

Surviving Violent Crime Handbook



North Carolina
Victim Assistance Network





Dedication

This handbook is dedicated to all survivors of violent crime, who through their struggles with pain, fear, anger, and loneliness, have graced our lives by guiding us where we were reluctant to go, teaching us what we were afraid to know, and sharing with us the beauty found in the will of the human spirit to survive and expand through acts of compassion, courage, resilience and hope.

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About the North Carolina Victim Assistance Network

The North Carolina Victim Assistance Network (NCVAN) is a statewide nonprofit 501(c)(3) organization founded in 1986 that provides information, support and advocacy to victims of violent crime. NCVAN is the only statewide community-based organization in North Carolina that provides support to survivors of homicide and the only statewide community-based organization in North Carolina that provides support to victims of all violent crimes. NCVAN links victims with direct assistance available in their communities, sponsors training seminars and public awareness events, and develops resources for victims, service providers, and allied professionals.

For more information about NCVAN, additional resources, or to find help for a victim/survivor, visit us online at www.nc-van.org or call us at (800) 348-5068 or (919) 831-2857.

What does the North Carolina Victim Assistance Network do?

Information, Support, Advocacy and Referrals

NCVAN provides information to victims about their rights and about the criminal justice process. NCVAN provides direct advocacy services and also connects victims to other agencies throughout the state that may help address needs caused by victimization.

Homicide Advocacy Project (HAP)

HAP engages volunteers to address the needs of victim/survivors in communities across North Carolina.

Financial Assistance to Attend Court Proceedings for Homicide Cases

The Homicide Victim Services Program helps alleviate part of the financial burden of travel costs for non-testifying loved ones of homicide victims who choose to attend court hearings of the accused.

NCVAN Homicide Support Group Meetings

Loved ones of homicide victims have the opportunity to share their experiences with other surviving loved ones who are grieving and who understand the challenges of moving forward. Loved ones have the opportunity to ask questions of criminal justice professionals in a safe, neutral environment. NCVAN assists communities develop support groups by following best practices, identifying qualified facilitators and by offering ongoing training and technical assistance.

Victim Commemoration

NCVAN provides opportunities to honor and remember homicide victims in special ways.

Training for Victim Service Providers and Allied Professionals

NCVAN trains law enforcement officers, Assistant District Attorneys, victim advocates, counselors, therapists, military personnel and other community partners to effectively respond to victims of violent crime. The Victim Service Practitioner Certification Academy is recognized as the State Victim Assistance Academy for NC.



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Introduction

Being a victim of crime reminds us that we are vulnerable – crime doesn't just happen to someone else. Whether you or a loved one has been victimized, you may experience feelings of anger, guilt, shame, insecurity, fear, and depression. In turn, these reactions may interfere with the way that you relate to other people and the way they relate to you.

Whatever you are facing right now, it is important to keep in mind that each person copes with the aftermath of victimization in his or her own unique way. The path toward healing is usually aided by talking about what happened with people you trust – people who support you without judging you or telling you what you should do or how you should feel and who can listen no matter how many times you need to talk about it.

This handbook has been written specifically for you, because knowing more about the emotional aftermath of victimization and about the criminal justice process can help you feel more prepared and empowered as various events occur. Also, the material contained in this handbook will help you understand the aftereffects of the crime. We know that this information will not solve all of your problems or answer all of your questions, but we hope that it will serve as a useful guide to explain how and where to find help.

Most importantly, we hope that you will feel less alone, better understood and comforted by the knowledge that there are many people who genuinely care about you and your well-being.

Message from a Crime Victim

No matter how serious a crime – whether you are the victim of a brutal assault, domestic violence, burglary, or a loved one of a homicide victim— all crime victims share the common emotions of vulnerability and personal violation. These feelings are normal, as are feelings of anger and fear, which are often felt by family members who are also victims of crime.

As the victim of a violent crime, there are some important things about crime victimization that you should try to remember.

First, a victim of crime is innocent. I had to remember that I was not responsible for what happened to me. One crime victim said it perfectly: “To blame victims for crime is like analyzing the cause of World War II and asking, “What was Pearl Harbor doing in the Pacific anyway?”

Second, victims need information. I found that many of my fears came from not understanding what was happening with my case.

Third, victims and those assisting victims have to learn to be patient. I had to learn to be patient with law enforcement, with the district attorney and with the judge. My counselor had to learn to be patient with me. Most important though, I had to learn to be patient with myself. Recovery may be a long and complicated road for some.

I am grateful I had someone to help me. Without the information and care provided to me, my life would still be in pieces.

— *A Victim of Violent Crime*



Emotional Aftermath of Crime

Dealing with the emotional aftermath of crime is not easy; however, knowledge of what are common reactions to a traumatic event can be helpful in validating the feelings you are experiencing. No one is prepared to become a crime victim or have a family member or friend victimized by crime or violence. There are several common emotional experiences frequently reported by persons who have been victimized. Be aware that these experiences do not progress along a predictable sequence or timetable and can often vary from hour to hour, day to day. While time alone does *not* heal all wounds, with proper care and support over time, the healing journey can progress toward less distress, more peace, and more joy.

Sometimes traumatic events can be so alarming it can cause a change in a person's internal alert system. If you notice prolonged responses for more than three months, such as nightmares, excessive avoidance of situations or reminders of the event, a sense that you are re-living it, note-worthy shifts in your view of the world and other people, an overwhelming sense of not being able to settle down, and/or being upset much more easily than before the event, additional support may be helpful. It is not uncommon for those impacted by violent crime to experience forms of post-traumatic stress disorder (PTSD), which is treatable. PTSD is considered a heightened but normal reaction to abnormal, frightening, and shocking events.

Shock and Numbness

Initially, you may be in a state of shock. Feelings of numbness, confusion and disorientation are commonly reported. You may feel detached – like you are an outsider observing an unreal world.

Denial

Don't be surprised if you have difficulty fully acknowledging losses or even accepting the reality of what has happened. Denial is nature's way of protecting you until you can cope with the full impact of the trauma.

Fear

You may experience intense fear and startle easily. Leaving your home or being alone may cause you a great deal of anxiety. You may also be fearful that the assailant will return and harm you and/or your loved ones again. Once you have been harmed by crime, it is only natural to be fearful and suspicious of others.

