

Clarion County Crime Victim's Handbook



Clarion County Victim Services

502 Liberty Street

Clarion, PA 16214

Phone: (814) 226-4423

Fax: (814) 226-0768

Message From the District Attorney

Your participation as a victim or witness in the criminal justice system is very important. Being the victim of a crime can be a very difficult experience. As District Attorney, I want you to know that you do not have to go through this process alone.

The Clarion County Victim Service Program is here to help you through the process and to make sure that you know and receive all of the rights afforded to you under the Victim's Bill of Rights.

Our Victim Service Program's staff are well-trained, caring, and knowledgeable. They are ready to answer any questions you may have. They will go to court with you, help you claim monetary losses that you may have as a result of a crime, and help you to register for services that you may be entitled to.

It is our hope that this handbook will help answer many of the questions you may have. The more information you have, the more comfortable you will be navigating the criminal and juvenile justice system.

I give you my assurance that my office will do everything reasonably possible to ensure that you, as a victim or witness, are treated with the respect you deserve.

Sincerely,

Mark T. Aaron

Clarion County District Attorney

Important Information & Phone Numbers

District Attorney's Office

814-226-4423

District Attorney Mark Aaron

Assistant District Attorney Drew Welsh

County Detective William Peck

Victim/Witness Coordinator

Tracy Park

814-226-5765

Juvenile Victim/Witness Coordinator

Alexis Rupert

814-226-5759

Magisterial District Judges

MDJ Duane Quinn (18-3-01)

814-226-9355

14 Grant Street

Clarion, PA 16214

MDJ Timothy Schill (18-3-02)

814-226-5170

309 Amsler Avenue, Suite 1

Shippenville, PA 16254

MDJ Amy Long-Turk (18-3-03)

814-797-5934

P.O. Box 519

Knox, PA 16232

MDJ Jeffrey Miller (18-3-04)

814-275-2322

237 Broad Street

New Bethlehem, PA 16242

Your Rights as a Crime Victim

You have the right to be told:

- * about information on services in your county.
- * about certain actions and court events, including information on bail, escape, or release of an offender.
- * how to recover your losses, as much as possible, through restitution, Victim's Compensation and/or property return.
- * about the final outcome of the case.

You have the right to receive:

- * notice of the arrest of the offender.
- * information and assistance with restitution and Victim's Compensation.
- * accompaniment to all criminal and juvenile proceedings by a family member or a victim advocate.

You have the right to provide input:

- * into the sentencing decision and to receive help in preparing an oral and/or written victim impact statement.
- * in cases involving personal injury, burglary, and DUI involving bodily injury. Input can be given to the District Attorney's office on reducing or dropping charges or the changing of a plea.
- * into post-sentencing decisions.

You have the right to:

- * be treated with fairness, dignity, and respect.
- * attend trials, hearings, and other proceedings.
- * be heard at critical points in the justice system.

The Victim Service Program

The Victim Service Program can:

- Go with you to court and give you support.
- Answer your questions.
- Help you file for Victim's Compensation . (This can help pay for medical bills, loss of earnings, and more)
- Make sure you have a safe place to wait when you are in court.
- Tell you how the system works.
- Give you information about your case and let you know about court events.
- Help you get your property back.
- Help you tell the court about money you lost as a result of a crime.
- Talk to your employer or other people who are sending you bills.
- Help you register to be told if an offender is released, escapes, or transfers from jail or a placement facility.
- Help you if you are threatened.
- Take you for a tour of the courtroom and prepare you for court.
- Tell you about other agencies that can help you.

Victim's Duties

In order for you to receive information about your case, you must be sure to let us know if your address or phone number changes.

