

NOTICE OF RIGHTS AND SERVICES FOR VICTIMS OF VIOLENT CRIMES

There is help available!

The **Gallatin County Victim Services Program** will help you through the criminal justice process. The office is located in the Law and Justice Center, 615 South 16th, Room 313, Bozeman, MT 59715. Please call **406-582-2075** to make an appointment and with any questions you might have. Hours are Monday through Friday, 8 a.m. – 5 p.m. or by appointment.

Under Montana law you have a number of rights if you are a victim of a felony or misdemeanor offense involving actual, threatened or potential bodily injury, or if you are the relative of a child victim or homicide victim.

These rights include:

- 1) **Your right to information.** You will receive this notice of rights which includes the name and telephone number of the investigating officer (see below).
- 2) **Your right to prompt advance notification.** You can be notified of the arrest and release of the accused, the crime with which the accused has been charged, proceedings in the prosecution of the case, the function of a presentence investigation report, the date and time of a sentencing hearing and information from the Department of Corrections about the convicted person's incarceration.
- 3) **Your right to confidentiality.** If you request it, your address, telephone number or place of employment (as well as your identity if you are the victim of a sexual offense) may not be given to anyone except a criminal justice agency unless disclosure is the address of the crime scene, is required by law, necessary for law enforcement purposes or ordered by a district court.
- 4) **Your right to be heard.** You have the right to be consulted regarding dismissal of the case, release of the defendant, plea negotiations and pretrial diversion. You have the right to give a victim impact statement regarding the impact of the crime at the sentencing hearing.
- 5) **Your right to receive restitution.** Once convicted, the law requires the judge to order the defendant to pay full restitution, as long as the defendant has the ability to pay. Restitution includes stolen or damaged property costs, medical expenses, counseling, loss of income, funeral and burial costs, and expenses reasonably incurred in attending court proceedings and in obtaining ordinary or necessary services that you, the victim, would have performed if not injured.

With these rights come certain responsibilities. It is important that you cooperate fully with law enforcement and prosecution. Please keep Gallatin County Victim Services apprised of your current address and phone number. Call **406-582-2075** regularly to check on your case.

With your help, the system can work for everyone.

Victim's name _____		_____/_____/_____ DOB	
Cell phone _____	Other phone _____	Email _____	
Street _____	City _____	State _____	Zip _____
Printed name of officer, Badge number and Agency _____		Date _____	Law Enforcement Case Number _____
Type of crime _____	Suspect known: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Suspect charged/arrested/cited: <input type="checkbox"/> Yes <input type="checkbox"/> No		_____/_____/_____ Suspect's name _____ DOB	

If you are a victim of a violent crime, an advocate from the Gallatin County Victim Services will contact you regarding your case.

Advocates offer criminal justice advocacy, assistance with restitution, and referrals to community resources. If there is a criminal case, the advocates offer court support, notification of court proceedings and provide assistance with your case. For questions regarding these services, please contact **Victim Services at 406-582-2075**.

Orders of Protection: Pursuant to Montana Code Annotated 40-15-102 you may have the right to request an Order of Protection (temporary or permanent). For more information regarding applying for an Order of Protection, please contact:

- For domestic violence, stalking and sexual assault related Orders of Protection, contact the HAVEN Legal Advocate @ 406-582-2038 or;
- Contact Self Help Law Center @ 406-582-2158 located at the Law and Justice Center or;
- Contact the Montana Attorney General's Office at <https://dojmt.gov/victims/orders-of-protection/> or;
- For other civil legal issues, visit www.montanalawhelp.org.

It is important to keep Victim Services and/or the prosecutor's office updated with your preferred contact information to ensure our ability to keep you informed with regards to your case.

FREE Confidential Support Services & Resources

Help Center
Sexual Assault Counseling Center
406.586.3333 (24-Hour)

FREE confidential counseling, advocacy & support for anyone impacted by sexual violence

HAVEN
406.586.4111 (24-Hour)

FREE confidential advocacy, support, safe housing, counseling, and legal advocacy for anyone impacted by interpersonal violence

VOICE Center
406.994.7069 (24-Hour call or text)

FREE confidential counseling, advocacy & support for members of the MSU community who have been impacted by interpersonal violence

RESOURCE PHONE NUMBERS:

Emergency	911
Bozeman Police Dept.	582-2000
Gallatin County Sheriff's Office	582-2100
MSU Police Dept.	994-2121
HAVEN Legal Advocate (Orders of Protection)	582-2038
HAVEN (24 Hour Crisis – Domestic Violence)	586-4111
Help Center (24 Hour Crisis – Sex Assault/Suicide)	211 or 586-3333
Gallatin Mental Health Center	556-6500
Gallatin County Attorney's Office	582-3745
Bozeman City Attorney's Office	582-2309
Crime Victim Compensation	1-800-498-6455
Bozeman Health Deaconess Hospital	585-5000
Alcohol and Drug Services	586-5493
Child and Family Services	585-9984
Guardian Ad Litem (CASA) Program	582-2051
MSU VOICE Center	994-7069
Montana Legal Services	1-800-666-6899



GALLATIN COUNTY VICTIM SERVICES PROGRAM

Law and Justice Center,
615 S. 16th Avenue, Bozeman, MT 59715
www.gallatin.mt.gov/victims/
Contact Us (406)582-2075

You have received this packet because you have been identified as a victim of a violent crime. We at **Victim Services** want you to know that you are not alone - there is help available. We are a prosecutor-based victim assistance program. Our primary responsibility is to provide information, support and advocacy services to victims of violent crime. We work with prosecutors and law enforcement and act as a liaison between all involved. This information has been prepared to help you understand your rights as a crime victim and the help available to you.

Under Montana law you have a number of rights if you are a victim of a felony or misdemeanor offense involving actual, threatened or potential bodily injury, or if you are a relative of a child victim or a homicide victim. Examples of types of crime include but are not limited to partner or family member assault, stalking, child sexual abuse, robbery, kidnapping, homicide, assault, criminal endangerment, elder abuse, intimidation, order of protection violation, unlawful restraint, privacy in communications etc.

These rights include:

Your right to information. When a crime is reported, law enforcement will give you a notice of rights and services for victims of violent crimes. This information includes the name and information of the investigating officer.

Your right to prompt advance notification. You can be notified of the arrest and release of the accused, the crime with which the accused has been charged, proceedings in the prosecution of the case, the function of a presentence report, the date and time of a sentencing hearing and information from the Department of Corrections about the convicted person's incarceration.

Your right to confidentiality. If you request it, your address, telephone number or place of employment (as well as your identity if you are the victim of a sexual offense) may not be given to anyone except a criminal justice agency unless it is the address of the crime scene, is required by law, necessary for law enforcement purposes or ordered by a district court.

Your right to be heard. You have the right to be consulted regarding dismissal of the case, release of the defendant, plea negotiations and pretrial diversion. You have the right to give a statement regarding the impact of the crime at the sentencing hearing.

Your right to receive restitution. Once convicted, the law requires the judge to order the defendant to pay full restitution, so long as the defendant has the ability to pay. Restitution includes stolen or damaged property costs, medical expenses, counseling, loss of income, funeral and burial costs, and expenses reasonably incurred in attending court proceedings and in obtaining ordinary or necessary services that you, the victim, would have performed if not injured.

HOW CAN WE HELP?

Being a victim of a crime can be a frightening experience. You may be suffering physical injury, financial loss and emotional harm. You may be angry or afraid and feel like your world has been turned upside down. You may experience difficulty relating to friends or family or feel you

can't trust anyone. Others (or even you) may mistakenly think you are to blame for the crime. All of these are normal reactions of crime victims.

Most people do not understand the criminal justice system. It is confusing and complex. Unlike television, cases are not resolved in an hour. In fact, your case may take months before it even comes to trial. You do not need to face this alone - a professional victim advocate is available to help you from shortly after the crime is committed until its resolution - no matter how long it takes.

- Provide crisis counseling, emotional support and guidance
- Help you develop a safety plan for your protection
- Explain to you how the court system works
- Give you specific information and updates about your case including dates and times of hearings
- Refer you to community services (therapist, child care, medical, emergency financial, etc.)
- Assist you in filing for Crime Victim Compensation to cover medical, counseling, wage loss or funeral expenses
- Attend court proceedings with/for you
- Provide you with a secure waiting area if you need to testify
- Assist you with victim impact statements at sentencing hearings
- Notify you of parole hearings, appeals and other post-conviction relief

If you have a disability, are a child or elderly, or speak a different language we will make every attempt to meet your special needs. Please let us know so we can assist you more effectively. We do not discriminate on the basis of age, gender, disability, race, national origin, religious belief or sexual orientation. There is no charge for our services.

As a victim of a violent crime, **you are not alone.** The criminal justice system is confusing and complex. At times it seems like the offenders have all the rights. We are working hard to balance the scales of justice and make sure your voice is heard. We advocate for victims on the local, state and national levels.

Crime Victim Advocacy

Survival Guide

Gallatin County Victim Services



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Introduction

Welcome to Gallatin County Victim Services! Our goal is to enhance the involvement and safety of crime victims in the criminal justice system by providing direct services that lessen the impact of the crime, ensuring that all victims are treated respectfully and fairly, while supporting victim's important role through every step in the criminal justice system. We assist victims of violent, sexual and stalking crimes with the criminal justice process and ensure their rights are being upheld.

Being a victim advocate is an intense job. We are trained professionals that assist victims of a multitude of crimes. We provide criminal justice information, emotional support, and resources to community programs. Our purpose is to help lessen the impact felt by the people we work with. Our program strives to provide an atmosphere that is warm and inviting for both our participants and staff.



*"Sometimes the bravest and most important thing you can do is
just show up"*

-Brene Brown

Notes From Those We Have Helped

"Thank you! I am very Grateful for your help and want you to know how important your role has been in helping me navigate through this process. I don't think I could have come this far without your support. Thank you from the bottom of my heart"

"Thank you for continuing to support me. Your kindness is the greatest gift to my daughter and I. Your parents must be so proud of the woman you've become. I pray that my daughter finds a way to make a mark in peoples' lives the way you have ours."

"You are one of my heroes"

"Happy International Women Day to one of the kindest, bravest, most compassionate women I know. You are amazing! Thank you for everything you do. I'm so glad to have met you!"

"I am a SURVIVOR... I still once in a while share my story to help others going through what I went through. I remember you telling me that life would get better. I didn't believe you until I stopped being the victim and decided I was going to be a survivor."

“Thank you for all that you have done for me and continue to do for me. I am so thankful that you were a part of my journey and supported me throughout it all.”

“Thank you so much for everything you have done to make this process easier. It warms my heart that you do so much for the people of Bozeman and beyond. You are amazing! The support you have given means so much to me... I felt empowered, largely from your efforts!”

“I cannot put into words or describe the gratitude I have for you walking with me through this journey. I truly feel God had his hands on all of us that day and with your constant support we were able to achieve what was an amazing outcome! You are a stellar advocate that I could always count on to BELIEVE in my story. It truly wouldn't have been the same without you. Thank you for playing a huge role in helping me move forward and I hope when you feel discouraged know there are victims like me who have happy endings because of your work.”

“Without a doubt everyone that has helped me and my mother out on this long process will forever be remembered. You did everything you could to provide information as quickly as possible to me and my mother about what was happening. I truly appreciate you and respect you for the time you put into helping us and getting

us information. I would like to thank you personally for everything you have done for me and mostly for my mother during this terrible time in our lives. Thank you very much... you will never know how thankful we both are for what you have done for us. I pray that you never have another case and wish you a long and happy life."

"You told me things I didn't want to hear but needed to. I was unable to see the danger I was in until you started educating me about domestic violence. I am forever grateful for your friendship, kindness, patience, and information you have given me. Please know I am okay now and you played a major role in ensuring that happened."

"I truly appreciate everything you and your office have done through the entire process. Thank you for being so accessible, accommodating, and supportive. It's time to move on and your office has been a huge part of me being able to do that."

"Without you and the staff of Victim's Services and my family, I couldn't have done it! I so appreciate everything that you have all done for me and showing me how to stand up again! Love you all and will always be an important part of my story! Thank you so very much!"

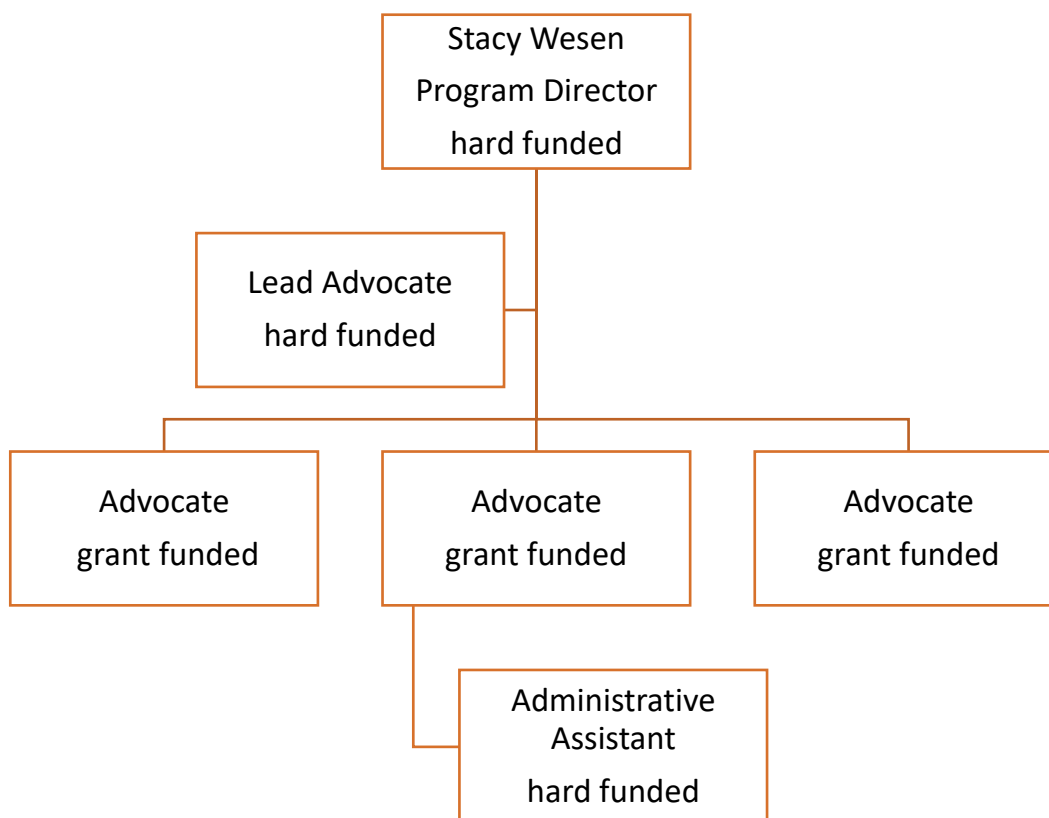
"To the ladies who saved our lives, you all have been so amazing through this very difficult time. I felt like there was no end. That I would be stuck forever, but by the grace of God and all of you - we were saved. I can breathe again. I can have a life again because of all of you I did what was right! I stood my ground and I spoke my truth even if my voice shook. Thank you for protecting us, we will forever be grateful."

