



Wyoming Crime Victim Handbook

Wyoming Office of the Attorney General
Division of Victim Services

WYOMING CRIME VICTIM BILL OF RIGHTS

Wyoming Statute
Section 1-40-201

- ◆ The right to be treated with compassion, respect, and sensitivity within the criminal justice system;
- ◆ The right to know the whereabouts of the offender and the current status of the case;
- ◆ The right to receive restitution from offenders;
- ◆ The right to know all rights under this law, including information about services and victims assistance at the local level;
- ◆ The right to know about victim compensation;
- ◆ The right to reasonable protection and safety and the right to know of legal recourse if threatened;
- ◆ The right to prompt return of property;
- ◆ The right to preservation of employment while participating in the criminal justice process;
- ◆ The right to be informed about the opportunity to make a victim impact statement at sentencing and parole hearings; and
- ◆ The right to be present at trial.

We are pleased to provide the Wyoming Crime Victims' Handbook which will give you the "knowledge" you need to understand the judicial system. We believe that knowledge is power. The Handbook outlines the criminal justice system, provides you with many resources for crime victims, and explains your rights as a crime victim.

The Wyoming Division of Victim Services is dedicated to helping crime victims and we work hard to address the frustration felt by many crime victims by developing programs to help them navigate, understand, and participate in the criminal justice system.

In 1991, the Wyoming State Legislature passed the Wyoming Victims Bill of Rights and in 1997 created the Division of Victim Services (DVS) to ensure Wyoming was doing all we can and should do to help crime victims and their families. Our mission statement is "to improve the treatment of all victims of crime by providing them with the assistance and services essential to their restoration".

Although the material contained in this handbook is believed to be accurate, readers should not rely exclusively on its contents. The handbook is not intended as legal advice or as a substitute for legal research.

Wyoming is committed to doing everything possible to bring criminals to justice as well as providing the information to all those hurt and pained by violent criminal acts. Together we can bring into better balance the rights of crime victims .

If we can provide any other assistance to you, please contact the Wyoming Division of Victim Services toll free at 888-996-8816.

Julie Tennant-Caine

Director, Wyoming Division of Victim Services

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VICTIM SERVICES

Each year Wyoming and the United States of America, have a large number of crimes that are unreported. The U.S. Department of Justice estimates only 38.5% of sexual assaults are reported, leaving 61.5% unreported. The U.S. Department of Justice also estimates 60% of violent crimes are unreported, because crime victims often become lost and feel forgotten in a criminal justice system that focuses on prosecuting criminals. This is why Wyoming has a victim service provider in every county. Victim service providers are on the front line helping victims report and prosecute crimes. Victim assistance providers are well trained and can explain criminal justice procedures to crime victims during this emotional and difficult time.

Available Victim Services

Victim service providers are governmental or non-profit programs designed to support victims. They can assist victims with reporting, completing forms and applications, the court process and other needs of victims (like food, clothing and housing) at no charge to the victim. Every county in Wyoming has a victim service program. Contact a local victim service program to find out what services are available in every county. Most victim service providers offer:

- ◆ Counseling after the crime to help with the immediate emotional trauma.
- ◆ Referrals to other agencies.
- ◆ Emergency help with housing, clothing, food, transportation and medical care.
- ◆ Victim service providers can explain the restitution process and help complete necessary forms.
- ◆ Help in completing and filing for compensation through the Wyoming Crime Victim Compensation Program (CVCP).
- ◆ Advocate throughout the criminal justice system.
- ◆ Explain the criminal justice process and information about the case.
- ◆ Provide a support person when a victim goes to court.
- ◆ Help victims receive property back if law enforcement held it as evidence.
- ◆ Contact a victim's employer to minimize any loss of pay or benefits because of missed time related to the crime.

Domestic Violence & Sexual Assault Programs

Along with victim service providers, every county has a domestic violence & sexual assault program. These programs provide emergency and long-term support to victims and their families, like:

- ◆ Emergency safe houses or shelters.
- ◆ 24-hour crisis telephone line.
- ◆ Follow-up crisis and long-term counseling.
- ◆ Someone to support a victim during medical exams, court hearings and when working with other agencies.


Wyoming Crime Victim Compensation Program

The Wyoming Crime Victim Compensation Program (CVCP) provides financial assistance to victims who have suffered personal injury as a result of a criminal act. Benefits are awarded for out-of-pocket expenses, medical expenses, and lost wages related to emotional and physical injury suffered by the victim and the victim's family as a direct result of a violent crime. However, the program does not compensate victims for damaged or stolen property.

Filing for victim compensation should be done as soon as possible. The victim does not have to wait for the offender to be arrested. The person filing for compensation must file an application within one year of the date of the crime. Then, it usually takes about 30 days after an application is received for the application to be processed. If denied compensation there is an appeal process. Victim services providers are available to assist a victim in applying and helping with all the steps of the victim compensation process.

The Wyoming Crime Victim Compensation Program covers:

- ◆ Mental health treatment or counseling.
- ◆ Medical or dental expenses.
- ◆ Lost wages or income.
- ◆ Burial and funeral expenses.
- ◆ Moving or relocation expenses.
- ◆ Financial support to care for the dependents of a victim who died or became disabled as a result of the crime.



The expenses (or loss) must be related to the crime, and cannot be covered by another source (like insurance, or employer). The Crime Victim Compensation Program (CVCP) also compensates Wyoming residents who are victims, relatives or witnesses to a crime or act of terrorism.

Contact:

Wyoming Crime Victim Compensation Program

122 West 25th Street, Cheyenne, WY. 82002

Phone: 307-777-7200 Toll Free: 888-996-8816 Fax: 307-777-6683

Download application at <http://victimservices.wyoming.gov> or check with a local victim service provider.

