

VICTIM WITNESS ASSISTANCE

presented by

Shelly Hall, Director
Chattahoochee Judicial Circuit's
DA VWAP

Crime Victims and Available Services

- Basic Overview
- Crime Victims' Bill of Rights
- Victim Advocate and Services Provided
 - Georgia's Crime Victims Compensation
- Questions

DISTRICT ATTORNEY and/or SOLICITOR-GENERAL'S OFFICE

- 159 Counties in GA (61 have SG)
- 49 Judicial Circuits in Georgia (soon – 50)
- Each Circuit elects a District Attorney
- Circuits vary with number of counties
- District Attorney – felony & misdemeanor
- Solicitor-General - only misdemeanors & only in Muscogee County



Crime Victims and Available Services

- Basic Overview
- **Crime Victims' Bill of Rights**
- Victim Advocate and Services Provided
 - Georgia's Crime Victims Compensation
- Questions

State of Georgia



Crime Victims Bill of Rights

O.C.G.A. Title 17, Chapter 17

- Crime Victims Bill of Rights
 - 1995 legislation
 - CV have fundamental right of notification
 - Throughout all phases of the criminal justice system
- Marsy's Law
 - 2019 Constitutional Amendment
 - Enhances prior rights
- Who is a victim? Any individual against whom a crime has allegedly been perpetrated, including crimes alleged as delinquent acts (Juvenile Court)
- What crimes are covered? All crimes against or involving the person (to include felony property crimes)

What are the specific rights?

- Reasonable, accurate, and timely notice of scheduled court proceedings
- Reasonable, accurate, and timely notice of the accused's arrest, release, or escape
- To not be excluded from court proceedings, except as otherwise required by law
- To be heard at scheduled court proceedings involving release, plea, or sentencing of accused
- To file a written objection in any parole proceeding
- To restitution as provided by law
- To proceedings free from unreasonable delay
- To be treated fairly and with dignity by all agents of the criminal justice system
- To confer with the prosecuting attorney in criminal prosecution related to victim
- To file a motion in the criminal case within 20 days of a court proceeding – requesting to be heard if the victim properly requested notification and did not receive notification

Consequences to a Violation:

- If a victim has properly requested notification of court proceedings and they are not given notice of a hearing, they may file a motion within 20 days asking to be heard
- Court will hold a hearing and/or issue an order



Crime Victims and Available Services

- Basic Overview
- Crime Victims' Bill of Rights
- **Victim Advocate and Services Provided**
 - Georgia's Crime Victims Compensation
- Questions

Services & Role of a Victim Advocate:

- Notify & explain all legal proceedings in non-legal terms
- Provide referrals to community resources
- Advise on courtroom decorum, prepare for trial & assist with all needs in order to facilitate V's participation in proceedings (parking, transportation, clothing, etc.)
- Assist with all forms (impact statements, restitution forms, compensation claims, etc.)
- Act as liaison between victim and LE (& prosecutors)
- Offer emotional support (Validate victim's feelings)
- Address all concerns stemming from the victimization

Newer Programs

- Early Victim Notification Team
- Post Adjudication
- VOCA-funded Therapy
- Crime Victims Compensation Specialist



Crime Victims Compensation

- State program
- Funded with 0 tax dollars
- Compensates for out-of-pocket costs for innocent victims of violent crime
- Purpose: to assist innocent victims of violent crime with out-of-pocket expenses directly related to eligible victimization
 - Pays outstanding bills or reimburses paid bills
 - Independent investigation to determine eligibility

Stipulations and Eligibility:

- Total Award not to exceed \$25,000
 - (as of July 2022, hospitals will accept as payment in full)
- Payer of Last Resorts
 - (insurance or workman's comp will pay before CVC)
- No money up front
 - Reimbursement or direct payment of outstanding bills
- Eligibility –
 - Based on report of crime – NOT ON OUTCOME OF PROSECUTION!
 - Crime reported within 72 hours (unless good cause is shown)
 - Victim must be innocent
 - Claim filed within 3 years
 - Claimant must pass CJCC's criminal background check & investigation

May cover expenses:



- Lost Wages OR Loss of Support – up to \$10,000
- Funeral Expenses - \$6,000
- Medical Expenses - \$15,000
- Counseling Expenses - \$3,000
- Crime Scene Cleanup and Sanitation - \$1,500

Officers' Initiative

- First responder killed/injured in the line of duty as a result of violent crime
- Officer or family members may be eligible for compensation
- Medical Expenses up to \$15,000
- Funeral Expenses up to \$6,000
- Counseling up to \$3,000
- Economic Loss - \$10,000
- Crime Scene Sanitization up to \$1,500
- Example: CJCC has replaced an officer's prescription glasses that were broken during a Felony Obstruction
- We urge all victims to open a claim – even if their injuries aren't debilitating. A claim stays open until pays out the limit

Crime Victims and Available Services

- Basic Overview
- Crime Victims' Bill of Rights
- Victim Advocate and Services Provided
 - **Georgia's Crime Victims Compensation**
- Questions

Wrap Up/Questions

Shelly Hall, Director

Victim Witness Program

Office of the District Attorney

Chattahoochee Judicial Circuit

PH 706-225-3618

Shall@columbusga.org