

ALBANY COUNTY



ATTORNEY

# VICTIM WITNESS PROGRAM

Albany County &  
Prosecuting Attorney's Office



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## Our Mission

**To provide all victims with an understanding of the criminal justice system and their rights as victims, and to ensure all victims have consistent treatment and equal access to competent services.**

### Victim Bill Of Rights

All victims of crime shall have the following rights:

1. To be treated with compassion, respect, and sensitivity.
2. To be informed of the status of your case, scheduled hearings, and to participate in criminal justice proceedings.
3. To be provided information about receiving restitution and available compensation through the Crime Victim Compensation Act.
4. To be made aware of services and assistance available.
5. To have an interpreter or translator to inform you of these rights.
6. To seek an attorney.
7. To be protected from discipline by an employer.
8. To be informed of the name and phone number of the investigating officer and individuals assisting in prosecution.
9. To have prompt return of property seized.
10. To have a voice to be heard in all court proceedings.
11. To receive information as to legal recourse if subjected to threats and intimidations.
12. To be provided, at the discretion of law enforcement, reasonable protection and safety immediately before, during, and after criminal justice proceeding.

## Victim Information & Notification Everyday

Victim Information and Notification Everyday (VINE) is an automated service that lets individuals track the custody status of offenders.

By calling the toll-free number (866) 994-8463 or visiting <https://www.vinelink.com/>, individuals can find out the custody status of an offender. Individuals can also register to be notified by phone, e-mail, or TTY if the custody status of an offender changes.

# Overview

There is limited confidentiality that will be placed on any statement victims make to Victim Witness (VW) Advocates. This program will not release any information to the public about victims' identities, their statements to us, or services provided. However, anything that is deemed important to the case or safety will be passed on to an attorney, investigator, detective, or other appropriate law enforcement officer or other agency providing services. In addition, the program is also a mandatory reporting agency for any suspected child abuse, elder abuse, or abuse of any vulnerable adult, to include threats to safety or harm to self, or others.

## Judge

- Applies the law to court cases.
- Oversees the legal process.
- If the Defendant pleads guilty or is found guilty, imposes the sentence as it relates to the criminal offense, and orders the Defendant to pay restitution.

## Prosecuting Attorney

- Represents the State of Wyoming or City of Laramie in criminal court cases.
- Acts as the prosecutor for city ordinance violations, misdemeanors, felony, or juvenile court proceedings.
- Seeks justice in prosecuting criminal offenses.
- Works with VW Advocates on cases involving victims.
- Uses their discretion to determine if charges will be dismissed or if plea deal will be offered.

## Defense Counsel

- Represents the Defendant throughout the court process.
- Orients the Defendant to the criminal process.
- Ensures that the Defendant's rights are not violated.
- Negotiates with the Prosecuting Attorney on behalf of the Defendant.

