

Module 5

Navigating the Justice System

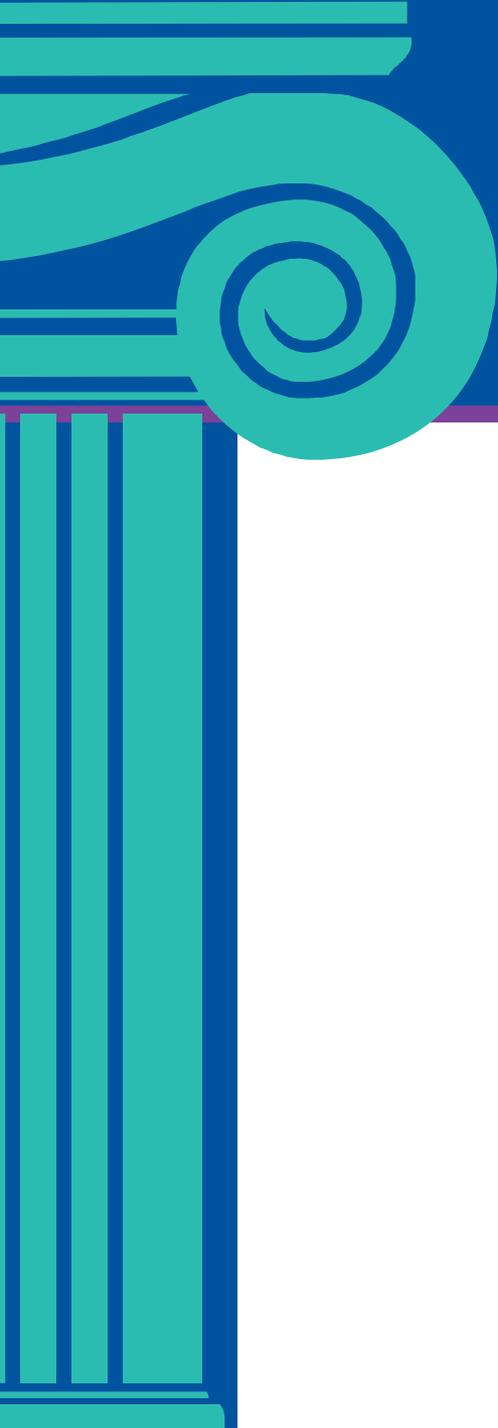


Office for Victims of Crime
OVC
"Putting Victims First"



Learning Objectives

- ❖ Describe the seven phases of the criminal justice process.
- ❖ Identify at least two key victims' rights in each phase of the criminal justice process.
- ❖ Describe at least two distinctions between the federal, juvenile, military, and tribal justice systems.



Seven Phases of the Criminal Justice Process



Phases in the Criminal Justice System

- ❖ Law enforcement
- ❖ Prosecution
- ❖ Judiciary and courts
- ❖ Probation
- ❖ Institutional corrections
- ❖ Parole
- ❖ Appellate level

