

County of Lancaster

Victim/Witness



handbook



Produced by the
County of Lancaster
Office of the District Attorney
www.co.lancaster.pa.us/da

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Victim/Witness Services

Victim/Witness Services, a program of the Office of the District Attorney, helps victims and witnesses. Our advocates answer questions about the court system, tell you about your rights, and go with you to court. We want to make sure that your voice is heard, and your needs are met. We will enroll you for notice if the defendant is released from prison on bail or parole. We help you file a Crime Victims

Compensation claim. We help you with problems that were created by the crime. Most importantly, we provide emotional support to you. You may contact a victim advocate by calling 717-299-8048, by email at victimwitness@co.lancaster.pa.us or by coming to the Victim/Witness Services office on the 5th floor in the Courthouse at 50 North Duke Street, Lancaster.

As a victim of crime in Pennsylvania, you have the following rights:

- * Be told about help you can get.
- * Be told about court hearings.
- * Have someone with you at a hearing.
- * Be told if the person who committed the crime against you has been arrested and is in jail or is in the community.
- * Tell how the crime has affected you before the Judge decides what happens to the person who committed the crime.
- * Be paid back for money you lost by the person who committed the crime (restitution) and by the Victims Compensation Assistance Program. Not all losses are covered.
- * Have anything that was taken from you returned when it is no longer needed for court.

For a more complete listing of your rights as a crime victim, please check the brochure titled, "Rights and Services for Victims of Crime in Pennsylvania." If the police did not give you this brochure, please contact Victim/Witness Services at 717-299-8048 or by

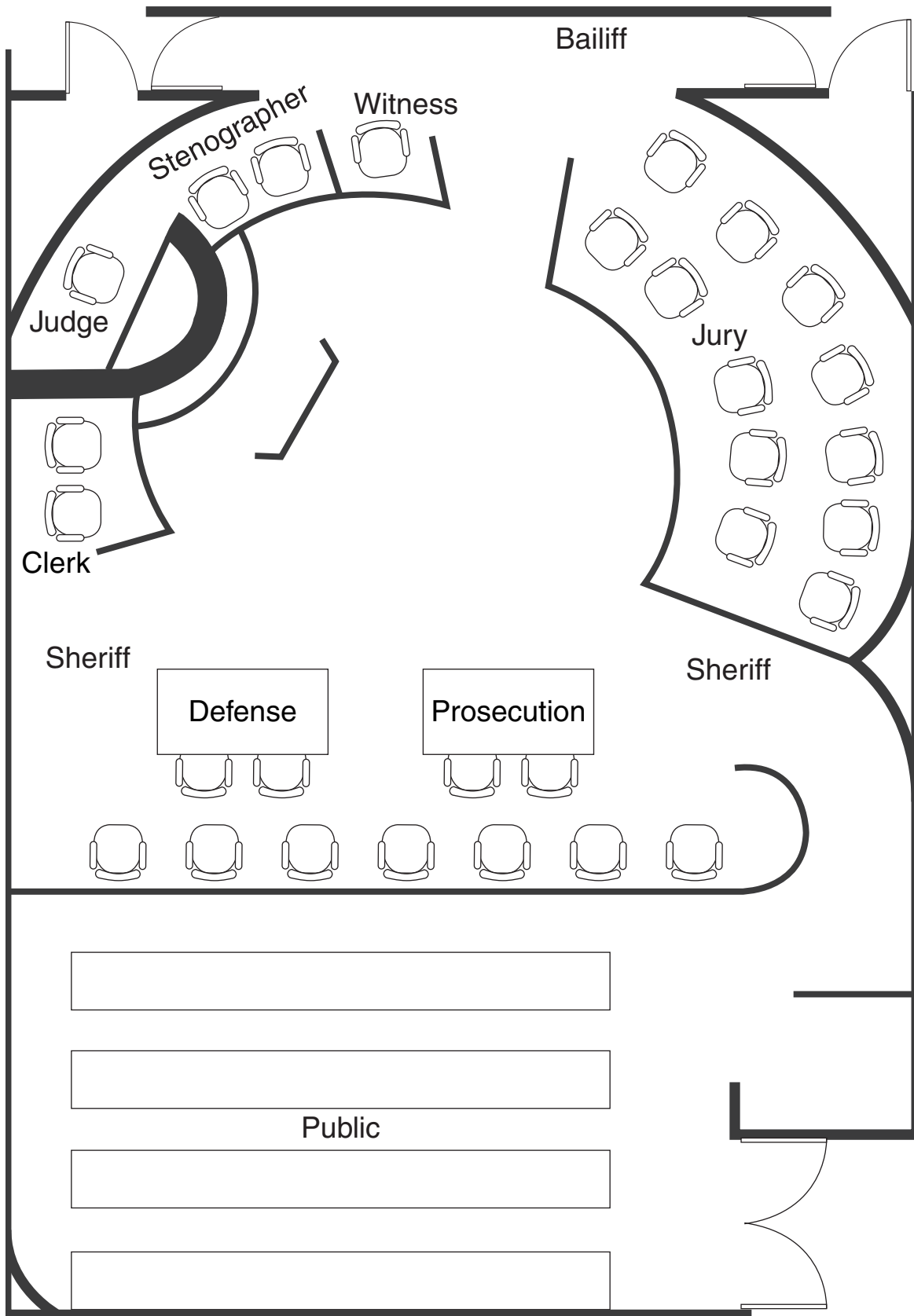
email at victimwitness@co.lancaster.pa.us for a copy. There is also a listing of your rights on the Victim/Witness Unit tab at the District Attorney's website at www.co.lancaster.pa.us/da



