# LETTER INFORMING VICTIM OF PENDING FAMILY VIOLENCE CASE

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

RE: State vs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DA File Number: Judge:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

This letter is to inform you about the status of a family violence case in which you or a family member was named as a crime victim. A law enforcement agency in \_\_\_\_\_\_\_\_\_\_\_\_\_\_ County made a referral to the District Attorney’s Office requesting that a review and charging decision be made with respect to the above named person. This case is in the process of being reviewed by our Sensitive Crime/Family Violence prosecution team and a charging decision will be made in the near future. YOU MUST KEEP THE DISTRICT ATTORNEY’S OFFICE NOTIFIED SHOULD YOU MOVE OR CHANGE YOUR TELEPHONE NUMBER. IF THE DISTRICT ATTORNEY IS UNABLE TO LOCATE YOU AT THE TIME OF THE TRAIL OR AN IMPORTANT HEARING DATE, THE COURT COULD ISSUE A MATERIAL WITNESS WARRANT FOR YOU.

We apologize for the impersonal nature of this form letter, but the Office of the District Attorney reviews thousands of cases each year and there is inadequate time to address each case individually at this stage. We do want to let you know that your case is being reviewed and how you can share your thoughts with the prosecutor. Because this case involves family violence, we wish to share with you some general information about the way these cases are handled.

1. The case prosecutor will review all the reports and records submitted by the investigating law

enforcement agency before any charging decision is made. There may be a delay in issuing a charge if the prosecutor deems further investigative follow up necessary.

1. The decision to issue or not issue a criminal charge is ultimately made by the case prosecutor

and/ or the District Attorney. Victims of crime do not make charging decisions, nor are they

permitted to “drop charges.”

When reviewing a case for prosecution, the District Attorney must consider many factors, such as safety for the crime victim and his or her family, the overall safety of the community, the evidence supporting a charge, and potential methods of resolving a case which insures that future violence is not repeated.

Prosecutors have many options and alternatives with respect to the disposition of a case. The prosecutor will consider all appropriate resolutions of a case and will consider your wishes and views on the subject of disposition.

1. As a crime victim, you have a right to confer with the prosecutor by communicating your

thoughts and desires. It is appropriate for the prosecutor to receive input from you about your case. Your communication should be in writing so that your comments are preserved and maintained.

If you choose to write a letter, please address the mailing envelope in the following

manner:

 Victim/Witness Program Staff

 Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Be sure to list the name of the defendant, the DA file number and the Division of Court assigned to hear the case. The victim witness professional assigned to your judge will ensure that your letter and comments are brought to the attention of the appropriate prosecutor, and that your desires with respect to future notifications are both read, and noted in the file.

1. You have a right to know about future court hearings and to attend those hearings if you

wish. You will be subpoenaed for court hearings which require your attendance, but you may voluntarily attend any court hearing you choose.

Some cases have a few court hearings and other cases may have several such hearings. Each case is different. In the future, you may call our office at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ any time Monday - Friday from 8:00 a.m. - 5:00 p.m. to ask for a case status update. This information will be given to you over the telephone. Be prepared to provide the defendant’s name and docket number when calling to request a status check.

Unless you request otherwise, the victim witness program staff will make every effort to notify you about the final disposition of this case so that you will know the result. We will not notify you about the other hearings which take place before a sentencing date - unless the hearing involves a significant issue of which you should be made aware.

5. The District Attorney is probably going to request that a no-contact order be put into effect as soon as charges can be issued. The District Attorney has no desire to “split up” families, but rather needs to ensure your safety and protection from harm and victim intimidation. Because of this, a “no-contact” order will likely be requested when a charge is issued and when the defendant appears in court before the court commissioner or judge. No contact orders, as conditions of bond, are different from “restraining orders.” The “no-contact” order is typically in effect as long as a criminal case is pending, unless modified by a judge.

Restraining orders are civil orders that remain in effect for up to two years. Violations of restraining orders and no contact orders are both crimes. There are several purposes for a restraining order:

 First, they add protection and safety for victims and witnesses during the pendency of a case.

Second, they assist the lawyers and judge in assessing and gauging a defendant’s ability to listen and to follow instructions without violations. If a defendant wishes to demonstrate his or her desire to receive treatment, and wants the privilege of being placed on community supervision, or accepted into any community treatment program, then he or she must demonstrate the ability and willingness to follow rules. Defendants who violate court orders of “no-contact” are demonstrating their lack of ability to comply with rules of supervision.

Please be patient with us as we conduct our assessment of a defendant with respect to the “no-contact” order. The District Attorney may be willing to consider modification of this order to permit some form of contact after some time has passed, if the defendant accepts responsibility for his conduct, and has demonstrated his or her ability to comply with court orders.

Some defendants threaten or intimidate their victims and believe that by doing this the charges will “go away.” Some defendants believe that if they can prevent a victim from appearing at court or if a victim refuses to testify or recants at a court hearing that charges will be dismissed. The above belief is absolutely WRONG! Charges will not go away or be dismissed. In cases where these tactics are employed, proceedings usually drag on for a much longer period of time.

Some defendants may attempt to control or manipulate a victim by withdrawing financial support to the family or by refusing to provide childcare during the pendency of a court action. Again, our office assesses the defendant by observing their conduct, and you should also be watchful and observant. Defendants who refuse to support their families during times of strife are demonstrating their selfishness and control. These are very telling signs.

Some defendants learn lessons and wish to make amends.

Family violence can be stopped, but neither the problem nor the solution are simple. We want you to be safe and secure. We want to work with you. We want to create a safe and nurturing environment for you and your family in the years to come. Please report any intimidation or threatening conduct to law enforcement authorities right away.

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_ County District Attorney’s Office has a Victim/Witness Program to help victims and witnesses cope with, and understand, the criminal justice system. We are here to answer your questions. In addition, our community has several resources available to help you with questions or problems. All you need to do is call to ask for their assistance. Their numbers are *(list agencies and telephone numbers).*

Keep this letter for future reference, should you wish to contact us for information or assistance. It is our goal that you receive the best possible assistance during the weeks and months to come.