"I know there must be days and times where you might feel what your doing isn't enough or good enough for someone. Well I am here to tell you what you do matters so much! Just knowing you're there to answer the phone to help in anyway is awesome! Thank you so much for your help."

As you can see, victim advocates have a strong impact on those we work with. Messages like these are what will keep you going and continue to provide value to your work. This job is not easy, it will challenge you in your professional and personal life, and provide you with irreplaceable experience and growth. It is important in any type of social work or helping profession, that you practice self-compassion, self-care, and find areas that you can pull strength and resiliency from. If at any point you are feeling overwhelmed, check-in with another advocate and check out the resources in the hard drive under the secondary trauma and self-care folder. You play such an important role and offer a voice to those who otherwise may not have one. In the harder times, read all the amazing messages you have received from those you have helped and always know – you are making a difference.

Employee Need-to-Knows

Organization of Staff



Dress Code

Victim services is an extension of Gallatin County Attorney's Office. We are expected to conduct ourselves in a professional manner. Part of that is our dress code. Employees are expected to adhere to a business casual attire with the exception of trial. During trial, employees are expected to adhere to business professional attire. Employees may wear jeans that do not have holes or tears in them on Wednesdays and Fridays (unless a trial is occurring). This being said, employees still must look professional on casual days.

Pay Schedule

Employees are paid every two weeks. The pay period is two weeks behind. This is important to keep in mind especially when you are newly employed. You may go a month before you see an entire paycheck for the previous 2-week pay period. Your timesheet will be due every two weeks. If you have questions about what to include on your timesheet or how to track your time, please ask the Director. There are 10 paid holidays each year. You can locate the holiday schedule on the county website under resources, HR, and Legal County Holidays. You will also accrue vacation and sick time each month. You can use sick hours upon hire and you can use vacation hours upon hire and with the approval of your supervisor. It is important that you monitor the amount of hours you have accrued and the hours you are taking. If you do not have enough time accrued, you will not be paid for the hours you are taking off. Additional holiday, sick and vacation policies, W-4 information and insurance information will be covered when you attend the new-hire orientation provided by HR. It may be several weeks before an orientation is held, but you must attend one.

Teamwork

Although you will be assigned a caseload for a specific jurisdiction, we operate as a team and help one another when necessary. It is important that you become familiar with how each courtroom works and their expectations so that if you have to cover for another advocate, you have an idea of how to do it. Each morning the staff will have a brief meeting about the new cases for the day and discuss what the schedule looks like. It's important to offer other advocates help covering cases when you have the availability. If you take time off of work, you'll need to make sure your cases are covered by another advocate. This is another example of the importance of teamwork.

Policies

Personal and Work Cell Phone Policies

A work cell phone will be issued to you. This cell phone is county property and is to be used to keep in contact with victims and coworkers. Please do not use this as your personal phone. We are expected to have our work cell phone on our person at all times during the work day. In regards to your personal phone, you can have it on you but please be mindful of your usage of especially social media, while at work.

Social Media Policy – For use of Victim Services Social Media Accounts

Employees shall adhere to the Gallatin County Victim Services social media policy. All other Gallatin County policies, including, but not limited to the Gallatin County social media policy, apply to social media use by Gallatin County Victim Services employees. Values and policies especially applicable include respecting members of the community, and one another; protecting confidentiality, privacy and security; and safeguarding the proper use of Victim Services assets.

The Gallatin County Victim Services Program Director may authorize employees to participate in social media, and shall maintain a list of all authorized employees. The following are guidelines for any Gallatin County Victim Services employee who participates in social media pages affiliated with Gallatin County Victim Services.

1. Follow all applicable Gallatin County policies, and respective social media platform guidelines.
2. Employees shall not share confidential or proprietary information, including, but not limited to, confidential criminal justice information, or other information not otherwise available to the public.
3. Employees shall not post defamatory, derogatory, or inflammatory content.
4. Social media shall not be used for internal department work product.
5. Gallatin County Victim Services strongly discourages “friending” of participants on social media websites. Staff in advocate roles generally should not initiate or accept friend requests except in unusual circumstances such as the situation where an in-person friendship pre-dates the advocate/victim relationship.
6. Gallatin County Victim Services shall comply with the standards of conduct outlined by the Gallatin County social media policy especially: respect, striving for transparency, openness, and honesty in our interactions with individuals seeking services or trying to access more information on Victim Services.
7. Respect laws regarding copyrights, trademarks, rights of publicity and other third-party rights.
8. Authorized Gallatin County Victim Services employees may use social media affiliated with Gallatin County Victim Services in the course of their duties on behalf of Victim

Services during work hours to perform their job duties for approved, program-related purposes.

9. Violations of the Gallatin County Victim Services Social Media Policy are dealt with on a case-by-case basis, and may result in disciplinary action, pursuant to Section 601 of the Gallatin County Personnel Manual.

10. When utilizing the direct message feature of pages affiliated with Gallatin County Victim Services, the following policies apply:

- a. Employees shall not personally identify themselves other than their affiliation as an employee of Gallatin County Victim Services.
- b. Employees shall refer individuals who are in crisis to the Victim Services main line, HAVEN, or the Help Center.
- c. Employees shall refer individuals who are attempting to disclose a criminal event to law enforcement and shall not attempt to gather more information regarding the event.

11. All communications to or from a Gallatin County Victim Services social media page are considered public records, and must be retained according to the applicable local government records retention schedule. All deleted comments from a social media page must be preserved by taking a screenshot.

THIRD PARTY COMMENT REVIEW:

Third party comments on Gallatin County Victim Services Social Media pages are subject to respective social media platform community standards. Additionally, comments and public discussion are limited to the stated purpose of the Gallatin County Victim Services Department. Comments which are outside of these purposes are subject to deletion. Third party comments are

also subject to deletion, while commenters are subject to blocking, based on, but not limited to, the following parameters:

- Threats or defamatory statements
- Suggestions or encouragement of illegal activity
- Copyright or trademark infringements
- Promotion or endorsement of commercial services, products or entities
- Spam, irrelevant or multiple, successive posts
- Posts that disclose the identity of a victim
- Posts that speculate about the events of a crime
- Personal attacks

Third party comments are monitored by representatives from Gallatin County Victim Services and shall be removed if they fit within the above parameters. Third party commenters who repeatedly violate these parameters or whose comments are especially egregious are subject to being blocked from the Gallatin County Victim Services social media pages.

If a deleted comment or blocking warrants an explanation, a response will be crafted with the assistance of the Program Director. The Program Director will determine if a deleted comment or blocking warrants an explanation.

Rights Of Crime Victims

A very important function of a crime victim advocate is to understand and uphold the victim's rights. You should be familiar with their rights as well as be able to educate victims on their rights when they have been impacted by a crime. You can locate the rights of crime victims

on the Montana Code Annotated website. This website also provides all of the statutes related to crimes that we work and is a helpful resource when relaying what a victim's rights are as well as describing minimums and maximums of crimes that victims are impacted by. This information can be found at <https://www.leg.mt.gov>. You will use it frequently, so it would be best to save this under favorites. The Montana State Constitution affords victims of crimes the following rights:

46-24-201. Services to victims of crime. (1) Law enforcement personnel shall ensure that a victim of a crime receives emergency social and medical services as soon as possible and that the victim is given written notice, in the form supplied by the attorney general, of the following:

- (a) the availability of crime victim compensation;
 - (b) access by the victim and the defendant to information about the case, including the right to receive documents under [46-24-106](#);
 - (c) the role of the victim in the criminal justice process, including what the victim can expect from the system, as well as what the system expects from the victim, and including the right to be accompanied during interviews as provided in [46-24-106](#); and
 - (d) stages in the criminal justice process of significance to a crime victim and the manner in which information about the stages may be obtained.
- (2) In addition to the information supplied under subsection (1), law enforcement personnel shall provide the victim with written information on community-based victim treatment programs, including medical, housing, counseling, and emergency services available in the community.
- (3) As soon as possible, law enforcement personnel shall give to the victim the following information:
- (a) the name, office address, and telephone number of a law enforcement officer assigned to investigate the case; and
 - (b) the prosecuting attorney's name, office address, and telephone number.

46-24-104. Consultation with victim of certain offenses. As soon as possible prior to disposition of the case, the prosecuting attorney in a criminal case shall consult with the victim of a felony offense or a misdemeanor offense involving actual, threatened, or potential bodily injury to the victim or, in the case of a minor child victim or homicide victim, with the family of the victim in order to obtain the views of the victim or the victim's family regarding the disposition of the case, including:

- (1) dismissal of the case;
- (2) release of the accused pending judicial proceedings;
- (3) plea negotiations; and
- (4) pretrial diversion of the case from the judicial process.

46-24-106. Crime victims -- family members -- right to attend proceedings -- exceptions -- right to receive documents -- rights during interview. (1) Except as provided in subsection (2), a victim of a criminal offense has the right to be present during any trial or hearing conducted by a court that pertains to the offense, including a court proceeding conducted under Title 41, chapter 5. A victim of a criminal offense may not be excluded from any trial or hearing based solely on the fact that the victim has been subpoenaed or required to testify as a witness in the trial or hearing.

(2) A judge may exclude a victim of a criminal offense from:

- (a) a trial or hearing upon the finding of specific facts supporting exclusion or for disruptive behavior;
- or

(b) a portion of a proceeding under Title 41, chapter 5, that deals with sensitive personal matters of a youth or a youth's family and that does not directly relate to the act or alleged act committed against the victim.

(3) If a victim is excluded from a trial or hearing upon the finding of specific facts supporting exclusion, the victim must be allowed to address the court on the issue of exclusion prior to the findings.

(4) A family member of a victim may not be excluded from a trial or hearing based solely on the fact that the family member is subpoenaed or required to testify as a witness in the trial or hearing unless there is a showing that the family member can give relevant testimony as to the guilt or innocence of the defendant or that the defendant's right to a fair trial would be jeopardized if the family member is not excluded.

(5) As used in this section, "victim" means:

(a) a person who suffers loss of property, bodily injury, or reasonable apprehension of bodily injury as a result of:

(i) the commission of an offense;

(ii) the good faith effort to prevent the commission of an offense; or

(iii) the good faith effort to apprehend a person reasonably suspected of committing an offense; or

(b) a member of the immediate family of a homicide victim.

(6) (a) Except as provided in subsection (6)(c), a victim of a criminal offense has the right to receive, upon request and at no cost to the victim, one copy of all public documents filed in the court file.

(b) If the victim is under 18 years of age, copies provided under subsection (6)(a) must be provided to the victim's parent or guardian instead of to the minor victim.

(c) Subsection (6)(a) does not apply to:

(i) trial transcripts;

(ii) trial exhibits;

(iii) court proceedings conducted under Title 41, chapter 5; or

(iv) documents the prosecutor determines would adversely affect the prosecution if released.

(7) A victim of a criminal offense has the right, upon request, to have a victim advocate present when the victim is interviewed about the offense.

Additionally, there is a statute that is provided to protect the advocate/victim relationship and the information that is shared by a victim. Although we try to honor this in every respect, we are a branch of the county attorney's office and can be subpoenaed to share information and testify in court. This is important to keep in mind while working with the victim. The statute is provided below:

26-1-812. Advocate privilege. (1) Unless a report is otherwise required by law, an advocate may not, without consent of the victim, be examined as to any communication made to the advocate by a victim and may not divulge records kept during the course of providing shelter, counseling, or crisis intervention services.

(2) This privilege belongs to the victim and may not be waived, except by express consent. The privilege continues even if the victim is unreachable. Consent may not be implied because the victim is a party to a divorce or custody proceeding. The privilege terminates upon the death of the victim.

(3) For purposes of this section, the following definitions apply:

(a) "Advocate" means an employee or volunteer of a domestic violence shelter, crisis line, or victim's services provider that provides services for victims of sexual assault, stalking, or any assault on a partner

or family member.

(b) "Victim" means a person seeking assistance because of partner or family member assault, any sexual assault, or stalking, whether or not the victim seeks or receives services within the criminal justice system.

Victim advocates are also considered to be mandatory reporters. If a victim discloses child abuse or you suspect child abuse, you must report it to Child Protective Services. Although we serve the victim, our priority is always everyone's safety. It is important to explain to the victim that you are a mandatory reporter. The statute explaining mandatory reporting is below:

41-3-201. Reports. (1) When the professionals and officials listed in subsection (2) know or have reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or neglect is a parent or other person responsible for the child's welfare, they shall report the matter promptly to the department of public health and human services.

(2) Professionals and officials required to report are:

(a) a physician, resident, intern, or member of a hospital's staff engaged in the admission, examination, care, or treatment of persons;

(b) a nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or any other health or mental health professional;

(c) religious healers;

(d) school teachers, other school officials, and employees who work during regular school hours;

(e) a social worker, operator or employee of any registered or licensed day-care or substitute care facility, staff of a resource and referral grant program organized under 52-2-711 or of a child and adult food care program, or an operator or employee of a child-care facility;

(f) a foster care, residential, or institutional worker;

(g) a peace officer or other law enforcement official;

(h) a member of the clergy, as defined in 15-6-201(2)(b);

(i) a guardian ad litem or a court-appointed advocate who is authorized to investigate a report of alleged abuse or neglect; or

(j) an employee of an entity that contracts with the department to provide direct services to children.

(3) A professional listed in subsection (2)(a) or (2)(b) involved in the delivery or care of an infant shall report to the department any infant known to the professional to be affected by a dangerous drug, as defined in 50-32-101.