The information that you give to the Victim Service Program is **confidential** and may not be given to any other people or agencies except the District Attorney, the Judge, Law Enforcement, Victim's Compensation, Probation, and/or a Correction Agency without your written consent, except in cases where child abuse is disclosed. **The Victim Service Program is a mandated reporter.**

Victim Impact Statements

When you are contacted by the Victim/Witness Coordinator, either by mail, or at a preliminary hearing, you will receive a Victim Impact Statement. This is a chance for you to document any financial loss that you would like to have ordered as restitution. You must be sure to have a detailed and accurate account of losses to be claimed. This is also a place where you can write a statement to the Judge concerning your feelings on the case. The Victim Impact Statement will also allow you to provide your feedback on work release, early release, and notifications beyond sentencing.

How to Get Money for Your Losses

Restitution -

Restitution can be ordered as part of the sentencing or final disposition. You, as the victim, will need to complete your **RESTITUTION CLAIM FORM** and provide us with copies of your bills, estimates, and receipts. The Judge will decide the amount of restitution to be ordered. This does not pay for pain and suffering. Once the restitution is ordered, it will be collected by the Clerk of Courts who will then pay the funds to you. The defendant should not pay you directly.

Victims Compensation Assistance Program (VCAP) -

This program can cover any non-reimbursable medical and counseling costs, loss of wages or support, funeral expenses, relocation costs and crime scene clean up. This program will not cover stolen or damaged property, or pain and suffering. VCAP is the payer of last resort, so all other sources must be used first. To learn more about this program, please contact your victim/witness coordinator.

Civil Suits -

Often restitution and VCAP do not cover a victim's full monetary loss, and neither pays for pain and suffering. Civil suits try to decide if the offender or a third party should have to pay for costs because of the crime. You can claim pain and suffering in a civil suit. If you need more information or an attorney referral, you can call the National Center for Victims of Crime at: 1-800-394-2255.

Questions & Answers

Do I need to hire an attorney?

No. The District Attorney's Office will handle the case. You are not required to pay any legal fees. However, if you wish to file a civil suit, you will need to hire your own attorney.

What happens if I change my mind and want to drop the charges?

The case belongs to the state and it is not in your power to drop the charges. If you are experiencing anxiety about testifying, or would like to discuss your concerns, you may call your Victim/Witness Coordinator to address any issues you are experiencing.

What if the Defense Attorney contacts me about the case?

You DO NOT have to speak with the Defense Attorney and you have the right to refuse to discuss the case with anyone. Before speaking to anyone, ask to see identification. You need to report all contact to the District Attorney's Office.

What is a plea agreement?

The plea agreement process is when the defendant pleads guilty to a charge. In exchange for the defendant pleading guilty, the District Attorney will recommend sentencing terms to the Court. The decision whether or not to enter into a plea agreement rests with the District Attorney. As a victim, you have the right to have input in the plea negotiations by informing the District Attorney of your wishes. If you oppose a plea agreement, you may inform the Judge in writing, or in open Court. The Judge will make the determination whether to accept the plea agreement.

When can my property be returned?

After the case is over, the police must keep any evidence until all of the defendant's possible appeals are over. This period will be at least thirty days, and could take several months if the case is appealed to the Superior Court or the Supreme Court of Pennsylvania.

Criminal Justice System

A crime is committed and investigated by police. If the offender is an adult and arrested, then the following steps apply.

Arraignment - (At the Magisterial District Judge's Office)

Offender is told of their charges and their rights, bail can be set, and a no contact order may be issued.

Preliminary Hearing - (Usually at the MDJ's Office)

This is to see if there is enough evidence to bind over the charges to the Court of Common Pleas. The case may be continued, dismissed, or sent to the Court of Common Pleas for formal arraignment. (You may be subpoenaed to be there)

Criminal Conference- (At the District Attorney's Office)

A Criminal Conference is a meeting between the District Attorney and the defense attorney to review the charges and evaluate the evidence. Many times a possible plea agreement is offered at the conference. (Conferences are private)

Plea Day - (At the Courthouse)

This is where the offender enters a plea. This can be a guilty plea, or a nolo contendere (No Contest) plea. The judge then orders a pre-sentence investigation report and a date is scheduled for sentence court. If the offender does not wish to enter a plea, they can ask for their case to be scheduled for a trial. (You may attend Plea Day, but it is not required)