Restitution

A victim of a crime that has suffered expenses may be entitled to restitution from the offender. Restitution is money the defendant pays because of the crime he or she committed. There are 2 types of restitution: restitution fines and direct restitution. A fine is placed when the offender is convicted. He or she will be ordered by the judge to pay a fine of \$100 or more that is paid to the state Crime Victim Compensation Program, not the victim. Direct restitution is money the offender pays directly to the victim or the victim's family. Direct restitution can only be ordered by the judge.

Collecting Direct Restitution

According to W.S. 7-9-103 it is the victim's responsibility to submit a restitution request to the prosecutor. The prosecutor may then present the request to the court for consideration during sentencing. Another method of applying for restitution is during the victim's impact statement made before the court at the sentencing hearing. Be prepared with a written list of expenses to submit in addition to oral testimony. The third method of applying for restitution is during the pre-sentence investigation (PSI). A victim can contact the local office of Probation and Parole and contact the parole agent that has been assigned to the PSI. In all three methods a victim can apply for restitution on their own or ask for assistance from a local victim services provider. It is important the victim provides bills verifying expenses and/or as proof of the amount of restitution to be considered. Present the documentation to the prosecutor or the victim services

provider for consideration to the court during sentencing. Requests for restitution should be for direct costs resulting from the crime: examples would be medical bills, property repair or replacement, lost wages or counseling fees. Estimates may be submitted for long term medical care and for counseling expenses only.

Civil Restitution

Civil suits are focused on private rights; which include, but not limited to, property damage, divorce, and protection orders. A legal action may be filed in Circuit or District Court (depending on size of case) by, or on behalf of, a victim of crime seeking to have money or other relief awarded for injuries or losses suffered as a result of the crime. A civil suit is completely separate from the criminal case and may be brought by the victim and a private lawyer.

A victim can file a civil suit against the defendant (even if he or she has not been convicted) for losses like medical bills, lost wages or emotional distress. There are time limits to file a civil suit. If a victim believes they may have the right to sue, contact a civil lawyer as soon as possible. A victim can also ask a civil lawyer to help in collecting restitution.

THE WYOMING COURT SYSTEM

Criminal cases are violations of state criminal laws or statutes that are considered to be punishable by society; which includes, but is not limited to, driving under the influence, robbery, murder, and larceny. In Wyoming, the prosecuting attorney is responsible for making the decision to charge a person with committing a crime based on the investigative information provided by law enforcement. All crimes in Wyoming are defined by the Wyoming Criminal Code. It is vital to understand that criminal cases are brought by the State, not the victim of the crime. The district/county has the sole authority to bring charges and they can be brought contrary to the victim's wishes.

Wyoming Municipal Courts

Municipal courts are found in the incorporated city and towns of Wyoming. They are responsible for violations of municipal ordinances and do not hear civil suits. They are able to charge offenders, penalties of up to \$750 and/or six months in jail. In Wyoming, not all towns have their own municipal courts (due to population and/or demand of need) at these locations municipal ordinances are handled at the nearest District Court.

Wyoming Tribal Court

Tribal Court is a limited jurisdiction court that prosecutes tribal code violations enacted by the Shoshone and Arapaho Tribal Governments, on the Wind River Reservation. They address violations of tribal code, which can include criminal, traffic, and civil matters. Felonies that are committed on the Wind River Reservation are prosecuted in Federal Courts.

Wyoming Circuit Courts

The Circuit Courts are used to try all misdemeanor criminal cases, family violence, and small claims civil cases (those which damages and recovery are under \$7,000). Circuit courts also set the bail for a person accused of a crime and does all the preliminary hearings for felony cases. There is a Circuit Court in all 23 counties of Wyoming.

Wyoming Juvenile Courts

Wyoming has a separate court division for children who commit criminal acts. In the juvenile justice system, focus is placed on rehabilitation of the juvenile offender and victim restitution.

Wyoming District Courts

District courts are considered to be general jurisdiction courts. In Wyoming, there are a total of nine judicial districts that cover all 23 counties in the state. The District court trials can include felony criminal cases, large civil cases (those which damages and recovery are over \$7,000), juvenile, probate matters, and appeals from the lower courts.