(4) Any person may make a report under this section if the person knows or has reasonable cause to suspect that a child is abused or neglected.

(5) (a) When a professional or official required to report under subsection (2) makes a report, the department may share information with:

(i) that professional or official; or

(ii) other individuals with whom the professional or official works in an official capacity if the individuals are part of a team that responds to matters involving the child or the person about whom the report was made and the professional or official has asked that the information be shared with the individuals.

(b) The department may provide information in accordance with 41-3-202(8) and also share information about the investigation, limited to its outcome and any subsequent action that will be taken on behalf of the child who is the subject of the report.

(c) Individuals who receive information pursuant to this subsection (5) shall maintain the confidentiality of the information as required by 41-3-205.

(6) (a) Except as provided in subsection (6)(b) or (6)(c), a person listed in subsection (2) may not refuse to make a report as required in this section on the grounds of a physician-patient or similar privilege.

(b) A member of the clergy or a priest is not required to make a report under this section if:

(i) the knowledge or suspicion of the abuse or neglect came from a statement or confession made to the member of the clergy or the priest in that person's capacity as a member of the clergy or as a priest;

(ii) the statement was intended to be a part of a confidential communication between the member of the clergy or the priest and a member of the church or congregation; and

(iii) the person who made the statement or confession does not consent to the disclosure by the member of the clergy or the priest.

(c) A member of the clergy or a priest is not required to make a report under this section if the communication is required to be confidential by canon law, church doctrine, or established church practice.

(7) The reports referred to under this section must contain:

(a) the names and addresses of the child and the child's parents or other persons responsible for the child's care;

(b) to the extent known, the child's age and the nature and extent of the child's injuries, including any evidence of previous injuries;

(c) any other information that the maker of the report believes might be helpful in establishing the cause of the injuries or showing the willful neglect and the identity of the person or persons responsible for the injury or neglect; and

(d) the facts that led the person reporting to believe that the child has suffered injury or injuries or willful neglect, within the meaning of this chapter.

Advocacy

Victim-Centered Advocacy

Assuring victim-friendly and accessible services is important. The way you interact with a victim strongly impacts how the victim will feel about the system, prosecution, and the criminal justice process. A sigh on the phone, abruptness, a hint of irritation, or any interruption can taint the trust and support that the victim needs. As advocates, we are the softer side of the criminal justice system. We are the individuals there to support victims and aid them in navigating the system during a very difficult time in their lives. Be mindful of the relationships you cultivate with the individuals you work with. It is important to be a support system; however, you must establish professional boundaries which allow you to do your job and prevent you from enabling a victim. The majority of individuals you will work with are extremely vulnerable; therefore, you

will experience victims relying on you to meet their needs outside of your professional capacity at times. It is important to empower the victim by giving them resources and options but making sure that they ultimately make the decision. Especially in domestic violence relationships, victims' choice and power have often been taken away. Helping a victim means to give them that choice and power back. You can do this by being supportive of the victim and not making decisions for them. A very simple way we engage in empowerment in this program is by offering victims the choice of beverage when they visit our office. It sounds very simple to you or I, but remember, choice and power have often been stripped from the individuals we work with. Giving them the simple option of what beverage to drink can start them on a path of independence and empowerment.

As you grow into your position as an advocate, you will quickly begin to understand the best way to interact with the individuals you serve. Keep in mind, we are here for the victims. In a system which often takes away the voice of the victim, we are able to help give that voice back. You serve a vital role in the criminal justice process.

Crisis Counseling

As an advocate you will be coming in contact with individuals during the worst moments of their lives. They will be angry, sad, frustrated, and upset the majority of the time. It is important for you to remember they are not upset with you. They are upset with their situation and the pressure having the criminal system in their lives brings. With this in mind, you must be patient and understanding with the individuals you work with. The biggest part of responding to a victim in crisis is to just **listen**. They need a safe place to vent and voice their frustrations. You're not responsible for fixing them or fixing their situation. Your job is to offer support, encouragement, and resources to help better equip the victim in making decisions regarding their

lives moving forward. The primary purpose of crisis counseling is to help an individual restore some sense of control after a traumatic event. Often times, victims will be escalated and reacting out of pure emotion with little logic. It is important to identify their immediate needs and assist them in finding logical and tangible solutions. While we are not licensed counselors and should not attempt to counsel those we work with, being mindful in how you approach and respond to a victim in crisis is imperative to your future relationship with that person and the healing they will have to engage in in the future. If the victim you are working with has identified that they would like to engage in counseling services, you may refer them to counselors in the area that you feel may assist them. Even if the victim doesn't identify counseling as an immediate need, you can offer assistance in referring to long-term counseling later when they are ready.

If an individual comes to the office in crisis and you are overwhelmed with the situation, there are resources within the Law and Justice Center that can help. First, consult with another advocate to help you handle the situation. The Gallatin County Sheriff's Office also has a crisis counselor in the building, who can help deescalate situations if need be. Keep in mind your safety is of highest priority, therefore, if you are uncomfortable, do not hesitate to bring in other advocates or in extreme situations, contact law enforcement.

EXPRESSIVE TRAUMA INTEGRATION

www.eti.training



Six Stages of Trauma Integration

1 ROUTINE

All systems of the body function routinely.

Trauma takes place, activating survivor mode in the brain and body. Instinctual response: fight, flight or freeze.
Trauma-Informed Advocacy

2 EVENT

3 WITHDRAWAL

Withdrawal after trauma is a survival response that may last weeks/months/years/a lifetime. Instability is typical as survivor cycles through shock, denial, fear, anger, shame, guilt, moral injury, etc.

Knowledge of self, context, and dynamics of trauma helps survivor move from withdrawal to awareness. *Rejuvenative Mourning*, which includes expanded awareness of the implications of loss takes place.

4 AWARENESS

5 ACTION

The survivor make a conscious choice to take action. Using Imaginal Space the survivor identifies an entry point to the cycle and explores different responses to the traumatic event/s.

Survivor reflects on previous stages with aim of integrating traumatic events into the larger life story in a way that acknowledges personal strengths needed to survive the trauma.

6 INTEGRATION



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The figure above outlines the way trauma impacts a victim and the stages a victim may experience when healing from trauma. It is important to note these stages are not linear nor cyclical but rather fluid. With this in mind, meeting victims where they are in the stages of trauma can help build a relationship, as well as provide a victim with a sense of comfort in knowing you understand where they are at. Often, in situations where someone is victimized by their intimate partner, it is our instinct to encourage victims to leave the situation. This comes from a desire to help people and remove them from what is causing the danger. However, approaching victims this way, especially victims of intimate partner violence (IPV), can have adverse effects which will further isolate the victim. It is important to mimic the way the victim refers to their abuser while providing information which will allow them to make safe and informed decisions. At times you may need to express to the victim if you fear for their safety. It is often hard for victims to understand the danger they are in and you can voice your fear for them and what concerns you have based on your professional opinion.

You may also find that victims that have recently experienced a traumatic event, will have a difficult time retaining and understanding the information you give to them. In the beginning of a case, there is a lot of information given to the victim from various agencies. That is part of why we make the initial call to the victim – they may have a hard time remembering to call us for court information. It is important that you break down the information you need to provide to them as much as possible. This can be done by telling them one bit of information at a time and allowing a pause for them to process. Following up with an email with everything in writing can also be helpful. That way if they forget what was discussed, they can refer back to the email. It will also assist in you not having to repeat yourself as often. It is encouraged that you to check in with the victim to make sure that they understand what you're telling them and asking if they have questions along the way.

Victim Advocate Responsibilities

Bozeman Municipal Court

Bozeman municipal court is located on the ground floor of the Law and Justice Center. There are two judges in municipal court, Judge Seel (courtroom A) and Judge Herrington (courtroom B). These judges are responsible for hearing any misdemeanor cases from the City of Bozeman. The Bozeman City Attorney's Office is the agency responsible for prosecution of misdemeanor cases from the City of Bozeman. Their office is located on 121 N. Rouse St. Bozeman. One advocate's caseload is dedicated to working City of Bozeman, violent misdemeanors. This advocate works exclusively with the city attorney's office. The following is a list of the expectations of the advocate assigned to the City of Bozeman caseload.

- Receive referral from LE

- review jail roster daily for new violent crime cases
- request referral from LE if a referral is not received
- Make contact with victim
 - explain our services & the CJS
 - input for IA
 - discuss follow up needs (photos, meet w/ LE, counseling, etc.)
 - offer office visit with city attorney
 - contact the city attorney to discuss the case & give input for IA
- Enter case in database
- Attend IA
 - check in with city attorney staffing IA
 - give input to court if requested
 - contact victim with update from hearing & omni date
 - provide a copy of the bail order & defense letter to victim
 - City attorney provides copy of bail order to BPD (Deanna)
 - Enter the bail order in Zuercher, along with alert
- Address amendment to NCO
 - explain process to victim
 - arrange office visit with victim and prosecutor to discuss request
 - prosecutor will discuss options & proceed accordingly
- CVC/Restitution
 - explain process to victim
 - tell victim the city attorney's office will send letter regarding restitution
- Plea Negotiations
- Provide City Attorney with Victim Impact Statement

Justice Court

Justice court is located on the ground floor of the Law and Justice Center on the right side, as is the Justice Court clerk's office. There are two Justices of the Peace, Judge West and Judge Adams. Justice court sees misdemeanors from Gallatin County Sheriff's Office and initial bond hearing for all felony cases. All advocates except for the city municipal court advocate attend hearings in Justice Court. Gallatin County Attorney's Office is the agency responsible for prosecuting misdemeanor crimes from Gallatin County Sheriff's Office and all felonies within the

county. The following is a list of expectations for the advocate assigned to the Justice Court and Rural Court caseload.

- Receive referral from LE
 - review jail roster daily for new violent crime cases
 - check records box for referrals
 - request referral from LE if a referral is not received
- Make contact with victim
 - explain our services & the CJS
 - input for IA
 - discuss follow up needs (photos, meet w/ LE, counseling, etc.)
 - contact the county attorney to discuss the case & give input for IA
- Enter case in database
- Attend IA
 - check in with county attorney staffing IA
 - give input to court if requested
 - contact victim with update from hearing & omni date
 - provide a copy of the bail order & defense letter to victim
 - enter conditions of bail in Zuercher, along with an alert
- Address amendment to NCO
 - explain process to victim
 - arrange office visit with victim and prosecutor to discuss request
 - prosecutor will discuss options & proceed accordingly
- CVC/Restitution
 - explain process to victim
- Plea Negotiations
 - County attorney emails a copy of plea agreement terms to advocate at least one week prior to omnibus hearing
 - Victim advocate attempts to contact victim within 72 hours to request feedback & contacts county attorney to verify victim has been contacted or not
 - Inform county attorney of victim input ASAP
- Sentencing
 - Provide Victim Impact Statement to county attorney
 - Let county attorney know if victim wishes to take the stand and testify

Rural Courts

Our advocates also work the rural court cases. The rural courts are located in Manhattan, Belgrade, and West Yellowstone. These courts only see misdemeanor cases. The prosecutors for Manhattan and West Yellowstone communities are contracted out and not under the Gallatin

County Attorney's Office. The prosecutor for Belgrade is hired by the Belgrade City Manager. The judge which oversees misdemeanors in Belgrade is Judge Breuner, Manhattan is Judge Drusch, and West Yellowstone is Judge Gibson. The advocate responsible for the rural courts will attend court based on each rural courts schedule as well as the advocate's schedule. If the advocate is unable to make it to court, it is expected that they check-in with the prosecutor to receive updates.

District Court

District court is located on all levels of the Law and Justice Center. There are three District Court judges- Judge John Brown, Judge Peter Ohman, and Judge Rienne McElyea. There is also a standing master- Standing Master Bowen. JJB, JPO, and JRM see all felony and juvenile offender cases within Gallatin County. Standing Master Bowen primarily oversees all family court issues and orders of protection. There are three advocates dedicated to working felony cases. One advocate works City of Bozeman felonies, one advocate works Gallatin County felonies, and one advocate works juvenile offender and high profile cases.

Flow of District Court Cases

If a defendant is arrested: Upon arrest, a defendant is seen in Justice Court for their bail hearing. At this hearing, defendants will **not** enter into a plea (guilty or not guilty) and will receive the conditions they must abide to while the criminal case is pending. These conditions involve contact with the victim. At this hearing the judge will set a preliminary court date. This date is the deadline that the County Attorney's Office must have the case filed in District Court. When the case has been filed in District Court an initial appearance, or an arraignment, date will be set. At this hearing the judge will issue a conditional release order which is similar to the bail order the defendant received in Justice Court. These are the conditions the defendant will have to

abide by moving forward in the criminal case. The defendant also enters their plea at this hearing. If a defendant pleads not guilty a hearing called an omnibus hearing will be set. The advocate will need to send the victim the affidavit of probable cause, charging information and the conditional release order after the hearing.