Anger

Anger is a very common reaction to victimization. If a violent crime has taken a loved one, you might even feel angry at that loved one. You may feel intense anger towards the person(s) responsible and may have fantasies of revenge. Your anger may be directed at family and friends, your doctors or therapist, or the criminal justice system. Anger can impact some people's reliance on faith, religion and spirituality. You may feel anger toward anyone who you feel is insensitive to your pain. You may also be angry with yourself. Acknowledge your feelings of anger, and find safe and healthy ways to express it. Remember that anger is a natural part of the healing process. As with other emotions, it is important to feel these feelings and move through them. Becoming stuck in anger can be especially harmful.



Guilt

Some of these common but intense and confusing angry feelings can also lead to feelings of guilt. In addition, many people blame themselves in some way. You may find yourself thinking or saying, “if only I had ...” Seeking reasons for the crime is a way of trying to regain a sense of control over your life. Finding someone to talk with about these complicated and confusing feelings of guilt is extremely important for many victim/survivors.

Grief, Sadness, Depression, Emotional Pain

Crime creates loss. It could be the loss of control, the loss of security, the loss of trust, the loss of innocence, the loss of health and/or the loss of the future with your loved one. You will likely feel loss and sadness.

You may experience change in your normal sleeping and eating patterns. Life may seem flat and meaningless and you may lose interest in activities or people that were previously important to you. You may experience mood swings, irritability, fatigue, and diminished sexual interest. There may be an ebb and flow pattern to your grief. Emotions are a part of being human. Emotions are healers.



Finding a Way Forward and a New Normal

You have experienced a shocking blow to your sense of security and you are processing complicated losses. Some of you have been broadsided by the most senseless violence imaginable. Acknowledging the finality of your loss and the reality that life will never be the same again can actually prepare and empower you to navigate the twists and turns of the road ahead. Yes, painful emotions will arise for a long time, triggered by an anniversary date or birthday or other life event. But know that others on this path have found surprising peace, sweeter memories, unexplainable strength and a new way of being connected with who and what they've lost – and so can you. A way forward to a new normal is possible.

Professional Counseling

“It was a great relief to have someone to talk to who would in no way pass onto others what I thought, felt or did at that confusing time.” – A crime survivor

You have just experienced a life-altering event. Talking with a counselor who has formal training in post-traumatic stress disorder and clinical experience with crime survivors can be extremely helpful. Sharing your experience and your feelings is a means of regaining control and taking care of yourself. Seeking counseling in the aftermath of a crime does not mean, “something is wrong with you” or “you’re not able to cope well.” It means you are taking positive steps to come to terms with your feelings. Your local mental health center or victim assistance program can refer you to qualified professionals within your own community.

NCVAN (1-800-348-5068) can refer you to agencies that can help or you may want to search for a therapist near you using Psychology Today’s link here: <https://www.psychologytoday.com/us/therapists>.



Support Groups

“I felt terribly alone. If there had been some way to find out about other people in the same situation, to hear what they were going through so I could compare it to what I was going through. More than anything else, I just needed to understand what was happening.” – Woman whose sister was murdered.

In many communities across our state, help, understanding, compassion, and support are available in the form of support groups. These groups offer mutual support and a network of understanding within an atmosphere of acceptance that has no comparison. By sharing a common bond of having been through similar life-altering experiences, these individuals support one another in the process of rebuilding their lives.

Before joining a group, it is important to consider your personal needs as well as the focus of the support group. If you are not comfortable in a group setting, one-on-one counseling may be a more appropriate choice for you. It is important to find a group that is specific to your type of victimization. Contact your local mental health center or victim assistance program for referrals to support groups in your area.

NCVAN (1-800-348-5068) can refer you to agencies that can help.

Your Constitutional Rights as a Crime Victim

On November 5, 1996, North Carolina voters overwhelmingly supported an amendment to the State’s Constitution to provide constitutional rights to crime victims. The amendment reads:

Victims of crime, as prescribed by law, shall be entitled to the following basic rights:

- The right to be informed of and to be present at court proceedings of the accused.
- The right to be heard at sentencing of the accused and at other times deemed appropriate by the court.
- The right to receive restitution.
- The right to be given information about the crime, how the criminal justice system works, the rights of victims and the availability of services for victims.
- The right to receive information about the conviction or final disposition and sentence of the defendant.

Following the passage of the Constitutional amendment, “enabling legislation” was created to prescribe the manner in which the amendment will be carried out by the various entities within the criminal justice system. The enabling legislation is located in North Carolina General Statutes, Article 46 15A-830 through 15A-841.

As of the printing of this publication, the NC General Assembly is considering legislation designed to strengthen victim rights. To learn more about the pending legislation visit www.marsyslaw.us/marsys-law-state-efforts/north-carolina. For more information, contact the North Carolina Victim Assistance Network at (800) 348-5068 or (919) 831-2857.



Victim Assistance Programs

“Crying and talking with people I trust helped to relieve the pressures. I needed to share feelings with people who would honor my privacy for however long I needed them to.” –A sexual assault survivor

North Carolina has 90+ programs that serve domestic violence and sexual assault victims. Many areas have child advocacy centers that provide services to child victims of abuse and neglect. A number of law enforcement agencies employ victim advocates that serve crime victims. Legal Aid may also assist with civil representation in matters such as protective orders, housing, and visas for immigrant victims and victims of human trafficking. The North Carolina Victim Assistance Network has services available to surviving loved ones of homicide victims. Services around the state may include:

- Crisis intervention and short-term counseling
- Referrals to other agencies or programs that may help
- Assistance with emergency shelter, food, clothing or transportation
- Counseling and support groups
- Court preparation and accompaniment
- Assistance with Victims Compensation and filing claims with insurance
- Assistance with protective orders and other emergency orders
- Employer and creditor intervention
- Personal safety and crime prevention information
- Referrals to Legal Aid

To find out what services are available in your community, visit www.nc-van.org or call the North Carolina Victim Assistance Network at (800) 348-5068 or (919) 831-2857.

What Financial Resources Are Available?

Restitution

Under N.C. law, victims of violent crime have the right to receive restitution as ordered by the court. Therefore, victims should be prepared to have documentation of any economic loss to present to the court. Upon conviction, an offender may be ordered to pay restitution, and restitution is collected through the Clerk of Court Office. Reimbursable losses include out-of-pocket expenses like repair costs, medical bills, and stolen property.