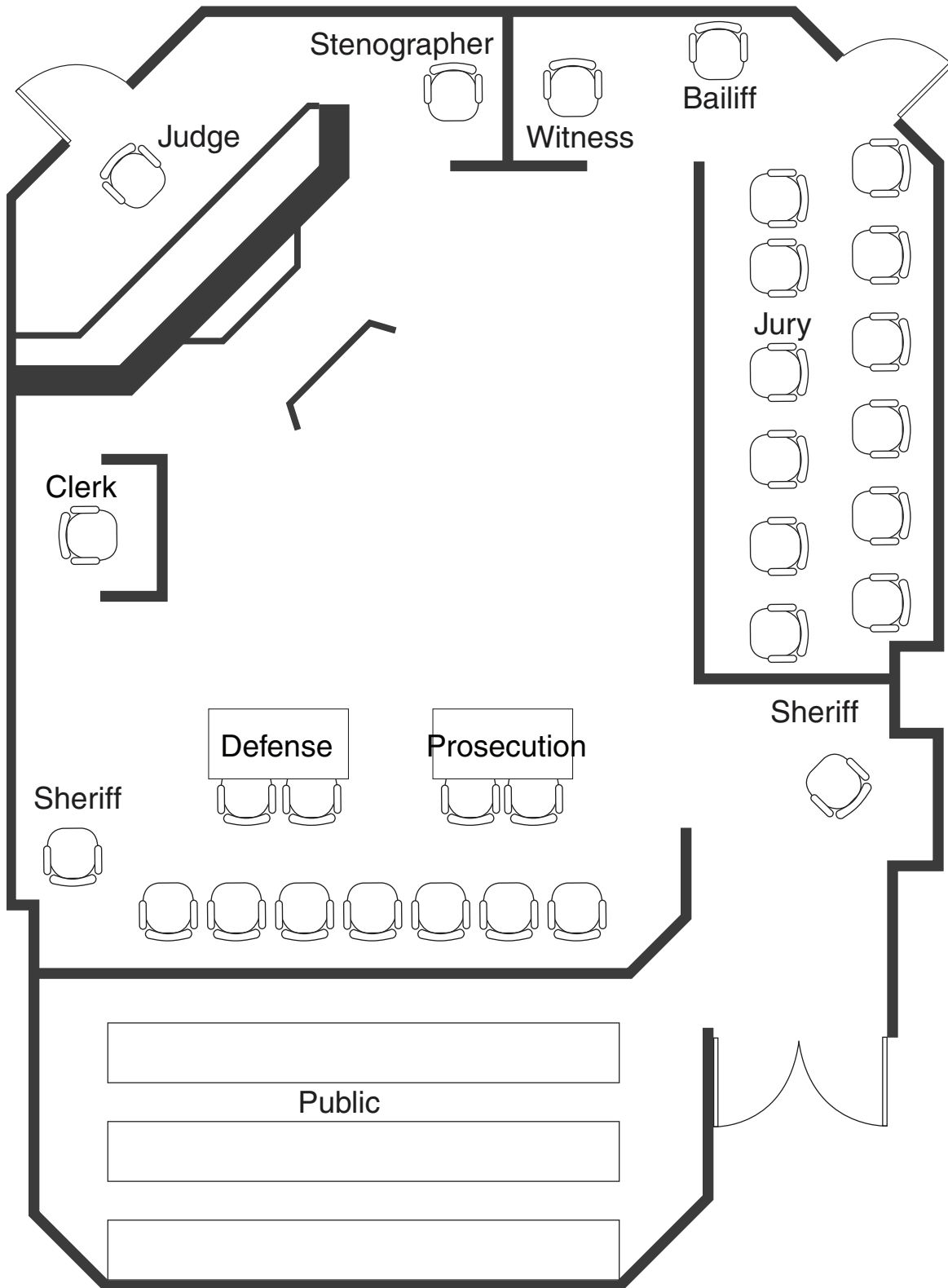
Tips for Witnesses

- * Tell the TRUTH.
- * Dress neatly.
- * Speak clearly and loudly.
- * Do not chew gum.
- * Do not be afraid to say, "I don't know" or "I don't remember."
- * If you do not hear a question, ask the attorney to say it again.
- * If you do not understand the question, ask to have it explained.
- * Answer the question. Do not volunteer information.
- * Do not nod "yes" or "no," say "yes" or "no."
- * Listen to the question carefully before answering.
- * If you do not know an exact time or distance, say what you do know. "It was in the afternoon after school." "It was about as far as it is from me to the table."
- * If you make a mistake in an answer, say so, and correct it.
- * Stay calm.
- * Do not laugh.
- * Do not lose your temper.
- * Do not argue with the attorneys.
- * Do not talk to other victims or witnesses about what you are going to say or about what you have said.
- * Observers (parents, relatives) who are in the courtroom must be quiet and still.
- * The attorney for the defendant may ask to talk with you before the hearing. It is up to you whether or not you talk. You do not have to do so.