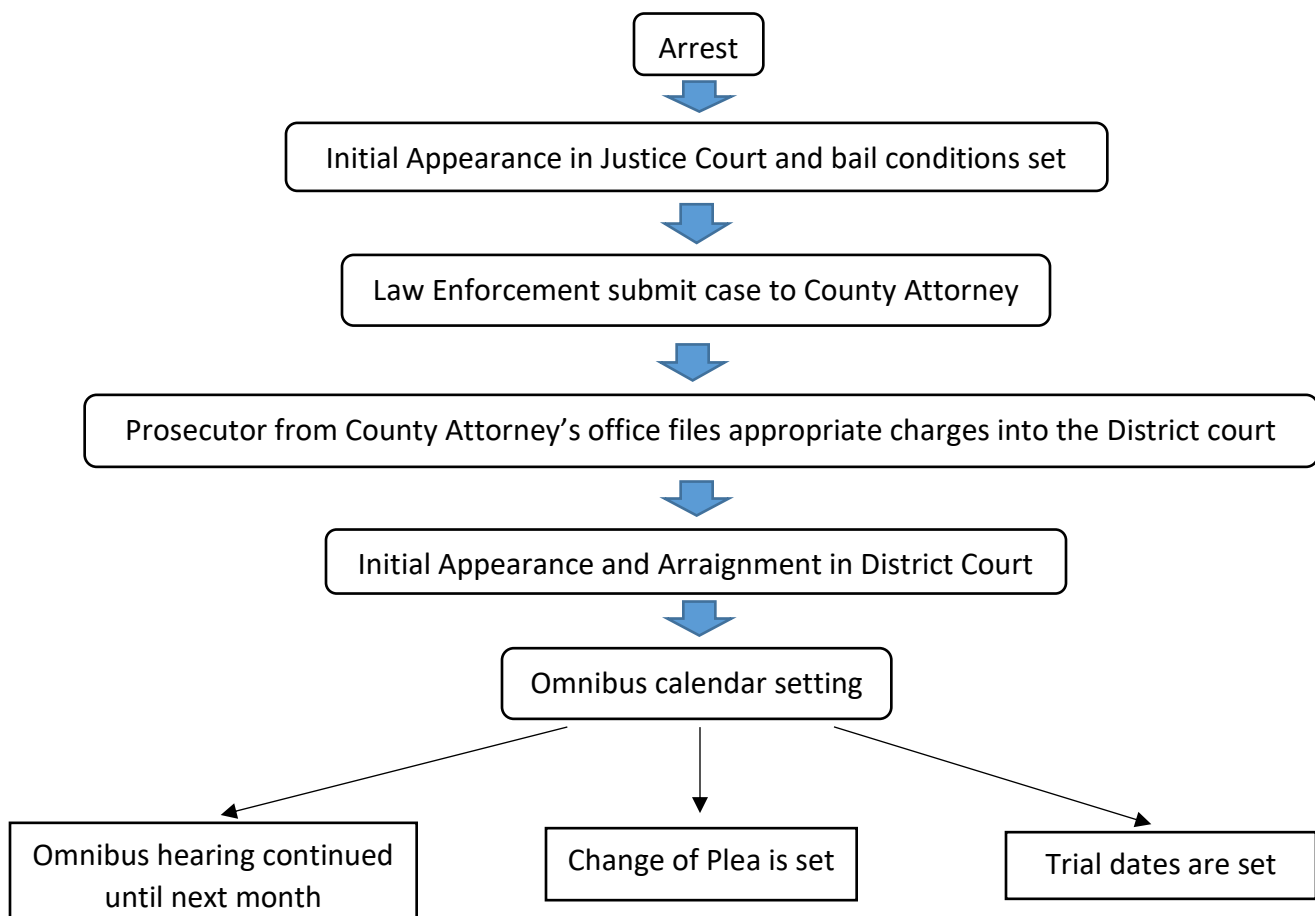
If a defendant is not arrested initially, law enforcement can submit a request for prosecution to the County Attorney's Office. The investigation is presented to the County Attorney's Office and assigned to a prosecutor. Once assigned to a prosecutor, the prosecutor will review the case and make the decision whether or not to charge the defendant. If the prosecutor decides to charge the defendant, they will file an affidavit of probable cause in District Court. A District Court judge will then review the case to assess if probable cause exists. Once that occurs, an initial appearance, or arraignment, will be set in District Court. At this hearing the defendant will enter into their plea and receive conditions of release. These conditions also reflect contact with the victim. The advocate will need to send the victim copies of the affidavit of probable cause, also known as the charging document, and the conditional release order after the hearing.

After the initial appearance the case will be set for an omnibus hearing. Typically there will be multiple omnibus hearings before an action occurs within the case. During this time, it is more than likely you will have set up a meeting for the prosecutor and the victim to meet. These meetings allow the victim to ask the prosecutor any questions they have about the criminal justice system and their case specifically. Additionally, it allows the prosecutor to get an idea of the ideal outcome a victim hopes to see. The prosecutor will reach out to you with a potential plea agreement and ask you to receive input from the victim. Once you have received input from the victim, you will relay the information to the prosecutor. It is possible for this process to happen

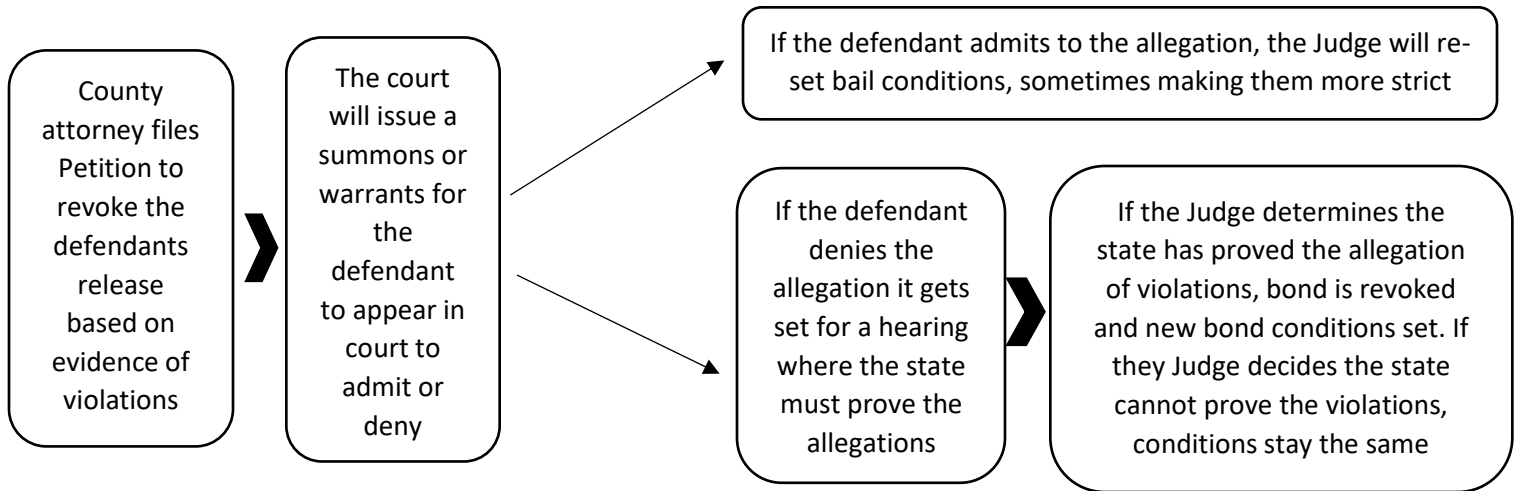
multiple times throughout a case while the prosecutor and defense council work out a suitable agreement. If the parties are not able to decide on an agreement, the case will go to trial. If and when the defendant is found guilty. They will be sentenced for their crime.

Below are two diagrams that explain the process of when a defendant is arrested and when a defendant is not arrested. You'll notice that it also addresses what happens if the defendant violates their conditions of release and what can occur after they are sentenced.

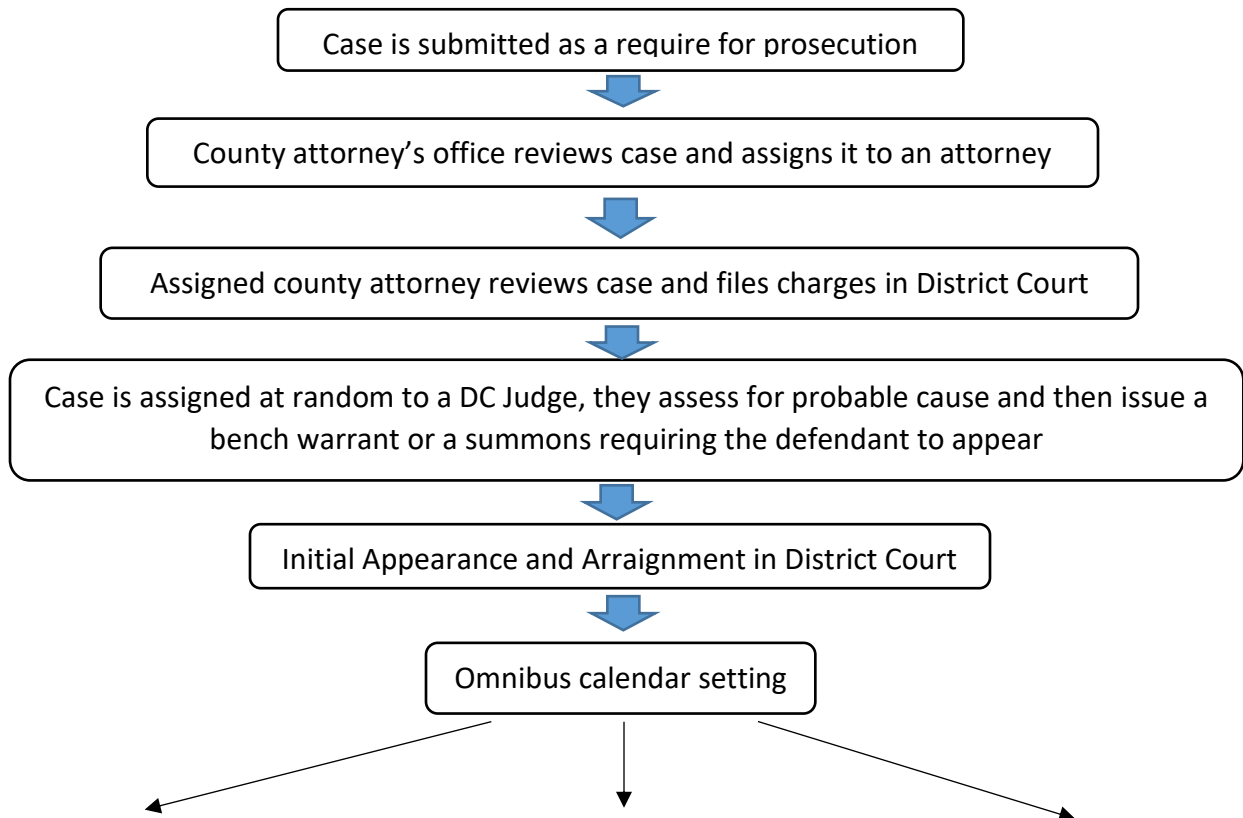
Criminal Justice Time line - Arrest



If at any point the defendant violates the conditional release order- the county attorney will file a petition to revoke their release and either a warrant or summons will be issued for them to appear in court. This starts a separate court process listed below.