Wyoming Supreme Court

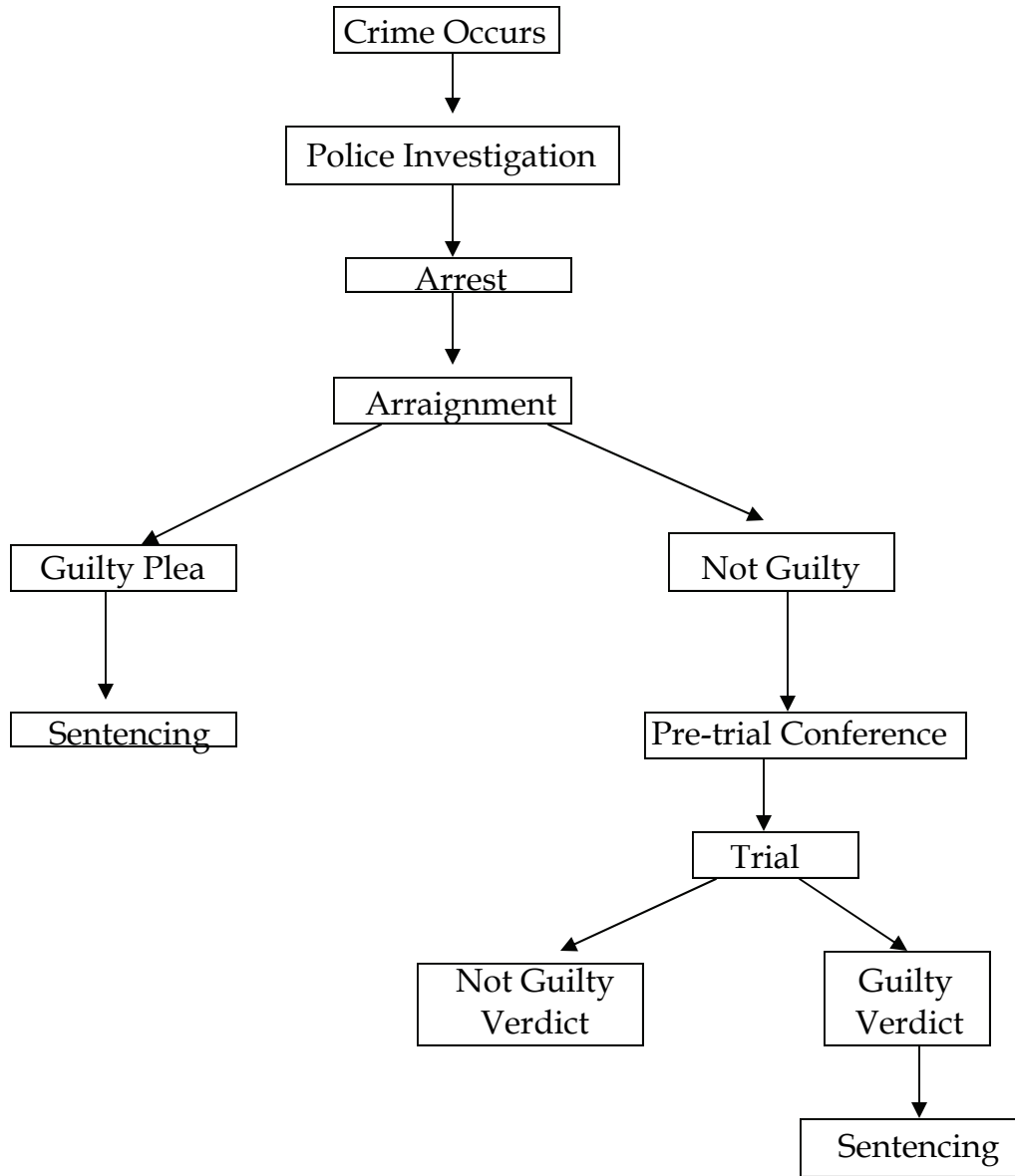
The Wyoming Supreme Court is located in Cheyenne and is the highest court system in Wyoming. The function of the Wyoming Supreme Court is to hear appeals from the district court level and supervise lower levels of the court system and put in place the policies and procedures for all Wyoming courts. Finally, the Supreme Court is responsible for regulating the practice of law in the state, the bar exam, and appointing attorneys to the state.

Wyoming Federal Court

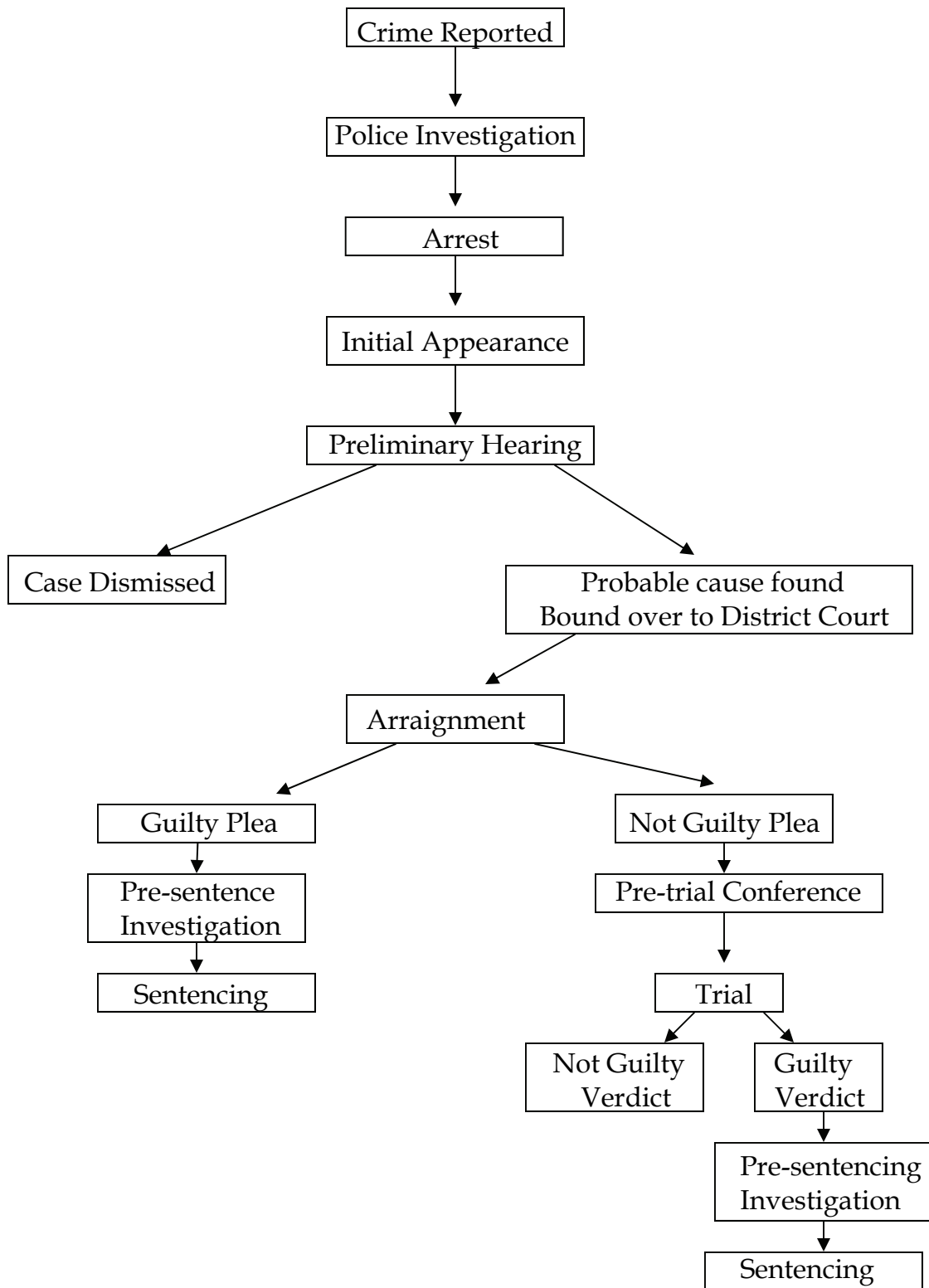
The Wyoming Federal Court, is called the United States District Court for the District of Wyoming, and hears all cases for the state in Cheyenne or Casper. A case can be taken to Federal Court depending on jurisdiction, location and time of offense, or violation of a specific federal crime. The Federal Court hears the interstate or inter-county violations of laws along with offenses that occur on federal lands such as F.E. Warren AFB, Yellowstone National Park, and Wind River Reservation. However, if the crime falls under state and local jurisdictions can be prosecuted in either the District or Federal Court.

