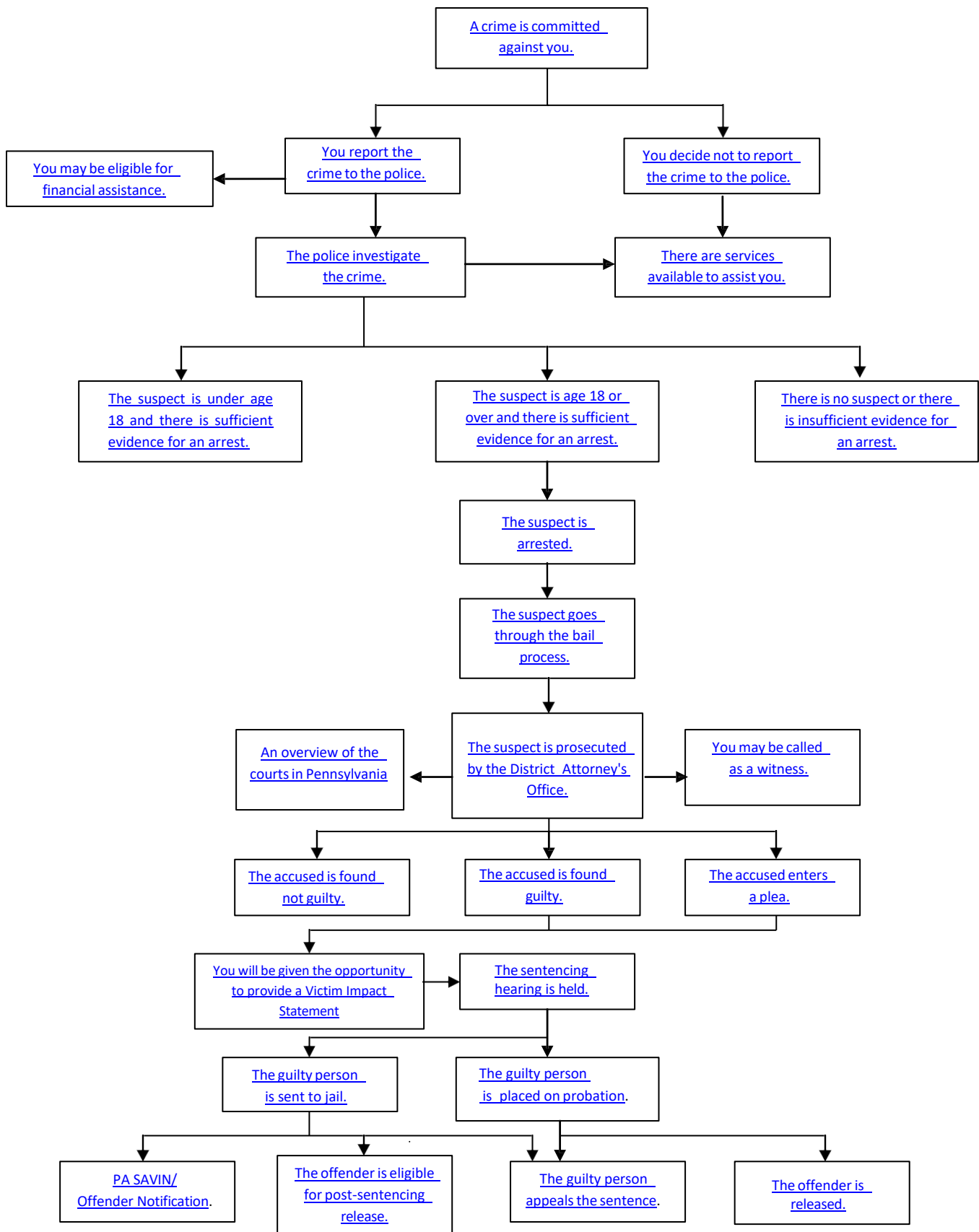




Pennsylvania
**Commission on Crime
and Delinquency**

State Prison and Parole Process Walkthrough

Pennsylvania Commission on Crime and Delinquency (PCCD)
Office of Victims' Services (OVS)



There are services available to assist you

If you or someone you know has been a victim of crime, this website may be able to help you. The website provides information about services that are available to you, information about the criminal and juvenile justice systems, and rights that victims of crime are entitled to, as well as other resources that may help you.