Phase 1: Law Enforcement

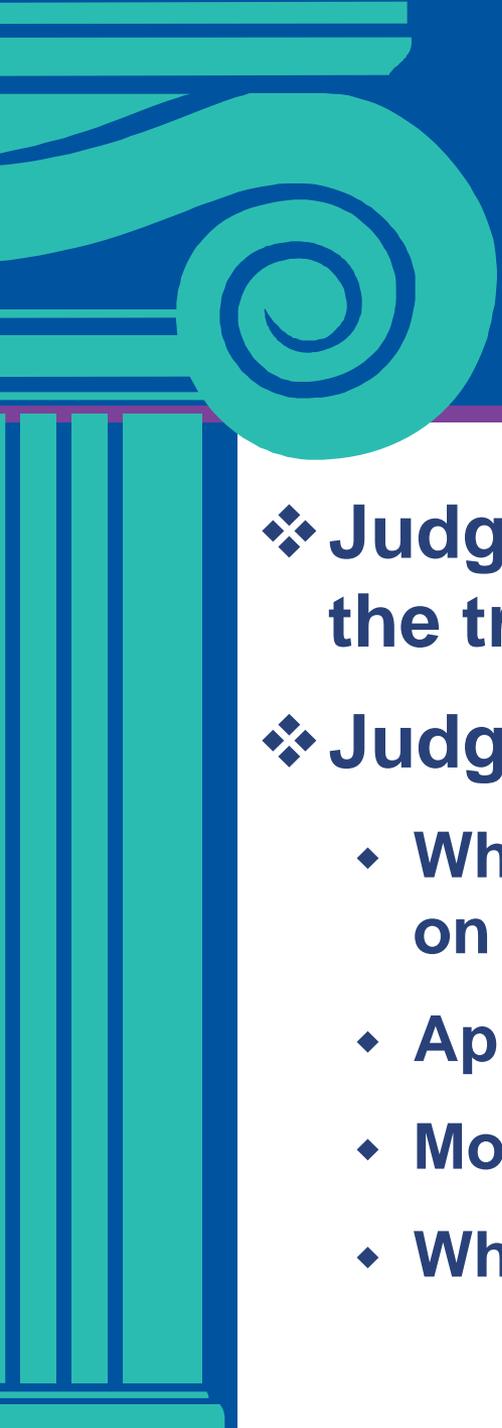
- ❖ **“First responders” when a crime is reported.**
- ❖ **Work to prevent and respond to crimes and to protect individuals and property.**





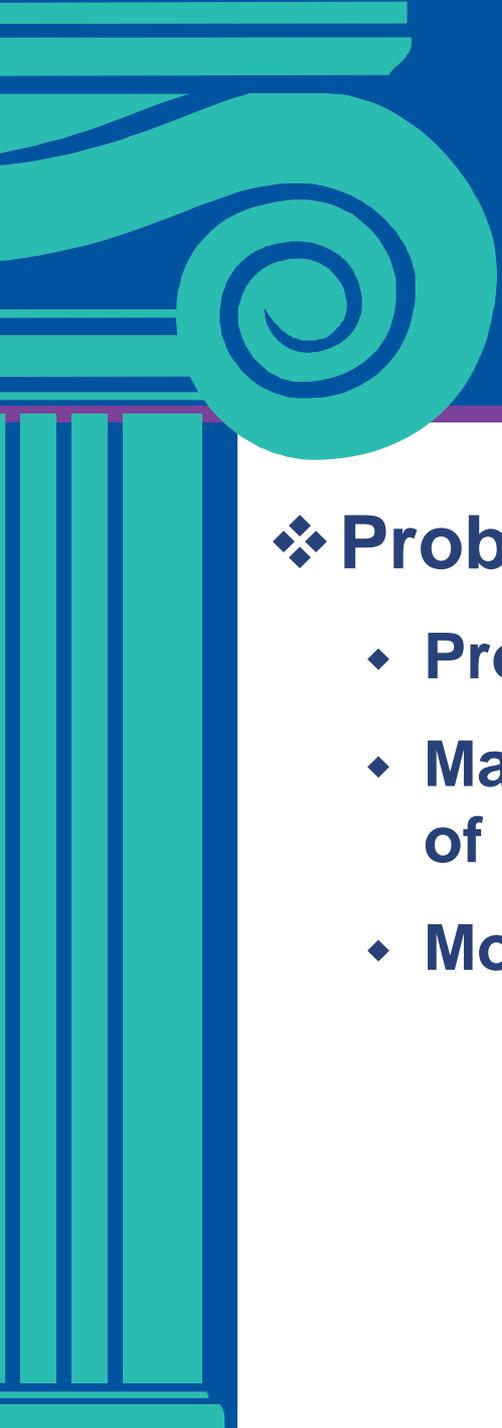
Phase 2: Prosecution

- ❖ After law enforcement has investigated a crime and a suspect has been arrested, the case is referred to a prosecutor.
- ❖ Prosecutor works on behalf of the citizens of a state.
 - ◆ Prepares and presents the case, if it goes to trial.
 - ◆ At sentencing, facilitates the victim impact statement (VIS) and makes recommendations for the sentence.