Criminal Justice Time line – Request for Prosecution

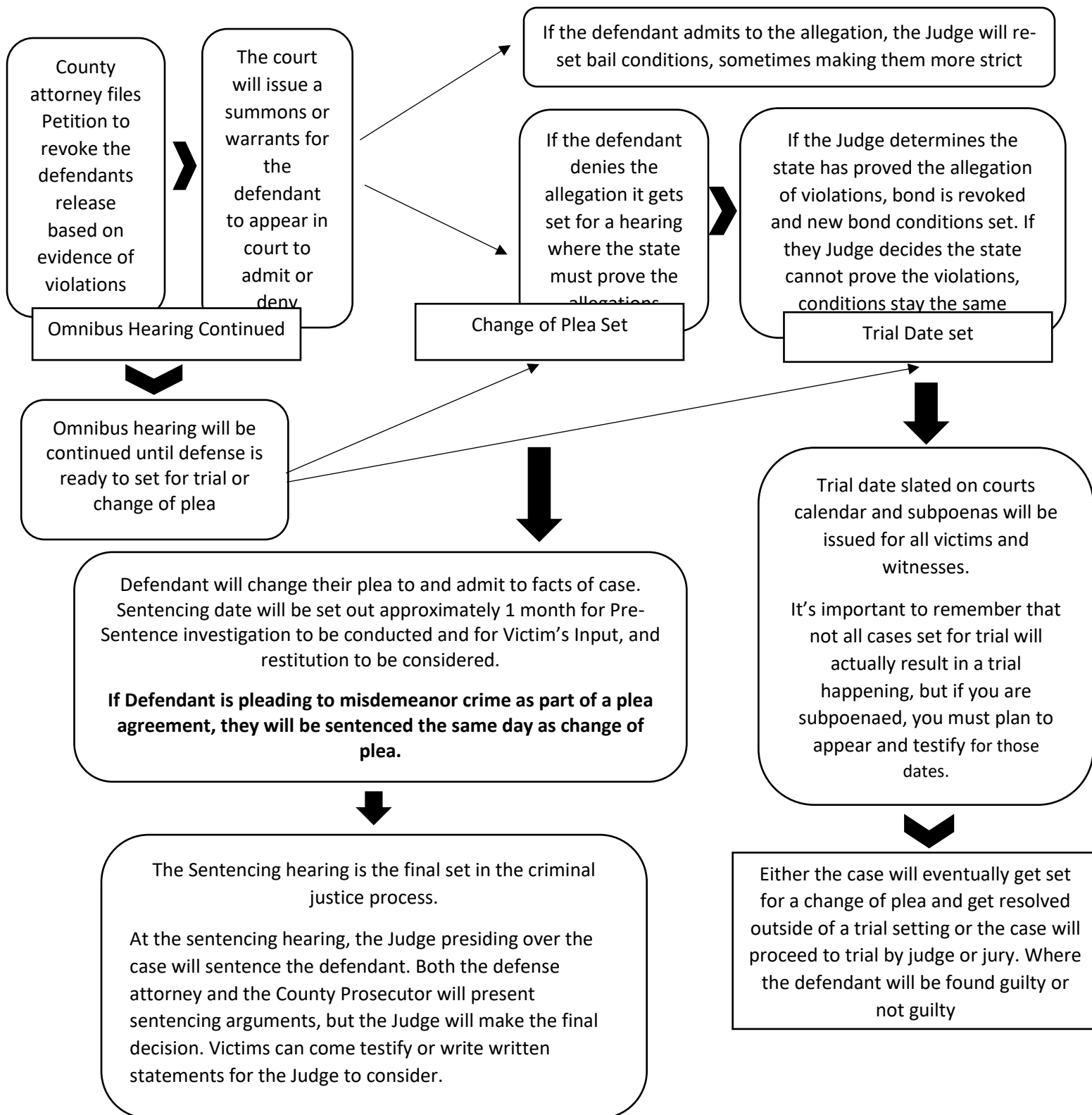


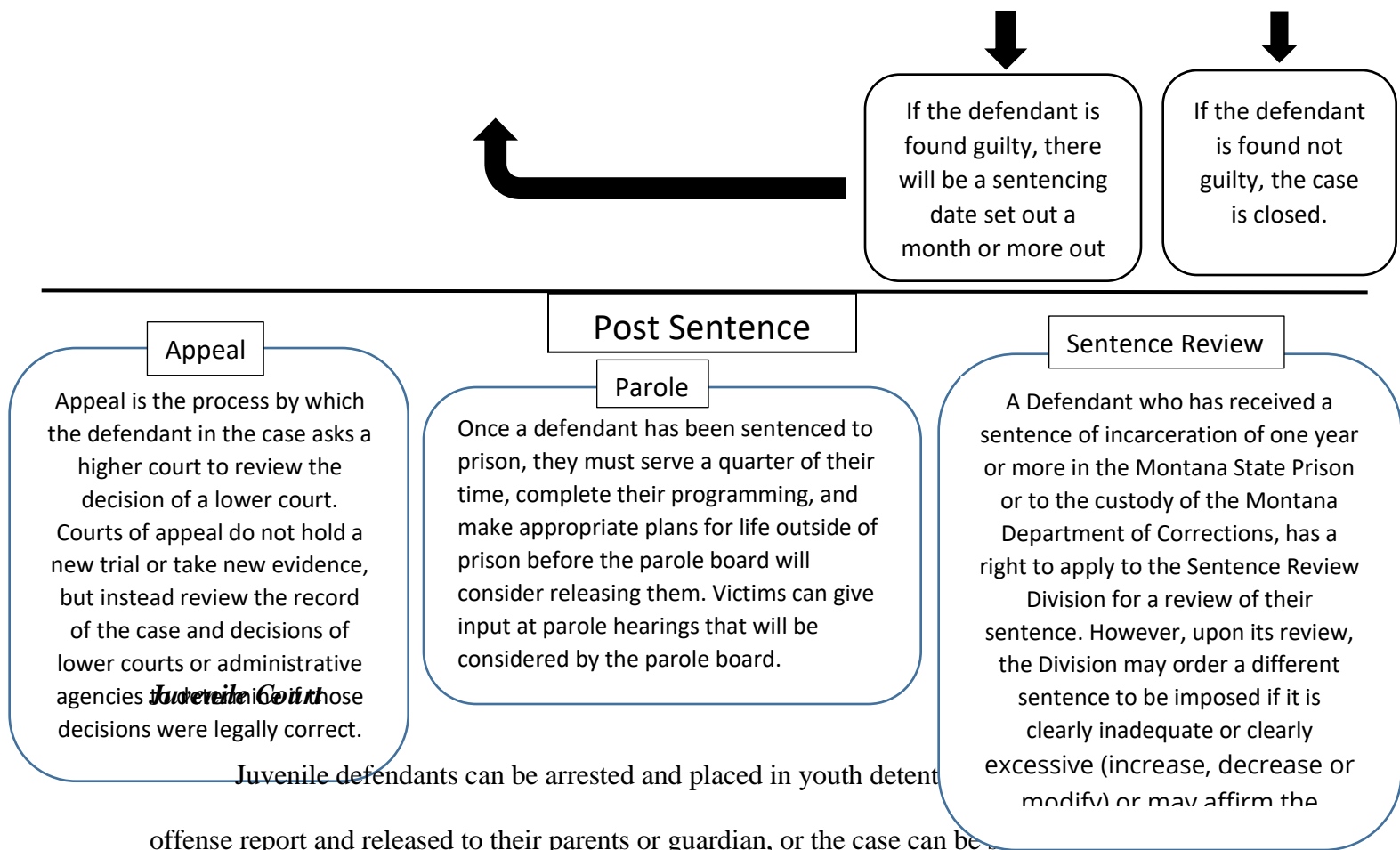
Omnibus hearing continued
until next month

Change of Plea is set

Trial dates are set

If at any point the defendant violates the conditional release order- the county attorney will file a petition to revoke their release and either a warrant or summons will be issued for them to appear in court. This starts a separate court process listed below.





Juvenile defendants can be arrested and placed in youth detention.

offense report and released to their parents or guardian, or the case can be

Attorney's office as a request for prosecution. On occasion, youth cases can be transferred to

District Court and the youth can be tried as an adult. Specifically, if the youth is 17 years old and

the offense is a serious one, they may be considered as an adult in the legal system. Below are two

important statutes in regards to youth cases. You can find additional statutes related to youth cases

at www.leg.mt.gov, under title 41, chapter 5, and part 2. Additionally, the diagram below

provides a visual representation of the various ways a juvenile case can manifest.

Jurisdiction of court. (1) Except as provided in subsection (2) and for cases filed in the district court under **41-5-206**, the court has exclusive original jurisdiction of all proceedings under the Montana Youth Court Act in which a youth is alleged to be a delinquent youth or a youth in need of intervention or concerning any person under 21 years of age charged with having violated any law of the state or any ordinance of a city or town other than a traffic or fish and game law prior to having become 18 years of age.

(2) Justices', municipal, and city courts have concurrent jurisdiction with the youth court over all alcoholic beverage, tobacco products, and gambling violations alleged to have been committed by a youth.

(3) The court has jurisdiction to:

(a) transfer a youth court case to the district court after notice and hearing;

(b) with respect to extended jurisdiction juvenile cases:

(i) designate a proceeding as an extended jurisdiction juvenile prosecution;

(ii) conduct a hearing, receive admissions, and impose upon a youth who is adjudicated as an extended jurisdiction juvenile a sentence that may extend beyond the youth's age of majority;

(iii) stay that portion of an extended jurisdiction sentence that is extended beyond a youth's majority, subject to the performance of the juvenile portion of the sentence;

(iv) continue, modify, or revoke the stay after notice and hearing;

(v) after revocation, transfer execution of the stayed sentence to the department;

(vi) transfer supervision of any juvenile sentence if, after notice and hearing, the court determines by a preponderance of the evidence that the juvenile has violated or failed to perform the juvenile portion of an extended jurisdiction sentence; and

(vii) transfer a juvenile case to district court after notice and hearing; and

(c) impose criminal sanctions on a juvenile as authorized by the Extended Jurisdiction Prosecution Act, Title 41, chapter 5, part 16.

Filing in district court prior to formal proceedings in youth court. (1) The county attorney may, in the county attorney's discretion and in accordance with the procedure provided in **46-11-201**, file with the district court a motion for leave to file an information in the district court if:

(a) the youth charged was 12 years of age or older at the time of the conduct alleged to be unlawful and the unlawful act would if it had been committed by an adult constitute:

(i) sexual intercourse without consent as defined in **45-5-503**;

(ii) deliberate homicide as defined in **45-5-102**;

(iii) mitigated deliberate homicide as defined in **45-5-103**;

(iv) assault on a peace officer or judicial officer as defined in **45-5-210**; or

(v) the attempt, as defined in **45-4-103**, of or accountability, as provided in **45-2-301**, for either deliberate or mitigated deliberate homicide; or

(b) the youth charged was 16 years of age or older at the time of the conduct alleged to be unlawful and the unlawful act is one or more of the following:

(i) negligent homicide as defined in **45-5-104**;

(ii) arson as defined in **45-6-103**;

(iii) aggravated assault as defined in **45-5-202**;

(iv) sexual assault as provided in **45-5-502(3)**;

(v) assault with a weapon as defined in **45-5-213**;

(vi) robbery as defined in **45-5-401**;

- (vii) burglary or aggravated burglary as defined in **45-6-204**;
- (viii) aggravated kidnapping as defined in **45-5-303**;
- (ix) possession of explosives as defined in **45-8-335**;
- (x) criminal distribution of dangerous drugs as defined in **45-9-101**;
- (xi) criminal possession of dangerous drugs as defined in **45-9-102(3)**;
- (xii) criminal possession with intent to distribute as defined in **45-9-103(1)**;
- (xiii) criminal production or manufacture of dangerous drugs as defined in **45-9-110**;
- (xiv) use of threat to coerce criminal street gang membership or use of violence to coerce criminal street gang membership as defined in **45-8-403**;
- (xv) escape as defined in **45-7-306**;
- (xvi) attempt, as defined in **45-4-103**, of or accountability, as provided in **45-2-301**, for any of the acts enumerated in subsections (1)(b)(i) through (1)(b)(xv).

(2) The county attorney shall file with the district court a petition for leave to file an information in district court if the youth was 17 years of age at the time the youth committed an offense listed under subsection (1).

(3) The district court shall grant leave to file the information if it appears from the affidavit or other evidence supplied by the county attorney that there is probable cause to believe that the youth has committed the alleged offense. Within 30 days after leave to file the information is granted, the district court shall conduct a hearing to determine whether the matter must be transferred back to the youth court, unless the hearing is waived by the youth or by the youth's counsel in writing or on the record. The hearing may be continued on request of either party for good cause. The district court may not transfer the case back to the youth court unless the district court finds, by a preponderance of the evidence, that:

- (a) a youth court proceeding and disposition will serve the interests of community protection;
- (b) the nature of the offense does not warrant prosecution in district court; and
- (c) it would be in the best interests of the youth if the matter was prosecuted in youth court.

(4) The filing of an information in district court terminates the jurisdiction of the youth court over the youth with respect to the acts alleged in the information. A youth may not be prosecuted in the district court for a criminal offense originally subject to the jurisdiction of the youth court unless the case has been filed in the district court as provided in this section. A case may be transferred to district court after prosecution as provided in **41-5-208** or **41-5-1605**.

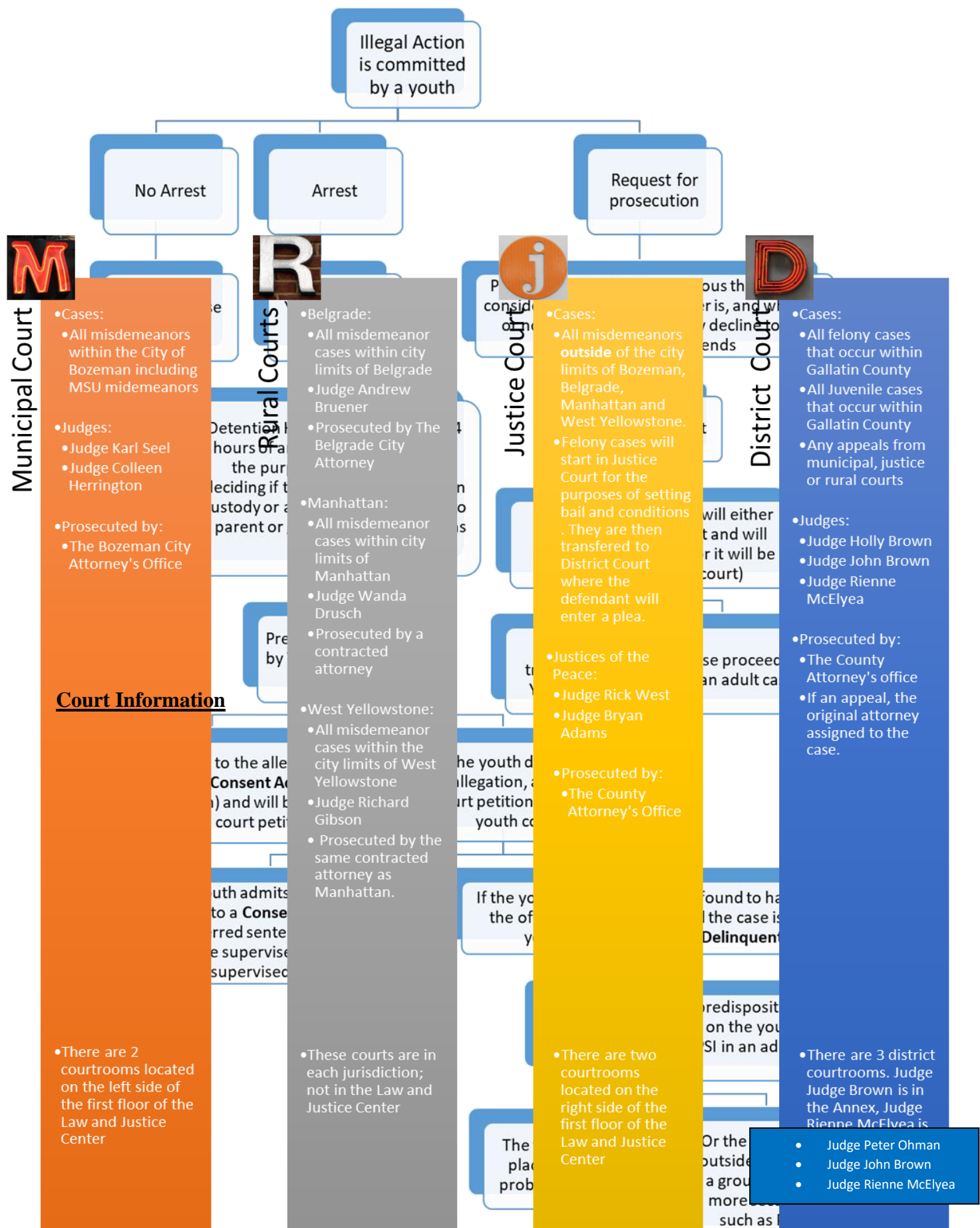
(5) An offense not enumerated in subsection (1) that arises during the commission of a crime enumerated in subsection (1) may be:

- (a) tried in youth court;
- (b) transferred to district court with an offense enumerated in subsection (1) upon motion of the county attorney and order of the district court. The district court shall hold a hearing before deciding the motion.

(6) If a youth is found guilty in district court of an offense enumerated in subsection (1) and any offense that arose during the commission of a crime enumerated in subsection (1), the court shall sentence the youth pursuant to **41-5-2503** and Titles 45 and 46. If a youth is acquitted in district court of all offenses enumerated in subsection (1), the district court shall sentence the youth pursuant to Title 41 for any remaining offense for which the youth is found guilty. A youth who is sentenced to the department or a state prison must be evaluated and placed by the department in an appropriate juvenile or adult correctional facility. The department shall confine the youth in an institution that it considers proper, including a state youth correctional facility under the

procedures of **52-5-111**. However, a youth under 16 years of age may not be confined in a state prison facility. During the period of confinement, school-aged youth with disabilities must be provided an education consistent with the requirements of the federal Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.

(7) If a youth's case is filed in the district court and remains in the district court after the transfer hearing, the youth may be detained in a jail or other adult detention facility pending final disposition of the youth's case if the youth is kept in an area that provides physical separation from adults accused or convicted of criminal offenses.



- There are 3 district courtrooms. Judge John Brown is in the annex, Judge Rienne McElyea is on the second floor, and Judge Peter Ohman is on the third floor.

The Media

Often times, when a defendant is arrested (particularly in felony cases), the media will come to the initial appearance and the case will be on the news and on social media. It is important to make the victim aware of this. If the media asks you for a statement, you cannot give one and you must tell them so. If the media asks for a statement from the victim, you should let the victim know that it is not appropriate to speak with the media until the conclusion of a case because anything they say could be used in court.