## Law Enforcement

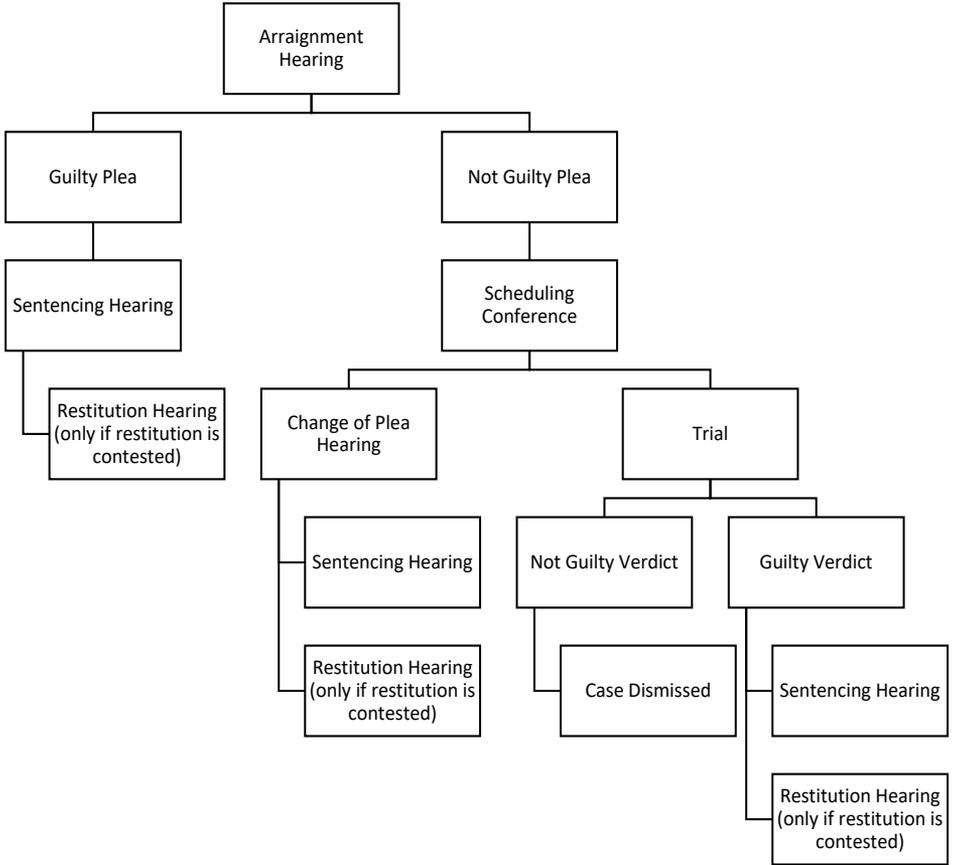
- Responds to scene and determines if a criminal act occurred.
- Cites Defendant.
- Collects the evidence and submits evidence to the State.
- Assists the State or City.

## Victim Witness Advocate

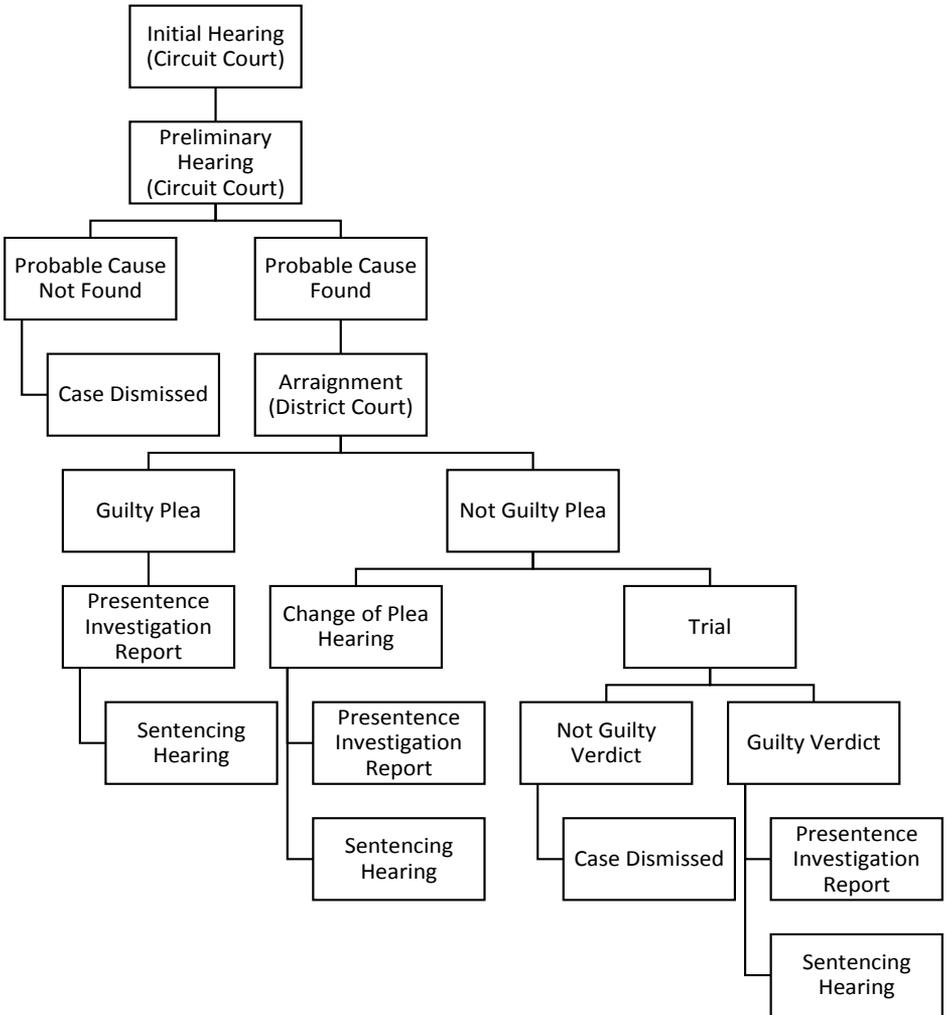
- Contacts victims after the Defendant's initial court appearance.
- Provides an overview of the court process.
- Updates victims of court hearings and other case status updates.
- Serves as a liaison between victims and the Prosecuting Attorney.
- Provides victims with an opportunity to file a claim for restitution and victim impact statement.
- As needed, sets up meetings between victims and the Prosecuting Attorney.