Phase 3: Judiciary, The Trial Court

- ❖ **Judges oversee all hearings throughout the trial process.**
- ❖ **Judges decide:**
 - ◆ **Whether or not a defendant can be released on bail.**
 - ◆ **Appointment of legal counsel.**
 - ◆ **Motions on legal issues.**
 - ◆ **What evidence to admit in a case.**



Phase 4: Probation

❖ Probation agency

- ◆ Protects the community.
- ◆ Maintains public safety through supervision of offenders.
- ◆ Monitors offenders' conduct.



Phase 5: Institutional Corrections

- ❖ **Department of Corrections is responsible for incarcerating offenders.**
- ❖ **Some inmates will choose to serve their entire sentence behind bars; when their sentence is over, they will not be subject to any supervision in the community.**
- ❖ **Some inmates will be eligible for parole prior to the expiration of their sentence.**



Phase 6: Parole

- ❖ **Supervised release of prisoners to the community.**
- ❖ **Considered part of the prison sentence.**
- ❖ **Victims of crime are allowed to provide a victim impact statement (VIS) to paroling authority.**

Phase 7: Appellate Courts

- ❖ **The convicted offender has the right to appeal.**
- ❖ **An appeal is a request by the losing party to have the court review the decisions made in the trial court.**





Activity

Basic Victims' Rights and the Criminal Justice System Worksheets 5.1, 5.2

- ❖ Identify which basic rights for crime victims fall within your phase of the justice system.
- ❖ What is the role of the victim advocate in securing and enforcing each right?
- ❖ Turn in worksheet 5.1.



Federal, Juvenile, Military, and Tribal Justice Systems



Federal Justice System

❖ Key distinctions

◆ Critical Legislation

- ◆ The Victim and Witness Protection Act of 1982
- ◆ The Crime Control Act of 1990
- ◆ The Mandatory Victims Restitution Act of 1996
- ◆ The Victims' Rights Clarification Act of 1997
- ◆ The Crime Victims' Rights Act of 2004



Federal Justice System

❖ Key distinctions

- ◆ Federal jurisdiction (due to particular criminal law violation and/or location)
- ◆ 94 U.S. Attorneys' Offices prosecute
- ◆ AG Guidelines for Victim and Witness Assistance



Juvenile Justice System

❖ Key distinctions

- ◆ Confidentiality rights of juvenile defendants often clash with information, notification, and participation rights of victims and survivors.



Juvenile Justice System

❖ Key distinctions

- ◆ **Critical to establish victim assistance that is compatible with juvenile system**
 - ◆ **Specific juvenile system information for victims**
 - ◆ **Identification of personnel that can assist victims**
 - ◆ **Referral for victims who need other services**
 - ◆ **Contribute to appropriate policy change**