If the offender is placed on supervised probation, the probation officer will monitor restitution payment. If the offender is placed on unsupervised probation, it is up to the victim to notify the court if the restitution is not being paid. If an offender is released from supervised or unsupervised probation and restitution has not been paid, the victim has the option to bring suit against the offender in civil court.

If the offender is imprisoned, the restitution may not be collected until the offender is released to post-release supervision, under the supervision of community corrections. If the offender is placed under the supervision of Community Corrections, the Division of Community Corrections monitors payment of restitution. If the offender is released from the supervision of Community Corrections at any time before restitution is paid, the victim has the option to bring suit against the offender in civil court.

Civil Remedies

Restitution and compensation do not always cover the full economic loss that the victim may experience. A civil lawsuit, which all crime victims have the right to file, may provide more complete compensation to the victim. A suit can be brought against the offender, the offender's parents (if the offender is a juvenile), and/or a third party whose negligence or indifference contributed to the results of the criminal act. It is recommended that you consult with an attorney before pursuing a civil lawsuit. Keep in mind that there are statutes of limitations on civil cases, which vary depending on the crime.



NOTE: Pursuant to state law, restitution that is unpaid can, in some cases, be docketed **by the Clerk of Court** as a civil judgment. It is important to note however that the authority to docket criminal restitution civilly applies only to Class A-E felonies and other crimes covered under the Crime Victims' Rights Act, and only when the amount is over \$250. At the time of judgement in criminal court, victims should ask the district attorney if it is possible to have restitution docketed as a civil judgement. If the district attorney can help in this way, it may increase the odds that restitution will be paid by the offender. There may also be grounds to file a civil action for losses not covered by restitution in criminal cases, such as pain and suffering. Victims may want to consult an attorney to determine what, if any, civil actions might be beneficial to them.

N.C. Victim Compensation Program

The State of North Carolina has a Victim Compensation Program to help eligible victims with medical and counseling expenses, lost wages, emergency household support (in domestic violence cases only), replacement services such as child care while the victim recovers from injuries, funeral expenses (in the case of homicide) and crime scene clean-up. Compensation is not available for loss or damage of property, pain or suffering, or expenses paid by your insurance. The program does not cover loss as a result of a violation of motor vehicle law with the exception of injuries resulting from a drunk driver or a hit and run. Please be aware that victims must file for compensation within 2 years of the date when injury occurred. Also medical expenses related to injuries received from the crime are only eligible for review during the one year period following the date of the crime. If your court case is pending and you are receiving notices for crime incident related medical bills, you may contact the clerk of court for a letter to potentially postpone your payment obligation. For more information or to file a claim, contact your law enforcement agency, prosecutor's office, or the N.C. Crime Victim Compensation office at (800) 826-6200 or (919) 733-7974.

What is Victim Assistance Notification?

N.C. SAVAN or Statewide Automated Victim Assistance and Notification, helps victims of crime get custody and court information about offenders. It is a free, 24-hour telephone service that is available in both English and Spanish. In addition, SAVAN automatically notifies registered victims of important events, such as release of an inmate or a scheduled court event. Offenders who are incarcerated in North Carolina state and county detention facilities, or who are under community supervision, or whose cases are pending at the District Attorney's office will be included in the SAVAN service.

The SAVAN program is designed to provide you with quick and easy access to information on offenders confined in county jails. DO NOT depend solely on SAVAN or any other program for your safety. For more information on how to use SAVAN, call the Department of Public Safety Office of Victim Services at (919) 733-7974 or (866) 719-0108. To access the SAVAN service, dial 1-877-NC-SAVAN (1-877-627-2826) and follow the prompts.



Understanding the Criminal Justice System

“Losing a family member to murder is not a single incident but a transforming of the soul, by agony, into a new and forever different form. After a murder, you are forced to deal not only with the sudden loss of someone you love more than anything, but also with a crime. In the midst of devastating personal grief, family members are forced to deal with the police and court system which can feel cold, practical, confusing, and unfeeling.” -Kate Lowenstein, Homicide Survivor

Complex rules and procedures govern the many agencies that compose our Criminal Justice System. This system can be both confusing and intimidating to the crime survivor who may not have prior experience or exposure to these agencies and their personnel. The information that follows will provide a basic overview of what each entity is responsible for and what you can expect.

Reporting Crime

In the North Carolina criminal justice system, victims have two avenues to report a crime. First, a victim can contact a magistrate and request a warrant. Or second, a victim can contact a law enforcement agency that will investigate the crime and request a warrant from the magistrate on the victim’s behalf. However, victims should report crime to a law enforcement agency, even if the magistrate may be an option, to ensure the warrant (if applicable) can be issued. A law enforcement officer is required to serve the warrant.

Investigating Crime

Law enforcement agencies are charged with the responsibility of investigating crime. Law enforcement agencies differ in size, jurisdiction, and operational policies and procedures. Regardless of the law enforcement agency you contact, a victim of violent crime can expect the following to occur:

- An officer should respond immediately.
- If you are injured, medical assistance should respond immediately.
- A report will be filed.
- An investigation will be conducted and will continue until resolution or until disposition in court.
- If applicable, all evidence will be collected and all witnesses, including you, will be interviewed.
- You will be provided with information, either orally or in writing, about your rights as a victim, how to reach the investigating officer, availability of medical and financial assistance, court information, and how to contact the victim assistance programs in your area.
- Depending on the circumstances of your case, you may be asked to look at mug shots or line-ups, help with a composite drawing of the suspect, and return for follow-up interviews.
- If an arrest is made, the officer will attempt to notify you in person, by telephone, or in writing within 72 hours of the arrest.
- When an arrest is made, the officer takes a photo and fingerprints of the offender, and then brings the offender before the magistrate to have the warrant drawn up and to have bail determined. Bail is money or property posted with the court to secure the defendant’s appearance in court.
- Defendants in murder cases initially are not given bail. However bail may be requested by the defendant’s attorney as the case moves forward.
- Defendants in domestic violence cases can be held up to 48 hours without bail.

- Bail can be increased or decreased by a judge. At bail /bond hearings, the judge may impose specific conditions such as no contact with the victim or witness in the case. If the defendant cannot post bail, he will remain in custody of the county jail until trial. If the defendant can post bail, he is released from custody.
- The officers who worked on your case will be subpoenaed to testify in your court case.
- The officers will probably not call you each and every day with an update on your case because they are usually working on several cases at a time. If you have questions or concerns about your case please contact the agency assigned to the investigation.