Victim Services Referral

Our program typically receives referrals for victims through law enforcement. When law enforcement is called to a violent, stalking, or sexual crime, they will determine if there is a

victim and then refer them to our program. The victim receives a copy of the referral form and a packet with some additional resources within the community. A referral form is also given to Victim Services so that we can have the victim's contact information to reach out to them. Often times, victims are overwhelmed after a crime has been committed, so an advocate will initiate services to the victim by calling them and explaining our role, the criminal justice system and what to expect in the near future. On occasion, law enforcement will give victims a referral form for our program even if a crime has *not* been committed, but they think that the victim could benefit from speaking with an advocate. Advocates may also reach out to law enforcement and request a referral if we feel it is necessary to make contact and offer support to an individual.

The Initial Call

Process of making a Call

Once you receive a referral for a victim, you will likely have additional information given to you from the officer that provided the referral. This additional information may be an Affidavit of Probable Cause (APC), a primary or secondary narrative report from the officer, an email, or some other description of why they provided a referral to the victim. It is important to gather as much information as possible about what happened before making the call to the victim because you'll need to be prepared with resources, services and to answer any of their questions. There are several types of initial calls that you can make to the victim, depending on the circumstances behind the referral. There is an initial call when there has been an arrest, an initial call when a

person has been cited or a request for prosecution has been submitted, an initial call when the victim may just need information and referrals to other community resources and then an initial “cold” call if there is no additional information with a referral and an arrest has not been made.

Initial Call after an Arrest

Example of a Call - Arrest:

Hi _____ my name is _____ and I work for victim services here in Bozeman. I am giving you a call about the incident which occurred last night. I wanted to check in with you and see how you are doing. _____ will be seen at _____ a/pm today. They will be entering a plea (guilty or not guilty) and the judge will set bail and conditions of bail (if a felony omit the part about entering a plea). Part of those bail conditions will be contact with you. Do you want to have contact with them? Do you live together? Do you have any children in common? Is there anything you would like the court to know? You are able to attend the hearing if you like but I will be at the hearing and will let you know what happens. Do you have a good email for me to contact you through with future court documents and information? Do you have any additional questions? I will call you after the court hearing is over and we can discuss the next steps and how to safety plan.

When you are calling a victim after an arrest, you will want to let them know you are from victim services and that you want to give them some information about what will transpire during the initial appearance in court that day as well as get some input from them. As previously stated, it is important to match the tone of the person you are speaking with. If the victim is upset and crying, you’ll want to have a softer approach. Additionally, it is important to take it slow when giving the victim information about court, their input and resources. Their brain is likely still in survival mode and it may be difficult for them to process all of the information you are giving to them. It is ok to encourage victims to write things down or offer a follow up email outlining what

was discussed. The most important piece that you will need to get their input on at this point in the case, is whether or not they would like contact with the defendant. This mostly applies to domestic violence cases, but is also important information in all other cases as well. Some victims may want to attend court and be present for the initial appearance, while others may just want a phone call with an update after court is finished. It is also important to address the victim's safety if/when the defendant is released from jail, so safety planning at this point is very important. If the victim chooses to come to court, try to encourage them to meet you at the office and walk down together. This gives you an opportunity to meet with them face-to-face and go over any questions they may have before the hearing starts. Once you are in the courtroom, it can be difficult explaining the process as it is happening. Talking in the courtroom while the judge is on the bench is not appropriate and strongly discouraged. It is extremely important to let the victim know that during the initial appearance, they won't have an opportunity to speak directly to the judge unless the judge specifically requests their input. If the victim chooses not to attend court, make sure that you understand what their input is, specifically regarding contact. You will also need to let them know that even if they would like contact, it is ultimately the judge's decision and reassure them that you will make the court aware of their position. If the victim chooses not to attend court, you must call them with an update of what occurred in court. It can be helpful to take notes about how the defendant was acting or what the defendant said as their behaviors may be a red flag or safety concern for the victim. Once you've relayed all of the court information to the victim, it's important to discuss how they are able to meet their basic needs while the offender is in jail or removed from the home. We can offer them as much assistance as possible, and refer them to other community agencies that could meet their needs. Please refer to the "Information

and Referral to Community Resources” section for more information about what services you can assist victims with obtaining.

Initial Call after Citation is issued or Request for Prosecution is made

Example of a Call - Citation:

Hi _____ my name is _____ and I work for victim services here in Bozeman. I am giving you a call about the incident which occurred last night. I wanted to check in with you and see how you are doing. _____. _____ was cited for _____ and his citation indicates that he must appear by (date). I will request that the court notify me when _____ appears and attend court on your behalf. Often times, the court will notify me the morning of the appearance. When they appear in court, they will be entering a plea (guilty or not guilty) and the judge will set bail and conditions of bail. Part of those conditions is contact with you. Do you want to have contact with them? Do you live together? Do you have any children in common? Is there anything you would like the court to know? You are able to attend the hearing if you like but I will be at the hearing and will let you know what happens. Do you have a good email for me to contact you through with future court documents and information? Do you have any additional questions? I will call you after the court hearing is over and we can discuss the next steps and how to safety plan.

Example of a Call – Request for Prosecution:

Hi _____ my name is _____ and I work for victim services here in Bozeman. I am giving you a call about the recent incident. I wanted to check in with you and see how you are doing. Law enforcement will be sending this information over to the prosecutor’s office for review. Once a prosecutor is assigned to the case, I will let you know. The prosecutor will decide if they can move forward with charges and we can set up a time to discuss what that looks like with the prosecutor when we get to that point. In the meantime, I would like to discuss your safety and what we can do to keep you

safe while this case is being reviewed. Are there other resources that I can help you get? Do you have a good email for me to contact you through with future court documents and information? Do you have any additional questions?

When you call a victim after receiving a referral but the person has not been arrested, or if the person was arrested and bonded out, it is important to discuss safety planning with the victim during the initial call. If the victim is interested, an order of protection may be a good measure to put in place while the case is being investigated or until the defendant makes an appearance in court. It is also important to explain the next steps in the criminal justice system. If the defendant was arrested and bonded out before their initial appearance, then you will want to find out when their initial appearance date is so that when you call the victim, you can relay that information. You will attend the scheduled initial appearance and make a follow-up call to the victim to relay the information from court as well as re-address services and necessary resources again. If the case is submitted as a request for prosecution (RFP), you need to explain to the victim that it will take some time to get the charges filed and the defendant may not be seen by a judge for some time, if at all, depending on the prosecutor's ability to move forward with the case. You need to be direct with victims and give them realistic expectations. Try to avoid giving the victim any kind of timeline, because as you will find out, it is really difficult to pinpoint when things will happen in the slow-moving criminal justice system. You can assure them that you will keep them apprised of the case as it develops. Occasionally, victims may want to call to check in on the status of the case. It can be helpful to create a weekly or biweekly check-in with the victim so they do not feel obligated to call more often and so that you can have an expectation of when to have an update for them.

Initial Call for Information and Referral

Example of a Call:

Hi _____ my name is _____ and I work for victim services here in Bozeman. I am giving you a call about the incident which occurred last night. I wanted to check in with you and see how you are doing. I would like to offer you any support that I can at this point and discuss your safety. Are there resources that I can assist you with? Is an order of protection necessary? Are you interested in counseling services? If you have questions or need further assistance, please feel free to call me at _____.

At times you may receive a referral from law enforcement because they recognize an individual could use services, but may not have a criminal matter. The expectation is that you call the victim and identify what resources could be beneficial for them. Often times it will be a resource that is available in our community such as obtaining an order of protection or getting in touch with counseling services. Please refer to the “Information and Referral to Community Resources” section to see what kind of resources and service you can refer victims to. On occasion, victims will ask for legal resources. Because we are a branch of the County Attorney’s Office, you *can’t* refer victims to specific attorneys or give recommendations. You *can* provide a general list of attorney’s in town or encourage them to do a google search to find their own.

Initial Call for a Cold Call

Example of Cold Call:

Hi _____ my name is _____ and I work for victim services here in Bozeman. I am giving you a call about the recent incident you were involved in. I wanted to check in with you and see how you are doing. I would like to offer you any support that I can at this point and discuss your safety. Are there resources that I can assist you with? Is an order of protection necessary? Are you interested in

counseling services? If you have questions or need further assistance, please feel free to call me at

_____.

If the officer does not provide you with additional information, you can obtain case information in Zuercher or APC information from the court. If you are unable to obtain additional information, that is ok. You will proceed with a “cold call” to the victim. A cold call is when you don’t have any additional information and you have to ask the victim if they can identify services or resources they need or ask them about what happened so you can determine appropriate services to refer them to. When asking a victim what happened, it is important to be mindful that they likely already described the incident to law enforcement and may not want to discuss it again. Being honest with the victim about not having the information and that you want to help them, is always best. If a victim becomes upset or emotional, the best thing you can do is listen.

Leaving a Voicemail

Because we can’t guarantee that the victim’s voicemail is secure or that they are the only ones with access, we need to be mindful of what we say in a voicemail.

Example of voicemail:

Hi this message is for _____. This is _____ from Gallatin County, could you please give me a call as soon as you’re able. I can be reached at _____. Thanks!

Information and Referral to Community Services

These are the common resources that we refer victims to:

Emergency Services Fund – Victim Services has a small fund to assist victim directly with various costs. Often times when a victim is attempting to leave a relationship, there are many

financial burdens that can prevent them from leaving. We try to assist with some of those costs so that they can remain safe and have a better chance of leaving and getting on their feet. Some of the costs we can assist with are replacing windshields, daycare assistance, rental assistance, miscellaneous bill assistance, lock replacement, and other costs that may help the victim out. We can also purchase Visa gift cards to give to victims to assist with groceries, gas and other needs. To obtain this assistance for a victim, please speak with the director in how to do so.

HAVEN – Haven is the local domestic violence program in Gallatin County. Haven has a legal advocate that is housed in our suite. They can offer support and advocacy in filing for an order of protection for individuals impacted by intimate partner violence, sexual violence and stalking. A victim can call HAVEN at 406-582-2038 to schedule an appointment to file for an order of protection or gain information about the process of filing the paperwork. The legal advocate can also assist victims in filing an application for legal assistance from a contracted attorney through Montana Legal Services Association. Additionally, Haven has a 10-bed confidential shelter and can offer short-term hotel stays if their shelter is full. In order to assist a victim in obtaining shelter, the victim must call Haven at 406-586-4111 to be screened. Haven also has a 24/7 crisis line and victims can access support by calling 406-586-4111.

Self Help Law Center – If a victim is in need of an order of protection but does not qualify for Haven Services, they can access assistance from the volunteers at the self-help law center. Their hours of operation often change, so it is best to call ahead at 406-582-2158. They can also provide paperwork for formal eviction notices, parenting plans, divorce paperwork and other miscellaneous court documents. They are volunteers and cannot give legal advice.

Aspen – Aspen is a domestic violence shelter located about 45 minutes away in Livingston, MT. On occasion, Haven won't have room in their shelter or the victim's safety may be compromised

if they stay in Bozeman. Aspen is an alternative shelter that provides safe housing and assists victim's with getting on their feet after escaping intimate partner violence.

The Help Center – This program is the umbrella to many programs in Gallatin County. The Help Center has a crisis and suicide hotline 24/7. Victim's can access the crisis line at 406-586-3333, the Crisis Information line at 211 or the suicide hotline at 1-800-273-8255. The Help Center also offers free counseling services and can offer walk-in crisis counseling when necessary. If you plan to send someone to the Help Center for immediate counseling services, please call them and let them know someone is coming so they can plan accordingly. If you need assistance finding counselors that may work for a victim, you can call the Help Center and request a list of counselors that meet the victim's needs. If the victim has insurance, please let the Help Center know so that they can create a list of providers that take the specific type of insurance. Individuals that have experienced a sexual crime and wish to seek a SANE rape exam can request that an advocate be present with them at the hospital. This is part of the Sexual Assault Counseling Center (SACC) located within the Help Center. SACC advocates are on-call 24/7 and can respond to the hospital or the Help Center whenever a sexual assault survivor needs them. Additionally, the Help Center runs the Child Advocacy Center where children go to do forensic interviews. This place is called Hearts and Homes and they also have advocates and staff that can assist families with supervised visitation when there is a parenting plan, no contact order or order of protection where visitation with children is still required.

The MSU Voice Center – This program is located on the MSU campus and they serve the college student population that has been impacted by sexual violence, intimate partner violence and stalking. They offer a 24/7 crisis line that a victim can call or text at 406-994-7069. The Voice Center can assist victims in finding counseling services.

Other Resources in the community that can be helpful:

LOVE INC – Is a religious organization that can offer a multitude of assistance to victims if they have resources available. They have assisted in obtaining furniture to furnish victim's homes, obtaining vehicles for transportation, clothing, and assistance with bills. They can be reached at 406-587-3008.

HRDC – This program assists individuals in Gallatin County with obtaining affordable housing in and around Bozeman. They can help with rental assistance, classes on learning how to purchase a home, assistance with home loans and Section 8 housing for low-income families. HRDC makes victims of intimate partner violence a priority and will often times put victim's higher on their waiting list for housing. They are located at 32 S. Tracy Ave. in Bozeman, MT 59715 and can be reached at 406-585-4884.

The Warming Center – Is a program under HRDC that offers shelter from October to April (during the worst winter months). The Warming Center is attempting to gain funding to make the shelter a year-round facility with a higher capacity. The Warming Center offers shelter at night and provides showers and laundry services each morning for a couple of hours. The Warming Center is located at 2104 Industrial Drive in Bozeman, MT 59715. They can be reached at 406-587-4486.

Department of Health and Human Services: Child Protective Services – Often times, when a crime occurs and children were present, CPS will be notified. Child Protective Services can be helpful in creating a safety plan for the children involved in criminal situations involving families. As an advocate, you are a mandatory reporter of suspected or admitted child abuse. You can call the intake hot line at 1-866-820-5437 to make a report or you can call the local main line at 406-

585-9984 to gather information related to pending cases or to get in touch with the social worker assigned to the family you may also be working with.

Guardian Ad Litem/CASA – This program is also housed in the same suite as Victim Services. Occasionally, the Guardian Ad Litem will have a shared case when the care for the children is brought to the courts attention. Information sharing between programs is allowed, but it is helpful to let the victim know that you are sharing that information or ask their permission if it can be shared. They can be reached at 406-582-2051.