Military Justice System

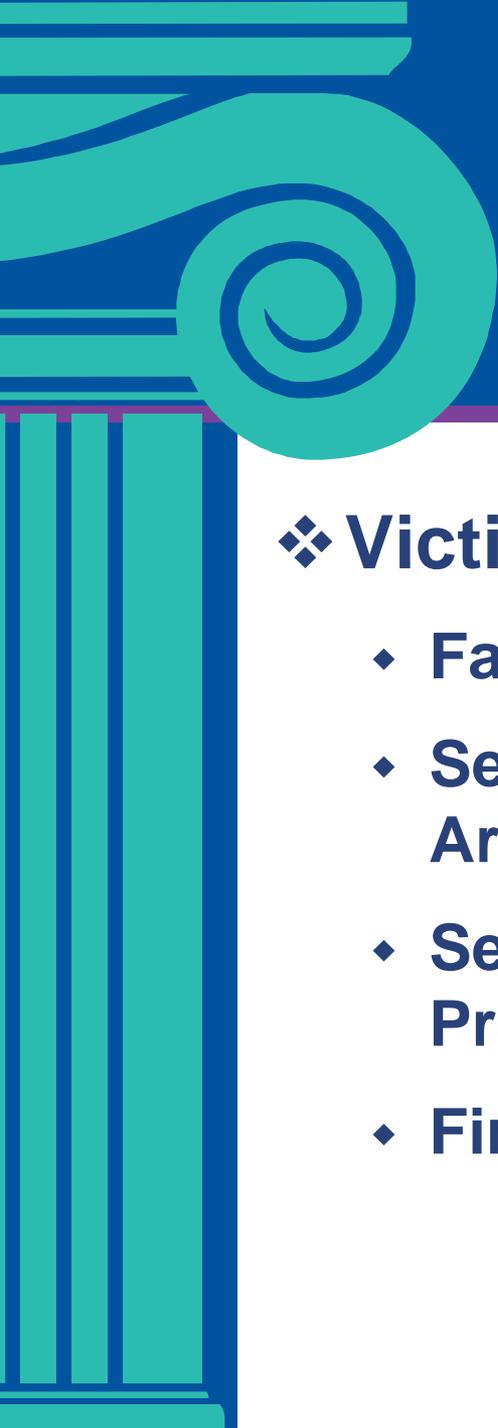
❖ Uniform Code of Military Justice

- ◆ Enacted by Congress
- ◆ Contains laws governing military justice system
- ◆ President prescribes procedures and punishments for violations of crimes
- ◆ Military commanders have the power to decide charging and punishment decisions
- ◆ Actions range from administrative sanctions to courts-martial



Military Justice System

- ❖ **DoD established victim rights and services for all sectors of the military**
- ❖ **Rights for crime victims**
 - ◆ **Fairness and respect**
 - ◆ **Reasonable protection**
 - ◆ **Notice of court-martial proceedings**
 - ◆ **Present at courts-martial**
 - ◆ **Confer with attorney**
 - ◆ **Available restitution**
 - ◆ **Notice of outcome of trial/release from confinement**



Military Justice System

❖ **Victim Assistance**

- ◆ **Family Advocacy Program—all branches**
- ◆ **Sexual harassment and counseling hotline—
Army, Navy/Marine Corps, Air Force**
- ◆ **Sexual Assault Victim Intervention
Program—Navy**
- ◆ **Financial Assistance**



Tribal Justice System

❖ Tribal Justice and Victim Services

- ◆ Variously governed by federal, state and tribal (indigenous) criminal jurisdictions, often creating variation and inconsistency
- ◆ Type of jurisdiction depends on persons involved (victim/offender) and type of crime
- ◆ *Major Crimes Act*: governs prosecution by Federal government for 16 types of offenses. Tribal courts may have concurrent jurisdiction.



Tribal Justice System

- ❖ **Struggle to maintain sovereign powers**
- ❖ **Indian Nations have developed tribal courts that are hybrids of different justice approaches:**
 - ◆ **Family and community forums**
 - ◆ **Traditional courts**
 - ◆ **Courts of Indian offenses**
 - ◆ **Tribal courts**
 - ◆ **Indigenous peacekeeping systems**
 - ◆ **Spiritual, holistic, and restorative practices**



Four Justice Systems

- ❖ **What justice systems have you worked in?**
- ❖ **How are the justice systems similar to each other?**
- ❖ **How are they different from each other?**
- ❖ **What new facts did you learn about the justice systems?**



Review of Learning Objectives

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Closing of Module 5

- ❖ **Any questions?**
- ❖ **Any comments?**