

RIGHTS OF CHILD VICTIMS AND WITNESSES (CONT'D)

5. To allow an advocate to make recommendations to the prosecuting attorney about the ability of the child to cooperate with prosecution and the potential effect of the proceedings on the child;
6. To allow an advocate to provide information to the court concerning the child's ability to understand the nature of the proceedings;
7. To be provided information or appropriate referrals to social service agencies to assist the child and/or the child's family with the emotional impact of the crime, the subsequent investigation, and judicial proceedings in which the child is involved;
8. To allow an advocate to be present in court while the child testifies in order to provide emotional support for the child;
9. To provide information to the court as to the need for the presence of other professional persons at the court proceedings while the child testifies in order to promote the child's feelings of security and safety;
10. To allow law enforcement agencies the opportunity to enlist the assistance of other professional personnel such as child protection services, victim advocates or prosecutorial staff trained in the interviewing of the child victim;
11. With respect to child victims of violent or sex crimes or child abuse, to receive either directly or through the child's parent or guardian if appropriate, at the time of reporting the crime to law enforcement officials, a written statement of the rights of child victims. The written statement shall include the name, address, and telephone number of a county or local victim/witness program.

Your Resource for Information and Assistance

Spokane Crime Victim Service Center
1.866.751.7119

Washington State Attorney General's Office
West 1116 Riverside
Spokane, WA 99201-1194

Consumer Protection:
Call Centers Are Open M-F, 10:00 a.m. to 3:00 p.m.
1.800.551.4636 (in-state only)

Main Office:
360. 753.620

Program of
Lutheran Community Services

210 W. Sprague Ave.
Spokane, WA 99201
Tel: 866.751.7119 (24 Hours)
Fax: 509.747.0690



Protecting the rights of crime victims



SPOKANE CRIME VICTIM SERVICE CENTER

Your Resource for Information and Assistance

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VICTIMS' RIGHTS

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There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights:

1. With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;
2. To be informed by local law enforcement agencies, or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved.
3. To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person unnecessary trip to court;
4. To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;
5. To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;
6. To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;
7. To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;
8. To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances;

9. To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance;
10. With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;
11. With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceeding in order to be physically present during trial after testifying and not to be excluded solely because they have testified;
12. With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request of a victim or survivor;
13. To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all pre-sentence reports and permanently include in the files and records accompanying the offender committed to the custody of a state agency or institution;
14. With respect to victims and survivors of victims, to present a statement personally or by the representation, at the sentencing hearing or felony convictions;
15. With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment; and

16. With respect to victims and survivors of victims, to present a statement in person, via audio or videotape, in writing or by representation at any hearing conducted regarding an application for pardon or commutation of sentence.

Rights of Child Victims and Witnesses

In addition to the rights of victims and witnesses provided for in RCW 7.69.030, there shall be every reasonable effort made by law enforcement agencies, prosecutors, and judges to assure that child victims and witness are afforded the rights enumerated in this section. Except as provided in RCW 7.69A.050 regarding child victims or child witnesses of violent crimes, sex crimes, or child abuse, the enumeration of rights shall not be construed to create substantive rights and duties, and the application of an enumerated right in an individual case is subject to the discretion of the law enforcement agency, prosecutor, or judge. Child victims and witnesses have the following rights, which apply to any criminal court and/or juvenile court proceeding;

1. To have explained in language easily understood by the child, all legal proceedings and/or police investigation in which the child may be involved;
2. With respect to child victims of sex or violent crimes or child abuse, to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the child victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the child victim and to promote the child's feelings of security and safety;
3. To be provided, whenever possible, a secure waiting area during court proceedings and to have an advocate or support person remain with the child prior to and during any court proceedings;
4. To not have the names, addresses, nor photographs of the living child victim or witness disclosed by any law enforcement agency, prosecutor's office, or state agency without permission of the child victim, child witness, parents, or legal guardians to anyone except another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child victim or witness;