Greater Impact – This non-profit assists a wide variety of individuals with various needs. They are most commonly known for assisting people with vehicle repairs to maintain transportation. They also offer classes to those interested, on vehicle maintenance such as oil changes, how to change a flat, etc. They can be reached at 406-539-2260

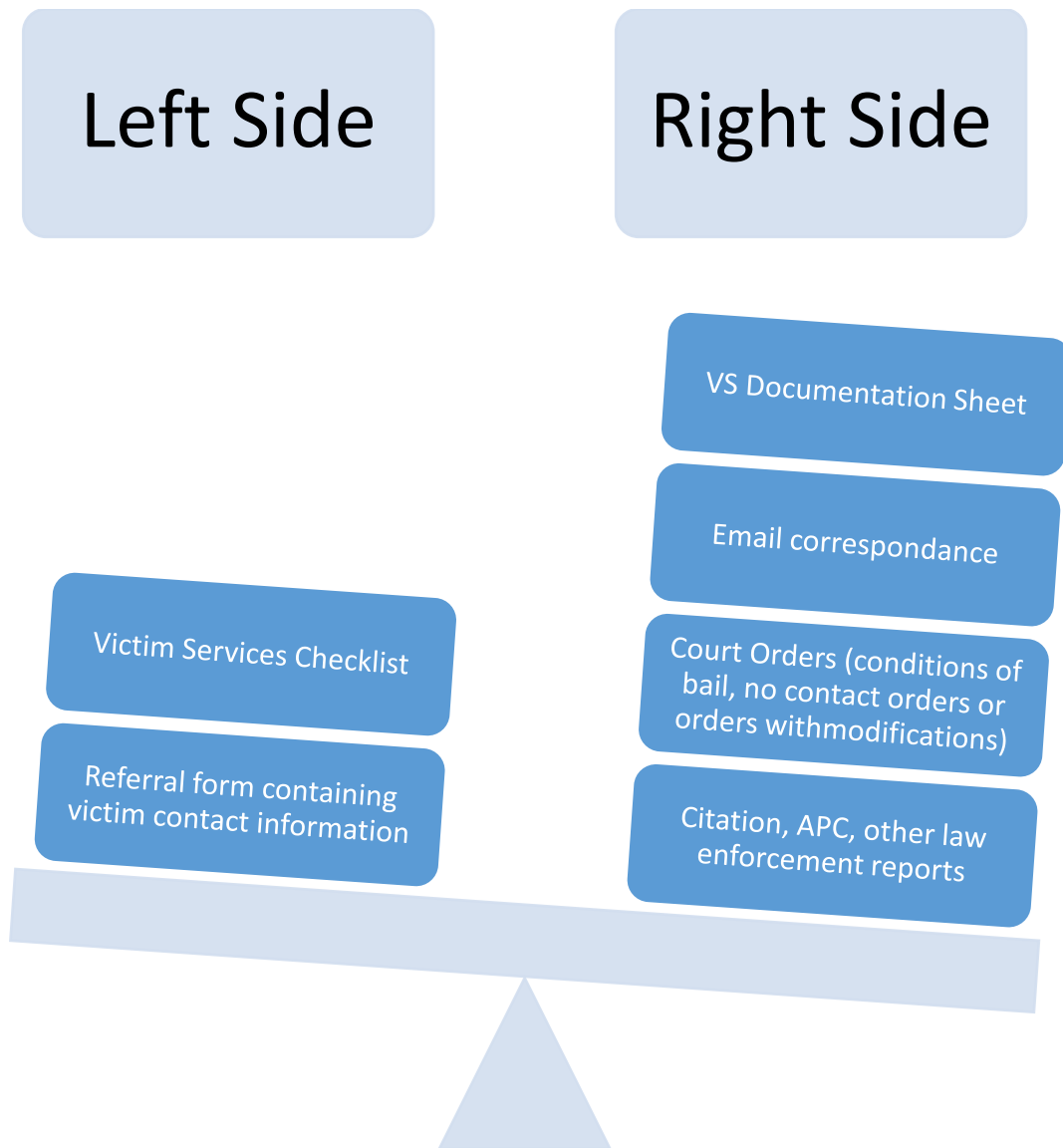
Gallatin Valley Food Bank – They offer food assistance to those in need. They can be reached at 406-586-7600. They have odd hours at times, so it is best to call ahead.

Fork and Spoon – this is a local restaurant that is based on donations. They ask that you donate what you can for your meal, but if you can't donate, you can still eat. They offer several meals and often have meals available on holidays. They are located at 302 N. 7th Ave. #3008 in Bozeman, MT 59715. They can be reached at 406-587-4225.

Setting up Case Files

You will set up files for cases when an arrest has been made, a citation was issued, or a request for prosecution is being submitted. You do not need to make a file for an Information and Referral type of case. Those will be filed by the quarter they are received in and filed away once

the quarter is over. For all other cases you will include the referral form, any additional information the officer has provided, court documents, a VS Documentation Sheet and a Victim Services Checklist. On the left side of the file is where you will keep the referral form and on top of that you will have the Victim Services checklist. This is so you and any other advocate can find all of the victim contact information easily. It is important that each case file is set up the same, so that if any other advocate needs to access the file, they can find the appropriate information. On the right side, you will include any additional information the officer provided, the APC (if applicable), the citation (if applicable), and on top of all of that you'll have the VS Documentation Sheet. On the VS Documentation Sheet you will write down the day the crime occurred, the day you received the referral and the day you attempted to make contact with the victim. It is important to keep notes each time something happens in the case and each time you speak with the victim. You do not have to keep incredibly detailed notes, but they should be thorough enough that you and any other advocate will have an idea of what has occurred in the case and where the victim is at within it. As the case continues, you will keep all pertinent documentation on the right side of the file under the VS Documentation Sheet. These pertinent documents include any orders from the court, such as the conditions of bail, the no contact order, any modifications to the conditions of bail and other miscellaneous orders from the court. You should also keep any important emails, any proposed plea agreements, and any letters or correspondence from the victim.



GCDC Protocol

When a defendant has been arrested and booked into the Gallatin County Detention Center, the law enforcement officer will give the detention center booking staff the victim's information. The purpose of this is to be able to notify the victim when the defendant bonds out or is released. After Victim Services receives a referral, makes the initial call to a victim in a case where the defendant has been arrested, and begins the process of setting up a case file, the advocate must call and confirm the victim's accurate contact information with GCDC staff. This

is a very important step, because this allows the victim notice that the defendant is being released and that their safety may be compromised. If the GCDC staff is unable to notify a victim via phone, they will dispatch an officer to locate the victim for notice of the release. It is helpful to let the victim know that they will receive a phone call from the detention center and that the phone number will be blocked. It is very important that you note in the file on the VS Documentation Sheet that you contacted the GCDC with the correct victim information. On occasion, a victim will not be notified that an offender has been released from jail. It is our responsibility that the jail has the most current information and it is the jail's responsibility to notify the victim. You can call the detention center booking staff at 406-582-2134.

Agency Services Tracking (VST)

The database we use to monitor the number of cases we work was called Victim Services Tracking and then the program rebranded as Agency Services Tracking. We often call it VST at Victim Services because of its original name. For each referral you receive, you must enter it into VST. An advocate can create you a profile and show you how to enter information in the database. There is also training available in VST for new users to become familiar with how to use it. It is very important that as you enter each case, you enter accurate information. Spelling of names, dates, and details of the cases are important details that other advocates rely on.

Crime Victim Compensation (CVC)

Victims of violent, sexual and stalking crimes can apply for benefits through the state-run Crime Victim Compensation program located in Helena. We have applications located in our

office and can assist victim's in filling them out. If necessary, you can fill in the sections you have information on and mail them to the victim to complete the rest of the required information. The form is pre-stamped, so it just needs to be dropped in the mail with the appropriate senders address. A claim number and advocate from CVC will be assigned to the case, and they will reach out to the victim directly for additional information. CVC will request bills, receipts and other payment documentation so that they can either pay the bills or reimburse the appropriate parties. Crime Victim Compensation offers benefits related to the crime for medical bills, counseling, funeral costs and lost wages. The requirements are that the victim applying for benefits remain cooperative with law enforcement and prosecution. Victims of hit-and-run accidents where no alcohol or drugs are present do not qualify for CVC benefits. If or when awarded benefits, the victim does not ever have to pay the program back. During sentencing, Crime Victim Compensation can file a restitution claim seeking reimbursement for the assistance they provided from the defendant.

Restitution

Victims of crimes can seek restitution in cases where they believe they have outstanding costs related to the incident. Restitution can be requested for medical bills, counseling costs, replacement or repair of property and lost wages. Restitution **cannot** be requested for personal damages or pain and suffering. It is ultimately the judge who decides and orders restitution and

the amount. Restitution documents can be found in the ‘Restitution Forms’ folder located on the hard drive.

Bail Modification Guidelines

Defendants may request a bail modification hearing for various reasons. They may request a lower bond amount so that they can get out of jail, or they may want their testing amount modified or be allowed to have contact. If the prosecutor opposes the proposed bail modification, the judge will hold a hearing to hear arguments from both the defense and the prosecutor. The victim has the right to be notified of the hearing and give input. Victims may give input by relaying their wishes to the prosecutor, they can provide a letter to the court or they can come and take the stand and testify. If the victim is in support of the bail modification, they can also provide a letter to explain why. Victims requesting contact must provide a signed and dated letter making the request. Victims can either take the letter to the court directly, or they can provide the letter to our office and we can send to the prosecutor and they can file it with the court. It is important to notify victims of bail modification hearings as soon as possible so that they have ample time to provide input. You can provide the victim with the *Bail Modification Statement* document that can be found on the hard drive in the victim services folder under program forms. An example of this form is below:

BAIL MODIFICATION STATEMENT

The Bail Modification Statement is a voluntary right. You do not have to complete a statement, however, it may be helpful to the judge in deciding whether or not to make a reduction or modification in the defendant’s bail. This is your opportunity to let the judge know how it will affect you if the defendant’s bail is modified. **DO NOT give a detailed statement to the court about the incident.** You already provided a statement to law enforcement and that is in the case file. Please include any information that you feel the judge should be aware of (emotional toll, physical injuries, having to move, etc.) If you need assistance preparing your statement, please contact our office. In addition to your written statement, you may testify in person at the bail modification hearing if you wish. If you

plan to testify, please contact our office so that we may make the appropriate arrangements with the court. Your statement will become an official court document and will become part of the defendant's permanent file.

What is the format I should use for a Bail Modification Statement?

Statements may be typed or hand written and should include the following:

- Date
- Make sure to address the judge (i.e. To the Honorable Judge _____)
- Written statement
- Closing with signature (i.e. Sincerely, _____)

If you plan to email your statement, please sign it first and then scan and email it. We will also accept them in person, by mail or by fax at 406-582-2077.

Please provide your statement to our office prior to the bail hearing date.

Defense Interviews

Often times when a case is coming to a point where it needs to be resolved by trial or a plea agreement, the defense will request an interview with the victim and any other pertinent witnesses. These requests are very common and can be a helpful step in resolving cases. Defense attorneys will have their investigators request an interview either through victim services or through the prosecutor. In attendance at these interviews is the defense attorney, the investigator, the prosecutor, an advocate and the victim. Defense attorney's want to conduct these interviews to ask victims questions about the incident to see if their statements are similar or if there are any differences. They may also ask the victim what they would like to see happen in the case and their thoughts and feelings surrounding the defendant. When addressing having a defense interview with the victim, you should let them know that they can meet with you and the prosecutor prior to the interview and review their statements and recordings so that they feel prepared. If at any time during the interview the defense attorney asks questions that the victim is uncomfortable answering, the victim can decline to answer. If the questions are outside of the relevant incident, the prosecutor may request that the defense move on and discontinue that line of questioning. If

the victim becomes emotional, it is ok to offer them a break and take them out of the room to collect themselves. After the defense interview is over, you may want to offer the victim time to debrief and ask any follow up questions of the prosecutor.

If the victim chooses to decline to do a defense interview, you should let the victim know that they may be required to do a deposition in court where they would be required to attend and provide information to the defense. If the victim does not wish to do a defense interview, consult with the prosecutor assigned to the case and try to set up a meeting to discuss depositions and defense interviews with the victim.

Courtroom Etiquette

Part of being a crime victim advocate is spending copious amounts of time in the courtroom. You will become familiar with each Judge and their expectations for their courtroom as you sit and listen to them while attending hearings. Here are some general helpful tips while you're in the courtroom:

- Do not bring food into the courtroom. Most judges will allow beverages in the courtroom as long as they are in a sealed container and are not causing a distraction. It is best to only bring water if you must bring a beverage with you.
- Silence your cell phone and encourage any victim's to silence theirs as well.
- Be prepared to stand when the Judge comes in the courtroom to take the bench. Do not sit until the judge tells you to.
- Refrain from speaking to those around you while the judge is on the bench. Let victims know that it isn't appropriate to be speaking while the judge is in the courtroom and that

you can answer their questions after the hearing is over. It is also important to be mindful of what is said between you and others in the courtroom as there are likely other attorney's and such in the courtroom around you.

- If or when the judge addresses you, please refer to them as 'your honor' or 'judge' in your response. You should only address the Judge if they request your input. If you'd like to share something with the court, you need to relay the information to the prosecutor and they can address the judge.
- Be mindful of your cell phone use while in court. It is important that you are paying attention to the judge and especially to your cases as they are called.
- Be punctual. It is important that you are there early and are prepared for your hearings.

Trial

Trials are extremely challenging events for victims of violence. They are required to encounter their offender and testify against them. Because of the stress and anxiety associated with a criminal trial we do our very best to prepare a victim for this experience. You will set up a time for the prosecutor to prepare the victim for trial. Trial prep typically takes three or more hours and can be a particularly traumatic experience since we are asking victims to revisit potentially one of the hardest days of their lives. It is important to allow the victim to take breaks and to work with the prosecutor to ensure they are mindful of their approach with the victim. During trial prep, the victim will likely be given an opportunity to review their statement either by transcript or by watching or listening to the audio/video obtained by law enforcement. The prosecutor will ask the victims roughly the same questions they will ask them at trial. The prosecutor will also ask them questions they anticipate defense council will ask. This helps the

victim be more familiar with what will occur and can greatly ease their anxiety around the event.