- Advocacy
- Counseling/Therapy
- Victims Compensation
- Understanding the Legal Process
- Register for Court Notifications
- Court Accompaniment
- Assistance with Victim Impact Statements
- Understanding Post Sentencing/Dispositions
- Register for Offender Release Notification
- Medical Advocacy and Accompaniment

You may be eligible for financial assistance

The Victims Compensation Assistance Program helps victims and their families through the emotional and physical aftermath of a crime by easing the financial impact placed upon them by the crime. As a victim of crime, you will always be treated with dignity, compassion and respect when being assisted through the victim's compensation claim process.

You may be eligible to receive financial help from the Victims Compensation Assistance Program for a variety of expenses, such as, medical and counseling expenses, loss of earnings, loss of support, stolen cash, relocation, funeral, or crime scene cleanup.

The best way to file a claim is with the help of a victim advocate at your local Victim Service Program. Or you may file a claim yourself online. If you choose, you may download the victim's compensation claim form, complete and submit to the Victims Compensation Assistance Program.

You may also contact the Victims Compensation Assistance Program directly at (800) 233-2339 for assistance in filing a claim or to speak to staff that are available to answer your questions.

- Download a Victims Compensation Claim Form
- File a Claim Online

A crime is committed against you

If you are a victim of a crime, please consider reporting the incident to the police. If you do report the crime, the person who committed the crime is more likely to be arrested and kept from doing the same thing to someone else.

You can report a crime by calling your local police department or the Pennsylvania State Police. You can find the telephone number by searching online or by dialing 911, if it is an emergency.

Tell the police exactly what happened. Something that might seem like a small detail could be important. The more you tell the police, the more help you will be giving them to solve the crime. If you have any concerns, especially about your safety, you should let the police know immediately.

If you want to speak to someone before you do this, your local Victim Service Program can offer you help and support.

You report the crime to the police

What happens after you report a crime?

Once you have reported a crime, the police will investigate it. To do this, they will need to get information from you. They may call or stop by your home, they might ask you to come to the police station, or they may just speak to you at the scene of the crime. If you have been injured, and must go to hospital, they may visit you there.

Most likely a uniformed officer will speak to you first. If the crime is of a sensitive nature, such as a sexual crime, you can ask to speak to an officer of your own sex.

The police will ask you for a statement for them to understand what has happened to you. The police will give you a notification booklet, which will contain an incident number, which is the number for your case, contact person, and other important information about services for victims. It is important that you keep your notification booklet, because you may need to write your incident number on an insurance claim, a Victims Compensation Claim Form, or use it if you want to speak to the police later about your case.

Police officers are trained on how to talk with victims and witnesses, but it can sometimes take quite a long time to get all the information they need. The police realize that interviews can be a difficult experience, so if the interview is upsetting, you can ask for a break at any time. Sometimes the police may need to speak to you more than once.

The police need as much information as possible to help them investigate the crime and to find other evidence. This includes:

- Descriptions of anyone involved
- Descriptions or names of any witnesses
- License plate number of any vehicles, even if they were not involved in the incident, as the driver may have seen something
- Descriptions, identifying marks or serial numbers of any stolen property
- Sometimes, the police will need to take evidence from where the crime took place. This may vary depending on the type of crime and the seriousness of the crime. For example, they may take fingerprints or photos. This could be done by one of the officers on the scene or by a specially trained Crime Scene Investigator.
- The police know how stressful and sometimes embarrassing it can be to have fingerprints or other samples taken, and they will try to be sensitive.

If you have been injured in an attack, the police may need to collect medical evidence so they can prove in court what happened.

If you suffered a sexual crime, specialized information is available for victims of sexual assaults.

What happens after you have been interviewed?

After you have been interviewed, you may not hear from the police for some time. If you want to know how your case is going, you can contact the police officer listed on your notification booklet. You will be asked to provide the incident number found in your notification booklet to help the officer easily find your case.

