

Understanding the Criminal Justice Process

There are several steps that occur between the time a crime is reported to law enforcement and when the case is concluded in the courts.

When a crime is initially reported to law enforcement, an officer is sent to the crime scene to find out what happened. An arrest may be made at that time. The officer will gather evidence and write a report that will be sent to the district attorney's office with a type of charge indicated on the report. The Clatsop County District Attorney's office receives more than 2,000 such reports each year.

The office of the District Attorney assigns the report to one of the deputy district attorneys. The report is evaluated to determine if there is enough evidence to file charges. At this time one of three things will occur:

1. No charges are filed due to lack of evidence;
2. Further investigation is required and law enforcement is asked to obtain the information;
or
3. Charges are filed in a document called an information or complaint.

Grand Jury (if the charge is a felony)

A grand jury is a panel of seven people. The grand jury listens to the witnesses presented by the district attorney's office and based on that evidence, may indict the defendant if five of the jurors concur. The defendant or the defendant's attorney are not present during the grand jury process. If the grand jury panel determines, based upon the witnesses' testimony, a felony crime has been committed, the defendant is indicted.

There are several times a defendant may be brought before the court after a crime is committed, including:

Arraignment

If a suspect is arrested and held in jail, this hearing must take place within 36 hours. The appearance will occur before the case is brought before a grand jury. If the suspect is not held in jail or is released on bail, a summons will be issued after the district attorney has filed formal charges. This appearance can take place up to a month after the charges are filed.

At this hearing the charges will be read to the defendant, he will be advised of his rights, and appointed an attorney if needed. Bail will be set in almost all cases regardless of the crime committed. The suspect may agree to appear and be released on personal recognizance. Other conditions of release such as no contact with the victim can be addressed. The defendant will

enter a guilty plea or not guilty plea at this time.

Early and Final Resolution Conference

At the arraignment hearing, the court will set a date for an early resolution conference. At this conference meeting, the defendant and attorney meet with a deputy district attorney before the presiding judge to review the pre-trial offer prepared by the district attorney's office and attempt to resolve this matter. If a resolution is not met, a final resolution conference will be scheduled. If an agreement is not reached at either resolution conference, the court will set the case for trial.

If the defendant enters a plea at the resolution hearing, the court may proceed to sentencing, unless the victim would like to attend the sentencing. The court would then set over (postpone) the sentencing to give the victim the opportunity to speak to the defendant and the judge about the impact of this crime. If the victim is not comfortable appearing in court, a written victim impact statement may be provided and read into the record in open court.

Trial

Subpoenas are issued to anyone who will be testifying in the trial. If the trial is called off or postponed, witnesses will be notified by the district attorney's office. If you do not receive a phone call from the district attorney's office, please call the phone number on the subpoena to verify if the trial is still going forward. Because there are so many cases in the court system and only a certain number of trial days, a trial may be reset multiple times.

Trials can be heard before either a jury, or a judge. Many times witnesses are not allowed to come into the courtroom until they testify. Trials are open to the public.

Sentencing

Sentencing may occur quickly if a Pre-Sentence Investigation (PSI) is not ordered. If the judge requires a pre-sentence investigation, a sentencing date will be scheduled after a conviction or change of plea hearing. Victims are encouraged to use this time to write a victim impact statement to the judge (whether or not they can be present at sentencing) explaining how the crime has affected them. Victims have a right to be heard at sentencing, either in person, through a representative of the district attorney's office, or in writing.

Restitution

The court may order a defendant to pay restitution. Restitution is money, which the offender pays to reimburse a victim for medical bills, property damage and other financial losses that were a direct result of the crime.

Restitution is paid to the state court where a record is kept of the amount received. The Clatsop County Victims Assistance Office will send the payment to you. You must notify the staff in victims assistance and the court if you change your address to ensure prompt delivery of restitution payments.

The local Community Corrections office usually monitors restitution payments. Questions about how much and how regularly the defendant has paid are best answered by Clatsop Community Corrections at (503) 325-4982 or, in juvenile cases, by the Clatsop County Juvenile Department at (503) 325-8601.