Sentence Day - (At the Courthouse)

This is where the offender is sentenced for their crime. The Judge will determine the sentence based on guidelines and the law. (You may attend Sentence Day, but it is not required)

Criminal Justice System

Trial - (At the Courthouse)

If an offender decides not to make a plea, the Court will schedule a trial. The Commonwealth (District Attorney's Office) will present evidence and witnesses. The defendant's attorney will have the opportunity to present evidence and witnesses. A jury (or the Judge in a non-jury trial) will decide if the offender is guilty or not. If guilty, the Judge will order a pre-sentence investigation report, and the offender will be sentenced at a later date. (You may be subpoenaed to attend)

Accelerated Rehabilitative Disposition (ARD)

A case may be resolved by having the defendant enter into the ARD program. ARD is usually available only for first time offenders who have committed relatively minor offenses. A defendant who enters ARD is still subject to payment of fines, restitution, counseling and possibly community service. However, upon successful completion of the program, the defendant will not have a permanent criminal record.

Intimidation of a Victim or Witness

* You have the right to be free from intimidation and/or harassment under the Pennsylvania Crimes Code. If you are being harassed, threatened, or intimidated by an offender or other people concerned with your case, you need to tell the police and the District Attorney immediately. Steps will be taken to protect your family.

* If a defendant has been ordered to have "No Contact" with you, notify your Victim/Witness Services immediately if they contact you in any way.

Juvenile Justice System

A crime is committed and investigated by police. If the offender is a juvenile and arrested, then the following steps apply.

Allegation - (The charges filed by the Police)

The juvenile is charged with a crime.

Intake Hearing - (At Juvenile Probation)

This is where the Juvenile Probation Officer, the juvenile and their parents, a Victim Service Coordinator, and the juvenile's Defense Attorney meet. At this time, the juvenile can either admit guilt, or ask for a hearing. **(Private Hearings)**

Consent Decree - (In the Courtroom)

If the juvenile admits to the charges and has never been in trouble before, the juvenile may be placed on a consent decree. The juvenile will sign the decree and their probation will begin that day. If the juvenile stays out of trouble and does well, the record of this case will be expunged and the juvenile will have a clean record. **(You may attend, but it is not required)**

Adjudication Hearing - (In the Courtroom)

This is hearing in front of the Judge to see if the juvenile has committed the crime. **(Similar to a trial in the adult system)** If the juvenile admits guilt to the charges, then the juvenile continues to a disposition hearing. If he does not admit guilt, a trial is held in front of the Judge, and the Judge decides whether there was enough evidence to prove that the juvenile committed the crime. **(You may be subpoenaed to attend)**

Disposition Hearing - (In the Courtroom)

This is a hearing to decide what should happen to the juvenile. This can occur immediately after the adjudication hearing, or may be scheduled at a later date. **(You may attend, but it is not required)**

Juveniles are not punished in the juvenile justice system. The Court will try to teach them right from wrong and focus on rehabilitation.

JUVENILE HEARINGS ARE NOT OPEN TO THE PUBLIC.

Victim Rights and the Media

The media (newspaper, online, television) can not attend Juvenile Court hearings. The media may be present at adult court hearings. You have the following rights when dealing with the media:

- To say “no” to an interview.
- To ask for a certain reporter.
- To be treated with respect.
- To demand that any information that is wrong be corrected.
- To file a complaint against a reporter.
- To decide on a place and time for an interview.
- To grieve in privacy.
- To not answer any questions that you don’t want to.
- To give an interview without having your picture taken.
- To give a written statement instead of an interview.
- To keep children out of the interview.

Crime Victim Grievances

If you feel that the Clarion County Victim Service Program did not:

1. Treat you with dignity and respect, or
2. Allow you to decide on your level of participation in the criminal or juvenile justice system...

then you may file a complaint against the Victim Service Program. If you would like information on how to file a complaint, you can call the Clarion County District Attorney at 814-226-4423 or the PA Commission on Crime & Delinquency at 800-233-2339.