Not all cases are resolved. Sometimes a suspect is not found or there is not enough evidence for the police to

take more action. For some crimes, the police may write a summary citation that is handled at the Magisterial District Judge Court level. If the police think there is enough evidence to take a case to court, they will start the prosecution process.

You decide not to report the crime to the police

It is important to report a crime because if you do not, the police will not be aware of the crime and will not be able to take any action.

There are many reasons why you may not want to report a crime. It could be one or more of the following:

- **It is too petty** - It may be a minor crime, but it can still be very upsetting to you. The police understand this and will take your report seriously.
- **It is too embarrassing** - Sometimes people feel embarrassed about reporting crimes if they are of a sexual nature. The police will treat you with kindness and respect and will not judge you. Being a victim of any crime is traumatic.
- **The police will not care** - If the police are very busy, they may not be able to get to you as quickly as they would like. Their job is to protect you and they do care about doing that. They may not catch the people responsible, but they always try.
- **You do not care about what has happened** - If you are not concerned or upset by what has happened, that is fine. Some people can take these things in stride, and continue as if nothing has happened, even if it has been a serious crime. If you do not report it, the police will not have a chance to catch the person responsible, and they might do it again.
- **You are worried about what will happen** - People worry about going to the police and perhaps having to go to court and testify. There are many organizations that can support you through the many stages of the prosecution and court process. This website gives contact details. It is important for you to talk about what has happened to you and to get the help you need.

If you do not report the crime, you can still get help from your local Victim Service Program. You may find it helpful to talk to someone about what has happened and how you feel about it. An advocate can explain what options you have and the court process.

The police Investigate the crime

The police are called and begin their investigation. The police investigation may include talking to the victim(s), witness(es) and/or suspect(s); gathering evidence; visiting, viewing, photographing and measuring the crime scene; identifying suspects, and many other tasks.

The suspect is under age 18 and there is sufficient evidence for an arrest.

Because the suspect is under the age of 18, they cannot be charged as an adult.

The suspect is age 18 or over and there is sufficient evidence for an arrest.

Following the police investigation, and once the police have enough evidence, they may start the arrest process by filling out and taking a criminal complaint and affidavit of probable cause to the Magisterial District Judge (MDJ). If the MDJ determines there is enough evidence that the suspect committed the crime, the MDJ may give the police an arrest warrant for the suspect.

Depending on the severity of the crime, the police may arrest a suspect without a warrant and later file the criminal complaint with the MDJ later. The criminal complaint lists the name and address of the suspect, the crimes he/she is charged with and has a short summary on the reasons the charges were filed.

If the police decide not to file a criminal complaint, a person can file a private complaint on their own. However, the District Attorney's (DA) office must first approve the private complaint before it can go further. Once approved, the legal process is the same as if the criminal complaint was filed by a police officer.

Once the complaint is filed, the MDJ will issue either a summons or an arrest warrant, depending on the seriousness of the offense. Less serious cases move ahead with a summons, which gives the date, time and location of the preliminary hearing. Crimes that are more serious use an arrest warrant.

There is no suspect or there is insufficient evidence for an arrest

There are times when, no matter how long the investigation lasts or how hard the investigators work, a suspect cannot be found. There are also cases where there is a lack of evidence for the police to either find a suspect or make an arrest. This is not the fault of the investigators, nor is it your fault.

Even though the technology investigators use today has greatly improved over the past ten or twenty years, there are still suspects who will never be caught. The television shows that are broadcast today have suspects found, arrested, tried and convicted in 30 minutes. This is not the case in the real world. For your peace of mind, stay in contact with the police department that is investigating your incident. Ask them what the status of your case is. See if there have been any recent updates. However, do not give up hope.

If there is a suspect, you may have the option to start a civil action against this person. The suspect does not have to be arrested by the police before you file the civil process paperwork. You will need the suspect's name and address prior to filing.

The suspect is arrested

An adult can be arrested after an investigation by the police, or, depending on the situation, can be arrested immediately. To do this, the police must have enough evidence that someone has committed a serious crime, then they can be arrested.

Being arrested gives the police the ability to take photographs and fingerprints of the person. When someone has been arrested, the Magisterial District Judge (MDJ) will decide whether to keep the suspect in custody until going to the Preliminary Hearing, or if the suspect will be released on bail.