CRIMINAL CASE PROCESS

Simple Misdemeanors



Felony and High Misdemeanor Cases



Police Investigation

After a crime, the first people that victims and witnesses usually have contact with are law enforcement officers. Law enforcement's job is to learn as much as they can about the crime and to protect the crime scene and gather any evidence. Some of the questions they ask may seem insensitive. But they need this information to identify and arrest the suspect. Ask for a card with the officer or investigator's name and number. A victim can contact the officer later if he or she remembers other details. Sometimes the officer will contact a victim later to gather more information. Victims of crime have the right to contact law enforcement on the status of the case.

Evidence (Property)

Often property will need to be taken as evidence during the police investigation. Law enforcement has the right to take the victim's personal property as evidence in a case. This property is usually returned to the victim after the completion of the trial. However, please keep in mind if the accused wishes to appeal the courts decision property will stay in custody until after the appeal process. If law enforcement believes there is enough evidence, they will send the case to the prosecutor's office. The prosecutor will review the case and if there is enough evidence, the prosecutor will file criminal charges (a complaint). Remember: If the prosecuting attorney decides not to file charges, it does not necessarily mean that the crime did not happen. It just means the prosecutor feels there is not enough evidence to prove it in court.

Threats and Bribery

It is important to note that if an offender or someone connected to the offender makes threats towards a victim or others, the victim should inform Law Enforcement. This act can be charged as a separate criminal offense.

Arrest

Offenders can be arrested at the scene of a crime, or during the police investigation depending on the circumstances. Individuals who are not arrested on scene will be ordered to court by a summons or a warrant after the investigation. If they receive a summons, that offender must show up in court the day the trial is set. If they do not appear a warrant will be issued for their arrest. If the judge feels that a warrant should be issued at the time of the investigation the officer will be sent to take him or her into custody, at which time they will be sent to court, the police

station, or jail. If, after a reasonable period of time, there is still not enough evidence to make an arrest, the investigation can be suspended or case can be unfounded. Homicide cases are never closed.

When a law enforcement agency makes an arrest, the arrested person may or may not be immediately jailed. In less serious crimes, an offender may only be issued a citation ordering they appear in court on a certain date. In cases involving more serious crimes, a court hearing is necessary to decide whether the offender should be released pending trial, resulting in a bond or bail being posted and a release from custody, perhaps hours after the arrest.

Law Enforcement's Involvement After the Arrest

Law enforcement's role does not end with the arrest of the alleged offender. Working closely with prosecuting attorneys, law enforcement officers frequently testify at trials. Officers testify on the contents of the police report, evidence collected at the scene, and how the evidence was preserved for presentation in court. They also conduct follow-up investigations which can be conducted days, weeks, months, and even years after the initial investigation. Officers may need to revisit the crime scene and talk to victims and witnesses previously interviewed.

Prosecuting Attorney Files Charges

Most criminal cases are prosecuted by the prosecuting attorney on behalf of the people of Wyoming. In Wyoming, the prosecuting attorney is responsible for making the decision to charge a person with committing a crime based on the investigative information provided by law enforcement. If the prosecuting attorney decides to pursue the case, a document called "information" is filed with the court. The first appearance by a defendant in court is often referred to as an "arraignment."

Initial Appearance (Felony and High Misdemeanor Cases Only)

In felony and high misdemeanor cases the first appearance by the alleged offender is at the initial appearance. During the initial appearance he or she will be informed of their rights and the charges against them. At this time the judge will also assign the offender a defense attorney, if the defendant is unable to afford their own. It is important to note that no plea is entered during the initial appearance. All initial appearances, except those involving a juvenile offender, are open to the public and victims who wish to attend are allowed to do so.

