

The Advocate

The Wichita Area Sexual Assault Center Newsletter

Navigating the Criminal Justice System

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Court Advocate

Navigating through the criminal justice system can be a scary, confusing process. It is helpful to know the process and the support available to victims and family members. Additionally, please note this process is not black and white, every case will be different and can proceed differently.

Steps to report a sexual assault.

Police substation, WASAC, and/or the hospital can assist with a report or call 911.

The officer taking the report will ask questions about what happened, who was involved or witnessed the crime, and when and where it happened. They will gather any other details necessary for the detectives to begin an investigation. The officer will report the incident and obtain a case number. The officer will give the victim the case number for reference. The victim will be contacted by a detective for follow up. The detective will ask additional questions for clarification and other details about the case.

What happens after a detective interview?

When the detective has gathered all evidence, they will present the case to the District Attorney's (DA) office. The DA's office will review and decide if the case can be proven



beyond a reasonable doubt to a jury. If they determine it will not, the case will not proceed any further. If they determine it will, then the court process will begin, this can take roughly 12-18 months, from inception to completion. There are actions that can end the court process sooner, those will be discussed in the following sections.

Criminal Justice System Process.

DA meetings (District Attorney meetings):

After the DA has accepted a case, usually the first step is for the survivor to meet with the DA. This can be the first of many DA meetings. The DA may ask to meet with the victim/survivor to discuss any changes in the process or for further questions. This is also an opportunity for the victim/survivor to meet the State Prosecutor assigned to their case and ask any questions. If the victim/survivor would like a tour of the courtroom where proceedings will be held, this can also be arranged at this time.

Preliminary Hearing:

The next step of the process is the Preliminary Hearing also known as the probable cause hearing. The DA presents to a judge and has to prove that the charges are what probably happened and that the defendant is the one who probably committed the crimes. The Prosecution (State) usually does not have to present a lot of evidence during this hearing; however typically the survivor/victim has to testify and sometimes the officer and/or detective on the case. The Prosecutor and Defense Attorney can both question the witnesses. The defendant will also be present during this hearing. After all evidence is presented, the judge decides if there is probable cause to move forward. If the judge decides there is probable cause, the case is set for trial. The defendant has the right to waive a preliminary hearing. If the defendant waives the hearing, there will be no testimony, and the case proceeds to the next step.

Trial (Jury or Bench):

A trial is generally set for about 4-6 weeks after the Preliminary Hearing. However, it can be delayed and often is continued (rescheduled) to another date. A trial can be continued several times before it actually goes to trial. The defendant has a right to choose if they prefer a jury trial (with 12 people selected from the community) or a bench trial (with the judge only) to hear the case and evidence and who will determine the verdict. At any time before the trial, the defendant can enter a plea with the DA. This is a compromise from both parties to prevent the trial from occurring. The DA will

meet with victim/survivor to discuss this.

The week of trial, typically a Monday, jury selection will occur. Once the jury has been selected, the trial will begin. The DA will arrange for all witnesses to be present and ready to testify. The trial will begin with opening statements. Each party will have an opportunity to set a basic scene to the jurors and provide a general road map of how the trial is expected to unfold.

The victim/survivor, family and their support system will wait in the judge's library for privacy. When it is time for the survivor to testify, they may choose who, if anyone, they would also like present in the courtroom. The only exception would be any witnesses on their behalf who have not testified. They are not allowed in the courtroom. When the victim/survivor finishes their testimony and is released from their subpoena, they can return to the judge's library to wait or can leave the courthouse. When all evidence has been presented from the prosecution, the defendant has the right to present their evidence. The defendant can choose to testify or they can choose to not take the stand.

After both parties have presented their case, closing arguments will begin. Closing arguments are the opportunity for both parties to remind jurors about key evidence presented and to persuade them to adopt an interpretation favorable to their position.

The trial will conclude with the judge giving the jury instructions. The jurors will be dismissed to discuss the case and attempt to reach an agreed verdict. When the jury reaches a verdict, court will resume and jury will announce their findings for each count. The verdict reached will be either guilty or not guilty.



Sentencing:

If the defendant receives a guilty verdict, the judge will set a court date for the sentencing, usually about 4-8 weeks later. At the sentencing date, the judge will use the state's sentencing guidelines to determine a range of appropriate time for the defendant. The time determined will be based on the charges and previous criminal history of the defendant. Additionally, the victim/survivor and family members will have an opportunity to tell the judge how the case has affected them and what they would like to see happen in regards to the sentencing. The victims and family members also have the option to write a statement that can be read privately by the judge. They can also choose to have the DA or someone else read the statement in court. The victims or family can also attend the sentencing just to observe. The judge will conclude with making a decision regarding the sentencing.