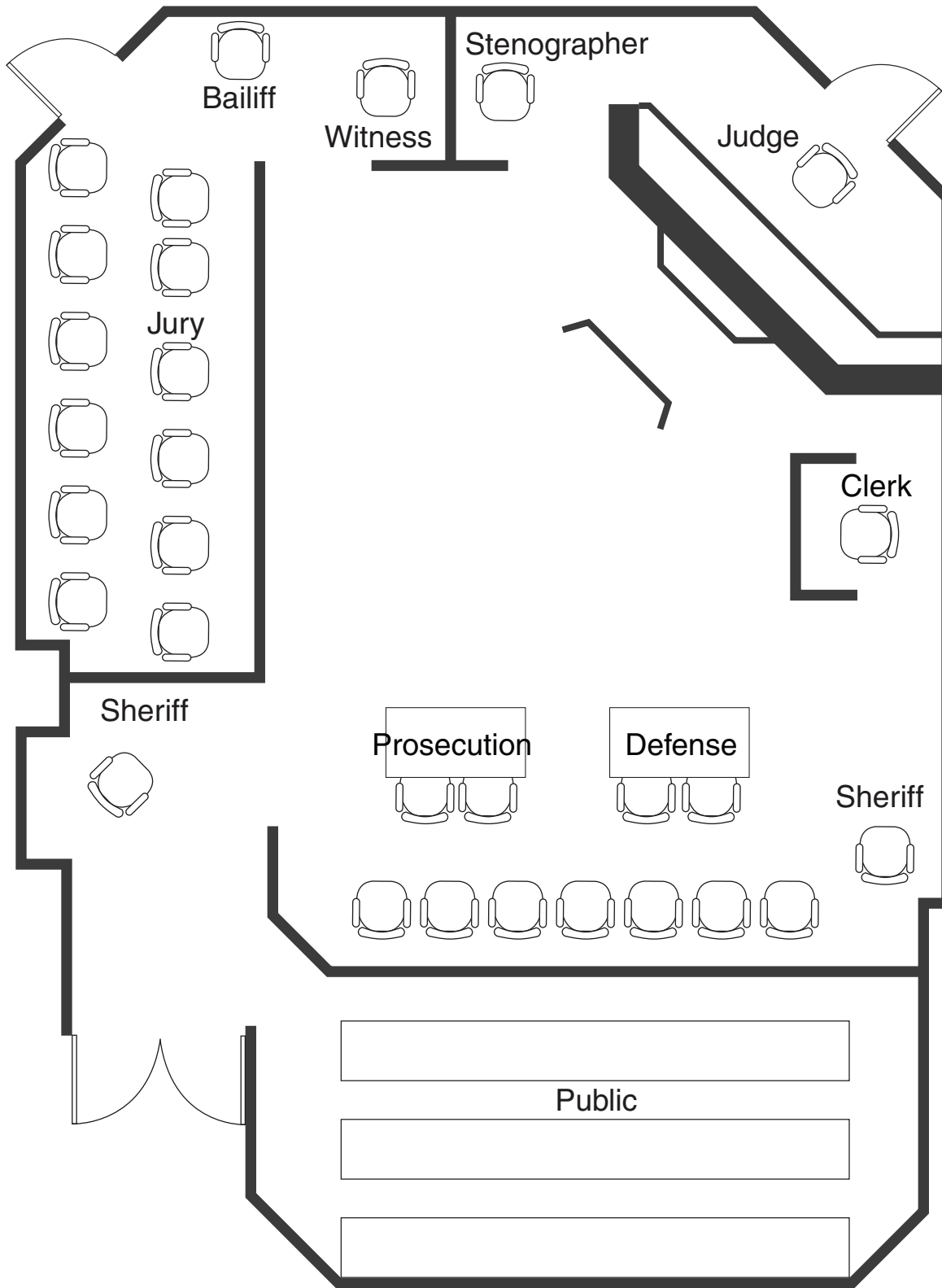
Courtroom 1



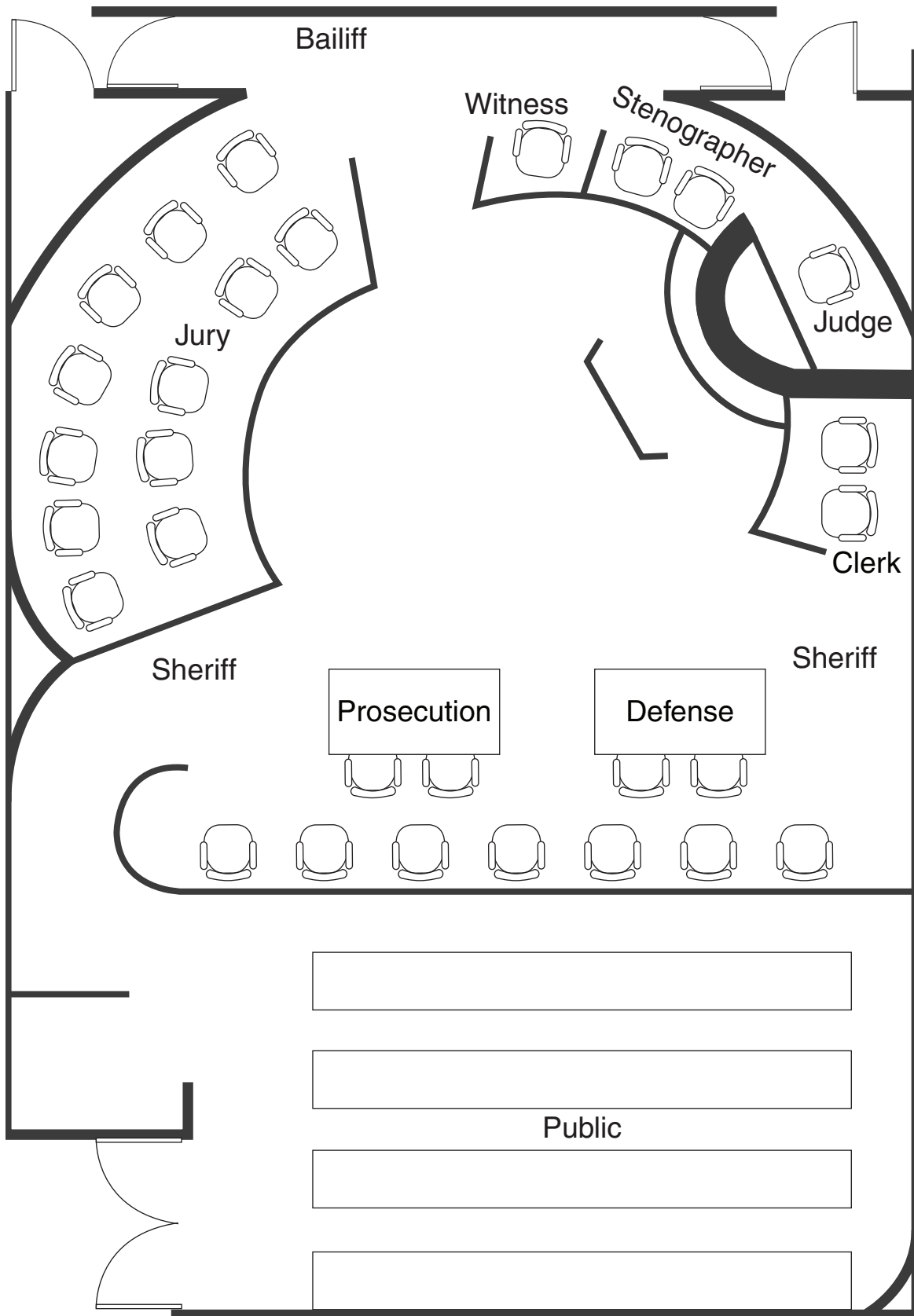
Courtrooms 2, 4, 8, 10, and 11



Courtrooms 3, 5, 7, 9, and 12



Courtroom 6



A Day at the Courthouse

How should I dress?

Wear something you would choose if you were going out for dinner or going to church. Women and girls can wear dresses, skirts, dress slacks and tops. Men and boys can wear dress pants and shirts. Clean, unripped jeans are fine. Do not wear shorts, hats, a top with spaghetti straps, or a top that shows your stomach. You may want a jacket or sweater. The courtrooms can be chilly.

How can I get to the courthouse? Where should I park?

There is a map on page 8 of this handbook. If you drive, you may park in the city parking garages; Duke Street, Penn Square, East King Street, or Prince Street. If you park in any of these garages, we can give you a ticket to pay for your parking. There is also on-street metered parking. We do not have tokens for the meters. If you need to make special arrangements for transportation to the courthouse, please call 717-299-8048 ahead of time so that we can assist you.

Where do I meet my victim advocate?

Come into the courthouse through the doors at 50 North Duke Street. After you go through security, take the elevator to Victim/Witness Services on the 5th floor unless you have been asked to meet the victim advocate at the courtroom.

Where can I get a drink or snack?

There is a coffee shop in the courthouse on the 2nd floor. They have soup, sandwiches, a salad bar, snacks, and drinks. There are also vending machines on the 2nd and 5th floors of the courthouse where you can buy snacks and drinks. Food and drink may not be brought into the courtrooms.

Where can I make phone calls?