Courtroom Definitions

Appeal - When the offender will ask for a review of a decision that was made. Offenders can only appeal an error of a procedure, not because they were found guilty.

Concurrent - When there is more than one sentence ordered, and the offender will serve them at the same time.

Consecutive - When there is more than one sentence ordered, and they are served one after the other.

Nolo Contendre - The offender does not make a guilty plea and yet allows the court to have the charges brought against him/her. (A plea of no contest)

Nol Pros - When the District Attorney decides to dismiss certain charges against the offender.

Pre-Sentence Investigation (PSI) - The Probation Department does a report about the offenders past. It can include schooling, jobs, past criminal charges, and medical information. (In juvenile court this is called a Pre-Dispositional Report)

Pro-Se - When someone acts as their own attorney.

Restitution - Money that is ordered to be paid by the offender for losses that victim or community had because of the crime.

Sequestration - When witnesses are not allowed in the courtroom so they cannot listen to what other witnesses say.

Waive - The offender gives up their right to a hearing and agrees to move forward with the case.

These are just some of the words you may hear when going to court. There are many unfamiliar words in the court system, please ask a Victim Service Coordinator to explain anything you do not understand.

Information for Victims of Domestic Violence or Sexual Assault

SAFE (Victims of Domestic Violence) 814-226-8481
800-992-3039

(After hours, weekends, holidays, call 911 and ask for the SAFE worker)

PASSAGES (Victims of Sexual Assault) 814-226-7273
800-793-3620

Protection From Abuse (PFA)

If you are a victim of domestic violence, you have a right to file a petition for a PFA order. A PFA can help you:

- * Order the abuser to stay away from you, your home, and your employment.
- * Order the abuser to stop stalking and harassing you.
- * Order the abuser to give up any weapons used during the acts of abuse.

For more information about PFA's and what is necessary to obtain an order, call SAFE at the number above.

Address Confidentiality Program

This program helps victims of Domestic Violence, Sexual Assault and Stalking by giving them a confidential (secret) mailing address. For more information, contact your Victim/Witness Coordinator.

Important Telephone Numbers and Websites

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|---|---------------------|
| Area Agency on Aging (Elder Abuse) | 814-226-9280 |
| Children & Youth (Child Abuse) | 814-226-9280 |
| Child Line | 800-932-0313 |
| County Counseling Center | 814-226-6252 |
| Clarion Hospital | 814-226-9500 |
| Psychiatric Center | 814-226-9545 |
| Clarion County Drug and Alcohol | 814-226-5888 |
| Adult Probation | 814-226-6020 |
| Juvenile Probation | 814-226-4743 |

Office of the Victim Advocate **800-322-4472**

(Help for crime victims when the offender is in State Prison. If you are a victim or the parent of a victim of crime, you can register to be told about a state offender's release, parole, or transfer).

Victim's Compensation Assistance Program (VCAP)

800-233-2339

(This program can help pay medical and counseling costs, loss of earnings, funeral costs, moving costs, and more. For more information, contact the Clarion County Victim Services Office, or VCAP directly).

Website for Crime Victims www.pacrimevictims.state.pa.us

(This website for Victims of Crime in Pennsylvania includes information on how to contact Victim Service Programs throughout the state, Victim's Rights, Victim's Compensation, and more).

Police Department Information

Borough Police Departments

Clarion Borough Police 814-226-9140

1400 East Main Street

Clarion, PA 16214

Knox Borough Police 814-797-1100

620 South Main Street, Box 366

Knox, PA 16232

Southern Clarion County Regional Police 814-275-1180

220 Broad Street

New Bethlehem, PA 16242

State Police Department

Clarion PSP 814-226-1710

209 Commerce Road

Clarion, PA 16214

Marienville PSP 814-927-5253

4956 State Route 899

Marienville, PA 16239

County Sheriff's Office

Clarion County Sheriff's Office 814-226-7611

421 Main Street, Suite 11

Clarion, PA 16214

University Police Department

Clarion University Public Safety 814-393-2111

One Thorn Hall

Clarion, PA 16214