# Court Process

## CITY ORDINANCE AND MISDEMEANOR OFFENSE



# FELONY OFFENSE



# Restitution

## **WHAT IS RESTITUTION?**

Restitution is a full or partial payment for expenses incurred as a direct result of crime. The corresponding Court will determine the restitution that is ordered to be paid by the Defendant that is found or pleads guilty.

## **HOW DO I FILE FOR RESTITUTION?**

A VW Advocate will provide victims with the opportunity to submit a claim for restitution. Victims will be responsible for completing the form provided and providing supporting documentation with their claim for restitution.

## **WHAT EXPENSES CAN BE COVERED THROUGH RESTITUTION?**

Victims, who have suffered loss as a direct result of a criminal offense, are entitled to submit a claim for restitution. Restitution can be requested for the losses not covered by insurance. Some of these losses include:

- ➔ Unpaid Medical and Mental Health Expenses
- ➔ Insurance Deductibles
- ➔ Cost to replace damaged or unrecovered property
- ➔ Funeral Expenses

## **WHAT EXPENSES CANNOT BE COVERED THROUGH RESTITUTION?**

- ➔ Attorney fees incurred
- ➔ Pain and suffering
- ➔ Costs incurred unrelated or indirectly related to the criminal offense
- ➔ Costs covered by insurance or through other funds

## **HOW IS RESTITUTION PAID TO THE VICTIM?**

Restitution from the Defendant may be paid in full or through a payment plan. In either case, the Defendant will pay the Court, and the payment will be mailed by the Court to the victims. It is the victim's responsibility to make sure that the Clerk of Court is notified of any changes to their mailing address after restitution is ordered.

## **WHAT IF THE DEFENDANT HAS TO SERVE TIME?**

The Defendant will still be obligated to pay the restitution ordered by the Court after his/her release.

## **W.S. § 7-9-111. LIMITATIONS ON DUTY OF PROSECUTOR; VICTIM'S REMEDY.**

Except as provided by W.S. § 7-9-103(a), the Prosecuting Attorney has no obligation to investigate alleged pecuniary damages or to petition the Court for restitution on behalf of a victim. In the event that the victim is not satisfied with the restitution plan approved or modified by the Court, the victim's sole and exclusive remedy is a civil action.



# Victim Impact Statement

## **WHAT IS A VICTIM IMPACT STATEMENT?**

A victim impact statement is an opportunity for victims to tell the Court how the victimization has impacted their life. Victims are under no obligation to complete the statement.

## **WHEN DO I GET TO PROVIDE A VICTIM IMPACT STATEMENT?**

If a Defendant is found or pleads guilty, a VW Advocate will provide victims with the opportunity to submit a written victim impact statement prior to the sentencing hearing, or victims can verbally provide a statement at the sentencing hearing.

