



The Criminal Justice Process

Reporting



Choosing to report a crime is a personal decision. Understanding how to report and learning more about what to expect can take away some of the unknowns and may help you feel more prepared.

How to report a crime:

- If you are in immediate danger, **call 911.**
- **Contact your local police/sheriff department.**
 - Call the non-emergency number or
 - Go into your local precinct and speak with an officer
- **Go to a medical center.** If you are being treated for injuries resulting from your crime, you can tell a medical professional that you would like to report your crime.
- **Sometimes witnesses report a crime for you.** You may still be asked to give a statement as to what happened.
 - You have a [right](#) to access immediate medical assistance before providing a statement to law enforcement.
- **Do you need an interpreter?** Ask to speak someone in your preferred language.
- **Keep a copy of the police report number.** Be sure to ask and keep the police report number. It may be helpful in the future.

*All investigations and cases handled by **King County Prosecuting Attorney's Office (PAO)** must be reported to law enforcement first.*

Online tools are available through our website including a glossary of terms, community resources, help videos, and our online filing tools. Visit us at www.kingcounty.gov/prosecutor/victimservices



Crime Victims

Choosing to report a crime can be hard. Please consider calling some of our **community providers** for extra support during this process.

- Watch the **“How to Request a Police Report”** video on our website and learn more.
- Keep a **copy of your statement**. If you plan on filing other motions in court, such as seeking a civil protection order, **you may be asked to provide a statement again**. The court may not have access to your statement from the police report, **unless you file a copy** of the police report in your case.
- It may be helpful to **keep notes throughout this process**.
- We **recommend keeping records of any out-of-pocket financial losses** such as replacement costs, impound fees, property damage repairs, or medical expenses not covered by insurance or Crime Victim’s Compensation **for a future Restitution claim**.

Investigation



When a crime is reported to the police:

- A suspect may be **arrested**
- **Further investigation** may lead to an arrest or charges being filed.
- **No arrest**. In this circumstance, it doesn’t mean that something bad didn’t happen. However, for several reasons no crime may be charged, or no suspect may be identified.

Once a **suspect has been found**, the case will follow the **applicable path**.

<p>Arrest ➡ 1st Appearance Hearing</p> <p>If the suspect is arrested on scene, they will appear before a judge within 24 hours of their arrest.</p> <p>1st Appearance Hearing</p> <ul style="list-style-type: none"> • Judge decides if there is Probable Cause that a crime has been committed. • Judge will decide if any bail will be set or to release the individual with the promise to return within 48 hours for a “rush” filing decision. <p>2nd Appearance:</p> <ul style="list-style-type: none"> • No hearing will take place. The Prosecutor must decide if charges will be filed by the second appearance hearing. • If NO charges are filed, the individual will be released with no conditions. Charges could be filed in the future within the statute of limitations for a given charge. • If charges are filed, the individual will be notified, and the arraignment hearing date will be set usually 2 weeks out. 	<p>Charges following Investigation</p> <p>Frequently, Law Enforcement is not able to make an immediate arrest. Sometimes more investigation is needed to:</p> <ul style="list-style-type: none"> • Collect evidence, • Conduct interviews • Complete additional tests <p>After investigation, law enforcement may send their report to the prosecutor for review. In general, the prosecutor will review a case on these basic elements:</p> <ol style="list-style-type: none"> 1. Has a crime been committed? 2. Can the crime be proven beyond a reasonable doubt? <p>Following their review, the prosecutor may:</p> <ul style="list-style-type: none"> • file charges and summon the suspect to court, • may decline to file charges • refer the case to district or municipal court for review or consideration
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Just because the Prosecuting Attorney's Office does not proceed with criminal charging does not mean that harm didn't occur



Crime Victims

During an investigation, law enforcement may have limited information on what they can share with victims and family members. **To learn more about your case while under investigation**, please contact the police department **where you made your report** to find out more information.

You may have a [right](#) to be present at the first appearance hearing and give a statement to the court about your concerns regarding release. Please contact our office to learn more.

Arraignment and Charging



*At the Arraignment **hearing** the defendant is **told of the charges** that have been filed against them. Most defendants will enter a plea of **not guilty**.*

Two weeks after charges have been filed, an **arraignment hearing** is set. The suspect, **soon to be defendant**, will be told while in custody or while out of custody of the arraignment hearing date and **asked to come to court**.