PA SAVIN: Pennsylvania's Automated Victim Notification Service

As a victim of crime, this service provides you with free, confidential notification regarding an offender's release, transfer, or escape from county jails, state prisons, and state parole. The PA SAVIN service includes offenders under the supervision of county jails, state prisons and the state Board of Probation and Parole.

The suspect goes through the bail process

After being arrested, the defendant will stand before the MDJ, who will set an amount of bail. Bail is set to assure the defendant shows up for court proceedings. If the suspect pays the bail or uses the services of a bail/bond company, he/she does not go to jail.

The amount of bail depends on several things including how serious the crime was, how strong the case is, whether the defendant has a criminal record and whether the suspect may possibly decide to flee from the police. In cases involving murder of the first and second degrees, which potentially carry a life sentence, there is no bail.

When the defendant shows up for court dates, the bail money is returned. If the defendant does not show

up, the court will keep the money and issue an arrest warrant.

In most cases, especially those involving personal injury crimes, the police department making the arrest should call you and advise you of the arrest and bail status of the offender. If you do not hear from the police department, do not hesitate to call the police department to find out the arrest and bail status of the offender. It will be helpful if you have the offenders name and police incident number when you make the call.

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What happens when offenders are released from custody?

Most offenders who are arrested will be released on bail. Depending on the nature of the crime, if the police know whom they are, where they live and consider that they will not be a problem, they may be released on bail by the MDJ once they have had their photographs and fingerprints taken by the police.

Why someone may not be released

Release of a defendant on bail depends on the seriousness of the crime, if the MDJ thinks the defendant will commit more crimes or will be a risk to the public. Bail may be set at a higher amount if there is a serious chance that the defendant will commit more crimes, flee from the area, or are a danger to other members of the public. In cases involving murder of the first and second degrees, which potentially carry a life sentence, there is no bail.

What to do if you are worried about the defendant being released

If the DA knows about any concerns you have, they may be able to ask the court for some special conditions for bail. Tell the police officer you are working with, the DA, or your lawyer about any concerns as soon as possible. If the DA does not know of your concerns, they cannot tell the court.

When a suspect is released on bail, the judge may limit the type of contact he/she can have with you, or any other witnesses. Sometimes special conditions will be attached to their bail. For instance, the suspect could be told that they are not allowed to enter a certain shop or go to a particular place. If the person does approach or bother you, you must tell the police right away as they can arrest the person for breaking the bail conditions.

The suspect is prosecuted by the District Attorney's Office

Below are the eleven steps of the court process. Please note that not all defendants will go through all eleven steps.

- Step 1 - Preliminary Arraignment
- Step 2 - Preliminary Hearing
- Step 3 - Information Filed
- Step 4 - Formal Arraignment
- Step 5 - Pretrial Conference
- Step 6 - The Not Guilty Plea
- Step 7 - The Jury
- Step 8 - The Guilty Plea
- Step 9 - Pre-Sentence Investigation and Report
- Step 10 - Sentencing

- Step 11 – Appeal

An overview of the courts in Pennsylvania

As a victim, you could be working with two different court systems, the Magisterial District Judge Courts and the Courts of Common Pleas, better known as the county courts.

Magisterial District Judge Courts (lower courts)

Magisterial District Judge Courts (MDJC) make up the first level of Pennsylvania's court system. Additional courts include the Philadelphia and Pittsburgh Municipal Courts and Philadelphia Traffic Court.

Court of Common Pleas (county courts)

Common Pleas courts are Pennsylvania's courts for general trials. They have control over all cases not assigned to another court and can hear appeals over decisions from the MDJCs. They also hear appeals from certain state and local government agencies. The courts are organized into 60 districts, which generally follow the boundaries of the Commonwealth's counties; however, seven of the districts are comprised of two counties. They are Perry-Juniata, Snyder-Union, Franklin-Fulton, Wyoming-Sullivan, Columbia-Montour, Warren-Forest and Elk-Cameron. Each district has from one to 93 judges

You may be called as a witness

If you are a victim of crime and called as a witness to testify in court for the prosecution, you will be sent a letter from the District Attorney. The letter (called a subpoena) will tell you:

- Court date
- Which court to go to
- What time to be there
- How to get there

If it is a problem to get to the court on the day you have been called to be a prosecution witness, let the DA's office know immediately.

