

## Frequently Asked Questions

### a. What are protective orders?

- A protection order is an order that prohibits the respondent from contacting you. There are several kinds of protection orders, including an *Order for Protection* (for domestic violence cases,) *No Contact Order*, *Restraining Order*, and *Anti-Harassment Order*. You can apply for a protection order at the clerk's office for District or Superior Court. There may or may not be a charge to obtain a protection order. \*\*See section on Protection Orders for more information.

### b. What if I don't want to file charges or want them dropped?

- As the victim of a crime, your participation and cooperation are a valued part of the prosecution process. However, the State of Washington has a responsibility to hold offenders accountable for their actions when they break the law. This responsibility insures that the law is enforced consistently and that the community need for justice is met. Therefore, individual citizens do not have the ability to drop charges in a criminal matter in this state.

### c. When is the offender being released?

- i. The defendant may be released upon posting of a bail bond or cash if bail is set. The defendant may also be released on their own personal recognizance by a judge. If the defendant is sentenced, they may be afforded "good time," depending on the correctional facility where they are incarcerated at. Defendants may be eligible for work release or other options. It is best to check directly with the facility the defendant is incarcerated at to determine their custody status ([www.vinelink.com](http://www.vinelink.com))
- ii. \*\*\*See victim notification section\*\*\*

### d. What is the Victim Impact Statement?

- A Victim Impact Statement (VIS) is your chance to tell the judge how the crime has affected you, any lifestyle changes you have made as a result of the crime, financial burden or hardships the crime has caused, and any sentencing recommendations you have for the defendant. You may request a VIS from the Victim Advocate if you do not receive one.

### e. What is my involvement in this process?

- i. As a victim, you may be called to testify as a witness should the case proceed to trial. If your testimony is required, you will receive a subpoena.

- ii. You may request restitution for any medical expenses or property damage/loss as a result of the crime. You should receive paperwork in the mail from the Prosecutor's Office entitled "Victim Restitution Estimate" if your case is eligible for restitution. The defendant is responsible for payment of restitution if ordered by the court. Victims may attend the defendant's court hearings. Please advise the victim advocate on the case if you wish to attend any court hearings or give a VIS at sentencing.
- iii. In preparation for trial, the defendant's attorney or a Private Investigator hired by the defense attorney may request an interview with the victim or witnesses in the case. You may choose to be interviewed alone, or, if you wish, an advocate and/or the Deputy Prosecuting Attorney can accompany you or set up this interview and be present with you at the time of the interview. The advocate's role is to provide emotional support to the victim during the interview.

**f. What do I need to include in my request for restitution?**

- i. Restitution requests should be as detailed as possible and include written estimates of property loss, damage, copies of medical bills, and insurance statements, and be presented in a detailed, easy to read format for the Prosecutor to review. Your request should indicate clearly what amount of restitution is owed to you and if applicable, include documents/statements from your insurance company. Feel free to ask the victim advocate if you have any questions regarding the preparation of your restitution request.
- ii. Victims should submit restitution requests as soon as possible to be ordered at the sentencing of the defendant. The Prosecutor's Office has limited time under the law to have restitution ordered back to you, so it is important you submit your request as soon as possible.
- iii. If restitution is ordered in your case, the defendant would be required to pay the Court Clerk's office, who would then distribute the restitution payment to you via check.

**g. How do I get my property back?**

- i. In many cases, property belonging to the victim is taken as evidence of the crime by the investigating law enforcement agency. Property is held by the investigating law enforcement agency throughout the duration of the case. Property may need to be held for its evidentiary value or for additional testing should the case proceed to trial. If you are the victim and the evidence being held presents a significant hardship, you may inquire of the victim advocate for assistance in having your property returned sooner.

**h. Can I get restitution for things such as pain, suffering, and mental anguish?**

- i. Not through the criminal justice system. Restitution is ordered for out of pocket expenses directly related to the crime. If you would like to seek compensation for pain and suffering, you may wish to file a civil suit or a

claim in small claims court (small claims are filed through Thurston County District Court, located in Building 3 of the courthouse complex) against the offender.

**i. What are the Preliminary Appearance, Arraignment, Pre-trial, Status Conference, and Trial?**

- The ***Preliminary Appearance*** is the defendant's first appearance in court after an arrest. At the time of the preliminary appearance, the Prosecutor will ask the court to establish probable cause that a crime or crimes have been committed. Once Probable Cause is established, the court will determine whether or not the defendant may be released under conditions of the court or detained on bail. If bail is set, and the defendant posts the bail, the court typically orders the defendant to have no contact with the victims, witnesses, or codefendants in the case and have a verified address. This also applies if the defendant is released on their own personal recognizance (PR).
- The defendant will be appointed an attorney if needed. No plea will be entered.
- ***Notice and Summons or Arrest Warrant:*** In some cases, an arrest is not made immediately; rather the case is referred to the Prosecutor's Office by a law enforcement agency. The Prosecutor's Office may file charges and summons the defendant into court for an Arraignment or request a warrant be issued. If this occurs, conditions of release will be set at the Arraignment hearing.
- The ***Arraignment*** is the court appearance during which the defendant pleads guilty or not guilty.
- The ***Pre-trial*** is the second court appearance where the defendant advises the court whether or not they wish to change their plea to guilty, ask for a continuance, or request the case to be set for trial. One might also hear this referred to as an omnibus hearing.
- The ***Status Conference*** is where the prosecuting attorney and defense attorney report on the progress of their cases and confirm whether the case is proceeding to trial.
- The ***Trial*** takes place when a defendant enters a plea of not guilty. The trial can be a jury trial or a bench trial (heard by the judge only). All trials in Juvenile Court are bench trials.
- If the defendant decides to change his/her plea to 'guilty,' a ***Change of Plea and Sentencing Hearing*** will be scheduled. At this time victims have a right to address the court verbally or submit a written statement describing the effects of the crime and views on sentencing. In Juvenile Court, juvenile respondents are typically sentenced on the same day of their other hearings.

**j. Can I contact the defendant?**

- Victims and witnesses are frequently asked not to contact defendants until a case is over. In some cases, contact with the defendant may be strictly

prohibited. If you and the defendant were living together, the court will frequently order the defendant to find another place to stay if released from jail.