You may always use a phone at the Victim/Witness Services office on the 5th floor. In addition, there are pay phones on the 3rd floor and on the 1st floor in the Orange Street lobby. You may bring your cell phone and pager, although you will need to keep them turned off when you are in the courtrooms.

Where can I smoke?

There are no indoor locations where you can smoke in the courthouse. You must go outside through the main exit.

Should I bring anything with me?

Often you will have to wait to testify, so you may want to bring something along to help you pass the time. You may choose to bring your own games or reading material. You may want to bring a "comfort object" that can help you with nervousness or stress.

How long can I expect to be there?

Court begins at 9:00 am. There is a break for lunch at 12:00. Court resumes at 1:30 pm. Court ends for the day at 5:00 pm. The victim advocates will give you more specific information about the amount of time you will be expected to be present.

Will anyone stay with me?

A victim advocate will answer questions, show you a courtroom, and go with you to court. You may also bring another person with you for support.

Who is permitted in the courtroom?

A trial is a public event and anyone may sit in the courtroom unless they have been subpoenaed. Each courtroom has benches, generally one or two, for the public. People who are going to testify are sequestered. This means that they are not permitted in the courtroom until they are called as witnesses.

Where can I get an excuse for missing work or school?

You can show your subpoena to your employer or school official. The victim advocate can give you a letter to say you were at court.

Do I get paid for being a witness?

Anyone subpoenaed for the Commonwealth (District Attorney's Office) can get witness fees. An advocate will have a witness check request form for you. You will receive \$5.00 a day and 7 cents a mile for your travel.