If the trial cannot go ahead on the expected date, the subpoena is cancelled, and you will be sent another subpoena for another court date. You may also wish to explore with the DA's office the option to be placed "on-call," if they provide that opportunity for witnesses.

Being a witness in court

If you were the victim of a crime or a witness to a crime, you may be asked to be a witness in court. When you come to court, you should bring your subpoena and show this to the person listed on the subpoena.

You will be asked to sit in the courtroom, perhaps with other witnesses. The court officer will call your name when it is your turn to testify. You may need to wait a long time before it is your turn to testify. However, the [Victim Service Program](#) staff will try to keep you updated on what is going on.

Before you testify, you will be asked to agree that you promise to tell the truth. If you are a witness for the prosecution, the DA will ask you about the case and what you remember. The defense attorney will then ask you some questions.

You should always say exactly what you remember. If you cannot remember, you should say that. When the lawyers have finished asking their questions, the judge or DA will let you know when you can leave.

Most witnesses come into the court building through the main public door. If you are particularly concerned

about entering the court building or being in the same room as someone else in the case, it may be possible in some courts for the Victim Service Program staff or court official to arrange to meet you at a private entrance and let you wait in a different room. Arrangements can sometimes be made in advance and everyone will do their best to help, although it is not possible to guarantee that you will not meet or see people involved in the case during the course of the trial.

There might also be special measures that could be available to help vulnerable witnesses, including children. Many witnesses will not require using special measures but may benefit from other forms of support, which is something the Victim Service Program staff can assist you with.

Most people feel better about being a witness if they know what to expect and have visited the court beforehand. If you are called as a witness, Victim Service Program staff can give you help and support by answering questions of a general nature about what happens at court and can also arrange a court familiarization visit for you.

Victims Who Are Not Witnesses

In most cases, a victim will be called to testify, but this may not always happen. Even if you do not need to testify as a victim, it is your right to be notified of the trial.

Can I Sit in the Court?

Any member of the public can sit in the courtroom and listen to the trial. The court may be closed to members of the public when a child or victim of an alleged sexual offence is testifying, or if, for example, there is a known risk of witness intimidation or if the witness is likely to find testifying particularly distressing. Sometime witnesses are not permitted in the courtroom until after they testify. The prosecuting attorney will advise you if this applies to your case.

The accused enters a plea

When the defendant first appears in court, he or she tells the court whether they admit to the charge, and are pleading guilty, or whether he or she denies the charge, and is pleading not guilty.

If the defendant pleads guilty

There is no trial. The judge can sentence the offender immediately, or the court might ask for background reports about the offender so that they have enough information and can decide on an appropriate sentence.

If the defendant pleads not guilty

A trial date is set. This gives both the prosecution and the defense time to organize their case, and to learn about the witnesses and evidence. The court decides whether or not the defendant should be released on bail or remain on bail if it was previously posted.

Changing of Plea

If the defendant originally pleads not guilty and then changes his/her plea during the trial, then the trial will stop. The judge will decide on the most appropriate sentence or may ask for background reports and decide on the sentence later.

The accused is found guilty

If the defendant is found guilty, the judge will decide on the most appropriate sentence. There is a wide range of sentencing options depending on the nature of the crime and the background of the person who has been convicted. Sometimes sentencing does not happen immediately after a verdict but is delayed for background reports.

If you have had contact with the Victim Service Program, they will tell you the verdict of a trial if you are not present. If you have not had contact with the Victim Service Program, you could contact the court or the DA's office, although they will need to know the date of the trial and the name of the defendant to identify the case. If you do not have this information and they are unable to help, ask the police, giving them the incident number they initially gave you. They may then be able to tell you or contact the DA's office on your behalf.

The accused is found not guilty

If the defendant is found not guilty, then the defendant is free to go, and cannot be prosecuted again on the same charge.

You will be given the opportunity to provide a Victim Impact Statement

You, or your relatives, who have been involved in serious crimes, will be given the opportunity to make a written statement that tells the court how the crime affected you – physically, emotionally and financially.