Prosecuting Crime

Once the offender is charged with a crime, he/she is referred to as the defendant. In North Carolina, the District Attorney's office has the responsibility of prosecuting the case on behalf of the State. The case will be referred to as State of North Carolina vs. "Defendant." At this point, it is not the victim/survivor who decides how to proceed with the case, but rather the State represents the interest of the general public in keeping the community safe from the Defendant. However, the victim/survivor's interest should be considered by the District Attorney's office as the case moves toward conclusion.

The elected District Attorney (DA) or an Assistant District Attorney (ADA) will be assigned to your case and will represent the State. You may hire an attorney to represent you and to communicate on your behalf, but the authority and responsibility to prosecute all criminal matters belong to the District Attorney's Office.

Each District Attorney's office employs Victim Advocates (VA) who have the responsibility of serving as a liaison between you and the prosecutor assigned to the case. The VA should provide information that you may need. As a violent crime victim, you can expect the following:

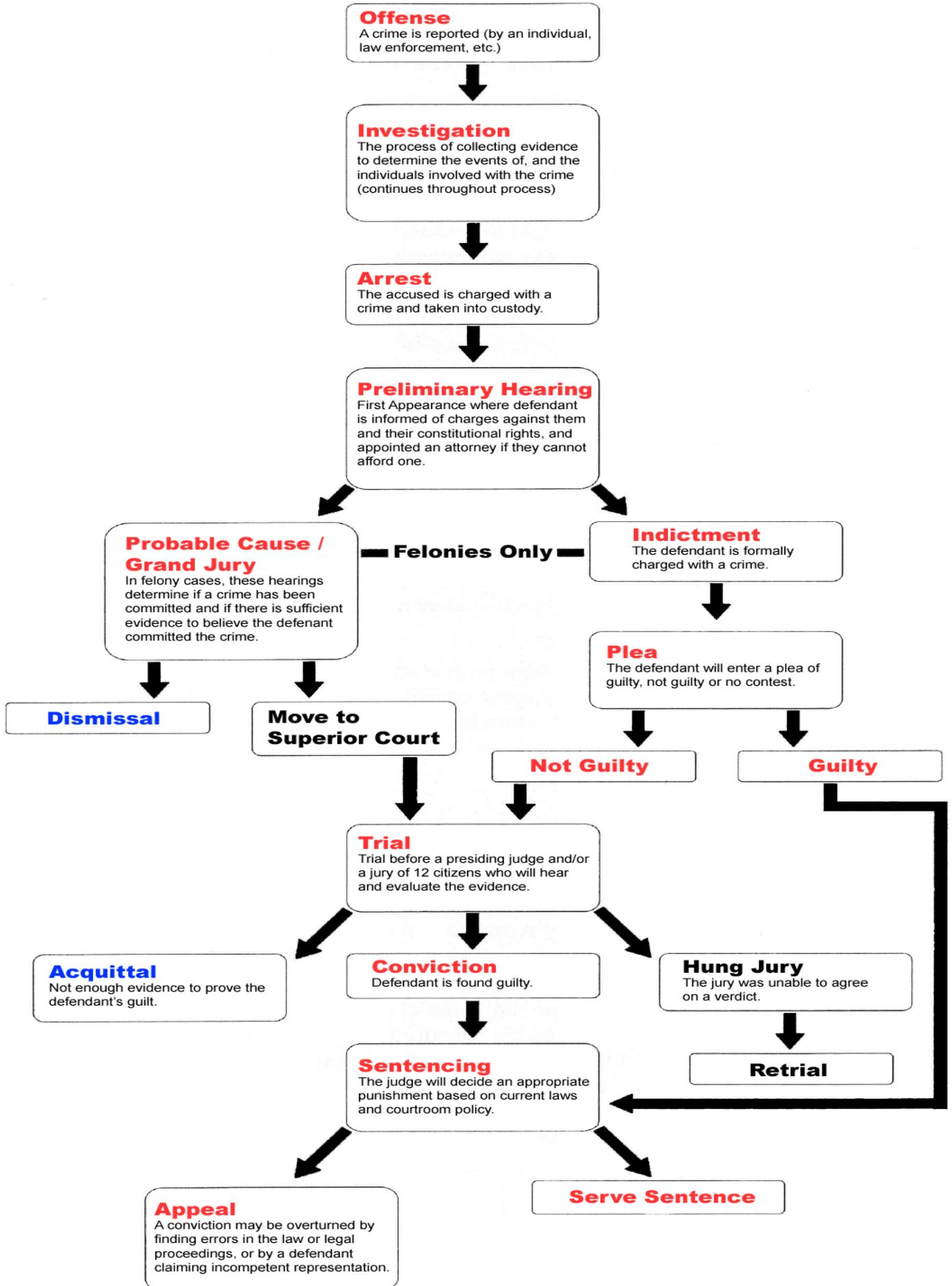


- The DA's office may contact you by telephone or letter explaining your rights as a crime victim, give you information about the court process, and provide contact information for other services available to you in the community. They will request contact information for you and will ask you to keep that contact information up to date with their office. They will also ask you if you would like to be notified of all court proceedings involving the defendant.



- The VA may ask you to gather information about the emotional, physical, and economic impact of the crime and complete the Victim Impact Statement (VIS). A VIS is customarily sent to victims shortly after the DA receives the file from law enforcement. It asks a series of questions regarding the emotional, physical, and financial loss you have experienced as a result of the crime. Often, victims feel isolated and powerless. The VIS is an opportunity to participate in the criminal justice process. You may also opt out of the criminal justice process by completing the VIS and returning it to the DA's office. The court is bound by pre-determined guidelines at sentencing; if discretion is allowed, however, it is important that the judge have access to as much information as you can provide about how your life, or the life of your loved one, has been impacted by the offense committed against you or your loved one. The VIS allows you to participate in the criminal justice process, even if you choose not to attend court proceedings.
- If you need assistance with medical bills, the VA may assist you in filing for Crime Victim Compensation. You can also ask the VA to advise you of any other type of assistance for which you may qualify.
- You should be notified of all subsequent hearings involving the defendant if you request to be notified (remember to give the DA's office any changes in your address or phone number). You are not required to attend these hearings unless you receive a subpoena to appear in court, but it is your right to attend if you so choose.
- You can expect the case to take several months, sometimes longer than a year or more. The criminal justice process is slow and there are usually several cases in queue ahead of yours.
- You can expect postponements in your case called continuances. The defendant's attorney or the DA can request a continuance. It is up to the judge to grant or deny a request for a continuance.
- When your case is being prepared for trial, the DA's office may request a conference with you to discuss the case, your testimony, and possible outcomes. The DA may discuss a plea negotiation with you. A plea is a negotiated agreement between the DA and the defense attorney in which the defendant agrees to plead guilty to a lesser charge or to plead guilty to a charge on the condition that other charges be downgraded or dismissed. When deciding on a plea agreement, the DA must consider the strength of the case and its evidence, your ability and the ability of other witnesses to testify, and the defendant's prior criminal history. You have the right to confer with the DA about a plea agreement, but you do not have the right to dictate the terms of the plea agreement or to stop the DA from accepting a plea agreement.