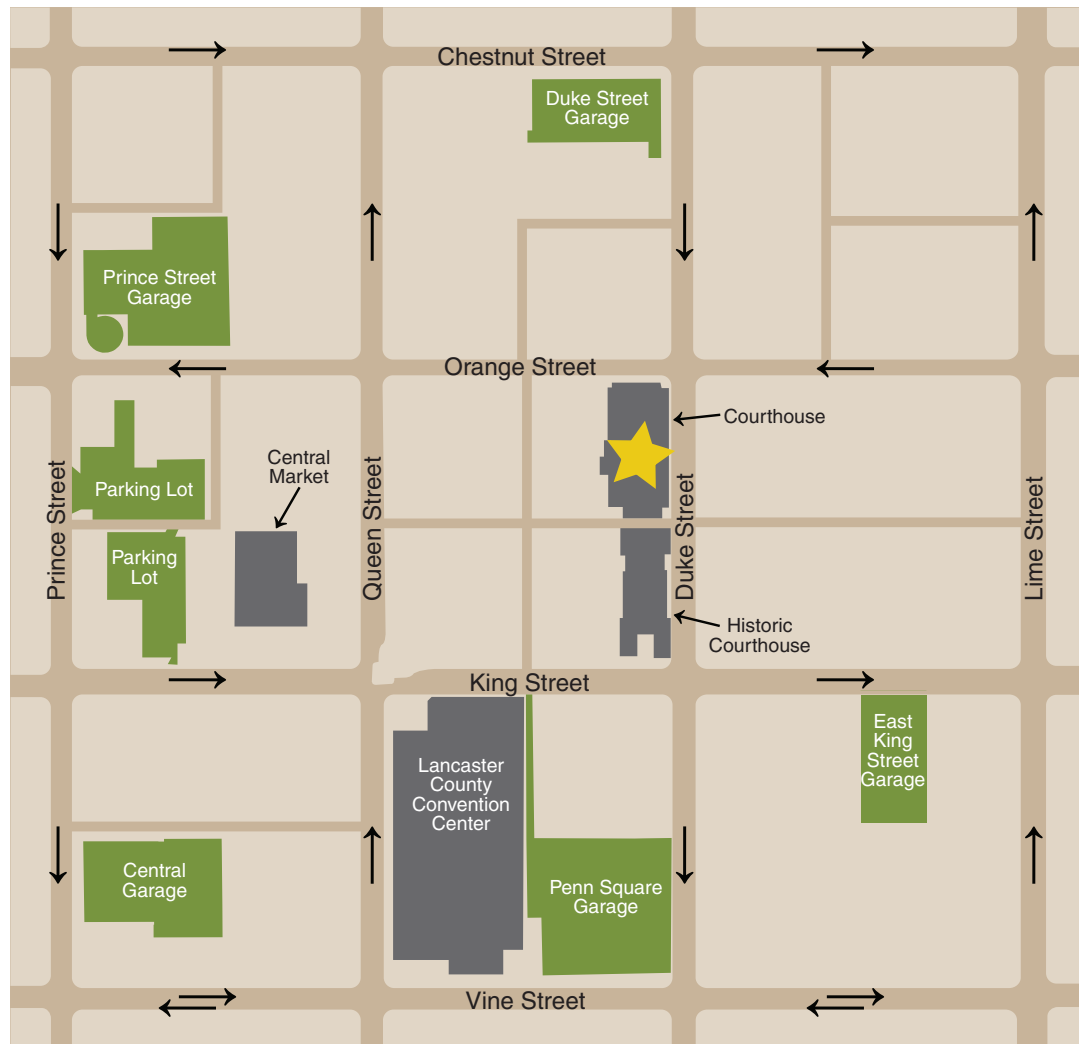
What about security?

The courthouse has a metal detector system and x-ray at the main entrance on Duke Street and the Historic Courthouse entrance on Lenox Lane. All pocketbooks, briefcases, and packages will be scanned. You may not bring weapons, pocketknives, box cutters, or mace into the courthouse. If you do, the sheriffs will take them, give you a receipt, and keep them for you until you are ready to leave. There are also sheriffs in each courtroom to provide security and keep order.

Courtroom A (ceremonial courtroom)	2nd floor Historic Courthouse
Courtrooms 1-6	3rd floor
Courtrooms 7-12	4th floor
Victim/Witness Services	5th floor
Snack bar/Coffee shop	2nd floor
Restrooms	every floor, near elevators