Victim impact statements will normally be given to the court if the defendant pleads guilty or is found guilty after a trial and will be considered before the defendant is sentenced. A copy of any victim impact statement will be given to the defense at the same time. The judge must consider any victim impact statement when deciding on the sentence.

It is up to you whether or not you make a victim impact statement. You do not have to make one. If you choose not to, information about the impact of the crime can still be brought out during the prosecution part of the case. If needed, an advocate from a local Victim Service Program will help you.

The sentencing hearing is held

Sentencing in Pennsylvania varies with the crime and can be the most confusing part of the criminal process. Most often, sentences are at the judge's discretion; however, in Pennsylvania there are several mandatory minimum sentences that must be imposed if a defendant is convicted of a crime.

At the time of sentencing, the judge will consider the information in the pre-sentence report before deciding the sentence. The pre-sentence report contains background information on the defendant such as, criminal record, medical or psychiatric reports, and any time the defendant spent in custody awaiting trial. The judge will also consult the "sentencing guidelines" to determine the minimum jail/prison sentence.

The judge may consider different alternatives, such as a fine, probation, community service, a sentence to jail or prison, or a combination. The judge must also order the defendant to make restitution to any victims who have suffered financial harm.

The guilty person is sent to jail

"If victims do not know how and when to participate, they are not likely to exercise their rights"

If you are a victim of crime, you may have many questions about the jail/prison process and want to know what happens to the offender while they are in prison. You also may want to know and be kept up to date when the offender could be released on work release, furlough, to a halfway house or paroled.

To receive your rights and notifications on offenders while they are incarcerated:

- If the offender is in a county jail, it is important for you to register with PA SAVIN
- If the offender is in a state prison. It is important for you to register with the Office of the Victim Advocate. Victims have the right to provide input into certain releases of the offender. Input is the

right that crime victims, registered with the OVA, have to provide information to the Pennsylvania Department of Corrections and the Pennsylvania Board of Probation and Parole decision makers about the ongoing impact of the crime when the offender in their case is being reviewed.

During the sentencing phase, which is after the offender is found guilty or enters a guilty plea, a judge can decide to send the offender to jail or prison. Normally, a facility run by a county is called a jail, while a facility run by the Pennsylvania Department of Corrections is called a prison. Not only are the facilities different, but the jail and prison processes are also different.

The guilty person is placed on probation

The probation departments are responsible for supervising individuals who are sentenced by the courts of the county. It is the overall mission of probation departments to protect the community and enhance public safety. The departments enforce the court's orders and direct offenders under their supervision to services that will enable them to become lawful, productive citizens.

If your offender is serving a state sentence in a county jail, please visit the Pennsylvania Board of Probation and Parole website for more information.

The offender is eligible for post-sentencing release

In Pennsylvania, there are two ways that an offender can be released from state prison early: pre-release and parole.

Pre-release and parole are two very different processes. The decisions made for pre-release and parole are made by two separate agencies: the Department of Corrections and the Board of Probation and Parole. Pre-release and parole may or may not be occurring at the same time. An offender may be denied for one but approved for the other.

The guilty person appeals the sentence

Once sentenced, the defendant has the right to an appeal. If the appeal is first done in the Common Pleas Court and denied, the defendant may then appeal to the Superior Court of Pennsylvania. If the defendant's appeal to the Superior Court is unsuccessful, the defendant can appeal to the Supreme Court of Pennsylvania. The district attorney's office will respond to the defendant's appeal by filing the appropriate paperwork.

There are various other post-conviction, post-state court appeal remedies, such as the Post-Conviction Relief Act or Federal Habeas Corpus, from which appeals may also be taken.

The offender is released

An offender's sentence is completed when they have reached their maximum sentence. This may be done either while the offender is participating in various programs such as county probation, pre-release, or parole or an inmate may serve their entire sentence in prison.

If they were sentenced to a 5-10-year sentence, and they served the entire 10 years, they will be released from prison. This means that no one has jurisdiction over the offender and the offender will not be supervised by anyone, unless they have an additional sentence or received special probation by the judge. To learn whether the offender in your case may have special probation, contact the Office of the Victim Advocate.