If you are not present at the trial, the DA's office should advise you of the disposition (outcome) of the case, including the judgment (sentence). If you are not contacted by the DA's office, you should contact them to follow up.





Types of Hearings

First Appearance Hearing

The first appearance hearing takes place in District Court soon after the defendant is charged with a crime. At this hearing, the judge informs the defendant of the charges, explains the defendant's constitutional rights, and answers the defendant's questions. During this hearing, the judge explains that the defendant has a right to an attorney and will appoint an attorney if the defendant cannot afford one. The judge will also hear requests for bail/bond reductions. The judge then gives the defendant the next court date, (usually within 2 – 4 weeks) which may differ from the date originally assigned by the magistrate and given to you. The judge also assigns conditions of release which may include “no contact” with the victim(s). The district attorney may request specific conditions that include your input. If the defendant can post bail, he/she is released from custody. If the defendant violates the release conditions after posting bail/bond, the bail/bond can be revoked so that the defendant is returned to custody until the date of the trial.

Probable Cause Hearing

Plea arrangements may be negotiated to dispose of lesser felonies during this hearing. For serious felonies that cannot be handled in district court, defendants can choose to waive probable cause by signing a form allowing the case to be sent to the grand jury without the need for a hearing. If they do not waive probable cause, the defense attorney may request a probable cause hearing.

At a probable cause hearing, the judge hears evidence in District Court to determine whether or not the crime was probably committed and whether or not the defendant probably committed it. The purpose of this hearing is to determine if there is enough evidence to forward the case to Superior Court. It is not to determine guilt or innocence.

Some counties in North Carolina do not hold probable cause hearings. The decision whether or not to hold a probable cause hearing depends on many factors and is often contingent on local policy. Check with the VA in your case about the probable cause hearing and whether or not your presence is needed.

Grand Jury Hearing

The grand jury is a panel of 12-18 citizens of the county. This is a closed meeting, not a hearing in a courtroom. The District Attorney decides whether or not to send a bill of indictment to the grand jury and also prepares the bill or bills of indictment to include the names of witnesses who will testify. Usually, the investigating officer is the only witness who testifies before the grand jury.

The grand jury hears evidence from the prosecution and investigating agencies to determine if there is sufficient evidence to believe that the defendant committed a crime. If there is sufficient evidence, a “true bill” of indictment is issued, and the case moves forward. If there is not sufficient evidence, the Grand Jury returns a “no true bill” and the case does not move forward.

Trial

The trial convenes in Superior Court before a presiding judge and a jury of 12 citizens. The jury will hear and evaluate testimony and evidence, and determine the guilt or innocence of the defendant. The jury verdict must be unanimous. If the verdict is not unanimous, there is a mistrial. In the case of a mistrial, the District Attorney has the option of re-trying the case before another jury. A jury trial could last one day or several weeks depending on many factors.



Sentencing Hearing

Upon a verdict of guilty, the defendant proceeds to the sentencing hearing. Except for capital murder cases, the judge determines the appropriate sentence by weighing mitigating and aggravating factors and applying this to standardized sentencing guidelines prescribed by the N.C. General Assembly (called structured sentencing). In capital murder cases, the jury determines between a sentence of life without parole and a death sentence.

Important Considerations for Victims Attending Court

Safety in Court: Some violent crime victims (and their loved ones) fear for their safety when they attend the court proceedings and face defendants in the courtroom or in other parts of the courthouse. Many find it a relief to know that safety-planning can be conducted in advance of the court hearing. In some cases victim advocates can arrange for you to enter/exit from a separate door or be seated in a different room until needed for testimony. Bailiffs are sometimes able to escort a victim to and from parking areas and can help monitor the proximity of the defendant during the hearing. Judges and court personnel are sometimes asked to require a defendant to remain seated as the victim leaves in order to give the victim the opportunity to leave the property first.

Accommodations For Court Participants Who are Deaf, Cognitively or Physically Disabled, or Who Have Limited English Proficiency: State law requires that courts appoint a certified sign-language interpreter for criminal court proceedings involving a victim who is deaf. Accommodations must also be made for parties with cognitive or physical disabilities. Similarly, federal law calls for state courts to provide language interpreters for criminal court proceedings for parties with limited English proficiency. It is helpful to let the court know of the need in advance to prevent delays or continuances. The VA at the district attorney's office can act on a victim's behalf to make arrangements for all of the above through the clerk of court.

General Courthouse Guidelines and Testifying Tips

The courtroom and court process can be confusing, emotionally draining, and sometimes even overwhelming. The District Attorney's office prosecuting your case can usually provide information specific to your circumstances. The following list is general information that may help you know what to expect and how to prepare. If you are testifying in the hearing, the District Attorney should help you prepare for court.



