

Victims' rights laws 'welcome' — Patterson

By Teri Banas
staff writer

The laws of Michigan soon will award new rights to a growing number of people — crime victims.

In a series of bills signed by Gov. James Blanchard called the Crime Victims Rights Act, victims were assured that no longer would the criminal justice system exclude the innocent while attempting to punish the guilty.

State Rep. William Van Regenmorter, R-Jenison, one of the bills' three sponsors, said the system has made victims feel "ignored, or worse, in the way." It will be corrected to make victims partners along with prosecutors, police and judges, he said.

OAKLAND COUNTY Prosecutor L. Brooks Patterson called the law "a welcomed addition."

He added, however, that much of what the law requires has been ongoing in the Oakland courts. "We've been working daily with the witnesses and victims subpoenaed for trial," Patterson said. "We answer their questions."

Over all, he said the law allows for "treating victims with renewed respect for the first time in years."

County Sheriff John Nichols called the legislation "a step in the right direction."

The legislation includes protections which will assure that victims of felonies and high misdemeanors will be kept informed of the prosecution of offenders, given certain protections

against harassment and assured a greater chance of restitution for their losses.

The package takes effect in 90 days.

SOME HIGHLIGHTS of the package:
• Authorities will be required to serve timely notices to crime victims at several stages of the arrest and conviction of those who injured them.

Notices will be made within 24 hours of a suspect's arrest; victims will be apprised of all court hearings and plea-bargaining arrangements; and they will be alerted when the convicted person is released from jail. The prosecutor "must sit down and discuss with the victim" the disposition of the case, such as when it plans to plea bargain, before it happens, Van Regenmorter said.

The victim also must be notified of changes in the convicted person's security or confinement, such as an escape or community placement.

• Victims will be allowed to address pre-sentencing investigation, either in person or by writing, to present their side of the story and the crime's effect on their lives. The purpose is to avoid victims feeling "left out" of the last step in the prosecution of their assailants.

• For the protection of victims, the court will be required to house victims and the accused in separate waiting rooms before the start of hearings. And if the victim suffers harassment by the accused, prosecutors can petition for bond revocations to keep the accused in jail while awaiting court hearings.

• The victim also has a right to remain in the courtroom throughout the course of the trial and court hearings. A victim who is also scheduled to testify may be barred from the courtroom only before testifying.

• An extensive portion of the package addresses restitution of damages and losses to the victim, placing much of the responsibility on the judges to see that the victim is "made whole."

Judges have been restricted so far in requiring restitution, said Van Regenmorter. "Our estimates are that in 15-40 percent of the cases meaningful restitution will be made," he said.

Services in place of a money exchange may be required, according to one provision. Restitution can be made part of the conditions of parole.

• There's even a so-called "Son of Sam" provision to prevent accused criminals from profiting from their misdeeds, said Van Regenmorter. If a convicted criminal sold his story to the media, for example, any resulting earnings would be turned over to the victim as restitution and to the state for payment on his "room and board" during incarceration. Half of any remainder would be directed to the Michigan Crime Victims Compensation Fund.

"So, the defendant would get very little if anything," the lawmaker said.

IT WAS because of the upcoming legislation that Patterson said his staff organized a victims assistance program one month ago. The program relies heavily on a 23-member volunteer staff to help victims through sometimes complex court proceedings.

So far, a program director has not

been hired. Only two other paid staff members are proposed; they would be classified as paralegal assistants, Patterson said. In addition to hiring the staff, he said he is working with the county executive's office at this time to find office space.

In Wayne County, one public official

said the new legislation needed to go further in support of victims, however.

Wayne County Sheriff Robert Picard said he supports legislation that would allow videotaped testimony of sensitive victims, such as children in sexual abuse cases.

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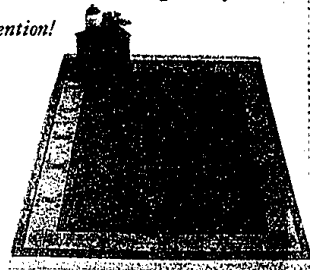
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