

KANSAS VICTIMS' BILL OF RIGHTS

In order to ensure the fair and compassionate treatment of victims of crime and to increase the effectiveness of the criminal justice system by affording victims of crime certain basic rights and considerations, victims of crime shall have the following rights:

1. Victims should be treated with courtesy, compassion and with respect for their dignity and privacy and should suffer the minimum of necessary inconvenience from their involvement with the criminal justice system.
2. Victims should receive, through formal and informal procedures, prompt and fair redress for the harm which they have suffered.
3. Information regarding the availability of criminal restitution, recovery of damages in a civil cause of action, the crime victims' compensation fund and other remedies and the mechanisms to obtain such remedies should be made available to victims.
4. Information should be made available to victims about their participation in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings.
5. The views and concerns of victims should be ascertained and the appropriate assistance provided throughout the criminal process.
6. When the personal interests of victims are affected, the views or concerns of the victims should, when appropriate and consistent with criminal law and procedure, be brought to the attention of the court.
7. Measures may be taken when necessary to provide for the safety of victims and their families and to protect them from intimidation and retaliation.
8. Enhanced training should be made available to sensitize criminal justice personnel to the needs and concerns of victims and guidelines should be developed for this purpose.
9. Victims should be informed of the availability of health and social services and other relevant assistance that they might continue to receive the necessary medical, psychological and social assistance through existing programs and services.
10. Victims should report the crime and cooperate with law enforcement authorities.

KANSAS CONSTITUTIONAL AMENDMENT FOR VICTIMS OF CRIME

Victims of crime, as defined by law, shall be entitled to certain basic rights, including the right to be informed of and to be present at public hearings, as defined by law, of the criminal justice process and to be heard at sentencing or at any other time deemed appropriate by the court, to the extent that these rights do not interfere with the constitutional or statutory rights of the accused.

Nothing in this section shall be construed as creating a cause of action for money damages against the state, a county, a municipality, or any of the agencies, instrumentalities, or employees thereof. The Legislature may provide for other remedies to ensure adequate enforcement of this section.

Nothing in this section shall be construed to authorize a court to set aside or to void a finding of guilty or not guilty or an acceptance of a plea of guilty or to set aside any sentence imposed or any other final disposition in any criminal case.

USEFUL TELEPHONE NUMBERS

Olathe Victim-Witness Coordinator	971-7726
Olathe Municipal Prosecutor's Office	971-6742
Olathe Municipal Court	971-7564
Olathe Police Department	971-7500
Johnson County District Attorney	715-3000
Crime Victim's Comp. Board	785-296-2359
Crime Victim Info Referral	800-828-9745
Johnson County Mental Health Centers	
Mission, KS	826-1533
Olathe, KS	715-7700
KS Bar Assoc. Lawyer Referral	800-928-3111
Legal Aid for Johnson County	621-0200
SAFEHOME crisis line for battered persons	262-2868
Olathe Medical Center	791-4200

FOR FURTHER ASSISTANCE

If you have unanswered questions or concerns regarding a case pending in the Olathe Municipal Court, please feel free to call the Victim-Witness Coordinator at (913) 971-7726.



CITY OF OLATHE VICTIM ASSISTANCE PROGRAM

The Victim Assistance Program was established so the criminal justice system could be more responsive to the needs of crime victims. The Victim Assistance Program strives to lessen the impact of victimization for persons who have suffered as a result of a crime. The Victim Assistance Program offers the following services:

- Information regarding case status and legal process
- Notification of hearings as permitted by Statute.
- Kansas Crime Victim Compensation Information
- Assistance with Victim Impact Statements
- Assistance in filing Motions for Restitution
- Liaison between victim and prosecutor

CRIME VICTIMS COMPENSATION ACT

The Kansas Crime Victims Compensation Law provides victims of crimes against persons with compensation for loss of earnings and out-of-pocket expenses for injuries sustained as a direct result of a crime against their persons. Out-of-pocket means reasonable medical care or other services necessary as a result of the injury. Other services include mental health counseling and partial funeral, burial, or cremation expenses. A dependent or legal representative of a victim who has met death as a result of a violent crime may apply on behalf of the victim.

Victims, or their representatives, can apply for compensation by filling out a Declaration of Eligibility form and mailing it to the Crime Victims Compensation Board. The form is available in the Olathe Municipal Prosecutor's Office or by contacting the Crime Victims Compensation Board in Topeka, Kansas, at (785) 296-2359.

Municipal Court: Crime to Sentencing

- Ordinance violation committed
- Police investigation
- Suspect arrested
- Complaint filed
- Arraignment
- Trial/Plea/Diversion
- Verdict after trial
- Pre-Sentence investigation
- Sentencing
- Probation/Parole hearing
- Optional Exercise of Right to Appeal
- District Court Arraignment
- Trial/Plea/Diversion – District Court
- Verdict after trial
- Pre-sentence investigation
- Sentencing

Under Kansas law, a defendant has certain rights. The defendant can be brought to trial only after a complaint or citation has been filed. The defendant has the right to examine all the evidence against him or her including any and all police reports pertaining to the case. Therefore, if you have any concern about the defendant having access to your address or telephone number, you need to relay that information to the Victim-Witness Coordinator.

On extremely rare occasions witnesses are threatened. Anyone who threatens you in connection with the case in which you are involved, either in or out of court, may have committed a new ordinance violation. Immediately contact your local police department and report the threat.

TRIAL – In a trial, the Municipal Prosecutor presents the case and has the burden of proving beyond a reasonable doubt that the defendant did commit the ordinance violation. The defendant may present evidence, but is not obligated to do so. Furthermore, a defendant may not be compelled to testify. The trial will be to the Judge of the Municipal Court

SUBPOENA – Approximately 10 days before the trial the court will mail you a letter at the last known address the court has for you. It will tell you when and where to testify. You should notify the Victim-Witness Coordinator if your home or work address or telephone numbers change. The court may impose a penalty if you fail to obey the subpoena.

WITNESS TESTIMONY – As a witness for the City, you have an important part in the trial. You will be questioned by the prosecutor about who you are and what you know about the case. The defendant's attorney may then cross-examine you (question you about your knowledge in the case). You may feel during some of the questioning that your personal motives are doubted, but the process of cross-examination is necessary to assure that all sides of the case are told and to establish the truth. If you have questions about what will happen at trial discuss your concerns with the prosecutor prior to trial.

What if the defense attorney contacts me about the case?

You may discuss the case with the defense attorney if you wish, although you have no legal obligation to do so.

Guidelines for Trial Witness Testimony

1. Always tell the truth and describe the people, the events, the times, or the places as you remember them. Never guess or speculate about what you saw or heard. What you saw or heard may not be the same as what other witnesses saw or heard. It is up to the judge to decide what actually happened after the judge has heard everyone testify.
2. Listen carefully to the questions. Take your time and think about your answers.
3. Answer only the questions asked; do not offer any extra information.
4. Speak slowly and loudly.
5. Avoid using street slang. Use plain English.
6. If you do not understand a question, tell the attorney or judge and ask for an explanation.
7. If you cannot remember certain facts, say so, but do not use this response to avoid answering a question.
8. If an attorney objects to a question do not answer it until the judge tells you what to do.
9. Remember to stay calm and do not lose your temper, even if the attorney seems rude or makes you angry. He or she is testing your ability to accurately remember facts about the crime.
10. Do not argue with a defense attorney.

**ABOVE ALL, THINK BEFORE YOU
SPEAK
AND ALWAYS SPEAK THE TRUTH**