- Many crime victims find it helpful to have a trusted friend or family member accompany them to court hearings. It can also help to have someone prepared to be present and listen after court hearings.
- Some cases are tried before a jury and some are not. If your case is tried before a jury, the jury selection and verdict deliberation processes can be time-consuming and tedious. The district attorney's office can let you know what to expect.
- Generally speaking, the appropriate dress for the courtroom is business casual.
- It is best to have conversations only in private, rather than in hallways, restrooms, or other public spaces. If an ally of the defense or a juror overhears, it could jeopardize the case. Most district attorneys' offices provide space for private conversations and/or breaks. Check with the district attorney's staff for location and information.
- Because judges and jurors must remain objective, they are not allowed to speak with victims, witnesses, or offenders outside of court proceedings. Attempting to communicate with them in any way outside of court proceedings could jeopardize the case.
- The defendant will likely be in the courtroom. Some victims report that seeing the defendant in the courtroom, hearing the defendant's voice, observing the defendant's behavior and/or listening to testimony by or on behalf of the defendant can be upsetting.
- If you are the loved one of someone who was murdered, you may hear details of the crime for the first time in the courtroom. You may ask the district attorney to review the details of your loved one's death prior to the trial and to inform you when potentially upsetting testimony is expected.
- Taking care of yourself is important. At times it may be helpful to quietly leave the courtroom.
- If you have any questions or concerns during the trial, write them down and give them to the district attorney or the district attorney's staff.
- The district attorney may determine that a plea arrangement is the best chance to achieve a favorable outcome. It is appropriate to ask the district attorney to talk with you about any possible plea negotiations.
- The announcement of the verdict could be a highly emotional time for you and your family whatever the outcome.

Crime Victims and the Media

If the news media is covering your case, reporters may contact you for information or comments. Generally it is advisable to refrain from answering any questions or making any comments until after the trial is over. It may be helpful to seek guidance from the district attorney's office or the investigator handling your case.

Whether or not to talk to the media is a personal decision that warrants careful consideration and conversation with your loved ones. At no time does a victim/survivor have an obligation to talk to the media. If you choose to talk to the media, it is advisable to select someone within your support network to handle media inquiries.

The news media can be a friend or foe to the crime victim/survivor.

In cases where there is a missing child or family member, the media can be a useful tool in helping to locate the missing person. Law enforcement may ask you to work with the media during this time of investigation and search.

Sometimes the news media has an interest in televising the Victim Impact Statement (VIS) at a sentencing hearing. This may help educate the public on the effects of the crime and sensitize them to the issue even if the VIS does not influence the judge in regard to sentencing the defendant.



On the other hand, insensitive, incomplete, or inaccurate reporting by the news media can further traumatize victims, their families and friends. Privacy can be a challenge. Graphic TV footage or photographs of crime scenes and injuries, aggressive and intrusive attempts to interview survivors and witnesses, can all contribute to further victimization of crime victims.

Because our system operates under a presumption of innocence and a defendant's right to a fair trial, statements by you as to the defendant's guilt may be used by defense attorneys to request a change of venue (location of trial) on the basis that the defendant may not be able to receive a fair trial in the jurisdiction where the crime occurred, due to pre-trial publicity.

If talking with reporters could jeopardize your case during judicial proceedings, politely refer them to the law enforcement agency or the District Attorney's office handling your case.

For more information on how to handle media inquiries contact your local law enforcement agency, the District Attorney's office, or the North Carolina Victim Assistance Network at (800) 348-5068 or (919) 831-2857.



Important information about Post-Conviction

- Defendants who have been convicted of crime have the right to appeal. Cases from Superior Court are appealed to the N.C. Supreme Court or the N.C. Court of Appeals. Death penalty convictions are automatically appealed, and the survivors can expect the appellate process in death penalty cases to exceed 10+ years. The N.C. Attorney General's office will represent the state during the appellate process for death penalty cases, and the survivors have the right to be informed and present during the appellate process. Survivors can contact the Attorney General's Office at (919) 716-6400.
- Under structured sentencing, the judge may impose an active prison sentence by determining both a minimum and maximum prison term for felony convictions. Felons with active sentences must serve 100% of their minimum term and may serve up to their maximum term if they have infractions for misconduct while incarcerated.
- Under structured sentencing, the judge may suspend a sentence and order the defendant to be placed on probation with very specific conditions. Probation is a way for the defendant to serve his/her sentence in the community. If the defendant fails to comply, the judge may activate his/her suspended sentence, which means that the defendant will serve time in jail or prison. Defendants who are ordered to probation are under the authority of the N.C. Division of Community Corrections. If you have questions about a defendant's probationary conditions, contact your local Community Corrections office.
- Parole only applies to those offenders whose crimes were committed before October 1, 1994. This was when structured sentencing was adopted and the parole process was abolished. Offenders whose crimes were committed after this date fall under structured sentencing, and must serve the minimum prison term to which they were sentenced. The N.C. Post-Release Supervision and Parole Commission is responsible for overseeing the release of offenders when they are either paroled under the old sentencing guidelines, or have served their minimum prison term under the new structured sentencing guidelines. Victims will be notified, if requested, of any consideration of release of an inmate. Victims can contact this office directly by calling (919) 733-7974.
- Whether you have a question about the status of an inmate, conditions of probation, or an upcoming parole hearing, you can contact the Department of Public Safety Office of Victim Services at (919) 733-7974 or (866) 719-0108 for more information.



Glossary of Legal Terms

Affidavit: A written, sworn statement in which the writer swears that the information is true.

Aggravating Factor: Factors that make a crime worse than similar crimes. They are defined by law and include: gang related activity, the targeting of elderly victims, especially cruel offenses, or the on-going failure to support dependent children.

Alleged: Said to be true, but not yet proven to be true; until the trial is over, the crime may be called an “alleged crime.”

Appeal: A request by the defense or the prosecution that a higher court review the results of a decision on certain motions or in a completed trial. This can be an appeal from district court to superior court or from superior court to an appeals court.

Arraignment: The process where the defendant is brought to court, advised of the charges against him/her, and directed to plead. He/she may plead guilty, not guilty, or nolo contendere (no contest). If the defendant fails to plead, he/she is tried as if he/she pleaded not guilty.

Arrest Warrant: An order made on behalf of the State, based on a complaint and signed by a judge, authorizing law enforcement to arrest a person who is thought to have committed a crime.

Bail: An amount of money set by the court that allows a person charged with a crime to be released from custody. The purpose of bail is to ensure that the offender will be present at all court dates.

Bailiff: An officer or attendant of the court who is responsible for maintaining order during court session, custody of the jury, and custody of the prisoners present in court.

Bond: Bail monies paid by a bail bond company. The defendant secures a loan with collateral, such as a car or house. He also pays a set fee, usually 10% of the bail amount.

Calendar: A document listing cases scheduled for a court hearing on a specific date.

Composite: A picture of the assailant made from an artist’s drawing or assembly of facial features.

