



Appendix C: Checklists



Introduction

We have created ten checklists designed to prompt advocates to remember the most critical issues at each step of the criminal justice process. We recognize that there are so many details for the advocate to remember that it can be difficult to keep those all in mind. The idea behind these checklists is to guide the advocate in ensuring that the victim has all pertinent information and services available to her/him. Of course, not all steps are necessary in all cases – these are meant to be simply a guideline. Please feel free to copy, distribute and use these as you see fit.

If you have a copier that can reduce document size, copy these pages at 50% and you will have a copy the size of a 4" X 6" note card that can be more easily carried.

We at the SVJI welcome feedback. If there is anything missing from these checklists we would be happy to hear so that we can update the masters. These are also available on our website www.mncasa.org.

Checklist: Victim's Initial Contact

SAFETY

- Does the victim have immediate or pending safety concerns?
- Does the victim have or need an HRO or OFP?
- Does the victim understand the role of an advocate and that the advocate can accompany her/him through the process?
- Is the assailant someone who is on probation or parole or has an HRO or OFP against him/her? Is there a no contact order?
- Does the victim know about preserving evidence including the initial urine collection?

MEDICAL EXAM

- Does the victim understand the medical exam process, the collection of evidence, and the limited timeline?
- Does the victim know that she/he can still have a medical exam conducted for health issues if the timeline for evidence collection has passed?
- Does the victim know where to go for an exam?
- Does the victim understand that she/he retains the power to report or not report the case to law enforcement - that the hospital will not contact the police without her/his consent?
- Does the victim know that she/he can stop the exam at any time or refuse parts of the exam? Does the victim know the implications of that decision?.
- Does the victim know that the county will pay for some or all of the exam and how payment will be arranged?

OTHER

- Does the victim know she/he can chose to not report the assault to law enforcement – either right now or ever?
- Does the victim understand the implications of making a delayed report?

- Does the victim understand that she/he doesn't "press charges" but that the state presses charges against the assailant?
- Does the victim have special needs or are there special circumstances that the advocate needs to be aware of?
- Does the victim need transportation to the hospital?

Checklist: Medical Exam

- Does the victim understand the advocate's role and purpose?
- Does the victim understand the process of the evidentiary exam and the purpose?
- Does the victim understand the importance of speaking honestly with the medical staff about the complete details of the assault?
- Does the victim know approximately how long the process will take?
- Does the victim understand that the timeline for hearing the results of tests and that the hospital only collects the evidence and does not usually process it?
- Does the victim know that the county will pay for some or all of the exam and how payment will be arranged?
- Does the victim know that she/he can stop the exam at any time or refuse parts of the exam? Does the victim understand the implications of that decision?
- Does the victim know that the BCA kit will not be processed if or until the victim decides to report the assault to the police?
- Does the victim know how long the BCA kit will be held if she/he is unsure of reporting the assault to the police?
- Is the victim aware of whether or not someone will inform her/him prior to destroying the kit?
- Does the victim want the advocate to talk with family/friends who may be in the waiting room and update them on the process and the victim's condition?
- Does the victim understand that her/his clothing may be kept as evidence?
- Does the hospital have clothing to give the victim to wear home?
- Does the victim understand that any STD/STI testing done at the hospital is only to establish a baseline – to determine if the victim already had an STD/STI prior to the assault?
- Is the victim aware that she/he can have STD/STI baseline testing done at another facility if she/he doesn't want the results to be part of the evidentiary exam report?
- Does the victim understand the need for follow-up medical exam as directed by the ER personnel?

- Does the victim understand what the emergency contraceptive is and how it works?
- Does the victim need assistance in filling any prescriptions?
- Does the victim need help arranging transportation after the exam?
- Does the victim know how to apply for an HRO or OFP if necessary?

Checklist: Victim Chooses Not to Report to Law Enforcement

- Does the victim understand the advocate's role and purpose and that it is on-going?
- Does the victim feel she/he is supported in her/his decision?
- Does the victim understand that the county will still pay for some or all of the payment of the evidentiary medical exam and how the payment will be arranged?
- Does the victim understand that a HRO or OFP is still available and, if already in place, is still valid?
- Does the victim understand that she/he can make a report at a later date?
- Does the victim understand the implications of a delayed report?
- Does the victim know that there are other options such as support groups, private therapy, and other community services to assist her/him?
- Does the victim understand that a civil suit against the assailant for damages is still an option?

Checklist: Victim Reports to Law Enforcement

- Does the victim understand the advocate's role and purpose and that it is on-going?
- Does the victim understand the process of the interview and the purpose?
- Does the victim understand law enforcement's obligation once a report is made?
- Does the victim understand the importance of speaking honestly and candidly with the investigator about the details of the assault and the events leading up to the assault?
- Does the victim understand the different roles of the patrol officers and the investigators?
- Does the victim understand that she/he may stop the interview at any time, take a break, or resume the interview at a later date?
- Does the victim understand that there may be follow-up interviews?
- Does the victim know that she/he may contact the investigator if she/he remembers more details?
- Does the victim know how to contact the investigator to obtain information on the case?
- Does the victim understand that an immediate arrest of the assailant may not be made and why?
- Does the victim know approximately how long the investigation may take?
- Does the victim know how to apply for an HRO or OFP if necessary?
- Does the victim understand that the advocate can assist with obtaining an HRO or OFP?
- Does the victim understand she/he has the right to apply for Crime Victim's Reparations?
- Does the victim understand the importance of providing correct and updated contact information to the investigator?
- Does the victim need assistance arranging transportation to and from the interview(s)?