Support:

At any point during the court process, a WASAC Court Advocate is available to help answer questions, provide support, and explain WASAC services. If a victim/survivor wants a Court Advocate present while they make a report, during a detective interview or at any other court proceeding, including any not mentioned, they can call the WASAC office at 316-263-0185 and ask to speak with a Court Advocate. If you are working with an adult or youth survivor who is currently going through a case, and have additional questions or need other resources, you may contact Sarah or Ronnie at 316-263-0185. You can also reach our WASAC Court Advocates by email sarah@wichitasac.com or ronnie@wichitasac.com.

WASAC Lunch and Learn Practicing Self-Care While Caring for Others

The last lunch and learn for 2016 will be to focus on those in the field who help others during difficult situations. We will recognize the effects of compassion fatigue, understand the importance of self-care and tackle the stigma that may result from helping ourselves. We hope this session will teach you ways to find balance and learn the self-care techniques that work best for you.

**December 27th
12:00 p.m. - 1:00 p.m.**

Location: 355 N Waco, Suite 100, 67202
Hosted by: Samantha Reyes, Outreach Advocate
&
Helena Popejoy, Outreach Advocate



Sarah Eastman-Olivas, Court Advocate
Ronnie Wills, Court Advocate



Wichita Area Sexual Assault Center

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www.wichitasac.com**

Free & Confidential
Call us for more information
316-263-0185

Coming in 2017...
Art & Writing Workshops
Reconnect Program

December 22: 6:00-8:00 p.m.
Protective Parenting Program
(court approved)
Certificate of attendance provided.

December 27: 12:00-1:00 p.m.
WASAC Lunch and Learn
Practicing Self Care While Caring for Others
Certificate of attendance provided.

WASAC office will be closed:
December 26
January 2
January 16

**If you need assistance contact our
24-hour hotline 316-263-3002**





Wichita Area Sexual Assault Center

2017 Art & Writing Workshops

Adult Survivors Art Workshop

This workshop is open to all genders.

Wednesday evenings, 6-7:30 PM

January 4-February 22

Teen Survivors Writing Workshop

This workshop is open to all genders.

Wednesday evenings, 6-7:30 PM

January 4-February 22

Teen Survivors Art Workshop

This workshop is open to all genders.

Wednesday evenings, 6-7:30 PM

March 1-April 26

Adult Survivors Writing Workshop

This workshop is an all-women group.

Wednesday evenings, 6-7:30 PM

March 1-April 26

Workshops offered by the Wichita Area Sexual Assault Center are free, confidential, voluntary, and open to survivors at any point in their healing. All supplies are provided. These workshops are closed groups that meet for a limited number of sessions. You will need to reserve your spot in the workshop to participate. At this time, childcare is not available.

**Call (316) 263-0185 or email
advocate@wichitasac.com to reserve your spot
in a workshop today!**



Wichita Area
Sexual Assault
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THE RECONNECT PROGRAM MASSAGE RETREAT

The Reconnect Program teaches basic massage therapy principles and techniques to sexual assault survivors and a trusted loved one. Massage therapy can help the survivor relearn how to receive and give healthy, healing touch to him/herself and others. This process aids in the reclaiming of the survivor's body, healing chronic pain, and reconnecting the mind and body into one functioning unit.

Beginner Class 1—Two Weekends

Friday, February 24, 2017 5:30-9:30 PM & **Saturday, February 25, 2017** 9 AM-4:30 PM
Friday, March 3, 2017 5:30-9:30 PM & **Saturday, March 4, 2017** 9 AM-4:30 PM



Beginner Class 2—Two Weekends

Friday, March 17, 2017 5:30-9:30 PM & **Saturday, March 18, 2017** 9 AM-4:30 PM
Friday, March 24, 2017 5:30-9:30 PM & **Saturday, March 25, 2017** 9 AM-4:30 PM

The Reconnect Program is free to attend, but requires pre-registration.

SPACE IS VERY LIMITED!

**For questions or registration details, please contact:
Jackie at practicum@wichitasac.com or 316-263-0185.**



Wichita Area
Sexual Assault
Center

Sexual Assault Survivor Support Groups

Teen girls (13-17)

Every Tuesday
5:30-6:30 PM

Adult women (18+)

Every Tuesday
5:30-6:30 PM



Support groups at the Wichita Area Sexual Assault Center are free, confidential, voluntary, and open to survivors at any point in their healing. The adult women and teen girl groups meet weekly and are open-ended. No appointment is necessary to participate. At this time, childcare is not available.

**Groups are held at 355 N Waco, Suite 100,
Wichita KS 67202.**

Check www.wichitasac.com for more group and workshop schedules!