Continuance: Sometimes court proceedings cannot take place as scheduled and the case is rescheduled for a later date. Such a postponement is called a continuance. A judge can grant or deny a continuance.

Corroborating Witness: A person who is able to give information that agrees with the victim or defendant’s statement about the crime.

Cross-Examination: The questioning of a witness by an opposing party in a trial. For instance, the victim in a case is the State’s witness, so the cross-examination is the defense attorney questioning that witness.

CRS: Initials indicating that a case is in superior criminal court. CR indicates a case in district court.

Defense Attorney: The lawyer who represents the defendant in a legal proceeding.

Discovery: The complete case file from all law enforcement and prosecutorial agencies involved in the investigation of the offenses alleged to have been committed by the defendant. This may include pictures, audio recordings, statements, test results, letters, police reports, interviews, etc.



District Attorney: An elected official who represents the State of North Carolina and whose job is to prosecute the offender. The District Attorney may assign the case to an Assistant District Attorney (ADA) for prosecution.

District Court: Misdemeanor cases are tried in this court before a judge without a jury. If convicted, a defendant may appeal for a new trial in Superior Court before a jury.

Defendant: In criminal cases, a person who is charged with a crime. In civil cases, the person who is being sued.

Evidence: Testimony and exhibits that help to prove either the victim or defendant's statements.

Eye Witness: A person who witnessed the crime.

Failure to Appear (FTA): Defendant does not appear for court and an order for his arrest may be issued.

Felony: A serious crime such as burglary or murder. Punishments for felonies range from fines and/or imprisonment from one year up to the death penalty.

Grand Jury: Comprised of 12 to 18 citizens of the county. The Constitution requires that a person charged with a felony must be indicted by a grand jury. The grand jury hears evidence in a closed meeting with prosecutors, investigating agencies, and witnesses to decide if the defendant should go to trial in Superior Court.

Hung Jury: A jury whose members cannot unanimously agree that the defendant is guilty or not guilty.

Indictment: A formal written statement prepared by the District Attorney and issued by a grand jury charging a person with a crime.

Indigent Defendant: An accused person who has been found by the court to be incapable of paying for a private attorney.

Jury: Twelve county residents sworn to determine certain facts by listening to testimony in order to decide whether the accused is guilty or not.

Lineup: A group of five or six people who are viewed (in person or by pictures) by a victim or witness in an attempt to determine whether one of them is the person who committed the crime.

Magistrate: An officer of the district court whose jurisdiction is defined by the General Assembly and includes accepting guilty pleas and entering judgment in certain misdemeanors as well as issuing search and arrest warrants, and setting bond.

Misdemeanor: Crime less serious than a felony. Punishment may be as much as two years in prison or a fine, or both.

Mitigating Factor: A factor that makes a crime less deserving of punishment than similar crimes. They are defined by law and may include: a young defendant, a defendant who was honorably discharged from the armed forces, a defendant who supports his family, or a defendant who has a steady work history.



Mug Shots: Pictures of people made at the time they are arrested for a crime.

Perjury: Deliberate, false testimony under oath.

Plea Agreement (Plea Bargain): An agreement made between the district attorney, the defendant, and the defense attorney in which the defendant agrees to plead guilty to a crime (usually a lesser crime than the original charge). The plea must be submitted to the court (judge) for approval.

Polygraph Exam: A test that uses a machine to measure changes in a person's heart rate, breathing rate, and blood pressure while questions are asked. The results are not admissible in court.

Probable Cause Hearing: A hearing before a district court judge to determine if a felony was committed; the evidence must be such that a reasonable person would believe that this specific crime was committed, and that it is probable that the person being accused committed that crime. If the judge decides there is probable cause, the case will be sent to the grand jury to consider whether or not to return an indictment. A defendant can choose to waive probable cause, in which the defendant signs a form and the case is sent to the grand jury.

Prosecutor: See District Attorney.

Public Defender: An attorney employed by a government agency to represent defendants who are unable to hire their own lawyer.

Rule 24 Hearing: A hearing before a judge in first degree murder cases to determine if the State will seek the death penalty.

Subpoena: A court order directing a witness to be present in court to testify at the time and place stated. A subpoena may also include an order to produce documents or records. Failure to comply constitutes contempt of court and may result in a fine or imprisonment up to 30 days.

Superior Court: Felony cases are tried in criminal superior court before a jury, as are misdemeanor convictions appealed from District Court. Guilty pleas and plea bargains of felony cases may be handled in Superior Court.

Suspect: A person who is believed to have committed a crime.

Testimony: Statements made in court by a person who, before testifying, is required to take an oath to tell the truth.

Verdict: The decision by a jury in Superior Court, or by a judge in District Court, made at the end of a trial about whether the defendant is guilty or not. A jury verdict must be unanimous.

Victim Impact Statement: A statement, either written or oral, from the victim to be given to the sentencing judge. Information in an impact statement should include the emotional, physical, and financial impact of the crime. Families and friends of the victim may also submit a statement.



RESOURCES: General Contact Information

For information about services available in your community, please contact NCVAN at (919) 831-2857, (800) 348-5068, or visit www.nc-van.org to view our online resources.

Contact your local law enforcement agency for information about:

- Arrests
- Investigation
- Victim Advocacy
- Property Return
- Victims Compensation
- Pretrial Release
- Post-trial Release if Defendant is in Jail
- Reprieves, Commutations or Pardons

Contact your local Magistrate's office for information about:

- Arrest Warrants
- Protective and Restraining Orders
- Bail
- Small Claims Suits

Contact your local District Attorney's office at <http://www.ncdistrictattorney.org/yourDA.html> for information about:

- Trials and Hearings
- Victims' Rights
- Victim Impact Statements
- Disposition of the Case
- Victims' Compensation
- Prosecution
- Plea Negotiations
- Convictions and Sentencing
- Restitution
- Defendant's Right to Appeal

Contact the Clerk of Court's office www.nccourts.org/Courts/OCO/Clerk/Default.asp for information about:

- Court Dates and Times
- Restitution Collection
- Domestic Violence Protective Orders
- Condition of Sentence

Contact your local Guardian Ad Litem program for information about:

- Child Advocacy
- Court Accompaniment

Contact the Attorney General's Office at www.ncdoj.gov for information about:

- Appeals Process
- Death Penalty Cases
- Consumer Crimes



RESOURCES: General Contact Information

Contact the Crime Victim Compensation Program at (919) 733-7974 or the website <https://www.ncdps.gov/dps-services/victim-services/crime-victim-compensation> or information about:

- Filing a Claim or Status of Claim
- Claim application form and deadline
- Types of compensation allowed

Contact the NC Department Public Safety - Office of Victim Services (formerly NC Division of Community Corrections and Probation & Parole) for information about:

- Nonpayment of Restitution or Restitution Modification
- Conditions for offender's Probation or Post-Release Supervision
- NCSAVAN/VINE automatic offender notification
- Offender's Release from Custody
- Prison Assignment
- Work Release
- Community-Based Programs
- Victims' Compensation and other victim services
- Sex Offender Registry
- Harassment by a person from prison or who is on supervised probation or post-trial release
- N.C. offenders' criminal histories & custody status
- For offender information go to: <http://webapps6.doc.state.nc.us/opi/offendersearch.do?method=view> and <http://sexoffender.ncsbi.gov/>



RESOURCES: Helpful Websites and Other Contact Information

Contact the **NC Coalition Against Domestic Violence** at <https://nccadv.org> or 919-956-9124 to identify domestic violence services in your local community.

Contact the **NC Coalition Against Sexual Assault** at <http://www.nccasa.org> or 919-871-1015 to identify sexual assault services in your local community.

Contact the **Child Advocacy Centers of NC** at <https://cacnc.org/> or 336-886-458 to identify child advocacy services in your local community

Contact the 24-hour National Domestic Violence Hotline at <http://www.thehotline.org/> or 1-(800)799-7233 and/or the National Sexual Assault Hotline at <https://www.rainn.org/> or 1-(800)656-4673 to connect with your local program for information about confidential support such as:

- Shelter/Safe House
- Safety-Planning and/or Address Confidentiality
- Emotional Support
- Protective Orders
- Court Advocacy
- Counseling and Support Groups
- Programs for Children

Contact the **Council for Women** at <https://ncadmin.nc.gov/advocacy/women/abuser-treatment-program> or [919-733-2455](tel:919-733-2455) for a list of court-sanctioned batterer intervention programs. These programs are facilitated behavioral change programs and can be attended voluntarily or by court order.

Contact your local county's **Department of Social Services**, or obtain your local information via the **NC Department of Health and Human Services**: <https://www.ncdhhs.gov/document/dss-county-directory> or 1-800-662-7030 for information about child abuse and neglect

Contact the **North Carolina Office of the Chief Medical Examiner** at <http://www.ocme.dhhs.nc.gov/docrequest.shtml> (online document request) or (919)743-9005 (family support) for county autopsy reports

Contact your county **Register of Deeds** or obtain your local register's information and/or apply on-line via the North Carolina Vital Records: <http://vitalrecords.nc.gov/order.htm> or 919-733-3000 for death certificates



Contact Your **Local Mental Health Center** or obtain the contact information to contact your local provider via <https://www.ncdhhs.gov/providers/lme-mco-directory> or (919)733-7011 for information about:

- Free Counseling
- Support groups

Contact the **Department of Health and Human Services** via <https://www.ncdhhs.gov/contact/hotlines> or call North Carolina United Way's 211 (dial 211) for: Lists of state and local hotlines

Contact your district **U.S. Attorney Office** via <https://www.justice.gov/usao/find-your-united-states-attorney> or call (202) 514-2000 for information about prosecuting federal crimes

Contact the **Department of Public Safety** at <http://www.ncdps.gov/DPS-Services/Victim-Services> or (866)719-0108 to include: see bottom of page 23

Contact **North Carolina Legal Aid** at <http://www.legalaidnc.org/get-help/Pages/Apply-Online.aspx> or 1-866-219-LANC (5262) for information about:

- free legal representation in obtaining protective orders related to domestic and sexual violence, and stalking, or associated emergency child custody orders
- special visas for immigrant victims of violence and trafficking (U, T, VAWA self petitions)
- free workshops on separation/divorce/child custody process (DV victims)

Contact a **private attorney** via <https://www.ncbar.gov/for-the-public/finding-a-lawyer/> or (919)828-4620 for information about: legal services



RESOURCES: Reading Materials

The following is a list of additional resources and reading materials that some victims have found helpful.

- Murder Survivors' Handbook by Connie Saindon
- Grieving Mindfully by Sameet K. Kumar, Ph.D
- What to do when the Police Leave: A Guide to the First Days of Traumatic Loss by Bill Jenkins
- Grief Therapy by Karen Katafiasz
- Coming Back: Rebuilding Lives After Crisis and Loss – Ann Kaiser Stearns, 1988, Random House
- In Pursuit of Justice – NC Department of Crime Control and Public Safety
- Murder, This Could Never Happen to Me – Jerry Harris, Ph.D., Jimmy Sprang, MSW, CSW, Karan Komsak, M. Division
- No Time for Goodbyes – Janice Harris Lord, 1987, Pathfinder
- Peace, Love and Healing – Bernie S. Siegal, M.D.
- President's Task Force on Victims of Crime, Final Report 1982
- Surviving Violent Crime – 13th Judicial Circuit Solicitor's Office, 1992, Jayne Crisp
- The Crime Victims Book – Morton Bard and Dawn Sangry
- Victims of Crime Information Handbook – Victim Assistance, Forsyth County Sheriff's Department, Linda Strugill

For more resources, please visit www.nc-van.org or call (919) 831-2857 / (800) 348-5068.



RECORDING IMPORTANT INFORMATION

It is important to record certain data regarding the case, such as names, contact information and file numbers, where applicable. Below you will find a list of details that you may find helpful to record.

- Date of Crime: _____
- Defendant's Name: _____
- Law Enforcement Officer at the Scene: _____
- Detective(s): _____
- Law Enforcement Agency's Victim Advocate: _____
- Law Enforcement Case Number (OCA#): _____
- Defendant's Arrest Date: _____
- Charge(s): _____
- Case Number: _____
- District Attorney assigned to case: _____
- Victim Advocate/DA's Office _____
- First Appearance Date: _____
- Bond Amount: _____
- Grand Jury Indictment Date: _____
- Superior Court Arraignment Date: _____
- Trial or Plea Date: _____
- Sentencing Hearing Date: _____
- NCVAN Contact Information: _____



North Carolina
Victim Assistance Network
919-831-2857 / 1-800-348-5068
www.nc-van.org