

The Pennsylvania Crime Victim's Handbook

*A Crime Victim's Guide to Criminal
and Civil Justice in Pennsylvania*

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CHAPTER ONE

THE CRIMINAL JUSTICE SYSTEM: AN OVERVIEW FOR CRIME VICTIMS

In the criminal justice system, the Commonwealth, represented by the District Attorney's office, prosecutes people who commit crimes. The purpose of the criminal justice system is to punish criminals, those people who commit crimes, and to deter them and others from committing future crimes. However, the criminal justice system has another, equally important purpose, to provide the crime victim with an opportunity to be heard.

Once a crime occurs, crime victims may face many challenges. Reporting a crime is often a challenge in and of itself. Shame, embarrassment, and fear of retribution are some of the most common emotions a person may feel after being victimized by crime. However, reporting the crime to law enforcement is the first step to obtaining justice in the criminal justice system.

What Happens in a Criminal Case?

After a crime is reported, law enforcement investigates the crime and decides whether to refer the case to the District Attorney's office for prosecution. In some instances, a suspect might not be arrested or a case may be declined for prosecution for lack of evidence.



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In the criminal justice system, a defendant must be proven guilty beyond a reasonable doubt. This is the highest standard imposed by law and this means that in some cases there will not be enough evidence to meet the standard for criminal prosecution. That does not mean, however, that a crime victim's search for justice ends there. Crime victims can bring civil cases against criminal defendants and others who contributed to the crime or injury.

Once a case is accepted for prosecution, a crime victim's real journey through the criminal justice system begins. The criminal justice system has complex proceedings, procedures, rules, and laws. For a crime victim, the experience can be frightening and overwhelming. However, District Attorney's offices now employ victim advocates, people who are assigned to offer support for crime victims. In addition, many local government and community groups offer emotional and financial support as well as counseling.

The criminal justice process begins with a careful screening by the District Attorney's office. Once a case is accepted for prosecution, the District Attorney's office will present the case to a grand jury. However, only serious cases are presented to a grand jury. Cases involving misdemeanors are not. After indictment by a grand jury, a defendant will be arraigned or formally notified of the charges.

How are Criminal Cases Resolved?

The vast majority of cases are resolved by way of a plea agreement, in which a defendant agrees to plead guilty or no contest to one or more of the charges. If a plea agreement is



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not reached, the Assistant District Attorney will present evidence at trial. This usually includes the victim's testimony. For some crime victims, testifying in court can be therapeutic, and for others, it can be extremely stressful and scary. The bottom line is that in most instances, in order for a trial to result in a guilty verdict, the victim must step forward and testify. After the Commonwealth presents its evidence, the defendant has a right, but is not required to present a case. If a defendant chooses to present a case, the State can rebut that case. At the end of the presentation of evidence, a jury or judge will render a verdict.

After a guilty verdict or plea, the defendant will be sentenced according to Pennsylvania mandatory sentencing law or sentencing guidelines. A sentence can include any combination of the following: a jail or prison term, probation, fines, fees, and restitution. Unfortunately for some crime victims, their journey through the criminal justice system might not end at sentencing. A defendant may choose to appeal a conviction and if successful, depending on the circumstances, a retrial may be necessary. In any event, District Attorney's offices are equipped to handle retrials. In addition, victim advocates as well as community and government agencies offer support and assistance.



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