The arraignment hearing is the first formal hearing where the **defendant is told of the charges** that have been filed **against them**. This may also be the first time the defendant has a **conversation with their defense attorney**.

At a typical arraignment hearing:

- The prosecutor provides the court with a **statement of the facts** that **supports the charges** being filed.
- The defendant is asked to enter a **plea of guilty or not guilty** to those charges.
- After a defendant has entered a plea of **not guilty**, the court will also **set conditions** pending trial, i.e.:
 - Order no contact with witnesses or victims
 - Order no new criminal law violations,
 - No weapons, and possibly no alcohol or drugs
- In some cases, **bail** may be addressed.
- The court will set a **return hearing date**. If the defendant does not appear, a **warrant** may be issued by the court.

*Most defendants will offer a **not guilty plea** at this point. That does not mean they won't plea guilty to this crime or a different crime later, or that they won't be found guilty through the trial process. This gives the defendant time to meet with an attorney and prepare their defense.*

What happens if the defendant's "competency" is raised during arraignment or at any stage in the criminal process?

In short, the proceedings are paused. During the pause the court waits for forensic evaluators to determine if the defendant is "competent" (able to understand the nature of the proceedings against them AND able to support their attorney in their defense), or not competent by which the evaluator will recommend if the defendant can be restored to competency with treatment or is not restorable. This can be a very complex and confusing process, please visit our website for more information.



Crime Victims

Victims and the public have the right to attend the arraignment hearing. Victims also **have the right to address release** should the **defendant request** to address their release through **bail or bond**. This is a time for victims to address **safety concerns**. Sometimes the court may agree to release the defendant on Electric Home Monitoring (EHM) if this happens speak with your advocate to learn more.

Pre-Trial Hearing



*During the pre-trial phase of the process, the court will set hearings **to track the case** and check in with the **attorneys** regarding their **readiness** to go to trial or resolve by a plea. These hearings are **called omnibus hearings**.*

Once the defendant has been arraigned, the court will set a series of pretrial, omnibus, or status hearings to **determine whether the case will go to trial or resolve**. These are short **check-in hearings** on long calendars with hundreds of cases. In some instances, defendants will only be **represented by their attorney** and not required to be present. It is **very common** for a case to have **several omnibus hearings**, ending with the court setting a **new date** for omnibus and trial before **the trial date is confirmed**.

Crime Victims



Many share that during this time it may seem like nothing is happening. Frequently, omnibus hearings are **continued multiple times** before it is determined if a case is going to trial or will resolve by a plea. If you have questions during this time, please contact our office or reach out to your advocate.

Negotiation and Early Resolutions



*At any point prior to the beginning of trial, the defendant may **choose to plead guilty**. It's not uncommon for the prosecution and the defense to negotiate a resolution that avoids trial and addresses accountability for the crime committed. Not all cases resolve in a plea. Some cases may be set for **trial** and some cases may result in **charges being dismissed**.*

Work behind the scenes:

During the pretrial phase, there is a lot of work happening **behind the scenes**.

- The **prosecutor** will review all the investigation materials and looks for any **new or additional information** that may be needed.
- The **defense attorney** does the same, and has **conversations** with their client, **discussing the evidence** that may be brought against them at trial, the **consequences** associated with the current charge, and what their **options** may be regarding a negotiated *resolution*.

Negotiations:

During negotiations, the prosecutor and the defense attorney discuss what a possible resolution or plea would look like. They consider input from both the victim and the defendant.

WA Sentencing Guidelines:

Any negotiation **must consider the sentencing guidelines** established by the Washington State Legislature. Any possible sentence **must fall within those guidelines**, which is influenced by:

- the **seriousness level** of the crime, and
- the **criminal history** of the defendant

In some cases, a reduced or changed (amended) charge may be appropriate.

Sentencing Conditions:

Negotiated resolution or plea avoids the need to go to trial and post-trial appeals. A plea **may include** the ability to:

- request **treatment**,
- order **protection orders**,
- order **evaluations**,
- or other case-specific conditions.

Sometimes a negotiated resolution **is not possible**. Both sides may be too far apart to find that middle ground that satisfies both parties involved. At that point, the parties may **decide** that **the case needs to be set for trial**.



Crime Victims

As a victim or survivor, you may provide **your thoughts** about the proposed resolution. The **prosecutor** is the **representative** of the State of Washington and makes the **ultimate decision regarding what resolutions to offer**. However, input from victims may be welcomed. