

ADVOCATE CHECKLIST

Case Name:	Victim Name:	Case #:
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VICTIM ADVOCATE RESPONSIBILITIES AND PARAMETERS

Each victim advocate shall perform those duties necessary to ensure compliance with the Crime Victim's Bill of Rights [KRS 69.350 (3)].

In all court proceedings, a victim advocate, upon the request of the victim, shall be allowed to accompany the victim during the proceeding to provide moral and emotional support. The victim advocate shall be allowed to confer orally and in writing with the victim in a reasonable manner. However, the victim advocate shall not provide legal advice or legal counsel to the crime victim in violation of KRS 421.570 and 524.130 [KRS 421.575].

LAW ENFORCEMENT'S RESPONSIBILITIES

Upon initial contact with the victim, law enforcement personnel shall ensure that victims receive information on available protective, emergency, social, and medical services, and are given the following information as soon as possible:

DATE

- _____ Availability of crime victim compensation where applicable
- _____ Community-based treatment programs
- _____ The criminal justice process as it involves the participation of the victim or witness
- _____ The arrest of the accused
- _____ How to register to be notified when a person has been released from prison, jail, a juvenile detention facility, or a psychiatric facility or forensic psychiatric facility if the case involves a violent crime as defined in KRS 439.3401 and the person charged with or convicted of the offense has been involuntarily hospitalized
- _____ Information on how victims may be protected from intimidation, harassment, and retaliation.

Law enforcement shall:

DATE

- _____ Promptly return a victim's property held for evidentiary purposes unless there is a compelling reason for retaining it
- _____ Inform employers that the need for victim or witness cooperation in the prosecution of the case may necessitate absences from work.

PROSECUTOR'S RESPONSIBILITIES

Information

Attorneys for the Commonwealth shall provide information to victims on:

DATE

- _____ Protective services
- _____ Emergency services
- _____ Social services
- _____ Medical services
- _____ Crime victim compensation, where applicable
- _____ Restitution, where applicable
- _____ Obtaining assistance from a victim advocate
- _____ Community-based treatment programs
- _____ Submitting a written victim impact statement

And inform the victim that:

DATE

- _____ The Attorney General will notify the victim if an appeal of the conviction is pursued by the defendant

And provide information to victims and witnesses on:

DATE

- _____ How to register with VINE to be notified when a person has been released from a prison, jail, juvenile detention facility, psychiatric facility or forensic psychiatric facility if the case involves a violent crime as defined in KRS 439.3401 and the person charged with or convicted of the offense has been involuntarily hospitalized
- _____ How to be protected from intimidation, harassment, and retaliation
- _____ The Victim / Witness Protection Program

Notification

If victims so desire and if they provide a current address and telephone number, the attorney for the Commonwealth shall provide prompt notification, if possible, of:

DATE

- _____ Judicial proceedings relating to the case
- _____ Defendant's release on bond and any special conditions of release
- _____ Charges filed against the defendant
- _____ The defendant's pleading to the charges
- _____ Trial date
- _____ Changes in custody of the defendant
- _____ Changes in trial dates
- _____ Trial verdict
- _____ Right to submit a victim impact statement to the court at the time of sentencing
- _____ Sentencing date
- _____ Dates of Parole Board hearings held for the defendant

Notification cont.

KRS 196.280 requires notification of:

DATE

_____ Release of juveniles who have been charged with any of the following felony offenses, including:

- KRS Chapter 507 (criminal homicide)
- KRS Chapter 508 (assault, menacing, wanton endangerment, terroristic threatening, criminal abuse, and stalking)
- KRS Chapter 509 (kidnapping, custodial interference and criminal coercion)
- KRS Chapter 510 (rape, sodomy, sexual abuse, sexual misconduct, and indecent exposure)
- KRS Chapter 515 (robbery)
- KRS 530.064 (unlawful transaction with a minor)
- KRS 531.310 (use of a minor in a sexual performance)

Other Provisions

Attorneys for the Commonwealth shall consult victims on case disposition including:

DATE

- _____ Case dismissal
_____ Release of defendant
_____ A negotiated plea
_____ Defendant's entry into pre-trial diversion program

Attorneys for the Commonwealth shall:

DATE

- _____ Promptly return a victim's property held for evidentiary purposes unless there is a compelling reason for retaining it
_____ Provide protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts
_____ Inform employers that the need for victim or witness cooperation in the prosecution of the case may necessitate absences from work

Attorneys for the Commonwealth may:

DATE

- _____ Request a speedy trial where the victim is less than sixteen (16) years old and the crime is a sexual offense

ROLE OF THE ATTORNEY GENERAL

The Attorney General, where possible, shall provide:

- Representation, if a defendant seeks appellate review of a conviction and the Commonwealth is represented by the Attorney General.
- Notification to the victim of appeal, status of the case, and any decision of the appellate court
- Technical assistance to law enforcement agencies and attorneys for the Commonwealth if such assistance is requested for establishing a victim assistance program.

VICTIM / WITNESS PROTECTION PROGRAM

DATE

_____ **Protective Services**

Protective services are provided at the discretion of the law enforcement agency handling the case (Kentucky State Police, sheriff's offices and county and city police departments) to crime victims, witnesses and their families as defined in KRS 421.500 (1). Protective services are limited to six (6) months per person.

Any Commonwealth's attorney or county attorney may apply to the Office of the Attorney General for funding. Services to be considered for reimbursement are limited to:

- Physical protection of the person
- Physical security measures for the person's residence, vehicle, workplace, or a combination of these measures
- Short-term relocation

Utilization of this program is at the discretion of the law enforcement agency handling the case.

_____ **Special Advocates**

If the court believes that the health, safety, or welfare of a victim who is a minor or is legally incapacitated would not otherwise adequately be protected, the court may appoint a special advocate to represent the interest of the victim and to exercise those rights provided for by KRS 421.500 to 421.575. Communication between the victim and the special advocate shall be privileged.

COURT PROVISIONS

Child Victims of Sexual Offenses

DATE

- _____ Consider and give weight to any adverse impact a delay or continuance may have on the well-being of a child victim or witness.
- _____ Grant closed circuit or video / audio taped testimony of the child, upon request of the attorney for either party and upon a finding of compelling need.

The court shall:

- Where the victim is less than sixteen (16) years old and the crime is a sexual offense, upon motion by the attorney for the Commonwealth for a speedy trial, set a hearing date within ten (10) days of the motion. If the motion is granted, the trial shall be scheduled within ninety (90) days from the hearing date (KRS 431.510);
- Consider and give weight to any adverse impact a delay or continuance may have on the well-being of a child victim or witness.

The court may:

Upon request of the attorney for either party and upon a finding of compelling need, grant closed circuit or video/audio taped testimony of the child (KRS 421.350).