆ Ser informado de los avances del caso y de cualquier cambio en el horario o cancelaciones, si se saben con anticipación.
- ◆ De preparar una Declaración del Impacto de la Víctima y de estar presente y/o escuchar la sentencia.
- ◆ De tener restitución ordenada y de ser informado del derecho de poder perseguir acción civil contra la persona condenada del crimen.
- ◆ De recuperar las pertenencias de la víctima lo más pronto posible, una vez que ya no son necesarias como evidencia;
- ◆ De ser informado de la disponibilidad de asistencia financiera y servicios de la comunidad;

- ◆ De ser otorgado apropiado permiso del patrón para atender a la corte y juntas con los oficiales de justicia criminal;
- ◆ De ser asegurados que en cualquier proceso criminal, la corte, el fiscal y cualquier otro oficial de justicia, tomarán las acciones apropiadas para lograr una pronta y justa resolución de los procesos;
- ◆ De ser requerido, de ser informado cuando una persona es acusada o condenada por un crimen es dejado en libertad, sale bajo fianza, escapa o huye de la libertad condicional.
- ◆ De requerir por escrito, de ser informado cuando una persona acusada por un crimen es trasladado o colocado en una cárcel de menor seguridad o programa o es permanentemente o temporalmente transferido o absuelto en cualquier hospital del estado;
- ◆ De ser informado de cualquier derecho que la víctima persiga de la constitución de los Estados Unidos o del Estado de Colorado.
- ◆ De ser informado del proceso para lograr conformidad con en Acta de los Derechos de las Víctimas.

Derechos adicionales y servicios son proveídos a hijos de las víctimas o testigos. Oficiales de la ley, fiscales y jueces son fomentados para que designen a uno o más individuos para tratar de asegurar que los niños y sus familias entiendan los procesos legales y tengan apoyo y asistencia para lidiar con el impacto emocional del crimen y el subsecuente proceso criminal.

***¡Usted tal vez tenga derecho a una
compensación!***

Usted tal vez tenga derecho de recibir asistencia financiera bajo el Acta de Compensación de Víctimas de Crimen, sección 24-4.2-100 Estatuto Revisado de Colorado. Usted también puede pedir por ayuda e información llamando al Administrador para Compensación de Víctimas en su oficina local del Abogado de Distrito.

Disappointments and Set backs
What constitutes a win?

Many times, our expectations of what is law and what is justice are idealistic. Often, in Court, as victims, we think that all the people managing our case are doing their best and doing it for the right reasons. These individuals ARE acting on your behalf and have the knowledge to help you get through your case. The victim has a responsibility in keeping track of your own life.

Please remember that these are people, prone to their own inadequacies and problems. Sometimes we win, sometimes we lose. Often it has nothing to do with justice. In winning, it may be the win you take for the day (even though you lost your case) is the fact that you stood up for yourself and you children, you faced the individual who spent a long time terrorizing you and you walk away with dignity and empowerment that you have made the choice to move forward and to never let that individual hurt you again.

*Someday's you are the diamond, someday you are the stone.
Somedays you are the bug, sometimes you are the windshield.*

Just by taking a stand, drawing the line in the sand, and presenting yourself in a professional manner, have you won!