Working a trial is intensive, typically requiring an additional advocate's assistance and may require you to work through lunch or after 5pm. Please dress formally for trial and encourage your victim to do so as well.

Victims and witness that are required to testify for Municipal Court cases and District Court cases should fill out a witness reimbursement form and return it to the clerks for each court. Completion of this form allows the victim and witness (non-law enforcement) to get a small payment for their time that day as well as reimbursement for travel and meal costs. Victims required to testify for Justice Court and the outlying courts are not given reimbursement for their time, travel or meals. We can offer them a gift card to assist with gas and food costs, but it is usually a small amount and is on an as needed basis.

Sentencing

Sentencing is where the defendant will be given their punishment by the judge. Sentencing will occur regardless of if the defendant entered into a plea agreement or was found guilty at a trial. During sentencing, victims have the opportunity to give input in regards to the punishment or resolution they see fit. In felony cases, sentencing will occur a minimum of 30 business days after the defendant changes their plea or is found guilty to give time for a presentence investigation (PSI) to be written. If the felony charge is amended to a misdemeanor, sentencing can take place as soon as the defendant pleads guilty. It is important to note judges are not bound by plea agreements, therefore if a victim does not agree with a plea agreement, their input can play a major role in a judge's decision in the sentence. Victims can provide input at sentencing through a letter, known as a victim impact statement, testify, or provide input directly to the presentence

investigation writer (felonies only). It will be important for the advocate to outline these options for the victim. Once sentencing has occurred, the advocate must notify the victim if they were not present. The advocate will then send the victim copies of the sentencing order and a copy of the reasons for the sentence (if applicable) and the case file will be closed.

Victim Impact Statement Guideline

At the time of sentencing, victims have the right to provide a Victim Impact Statement to the court or to take the stand and testify. The purpose of this is to allow the victim the opportunity to give input directly to the judge to be considered when the defendant is being sentenced.

Victims can express how the crime has impacted them and what they feel is a fair punishment.

The following is a guideline that is located under Victim Impact Statements in the hard drive that can be provided to victims:

The Victim Impact Statement (VIS) is a voluntary right. You do not have to complete a Victim Impact Statement, however, it may be helpful to the judge in deciding what sentence the defendant should receive. **This is your opportunity to let the judge know how the crime has affected you.** Please include any information that you feel the judge should be aware of. You may use any format (letter, poem, etc.). If you need assistance preparing your victim impact statement, please contact our office. In addition to your written statement, you may testify in person at the sentencing hearing if you wish. If you plan to testify, please contact our office so that we may make the appropriate arrangements with the court. Your Victim Impact Statement will become an official court document and will become part of the defendant's permanent file.

PLEASE NOTE IN FELONY CASES: You may also be contacted by an Adult Probation/ Parole Officer. The officer will prepare the **Pre-Sentence Investigation Report** to assist the Judge in determining the appropriate sentence for the defendant. The Adult Probation/ Parole Officer may ask for your input regarding the impact of the crime and what sentence and/or restrictions you would like to have imposed on the defendant.

What is the format I should use for a Victim Impact Statement?

Statements may be typed or hand written and should include the following:

- Date
- Make sure to address the judge (i.e. To the Honorable Judge _____)
- Written statement
- Closing with signature (i.e. Sincerely, _____)

If you plan to email your statement, please sign it first and then scan and email it. We will also accept them in person, by mail or by fax at 406-582-2077.

Suggestions for completing your Victim Impact Statement.

Organize your statement by the emotional, physical and financial effects of the crime. When writing your statement, we suggest you do a rough draft first. Remember to do the following:

- Describe how the crime has affected your lifestyle and those close to you.
- If you or your family members were injured, write about the physical and/or emotional impact of the crime.
- Describe any medical treatment you have received or expect to receive in the future.

- Discuss how the crime affected your ability to earn a living and how it has affected you financially.
- Be complete in describing your financial losses. (An Affidavit of Pecuniary Loss must be submitted) This information will be used to determine restitution to you.
- Discuss what you think would be a fair and just sentence.
- If you need assistance completing your Victim Impact Statement please contact the Victim Assistance Office.

What is a Victim Impact Statement and how is it used?

As the victim of a violent crime, you have the right to use the Victim Impact Statement to describe how the crime affected you and others close to you. This statement can contain information about the physical, emotional and financial effects of the crime. You can also let the judge know what you think would be a fair and just sentence. If the defendant pleads guilty or is found guilty after trial, your impact statement will help the judge understand how the crime has affected you and those close to you.

Submitting a Victim Impact Statement is voluntary.

You do not have to write a Victim Impact Statement. However, it may be helpful to the judge in deciding what punishment the defendant should receive and if the defendant should have to pay restitution to you.

Telling the judge your story through a Victim Impact Statement

According to an American Bar Association study, 70% of judges find information contained in the Victim Impact statements useful in determining appropriate sentences and fair restitution orders.

Providing a full picture of the crime through a Victim Impact Statement.

As a result of plea negotiations, often the crime to which the offender was sentenced differs from the crime that actually occurred. Victim Impact Statements can provide a complete picture of the actual crime. Submitting a Victim Impact Statement to the Board of Pardons and Parole also allows victims to update the emotional, physical and financial effects of the crime which may not have been known at the time of sentencing.

Please provide your victim impact statement to our office no later than

_____.

Due dates of Victim Impact Statements may vary, depending on when the sentencing date is set for. The sooner the judge can review it, the better.

Collaboration

The Program has the support of criminal justice agencies and departments, the community and other service programs within Gallatin County. The Victim Assistance Program shares space with the HAVEN Legal Advocate (private, non-profit) the Guardian Ad Litem Program (private, non-profit) and also provides an interview room for law enforcement to conduct victim interviews in a victim-friendly environment with immediate access to advocates. This collaboration of services continues to strengthen public and private partnerships in Gallatin County. Listed below are examples of teams we are currently collaborating with.

- **High Risk Team (HRT)**

In March of 2016, our community suffered the devastating loss of a victim of domestic violence. She was a mother of two children and someone that had touched the lives of many people in our area. Our office was also familiar with her, as we had worked with her numerous times because she was experiencing domestic violence and stalking. Although she had many safety measures in place, it did not stop the perpetrator from taking her life. Due to our involvement with the victim, local law enforcement and the city attorney's office collaborated to see if we could create a way to review the calls for service and identify any red flags that might indicate a potential escalation in intimate partner violence. This would eventually be called the High Risk Team (HRT). We decided that the best way to start would be to review calls for service once a week. We invited system based advocates, representatives from local law enforcement and prosecution to go through each call and discuss any concerns. Law enforcement team members generate referrals to Victim Services (if one was not received), get input from the attorneys about possible legal methods and ask officers to follow up/investigate if needed. This allows us to share information across disciplines and address safety concerns of victims.

The team is still going strong and has been expanded to include the Gallatin County Sheriff's Office, the Gallatin County Attorney's office and the Belgrade Police Department. The team conducts quarterly case reviews for cases that have been determined as having a high lethality and substantial risk to the victim. An alert is sent out to all local law enforcement agencies regarding the involved parties and the escalating behaviors. The team hopes to create and adopt a lethality assessment tool for domestic violence cases in the near future. As is typically the case when working with multiple members of a team, this process will take some time in order to create a tool that will not only be supported by all members of the team, but effective in their mission.

- **Multi-disciplinary Team (MDT)**

Gallatin County has a nationally certified Child Advocacy Center (CAC). The Victim Assistance Program is one member of this team. It includes local law enforcement, child protective services, prosecution, medical, mental health and community based advocacy. The team meets on a monthly basis to review all of the cases that have been referred to the CAC. A forensic interview is conducted and if a child discloses abuse, a detective will conduct an investigation. The detective will refer the case to Victim Services so that we may begin working with the family and offering services. We will then continue to work with the family until the case is adjudicated. This has been proven to be a very effective way of improving services to children and families while reducing the potential trauma to the child.

- **Sexual Assault Response Team (SART)**

The Sexual Assault Response Team is a multi-jurisdictional, interdisciplinary approach designed to improve the provision of services to the victims of sexual assault and to ensure accurate evidence collection, thereby promoting the apprehension and prosecution of offenders. Cases are reviewed on a monthly basis at team meetings. The primary purpose of SART is to implement a standardized and thorough investigative process in cases of sexual abuse and sexual assault. As a member of the team, our role is to provide direct services to the victim that lessens the impact of the crime and provides support through the criminal justice system.

- **Victim Assistance Project Team (VAPT)**

The Victim Assistance Project Team is comprised of prosecutors, law enforcement, community members, probation officers and victims. The team meets a minimum of twice a year to review objectives, brainstorm solutions to any needs or challenges; address the stability of the program, review funding needs, address service delivery and any other program issues that may

arise. Emergency Project Team meetings may be called throughout the year as needed. Together, we are providing a system upon which victims can rely.

- **Domestic Violence Response Team (DVRT)**

Victim Services has been part of DVRT since it was created many years ago. It is led by HAVEN, our local community based domestic violence program. The purpose of the team is to develop countywide protocols governing the investigation, prosecution and provision of victim services in all cases of partner family member assault. The team meets on a monthly basis.

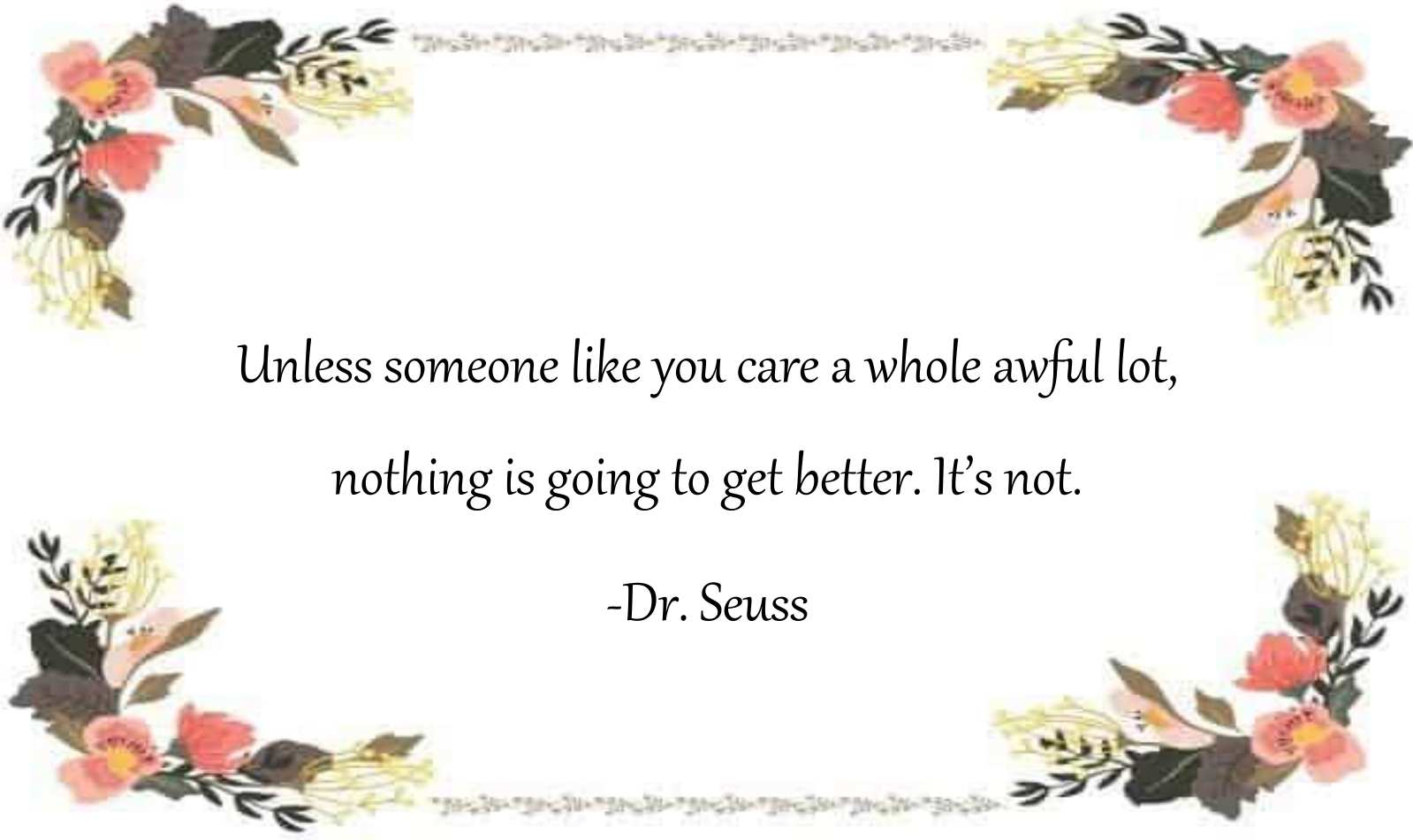
- **Gallatin County Human Trafficking Task Force**

The Gallatin County Human Trafficking Task Force works to combat and prevent human trafficking in Gallatin County. The task force committees of Prevention, Protection and Prosecution work collaboratively with a multidisciplinary approach to educate about human trafficking, provide services to victims and hold offenders accountable. Victim Services is a part of the main task force and also has a representative on the Prosecution Committee. This task force was formed in May of 2019. Although the task force has only just begun, we are aware of the need for these efforts in Gallatin County and fully support the mission.

Final Encouragement

If you are reading this, you have finished reviewing the Crime Victim Advocacy Survival Guide. We sincerely hope that this has been a helpful tool that gives you an idea of what our program is about, what you need to know and a tool you will be able to access when necessary. This job is challenging but it is also so fulfilling. You will leave days completely wiped out and ready for bed and other days you will leave feeling accomplished and elated. Heart work is hard work, but it is the best type of work. You will do great things and we appreciate your willingness

to get in the arena of the criminal justice system and get your hands dirty. Your service to the community is appreciated by many. We are so excited to have you. Always remember it is perfectly fine to ask for help, and if you begin to feel overwhelmed, it is always ok to check-in and take a break. Take care!

A decorative floral border consisting of four corner pieces and a central horizontal strip. The corner pieces feature pink and red flowers with yellow centers, green leaves, and dark brown foliage. The central strip is a thin, light-colored line with a subtle floral pattern.

*Unless someone like you care a whole awful lot,
nothing is going to get better. It's not.*

-Dr. Seuss