The court also considers the amount of bail, and other conditions of release,

which permit the defendant to be out of jail until the trial. In Wyoming, every defendant is eligible for bail. Judges, however, are not required to set bail for defendants charged with capital murder where specific circumstances exist. Defendants who receive the option of bail will be required to pay the set dollar amount that insures to the court that the defendant will appear back at later court dates. They will then be released into the general public. If the judge feels that the defendant is not eligible for bail he or she will be denied bail and will be held at the local jail until the scheduled court appearance.

Preliminary Hearing (Felony and High Misdemeanor Cases Only)

The preliminary hearing is used in felony and high misdemeanor cases in order to prove probable cause. Probable cause must include that a crime was committed and that the offender could have committed the crime. A victim may be required to attend this hearing and give testimony. If during the preliminary hearing the judge finds that there is indeed probable cause to try the case he or she will bind the offender over for arraignment. If he or she does not find probable cause the offender will be released. This however, does not mean that the offender will not be charged. The prosecuting attorney can make another attempt and reinstitute charges for the same offenses against the offender.

Arraignment

At an arraignment, the defendant is asked to enter a plea. He or she will enter a plea of guilty, not guilty, or nolo contendere (no contest). A no contest plea has the same effect as a plea of guilty as far as the criminal sentence is concerned. If the defendant pleads not guilty, a pre-trial conference and trial date are set. At this time bail conditions from the initial appearance are re-evaluated and can be increased, decreased, or removed. If the defendant pleads guilty or no contest to the charges, he or she will then be sentenced by the judge. This sentencing will be scheduled at a later date. Victims and witnesses are welcome at the arraignment, except those cases involving a juvenile offender, but do not have to present.

Pre-Trial Conference

A pre-trial conference is a set meeting between the judge and attorneys. A pre-trial conference could cause the case to never make it to trial if the defendant and the prosecuting attorney agree to a negotiated plea. Plea agreements save time, stress, and money to the legal system. Taking a case to trial is always uncertain; as there is no guarantee of a conviction. It is important to recognize that a guilty plea is a conviction. Outside of a plea agreements, the pre-trial conference will provide

both the prosecutor and defense attorney a chance to meet with the judge, receive a ruling on a motion made in court, address what evidence can and can not be used in court.

Pre-trial conferences are generally closed to the public, which includes the victim. However, judges issue a written summary of the pre-trial conference, which will include rulings, plea agreements, and any other agreements made. Victims can stay in touch with the prosecutor's office and the victim service program to receive up-to-date information on the case.

Plea Agreements

A plea agreement is an agreement between the State and defendant wherein the defendant agrees to plead guilty under certain terms and conditions. Keep in mind that, according to the U.S. Department of Justice, over 90% of felony cases end in a plea agreement (Underwood 2003). Plea agreements are a means to arrive at a reasonable disposition without the necessity of a trial. The victim has the right to be made aware of the plea agreement and to comment on the offer. However, the determination to end in a plea agreement does not include the victim.

Trial

A trial usually includes the following first a set of pre-trial motions will be made and includes the prosecutor or defense attorney asking for the use of certain evidence at the trial. Jury selection is then conducted. After the jury selection the trial begins. Opening statements are conducted followed by witness and victim testimonies. Once all evidence is presented, closing arguments are made by the Prosecutor and Defense Attorney, the Judge will give instructions to the jury, and deliberations begin. The length of time jury deliberations takes depends on the individual case. Once a verdict is reached, the judge will call the trial back to order. A verdict will either be guilty or not guilty. However, if all the jurors cannot agree on a verdict (called a "hung jury"), the prosecuting attorney then decides to dismiss the case or have a new trial. If the defendant is guilty, the judge sets a date for sentencing.

Testifying

A victim of a crime can have a key impact in the trial. Victims are allowed to attend the trial if they wish. However, if the victim is scheduled to testify, they are not allowed to watch the trial or speak with other witnesses until after their testimony. This is often called a sequestration order, and the goal is to ensure that

the testimony by the victim is not affected by earlier witness statements, and or evidence in court. If a victim is required to testify before the court that victim will be notified in one of the following forms; a subpoena, or personally by the prosecuting attorney's office, a victim witness program, or other law enforcement agency. Please note that if a subpoena is issued and the victim does not appear this is contempt of court and the victim can face a fine or imprisonment. Victims, who are subpoenaed, can receive compensation from the state for testifying.

The victim who testifies will be questioned by both the prosecuting and defense lawyers in the court room. A witness may feel that during the defense attorney's questioning his or hers motives are being questioned or that the attorney is trying to confuse them. Please note that this is not a personal attack on the witness, but is a form of ensuring that all sides of the case are put in front of the jury.

When in court:

- ◆ Dress neatly. Do not wear shorts, tank tops or hats.
- ◆ Do not chew gum.
- ◆ Do not talk to jurors, the judge, or the defendant.
- ◆ Be calm and polite to everyone.
- ◆ Do not get angry or impatient.

When testifying:

- ◆ Wait until the lawyer finishes the question before answering.
- ◆ Say what happened. (Do not try to memorize what to say.)
- ◆ Speak clearly and loudly.
- ◆ Say "Yes" or "No" out loud. A court reporter will write down everything that is said. So, words must be said, it's not enough to nod.
- ◆ If one of the lawyers objects to a question, do not answer it until the judge gives permission.
- ◆ Only answer the question that are asked of you. If they want more information, they will ask more questions.
- ◆ Tell the truth and don't exaggerate.
- ◆ If the question is not understood, say, "I don't understand."
- ◆ If a lawyer asks a question, and the victim/witness cannot remember the answer, say "I don't remember." If the answer is remembered later, tell the prosecuting attorney.
- ◆ Say, "I don't know" when unknown.