## **WHAT CAN I INCLUDE IN MY VICTIM IMPACT STATEMENT?**

Statements can include the following:

- ➔ Explanation of any physical, psychological, emotional, harm, or trauma suffered.
- ➔ Sentencing recommendations as they relate to the criminal offense.
- ➔ List of any economic loss suffered or property damaged that has resulted in an out of pocket expense (See page 7 for more information).

## **WHO WILL SEE MY VICTIM IMPACT STATEMENT?**

The statement will be used in the presentence investigation and/or at the sentencing hearing. A written statement will be given to the Prosecuting Attorney, the Probation Officer doing the presentence investigation, and eventually the Court that is imposing the sentence. Victims should be aware that the Defense Attorney and the Defendant also have a right to see the victim impact statement and any documentation provided. In addition, sentencing hearings are open to the public. The Prosecuting Attorney, Defense Attorney, and Defendant will be present at the sentencing hearing.

# Crime Victim Compensation Program

The State of Wyoming has a Crime Victim Compensation Program through the Division of Victim Services that can provide substantial financial assistance to victims of violent crimes and associated victims. Victims do not need to wait for the case to go to trial or for the Defendant to be apprehended before applying for compensation. Expenses covered may not exceed \$15,000 for up to 24 months from the date of the crime. The Crime Victim Compensation Program is payer of last resort. Before compensation can be considered for award, all collateral sources must be exhausted.

## **An individual is eligible for compensation if the:**

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| <ul style="list-style-type: none"><li>• Crime occurred in Wyoming</li><li>• Injury or death occurred as a result of a crime</li><li>• Person was attempting to prevent the commission of a criminal act or apprehend a person committing a crime</li><li>• Person was assisting law enforcement, or a victim a crime</li></ul> | <ul style="list-style-type: none"><li>• Crime was reported to law enforcement and the victim cooperated fully with the investigation and prosecution of the crime</li><li>• Victim's conduct did not contribute to the injury or death</li><li>• Application is filed within one (1) year of the date of the crime</li><li>• Compensation will not benefit the offender in any way</li></ul> |
|--|--|

## **Individuals that can file a claim include the:**

- Victim of a crime who has suffered physical injury as a result of violent crime
- Families and dependents of deceased victims
- Persons who are authorized to act on behalf of victims

## **Individuals not eligible for compensation include a(n):**

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| <ul style="list-style-type: none"><li>• Offender and/or accomplice</li><li>• Victim convicted of a felony after applying for compensation</li><li>• Victim under indictment or convicted of a felony</li><li>• Victim who is incarcerated in a prison or correctional facility when a criminal attack takes place</li></ul> | <ul style="list-style-type: none"><li>• Victim whose expenses are paid entirely by other sources</li><li>• Victim of property crime</li><li>• Victim of monetary or property loss seeking to be compensated only for pain and suffering</li></ul> |
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## **Possible expenses that can be considered for compensation include**

*(limitation to benefits may apply):*

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| <ul style="list-style-type: none"><li>• Medical and mental health</li><li>• Loss of earnings or support</li><li>• Homemaker/childcare replacement</li><li>• Funeral/burial expenses</li></ul> | <ul style="list-style-type: none"><li>• Relocation expenses</li><li>• Catastrophic injury</li><li>• Other expenses, such as travel costs, replacement of items taken as evidence, crime scene clean up</li></ul> |
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## **Claim Process:**

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| <ul style="list-style-type: none"><li>• A VW Advocate can assist victims through the claim process</li><li>• The Division of Victim Services will verify all information provided, review application, and decide if compensation will be awarded</li></ul> | <ul style="list-style-type: none"><li>• Victims will get notified of the amount awarded or if a claim is denied or payment reduced, with the reason provided in writing</li><li>• VW Advocates do not award victim compensation funds and cannot speak for the Division of Victim Services</li></ul> |
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## Protection Orders

The State of Wyoming does not issue restraining orders but does offer protection orders. The following orders can require the alleged perpetrator to stay away from the victim and to have no further contact with the victim.