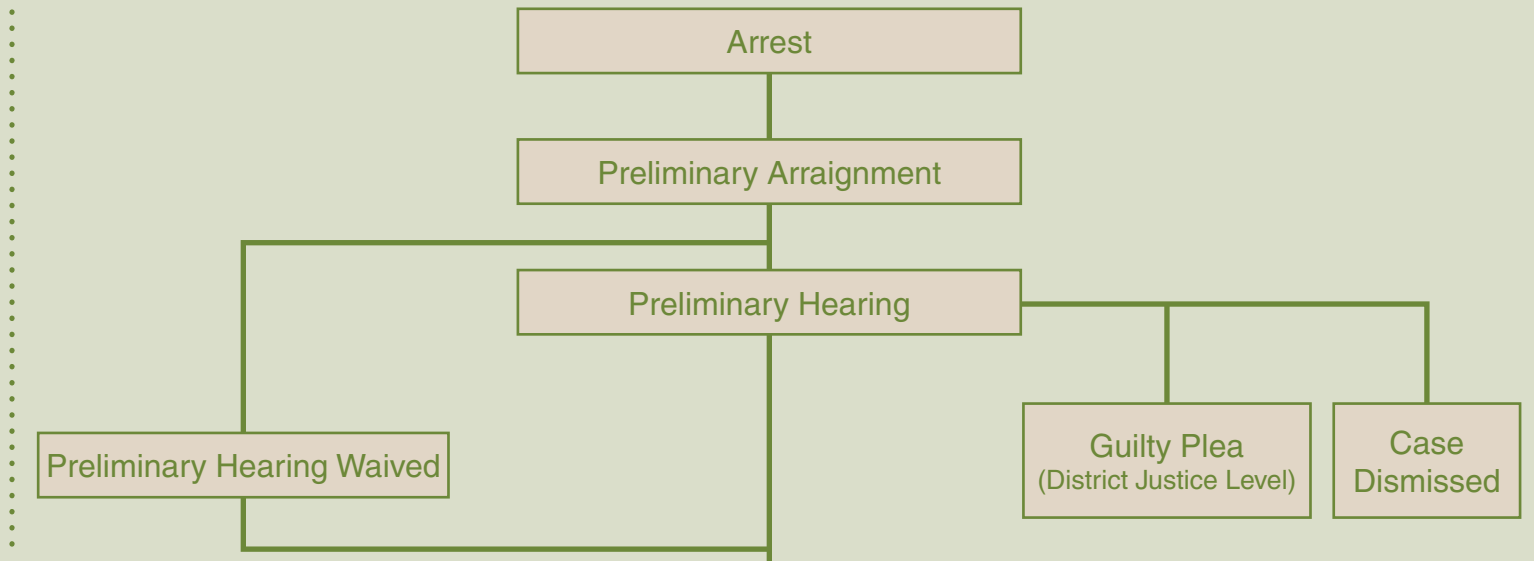
Parking

You may park in any of the city parking garages located on Duke, Prince or King Street. They are marked on the map.

