How to Engage in the Criminal Justice Process Effectively

1. Report the crime - To be eligible for victims' rights, you must be a victim/survivor of a violent crime, you must report the crime to law enforcement, and you must cooperate throughout the process.

2. Request your rights in writing - You have statutory and constitutional rights to protect you if you report your crime and want to participate in the criminal justice process. However, not all rights are automatic. Most rights are 'upon request' and require you to invoke your rights. Therefore, it is recommended that you send **written** notification in all circumstances (regardless of how the crime is charged) to various agencies (prosecutor's office, juvenile division, custodial facility, probation agency) with whom you wish to be kept informed. A sample 'Letter to Secure Your Rights with the Prosecutor' is provided under the Filling a V.O.I.D. link on the MSHP website (www.mshp.dps.mo.gov). If you have access to the internet, case information, hearing dates, etc., can be viewed by utilizing Case.net (www.court.mo.gov then click on the link).

3. Exercise your rights to the best of your ability - Read and understand your rights as a victim of a crime. The statutory language is not that difficult to understand (595.200-595.218 RSMo). If you have questions about your rights, utilize the victim advocates that are available in the system. Remember, you only have one opportunity at this process and by participating in the process, you can help ensure that the system works as best as it can for you or your loved ones. Pay attention to the process and be pro-active in asserting your rights. The system doesn't work perfectly, and your attention to the process will help to prevent rights violations **before** they occur.

4. **Understand that THE PROSECUTOR is the one person in the system that can help you THE MOST** - Exercise your 'right to confer' with the prosecutor assigned to your case. He or she is the one person in the system that can help you the most! Do not misinterpret your right to 'confer' as a right to direct the prosecution of the case or to veto decisions of the prosecutor. This right merely provides victims with an opportunity to be heard - giving them a voice - not a veto. There are few procedural guide-lines in the law regarding the prosecutor's responsibilities to confer which leaves its implementation largely at the prosecutors' discretion. Be aware that the prosecutor may also be willing to work toward an outcome that the victim desires. If you wish to meet with the prosecutor, rather than trying to catch the prosecutor randomly at court or by dropping by his or her office, instead call and set up an appointment to meet with him/her.

5. The Prosecutor is not the victim's attorney - In Missouri, be aware that the prosecutor represents the state of Missouri, not the victim. Victims in Missouri have no legal standing in the courtroom in a criminal case and therefore, may not have an attorney representing them in the criminal case. (This should not be confused with the fact that a victim may hire an attorney for a civil matter in regard to the criminal act.)

6. Read everything sent to you - Review the documents given or sent to you by law enforcement, prosecutors, probation officers, other court personnel, or Crime Victims' Compensation. Act on anything that requires your action and/or attention.

7. Ask questions & be assertive - If you do not understand why something happened, ask for an explanation. Don't be afraid to ask about relevant rules, policies or laws. As a victim of a crime, you have a right to quite a bit of information.

8. Prepare yourself - Before calling or meeting with someone, review all documents and have your questions ready. Clearly determine ahead of time of what you want to say, ask, or discuss and, specifically, what you want to know.

9. Leave messages - Remember that people can be busy and may not be able to talk to you right away. Leave a complete message about why you are calling along with contact information. When trying to communicate with the prosecutor's office, it can be more efficient to make regular, consistent contact the victim advocate, if available, rather than the prosecutor assigned to the case. Reserve contact with the prosecutor for important issues that the victim advocate is unable to adequately address.

10. Request a meeting - If you feel that your efforts are being ignored, call or write the individual or agency to request a meeting. If you are ignored or denied a meeting or problems continue, take further action by using the appropriate chain of command within an office or agency.

11. <u>Keep records</u> - Relying on memory is not always the most reliable method of recordkeeping and it can prove problematic if you want to make a formal complaint about a specific person or agency. Take notes of conversations, dates, ask for the names and titles of people with whom you speak, and keep all correspondence.

If you have suffered economic losses due to the crime, keep a record of expenses and losses to present to and discuss with the prosecutor so that he or she may try to obtain restitution for you based on actual losses. Types of recoverable losses may include **past, current and future medical and mental health costs** such as herbal and traditional treatments, testing for diseases; **other losses** such as attorney's fees, credit monitoring and repair, child care, education and vocational retraining, home remodeling, property loss, travel and transportation, burial and funeral; **protection-related expenses** such as security alarms, temporary and permanent relocation; **lost income** such as current lost income and possibly future lost income. Generally, pain and suffering are not recoverable through restitution; instead, a civil suit would have to be filed.

12. <u>How to File a Rights Violation Complaint</u> - If you have a victim rights complaint, and all your other efforts at resolution have failed, you should file a complaint with appropriate overseeing agencies (below). For some violations, there may be no effective remedy other than to help prevent such violations from occurring in the future to other victims.

(Prosecutors and Judges are elected officials and are accountable to the voting public and are **not** overseen by the Attorney General's Office. Depending on your complaint, you may also wish to contact your local Representative or Senator.)

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MO Department of Public Safety
Crime Victim Services Unit
P.O. Box 749
Jefferson City, MO 65102-0749
573-751-4905
866-334-6682
www.dps.mo.gov/dir/programs/cvsu
(Reviews Victim Rights complaints)

Commission on Retirement, Removal & Discipline
2190 South Mason Rd., Suite 201
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