- ◆ If the victim/witness can not answer truthfully with a “Yes” or “No,” ask the judge to allow an explanation.
- ◆ If they ask “Have you talked to anyone about the case?” a victim/witness must mention conversations with the prosecutor, defense lawyer, their investigators and/or victim service providers.

Pre-Sentence Investigation (Felony and High Misdemeanor Cases Only)

The pre-sentencing investigation is a report that is prepared by the probation department for the judge to aid him or her in the sentencing process after the defendant has been convicted. This report includes information on how the crime affected the victim physically, emotionally, and/or financially. To establish the impact on the victim, the presentencing investigation considers the conversations the probation officer has with the victim, the police report, and the victim impact statement. Besides the victim impact, the report also contains of the offender’s prior convictions, employment history, education, family, and social background.

Sentencing Hearing

The sentencing hearing is conducted after an offender is found guilty. At the sentencing hearing the victim has an opportunity to provide a Victim Impact Statement, and/or oral statements can show the judge the impact the crime had on the victim’s life. In the state of Wyoming the judge has the ability to send the offender to prison, jail, or place him or her on probation. Offenders will be sent to the state penitentiary if their sentence time is longer than one year. If they are sentenced to less than one year they will be placed in the county jail. An individual on probation is released from the correctional facility into the general public with stipulations on activity, travel, and other circumstances. During the sentencing hearing the judge can also place fines on the offender which include fines, surcharges, compensation, court cost, and restitution.

Appeals

If a defendant is found guilty of a crime they have the right to file an appeal. This process involves the next higher court going over the documents, and court transcripts, to guarantee that there were no legal errors during a trial. If a legal error is found during the appeal, the higher court may agree with the conviction and sentencing or a new trial will be ordered in the case of serious error. It is important to know that an appeal is not a trial; it is more like a double check of the court process.

VICTIM IMPACT STATEMENT

One of a victim's most important rights is the opportunity to tell the court how their lives and their families were affected by the crime. A complete "Victim Impact Statement" ensures that the victim's voice is heard as part of the justice process. The Wyoming Victim Bill of Rights guarantees the right for victims of crime to prepare and present a Victim Impact Statement. The law also requires the court to consider the victim's statement. Impact statements are presented in the sentencing phase of trials and in Parole Board hearings.

Completing a Victim Impact is Voluntary

A victim does not have to complete a Victim Impact Statement. However, it is important for the court to understand the nature of the offense, and its impact on the victim and victim's family – emotionally, physically and financially. The Victim Impact Statement will also give the court valuable information that can be used to hold the offender accountable, and to promote safety for the victim and for our community.

Written Victim Impact Statements

A written Victim Impact Statement may be useful if a plea is taken and/or the victim is unable to appear in court. The statement may also assist the prosecutor and the victim witness coordinator in the preparation of actual victim testimony for trial.

Oral Victim Impact Statements

If a victim prefers to give an oral Victim Impact Statement this may be presented with agreement of the prosecuting attorney.

Videotaped Victim Impact Statements

A victim also has the chance to provide a videotaped oral Victim Impact Statement at the time of parole. The Wyoming Board of Parole can use this Victim Impact Statement in decisions concerning parole.

Victim Impact Statement Contents

A crime victim has the opportunity to use a Victim Impact Statement to describe how a crime affected them and their friends, family and community. This statement has space for a victim to explain:

- ◆ Emotional and psychological impact of the crime.
- ◆ Specific physical injuries suffered.
- ◆ Effect of the crime on the victims ability to work.
- ◆ Effect on any of the things the victim would normally do, such as going to work or school, running a household, or any other activities he or she would normally perform.
- ◆ Financial impact experienced as a result of the crime.
- ◆ Discuss any concerns the victim may have about his or her safety and security.
- ◆ Address any changes in a victim's life since the crime occurred.
- ◆ Offer suggestions for a resolution that is fair, and provide information that will give the offender the opportunity to take responsibility for actions that caused the victim harm and loss.
- ◆ If a parent chooses to allow their child to participate, the impact statement allows the child to tell the court in his or her own words, or by drawing a picture, how this crime has changed his or her life.
- ◆ How this crime has affected their lifestyle or those close to the victim.
- ◆ How the victims feelings about themselves or their life has changed since the crime.
- ◆ How the victims ability to relate to others has changed.
- ◆ Any counseling or other support the victim has obtained to help in coping.
- ◆ How long the injuries lasted or how long they are expected to last.
- ◆ Any medical treatment received or expected to receive in the future.
- ◆ How physical injuries have affected lifestyle, i.e. ability to work, enjoy recreational pursuits, etc.

It is very important for the court to understand how this crime has affected the victims ability to earn a living and how it has affected them financially. If a victim has paid or owes any money for bills because of this crime, complete the financial impact section of a statement. When describing the financial impact of the crime, it is important to be as clear, complete, and accurate as possible. The prosecutor, the

probation officer, and the judge will rely on the information provided. Information regarding the financial impact may prove useful in the judge's decision to order payment of restitution.

Access to Victim Impact Statements

A Victim Impact Statement will become an official court document after it is given to the court, and will become part of the defendant's permanent file. The judge, prosecutor, and probation officer will read the statement. In addition, prison and parole officials may read a statement if the defendant is sentenced to a prison/detention term. The information provided about victim impact – with permission – may also be integrated into offender casework to address personal accountability and victim empathy issues. The defendant and the defendant's attorney will also be able to read what was written. They may even ask the author questions about the statement in court. However, the defendant will **not** have access to a victim's address and telephone number, these should not be included on the statement.