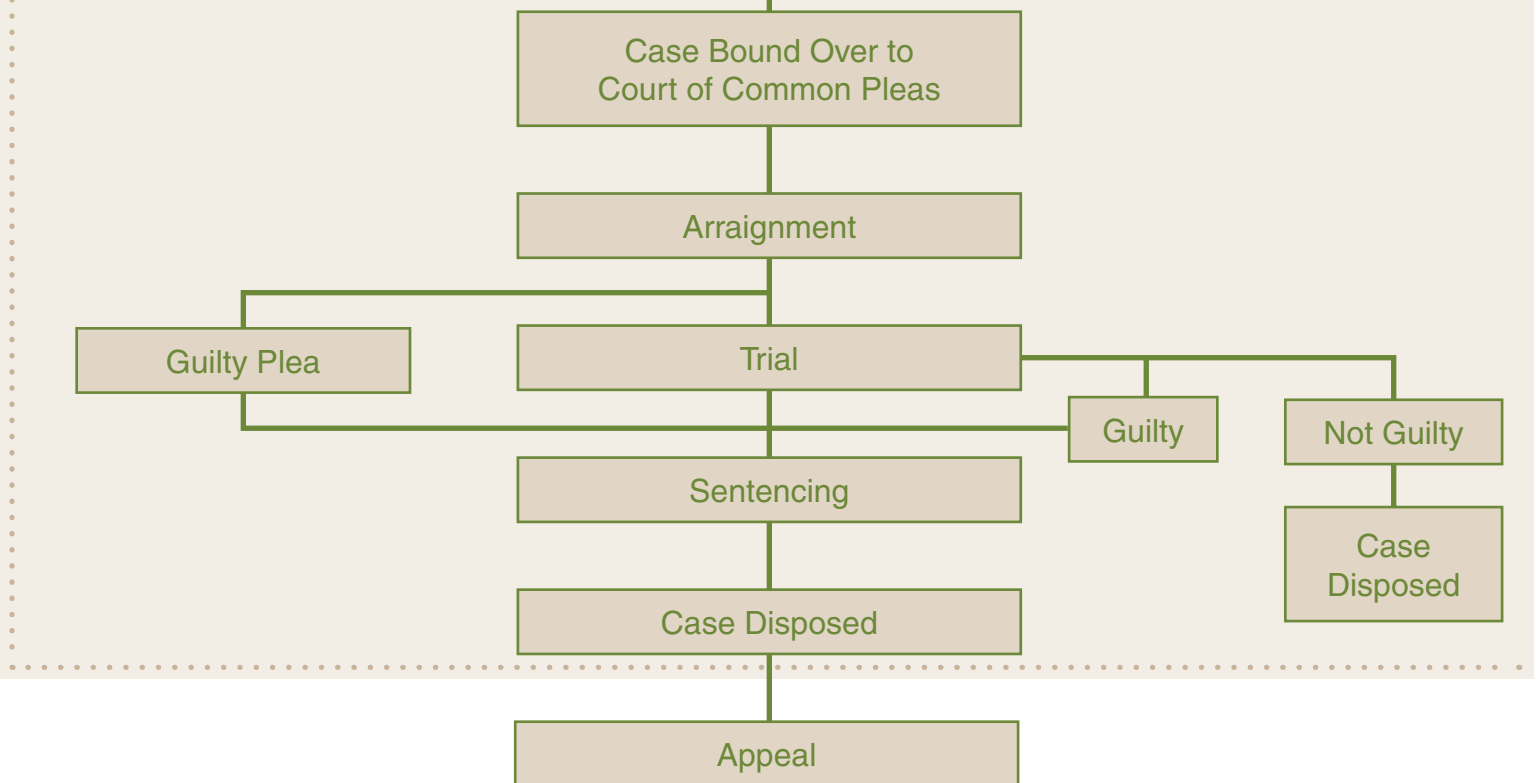


Criminal Process Flow Chart

District Justice Level Procedures



Court of Common Pleas Level Procedures



Crime Reported: When a crime is reported, the police will investigate. The police need to establish probable cause (reason to believe that a crime was committed) to arrest someone (the defendant). Defendants who are over 18 and defendants who are under 18 but are charged as adults will go through the criminal justice system. All other defendants who are under 18 will go through the juvenile justice system.

Preliminary Arraignment: A preliminary arraignment is the first time a defendant is charged with a crime. This happens at a Magisterial District Judge's office. The Judge will explain the charges, set bail, tell the defendant about the right to an attorney, and set a date for a preliminary hearing. You do not need to go to the preliminary arraignment.

Bail: Bail is money that is held by the Court to make sure that a defendant comes to court. All defendants, except those charged with homicide, have the right to reasonable bail. Bail is set by the Magisterial District Judge. When setting bail, the Judge considers the seriousness of the crime, the ties the defendant has to the community, and how dangerous the defendant is.

Bail may be paid at any time by the defendant or by another person. The defendant goes to the Lancaster County Prison if bail cannot be paid. A Magisterial District Judge may also release the defendant on recognizance. This means the defendant promises to come to court but no money is paid.

Preliminary Hearing: The preliminary hearing is held at the Magisterial District Judge's office in the area where the crime happened. The purpose of the preliminary hearing is to decide if the Commonwealth of Pennsylvania has established a prima facie case (enough evidence to have a trial). The Judge will not find the defendant guilty or not guilty. You will receive a subpoena (an order to come) to the hearing.

Several other people will come to this hearing. They may include the police officer working on your case, the defendant, the defendant's lawyer, witnesses and, possibly, an Assistant District Attorney. The defendant may choose to have a hearing or move to the next step without having a hearing (waive the hearing).

If a hearing is held, you will probably testify (tell what happened). If the District Judge finds there is enough evidence to have a trial (returns the case to court), the defendant will be scheduled for arraignment.

If the case is returned to court, you will get a victim packet of information, a victim impact statement, and a restitution claim form. Please call Victim/Witness Services at 717-299-8048 if you want help with these forms.

Arraignment: The arraignment is held at the Court of Common Pleas (the courthouse) or at the prison if the defendant is a prisoner. The charges against the defendant are read. The defendant can waive (give up the right to) the arraignment. A waiver says the defendant knows the charges. The defendant must come if a waiver has not been filed. You do not have to attend.

Guilty Plea: A guilty plea is when the defendant admits guilt. The defendant can plead guilty with a plea agreement or an open plea.

A plea agreement has a sentence (outcome or punishment) that is agreed to by the defendant, the defense attorney, and the Commonwealth (District Attorney's office). It is given to the Judge. The Judge may accept or reject the plea agreement. If the Judge accepts it, the sentence remains as agreed upon. If the Judge rejects it, the case remains open.

The defendant may also enter an open plea. This means that the defendant pleads guilty to some or all of the charges. The sentence will be decided by the Judge. If the defendant does not plead guilty, there will be a trial.

Trial: The purpose of a trial is for a Judge or a jury to hear testimony by witnesses. There are two kinds of trials; jury trials or bench trials. A bench trial means a Judge decides if the defendant is guilty. A jury trial means people from the community, the jury, decide if the defendant is guilty.

The trial begins with an opening statement by the Assistant District Attorney for the Commonwealth. The statement explains the case the Commonwealth's evidence will prove. The defendant's attorney speaks next or waits to give an opening statement until the beginning of the defense's case.

After the opening statements, the Assistant District Attorney will ask people, including you, to tell what happened. This is called testimony or evidence and the people are called witnesses. Witnesses are generally sequestered meaning they have to wait outside the courtroom until it is their turn to testify.

The defendant's lawyer can ask the witnesses questions too. After all of the Assistant District Attorney's witnesses testify, the defendant's lawyer can have witnesses testify. The defendant does not have to testify.

After both attorneys have presented their witnesses, they each give a closing argument. It is important to remember the defendant does not have to prove that he/she is not guilty. The Assistant District Attorney must prove the defendant is guilty beyond a reasonable doubt.

After closing arguments, the Judge will charge the jury (give them instructions). The Judge will tell the jury about the laws that relate to this case and how to apply those laws to the testimony and evidence that was presented. The jury will talk until they all agree whether or not the defendant is guilty. This decision is called the verdict. The verdict is read out loud in court. If the verdict is not guilty, the case is dismissed. If the verdict is guilty, the defendant will be sentenced. A pre-sentence investigation may be ordered.