### **DOMESTIC VIOLENCE**

**An order issued by the court on behalf of a household member who has been the victim of domestic violence. A household member includes:**

- Persons currently or formerly married to each other;
- Persons currently or formerly living with each other as married;
- Parents and their adult children;
- Other adults sharing common living quarters;
- Persons who are the parents of a child, but who are not living with each other;
- Persons who are, or have been, in a dating relationship.

### **SEXUAL ASSAULT**

**An order issued by the court on behalf of a sexual assault victim.**

- Designed for victims who do not meet the “household member” requirement for a domestic violence protection order.
- May also be obtained as part of a criminal case.
- If an assailant is being prosecuted, a Judge may order the assailant to stay away from the victim when released from custody.

### **STALKING**

**An order issued by the court on behalf of a stalking victim.**

- Unless otherwise provided by law, a person commits the crime of stalking if, with intent to harass another person, the person engages in a course of conduct reasonably likely to harass that person.

A VW Advocate can provide additional information about protection orders and connect victims with a SAFE Project Advocate, who can assist victims through the filing process.

## Department of Corrections Victim and Witness Notification Program

The Victim and Witness Notification Program provides victims and witnesses, who were involved in the criminal prosecution of a case, notification of the offender's status, who were initially sentenced to, and incarcerated in, adult correctional facilities under the jurisdiction of the Wyoming Department of Corrections.

### **REGISTRATION**

Victims of a crime, surviving family member, parent/legal guardian of a victim, or individuals who have participated in the criminal prosecution of a case that wish to receive information regarding an offender status must submit a Notification of Rights and Request Form to the Department of Corrections. To request a form, contact a VW Advocate, or it can be found at <http://corrections.wy.gov/victims/index.html>.

### Emergency Financial Aid

Limited funds are available to victims of crime who are in urgent need to ensure the victim's safety, necessary medical attention and/or address financial hardship that could cause homelessness, hunger, or instability due to the crime committed against them. Contact the VW Advocate for additional information or to submit your application. Typically, the review and award process takes about a week after the application has been submitted.



# Community Resources

Information for additional community resources can be obtained by calling 211, a free service available in multiple languages.

## **DIVISION OF VICTIM SERVICES**

 (307) 777-7200

 <http://ag.wyo.gov/victim-services-home-page>

## **LARAMIE /ALBANY COUNTY RECORDS & COMMUNICATIONS (LARC)**

 (307) 721-5381

## **LARAMIE POLICE DEPARTMENT/ALBANY COUNTY SHERIFF'S OFFICE SHERIFF DISPATCH**

 (307) 721-2526

For emergencies, please dial 911

## **SAFE PROJECT**

 24 Hour Crisis Line: (307) 745-3556

*During Business Hours: (307) 742-7273*

 [www.safeproject.org](http://www.safeproject.org)

## **SEXUAL ASSAULT NURSE EXAMINER (SANE)**

Ivinson Memorial Hospital

 (307) 755-4406

## **STOP VIOLENCE PROGRAM**

 (307) 766-3296

 [www.uwyo.edu/stop](http://www.uwyo.edu/stop)

## **UNIVERSITY OF WYOMING POLICE DEPARTMENT**

 (307) 766-5179

For emergencies, please dial 911

The Victim Witness Program is sponsored by the WY Office of the Attorney General, Division of Victim Services, the City of Laramie, and Albany County.

The Victim Witness Program will not discriminate against any person on the basis of race, color, sexual orientation, age, national origin, disability, religion, familial status, language, and social class, economic status, education, residency or HIV status, in its provision of any services to any crime victims or in the recruitment, hiring, retention, assignment or salary of program employees or volunteers.

Complaints of employment or victim(s) discrimination may be filed with the following individuals and/or agencies:

The Albany County Attorney 525 Grand Ave, Suite 100 Laramie, WY 82070, (307) 721-2552

WY Office of the Attorney General, Division of Victim Services 320 West 25th, 2nd Floor Cheyenne, WY 82001, (307) 777-7200

U.S. Department of Justice, Office of Civil Rights at (888) 736-5551

# Glossary of Terms

**Acquitted:** To free someone from a criminal charge by a verdict of not guilty.

**Arraignment Hearing:** The defendant is advised of the charges brought against them and expected to enter a plea.

**Bench Trial:** A trial conducted before a judge without a jury.

**Cash Bond:** A transaction wherein a defendant deposits an amount of money to the court to secure his temporary release from jail. Defendants failing to appear before the court during their trial forfeit the cash bond.