Checklist: If the Prosecutor Declines Charges

- Does the victim understand the advocate's role and purpose, and that it is ongoing?
- Does the victim understand that an HRO or OFP is still available, and if already in place, is still valid?
- Does the victim understand that she/he can ask to meet with the prosecutor to discuss the decision to decline?
- Does the victim know that charging depends upon proof beyond a reasonable doubt rather than merely the fact that the assailant is guilty?
- Does the victim know about other resources or options to help her/him cope with her/his experience?
- Is the victim aware that any future threats, harassment, or violence, including stalking from the assailant or his acquaintances could result in a new criminal case?

Checklist: If the Prosecutor Charges the Case

- Does the victim understand the advocate's role and purpose?
- Does the victim understand her/his rights as a victim of crime?
- Does the victim know and understand the defendant's conditions of release, and what to do if they are violated by the defendant?
- Does the victim understand that an HRO or OFP is still available and, if already in place, is still valid?
- Has the victim taken necessary steps to be notified of the defendant's release from jail?
- Does the victim know about the Victim Information and Notification Everyday (VINE) service if available?
- Does the victim know she/he can raise any special concerns so the prosecutor can address them, and that she/he can ask to meet with the prosecutor at any time?
- Does the victim know to be completely candid with the prosecution, and to keep them advised of her/his address?
- Does the victim know that a defense attorney or investigator may contact her/him, and what to do if so?
- Does the victim know the criminal process, the approximate timelines, and that continuances are common?
- Does the victim understand that she/he will receive a subpoena from the prosecutor at some point?
- Does the victim understand plea negotiations and their purpose?
- Does the victim understand her/his role as a witness in the case, and what the prosecutor's role is?
- Does the victim know she/he will need to begin keeping records and document any possibility of restitution, should a conviction result?
- Does the victim need transportation assistance to attend court hearings?

Checklist: Trial

- Does the victim understand the advocate's role and purpose?
- Is the victim aware that all conditions of release and any HRO or OFP is still in place, and to contact police if violations occur?
- Does the victim know that she/he can and should meet with the prosecutor to prepare for her testimony, and what to expect when testifying?
- Does the victim understand the process and timelines of a trial?
- Does the victim know she/he can raise any special concerns with the prosecutor, such as disabilities or special needs?
- Does the victim know she/he can wait in a separate area during the trial?
- Does the victim know she/he will likely be sequestered as a witness, and what that means?
- Does the victim understand appropriate courtroom demeanor and dress for her/himself and for her/his supporters?
- Does the victim know that she can request to meet with the prosecutor for questions during trial?
- Does the victim know about available witness fees or transportation reimbursements?
- Does the victim know about the protections from discipline at work for witnesses under subpoena?
- Does the victim know that the defendant can choose not to testify?
- Does the victim understand that the defendant can choose to plead guilty at any time during trial or jury deliberations?
- Does the victim know she/he can ask the court to wait to have the verdict read until she/he is present?
- Does the victim understand what the implications are in the event there is a hung jury?

Checklist: Verdict of Acquittal

- Does the victim understand the advocate's role and purpose, and that it is ongoing?
- Does the victim know about other services or options to help her/him cope with the experience?
- Does the victim know that an HRO or OFP is still available, and if already in place, is still valid?
- Is the victim aware that the conditions of release are no longer in place?
- Does the victim understand that a civil suit for damages against the assailant is still an option?
- Does the victim know that the standard of proof beyond a reasonable doubt can be difficult to meet, even when the jury suspects the defendant is guilty?
- Has the victim been reminded that the police and prosecutor believed the victim?
- Does the victim know the prosecutor can ask to speak with the jury for feedback?
- Does the victim know she/he can ask to meet with the prosecutor for feedback?
- Does the victim know that the prosecutor cannot appeal an acquittal?
- Does the victim know that she/he can request the return of property items used as evidence?
- Is the victim aware that future threats, harassment/stalking, or violence by the assailant can be a new crime?
- Does the victim know she/he will not receive an order for restitution by the court?
- Is the victim aware she/he can still apply for and receive victim's reparations through the state?

Checklist: Conviction – Guilty Plea or Verdict

- Does the victim understand the advocate's role and purpose?
- Is the victim aware that all conditions of release and any HRO or OFP are still in place, and to contact police if violations occur?
- Does the victim understand the role of the probation officer, and that it includes victim safety?
- Does the victim know that she/he can ask to meet with the probation officer?
- Does the victim know about the Pre-Sentence Investigation (PSI), the victim impact statement (VIS), and options about presenting the VIS?
- Does the victim know the process and timelines for sentencing?
- Does the victim understand the sentencing guidelines and options?
- Does the victim understand the purpose of plea negotiations and plea offers?
- Does the victim know that the conviction can be appealed by the defendant, and that sentencing can be appealed by the prosecution or defendant?
- Does the victim know to document and prepare a restitution claim?

Checklist: Post Conviction

- Does the victim understand the advocate's role and purpose, and that it is ongoing?
- Does the victim understand the supervising agent's role and purpose, and that it includes communications with the victim?
- Does the victim know that an HRO or OFP is still available, and if already in place, is still valid?
- Does the victim understand the sentence?
- Does the victim know the conditions of probation and what to do if they are violated?
- Does the victim know about sex offender registration and community notification?
- Does the victim know about civil commitment of sex offenders?
- Does the victim understand the prison process, including the length of incarceration and supervised release upon release?
- Does the victim understand the local jail process, including work release, sentence to service, and the length of incarceration?
- Does the victim know how to be notified upon release of the defendant from jail or prison, and that her/his contact information is confidential? If appropriate, has the victim sent the notification of release form to DOC?
- Is the victim aware of the Victim Information Notification Everyday (VINE) service?
- Does the victim know about the Department of Corrections website with the Offender Locator?
- Does the victim know how to deal with restitution if it is unpaid, or if further expenses arise?