POST SENTENCING

Serving the Term

Wyoming currently has four correctional facilities in the state, not including county jails, and a new minimum security prison scheduled to open in Torrington in 2010. The correctional facilities across the state are located in Rawlins (Wyoming State Penitentiary), Lusk (Wyoming Women's Center), Riverton (Wyoming Honor Farm), and Newcastle (the Wyoming Honor Conservation Camp and Wyoming Boot Camp). The Wyoming State Penitentiary houses only men and is considered to be a high security and high need prison with a capacity of 648. Women are sent to the Wyoming Women's Center which houses approximately 100 inmates. (Due to overcrowding some prisoners are housed outside of the state, as a victim, if registered with victim notification, will be informed of the offender's transfers in and out of the state.)

The minimum security facility is the Wyoming Honor Farm. This facility operates under the mission of providing educational, vocational, treatment and a variety of agricultural work programs for adult male offenders. Like the Honor Farm the Wyoming Conservation Camp is also a minimum security facility that provides inmates to take part in forestry crews, under the Division of Forestry. These inmates fight wild land fires in Wyoming, South Dakota and Colorado, along with completing work on state lands and community service. Both of these facilities require an application process by the inmate in order to be sent to the minimum facilities. (A victim will be informed, if registered with victim notification, of an inmate's possible transfer and will be allowed to provide a statement for or against this transfer.)

The Wyoming Boot Camp is designed for first-time male offenders under the age of 25. It is a 120 day program sentenced by a judge that is similar to a military boot camp. This program was designed to prevent first time male offenders from being placed in the general male population of the prison system. After completing the 120 day program they are released to probation, Intensive Supervision Program (ISP), or to one of the adult community corrections centers. If the male is unable to complete the program, he is sent to the Wyoming State Penitentiary to complete his original sentencing.

Parole Eligibility

Inmates are usually eligible for parole when they have served two-thirds of their minimum sentence. When an inmate arrives at the institution and has met the minimum sentence, the initial board hearing will be scheduled within 90 days.

For inmates serving a minimum less than 20 years, a hearing will be scheduled after serving 5 years. For an inmate serving more than a 20 year minimum, an initial hearing will take place after serving 7 years and every year after . Those serving life sentences are still allowed a review hearing after serving ten years and are allowed a review hearing every other year after their initial. Inmates will appear before a three or more panel of the seven member Parole Board that will then decide if the inmate should be released to parole.

The Board of Parole (BOP) considers the following when granting parole; past criminal history, the criminal act they are currently incarcerated for, the relationship of the crime to previous crimes, how he or she is functioning within the prison system, their means of support once they leave the prison, the inmate's parole plan, and the threat to the victim or society if released. They may also look at the inmate's family background, age, education, employment, marital status, and history. It is important to note, that just because an inmate may reach the timeline for when they can be released on parole this does not mean that they will be granted parole.

Victim Involvement in the Parole Process

A victim or a family member can be involved in all stages of the parole process. Victims are able to voice their opinions and concerns regarding the possibility of parole via a written statement, recorded statement (audio/video), telephonic conference, or personal appearance. Victim participation is requested and appreciated by the Board who takes into consideration the victim statements and concerns. Victim participation also enables the Board to place conditions on a parole to include no-contact with the victim for safety reasons. A victim receives notification 30 to 45 days in advance of the parole hearing, at which time they can submit any materials or schedule appearances.

If a victim chooses to submit an impact statement, the letter or recording should include information that is relevant to the actual offense, how the offense has affected the victim, and any feelings about the potential release of the offender to parole including fear for safety. Victim advocates can provide assistance in writing a letter if needed. Victims can also choose to appear in person before the Board. It is important to note that a victim appearance occurs at a separate location from the inmate's parole hearing and the offender will have no knowledge of participation unless the victim chooses to inform the inmate. **All victim participation with the Board of Parole is kept strictly confidential.**

Victim Notification for Parolees and Inmates

The Department of Corrections (DOC) will notify registered victims of the commencement of the offenders sentence, a transfer or change in location, projected release date, and other status changes including work release, death, and sentence reductions.

Victims can be notified by the Board of Parole at numerous stages of the parole process. Victims can be mailed or emailed concerning the inmates' review hearing, parole hearing, discharge to parole, and the removal of parole. They are also contacted with information on parole grants and conditions, pending revocations, a return to custody, hearing dates, and revocation results. In the case of life sentences, the victim will be notified of a commutation, or the Governor allotting a time cut in the inmate's jail term, this however, is rare.

The above information will ONLY be sent to victims that have completed a notification request form. This form, which is available at all County Attorney's Offices, must be completed at the office of which the crime was prosecuted. The county attorney's office will notarize the form and submit to DOC. It is imperative to update any contact information with the BOP or DOC in order to continue receiving notification. Please contact either the Wyoming Board of Parole or the Department of Corrections at the following:

Wyoming Board of Parole
3120 Old Faithful, Suite 100
Cheyenne, WY 82002
Main Line: 307-777-5444 Fax: 307-777-5386
Victim Services Coordinator: 307-777- 5390
bopvictimservices@state.wy.us

Wyoming Department of Corrections
700 W. 21st Street
Cheyenne, WY 82002
Main Line: 307-777-7208 Fax: 307-777-7479
Victim Service Coordinator: 307-777-5822
doc-victim-services@wdoc.state.wy.us



Inmate's Release

Victims receive notification 10 days after the initial granting of parole then again 5 days prior to their release from the facility. Inmates that are granted parole can take an average of 30-45 days before being released within the state. However, inmates that are released to another state often have a longer release process. Victims are informed of the offender's residing city and state once released. The Department of Corrections will notify registered victims 30 days prior to an inmate's sentence being served.