Pre-Sentence Investigation: Before the defendant is sentenced, Adult Probation and Parole Services may do an investigation. They will write a report, the Pre-Sentence Investigation (PSI) for the Judge to read before deciding the sentence (punishment) for the defendant. The Pre-Sentence Investigation includes the facts of the case and information about the defendant's background. It also includes your victim impact statement and the restitution information.

Sentencing: If the defendant pleads guilty, sentencing may occur immediately. After a trial or an open guilty plea, sentencing may happen immediately or a hearing is scheduled within 120 days.

You, as the victim of the crime, have the right to give the Judge your thoughts about the defendant's sentence and tell how the crime has affected you emotionally, physically and financially at the hearing.

The defendant may be sentenced to prison, probation, fines, or any combination of these. Restitution is ordered by the Judge as part of the defendant's sentence. Prison sentences may be served at Lancaster County Prison or at the prisons of the Pennsylvania Department of Corrections throughout the state. Under a probation sentence, the defendant will not serve time in prison but will have his/her activities supervised by Adult Probation and Parole Services.

Restitution is the part of a sentence given by a Judge to pay back victims for their direct losses because of the crime. This can be for loss of property, loss of money, and medical and counseling bills. It cannot include payments for pain and suffering, loss of value, or interest payments. You may be able to file a civil lawsuit for those losses. To file a civil lawsuit against the defendant or other responsible parties, you must call a civil attorney.

We will order the money to be paid to you for your out-of-pocket expenses, bills you have paid, bills you owe, and insurance deductibles. We will order the money to be paid to your insurance company or other benefit plan that has paid your bills or has paid you for your losses.

You must tell us about the money that you think should be paid back. A restitution claim form will be sent to you with the victim information packet. Please fill in this form. If you need another one, call Victim/Witness Services. If you have questions, call 717-299-8048 to speak to a restitution advocate.

At sentencing, the Judge will order the amount of restitution. This is based on the information we received from you. The money is collected by the Collections Enforcement Unit of Adult Probation and Parole Services. Once a month, the Clerk of Courts office mails out checks for all of the money that was received in the previous month. When the defendant pays, the first \$60.00 is used to pay court costs. All of the money that is paid after the first \$60.00 is used to pay restitution until it is completely paid off. After restitution is paid, the payments pay fines and court costs.

If the defendant is on probation, a payment plan is made requiring monthly payments that are monitored by the Collections Enforcement Unit. If the defendant does not make regular payments, there are progressive steps taken to enforce the order. When a defendant is in state prison, a portion of the money in his/her prison account is taken out each month to pay the restitution.

If your name or address changes, it is very important to notify us at 717-299-8048. Some changes may require documentation. If you have questions about the amount of restitution, please call Victim/Witness Services and ask to speak to a restitution advocate. If you have questions about the collection of restitution, please call the Collections Enforcement Unit at 717-299-8223.

Lancaster County Contact List

Additional Services and Information for Victims

Prosecution of criminal charges for the Commonwealth and assistance to police departments in criminal investigations.

District Attorney's Office
50 N. Duke St.
Lancaster, PA 17602
717-299-8100
www.co.lancaster.pa.us/da

Services for all victims of crime, including victim advocacy, accompaniment to court, Crime Victims Compensation information, help with victim impact statements, and referrals for counseling.

Victim/Witness Services
50 N. Duke St.
Lancaster, PA 17602
717-299-8048
victimwitness@co.lancaster.pa.us
www.co.lancaster.pa.us/da

Services for adult and child survivors of sexual assault, including counseling, medical and legal accompaniment, referrals, and prevention education services.

YWCA of Lancaster Sexual Assault Prevention and Counseling Center
110 N. Lime St.
Lancaster, PA 17602
717-393-1735
717-392-7273 (24 hour hotline)

Services for victims of domestic violence, including protective residence/shelter, counseling services, accompaniment, and referrals.

Domestic Violence Services
P.O. Box 359
Lancaster, PA 17608
717-299-9677
717-299-1249 (24 hour hotline)
www.dvslanc.org

Services for victims of domestic violence, including evaluation of available legal options and assistance with petitions for Protection From Abuse (PFA) orders.

Domestic Violence Legal Clinic
35 E. Orange St., Suite 201
Lancaster, PA 17602
717-291-5826

Voluntary joint meetings with the offender led by a trained mediator for victim restoration and offender accountability. Get answers to your questions, discuss restitution, and talk about establishing trust for the future.

Lancaster Area Victim/Offender Reconciliation Program (LAVORP)
53 N. Duke St., Suite 303
Lancaster, PA 17602
717-397-2404
www.lavorp.org

Legal representation in civil cases for low income families, representation of petitioners for Protection From Abuse (PFA) orders, and referrals to agencies outside the county.

Mid Penn Legal Services
38 N. Christian St. Suite 200
Lancaster PA 17602
717-299-0971
www.midpenn.org

Child protective services, referrals for counseling, intensive in-home services, foster care, and parent/child learning center.

Children & Youth Agency
900 E. King St.
Lancaster, PA 17602
717-299-7925
1-800-932-0313 (childline)
www.co.lancaster.pa.us

Referrals to attorneys handling all types of legal matters.

Lancaster Bar Association
28 E. Orange St.
Lancaster, PA 17602
717-397-0737
www.lancasterbar.com

Assistance in filing for support for a child or dependent spouse.

Domestic Relations
150 N. Queen St., Suite 220
Lancaster, PA 17603
717-299-8141
www.co.lancaster.pa.us