**Change of Plea Hearing:** A change of plea is a guilty plea in a criminal case. It is referred to as a "change" because the defendant had pled "not guilty" to the charges during a previous proceeding and now has decided to plead guilty to the charges instead of going to trial.

**Charges Dismissed:** A dismissal of charges means that the criminal charges against an individual are dropped. Charges may be dismissed with prejudice, meaning it can never be filed again, or dismissed without prejudice, leaving open the possibility of bringing the charges again.

**By the Court:** If the Judge cannot find probable cause, then the charges must be dismissed.

**By the State:** When prosecutors have very limited evidence against a defendant in a criminal case, they may conclude that they do not have enough evidence to move forward in the case and dismiss the charges on their own.

**By Trial:** During a jury trial, if the jury is unable to find probable cause, the charges will be dismissed. This will also occur if a judge is unable to find probable cause during a bench trial.

**Defendant found incompetent:** If the defendant is found to be unable, or legally unqualified to be held responsible for certain acts, the charges are dismissed.

**Contest:** To defend against an adverse claim made in a court by the defense or a prosecutor.

**Convicted:** To declare someone to be guilty of a criminal offense by the verdict of a jury or the decision of a judge in a court of law.

**Department of Corrections (DOC):** A governmental agency tasked with the responsibility of overseeing the incarceration of persons convicted of crimes within a particular jurisdiction. In the U.S., all 50 states have State Department of Corrections.

**Division of Victim Services:** A State program that provides information and aid to persons who have suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime. The Division of Victim Services is also in charge of helping victims fill out and apply for victim's compensation, a government program to reimburse victims of violent crime.

**Initial Hearing:** An initial hearing is the first time a Defendant comes before the Court (Judge).

**Jury Trial:** A legal proceeding in which a jury makes a decision or findings of fact, which then directs the actions of a judge.

**Mental Health Evaluation:** A psychiatric assessment, or psychological screening, is a process of gathering information about a person, with the purpose of making a diagnosis.

**Motion:** A request asking a judge to issue a ruling or order on a legal matter. A hearing will be held to address motions.

**No Contest Plea:** A plea used in criminal proceedings as an alternative to a guilty or not guilty plea, whereby the defendant neither disputes nor admits to doing the crime. This type of plea, also known as *nolo contendere*, literally means "I do not wish to contend."

**Plea Agreement:** An agreement between the prosecutor and defendant where the defendant agrees to plead guilty in order to receive leniency from the prosecutor. The Judge is not obligated to accept the plea agreement.

**Preliminary Hearing:** A preliminary hearing is a evidentiary hearing to determine whether there is probable cause to charge an individual with a felony criminal offense. If there is enough evidence, the case can be bound over to District Court (See court process on page 6). The defendant can waive their right to this hearing. If there is enough evidence, the case can be bound over to District Court.

**Presentence Investigation Report:** A history of a person convicted of a crime is written up as a report before sentencing to determine if there are any circumstances in criminal behavior that would lead to an increase in the harshness of the sentence.

**Probation Officer:** An officer appointed to investigate, report on, and supervise the conduct of convicted offenders on probation. Probation officers also write the presentence investigation report.

**Restitution Hearing:** A hearing that is held if the defendant challenges the amount of restitution ordered by the judge or the validity of the expenses submitted by the victims. It can also be held to determine if restitution is owed, and if so, how much is owed.

**Sentencing Hearing:** The post-conviction stage of the criminal justice process, in which the defendant is brought before the court for the imposition of a penalty.

**Signature Bond:** A signature bond or recognizance bond (R.O.R.) requires the defendant to sign a promise to return to the court for trial, with the possibility of the entry of a monetary judgment against him if he fails to do so, but does not require a deposit of any cash or property with the court.



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