VICTIM NOTIFICATION SYSTEM

Wyoming Victim Notification Program (VINE)

VINE is a free automated telephone hotline that provides crime victims with vital information and notification 24 hours a day, 365 days a year. The service allows victims to obtain inmate information and to register for notification of inmate release and court dates. VINE serves crime victims in two ways. First, it can be used as an information line. The system monitors the custody status of criminal offenders in the Wyoming Department of Correction, and county jail facilities statewide. Crime victims calling the hotline are informed about whether an offender is in custody. If the offender is in custody, the system tells the victim the name and telephone number of the agency holding the inmate. The second way the system serves crime victims is notification. By dialing the hotline number, victims can register to receive automatic notification upon a change in the inmate's custody status.

Registering for VINE

To register for notification, a victim can call the toll-free hotline number (1-800-510-0415). The offender or court case can be located using a touch-tone telephone and following the directions given. Once location is made, the telephone number to which victims want the system to call with notifications is entered. Victims are then asked to enter a Personal Identification Number (PIN). This is a four-digit number the victim chooses and uses to stop a notification when it is received. If victims have problems registering or obtaining information through the system, they can press "0" and a live operator will assist them 24 hours a day. Once registered, notification calls are made by the system approximately every 30 minutes for 24 hours or until the victim enters the PIN. The system will also leave a message on an answering machine. All telephone registrations through the Wyoming VINE program are anonymous and are protected from the Freedom of Information Act.

WYOMING JUVENILE COURTS

Wyoming has a separate court division for children who commit criminal acts. In the juvenile justice system, focus is placed on rehabilitation of the juvenile offender and victim restitution.

Being Charged as an Adult vs. a Minor

In the Juvenile Court system the prosecuting attorney decides if the child will be charged as an adult or a minor. In Wyoming, the age of a legal adult is considered to be 18, however; minors over the age of 17 have been prosecuted as adults. Along with age, a person age 14 or older can be prosecuted as an adult if the offense includes: violent felonies, two prior delinquency adjudications, severity of the offense, maturity of the offender, personal injury resulting from the crime, and a general need to protect the community.

If a person under the age of 18 is tried as an adult, the case will be handled in circuit court and the juvenile court procedures do not apply; resulting in that child having the same court process as an adult. Juvenile's that are charged as a minor, have a slightly different court process than that of an adult and have the ability, at the age of 18, to have their criminal records cleared or a "clean slate".

Minors' Court Process

Minors' court proceedings take place in the Juvenile Courts as a sub-section of the District Court System. When a prosecuting attorney believes a juvenile has committed a crime, he or she may choose to file a "delinquency petition". The delinquency petition summons the juvenile to an "adjudication hearing".

If the allegations in a petition are found to be true, a juvenile is an "adjudicated delinquent". If he or she is to be incarcerated before or after the hearing, the child is placed in "juvenile detention" or "transferred into the Division of Youth Services' custody". The children who commit acts that would be criminal if committed by an adult are referred to as juvenile delinquents. Under Wyoming' juvenile code, a delinquent juvenile is defined as a person age 10 through age 17.

Confidentiality and the Juvenile Court System

Juvenile proceedings are more private than adult criminal trials. Juvenile

court records are not public record and are not subject to release under the Freedom of Information Act. The court proceedings and filings may also be closed and confidential. A crime victim and persons providing victim support, or a victim's representative, may be present unless the judge decides the person's exclusion is necessary to preserve the confidentiality or fairness of a juvenile proceeding. This means a victim and victim's family are able to attend the hearing, but only by permission of the judge. In order to receive permission a request can be entered by a victim witness advocate and/or the prosecutor for the judge's approval.

It is also important to note the juvenile's confidentiality could mean a victim, who was not allowed to attend the court proceedings, might not be notified of the outcome of the trial. If unable to attend, victims and victim's immediate family members can request, in writing, the court reports from the judge.

Juvenile Sentencing Options

If a juvenile is found guilty of the charges brought against him or her, there are several sentencing options available to the judge. The judge may require the juvenile to undergo counseling, pay a fine, incarceration, be placed on probation, or require him or her to perform community service. Another available option is for the juvenile to be transferred into the custody of the Division of Youth Services. The judge decides the appropriate course of action.

Victim Impact Statements and the Juvenile Court System

Victims of crime do not have the right to present victim impact statements in the juvenile court system however; some judges may allow them on a case to case basis. If allowed by the judge, they can be useful in determining the appropriate sentence for the minor and/or for the prosecutor's decision on charging the child as a minor or adult.

VICTIM CHECKLIST

Use this form to record important information about the crime.

Crime Information

Crime Report Number _____

Offender's Full Name _____

Date of Crime _____

Others/Witness Contact Information

Law Enforcement Information

Agency Contacted _____

Non Emergent Num. _____

Officer's Name _____

Badge Number _____

Phone Number _____

Officer's Name _____

Badge Number _____

Phone Number _____

Detective/Investigator _____

Phone _____

Victim Assistance Information

Victim Advocate _____

Phone _____

Victim Advocate _____

Phone _____

Prosecution Information

Trial Number _____

Location of Trial _____

Prosecuting Attorney _____

Phone _____

Business Address _____

Important Trial Dates:

Other Information

For more information contact us:

Wyoming Office of the Attorney General
Division of Victim Service
122 West 25th Street
Cheyenne, WY. 82002
Phone: 307-777-7200
Fax: 307-777-6683
Victim Toll Free Helpline
888-996-8816

Download the handbook on our website:
<http://victimservices.wyoming.gov>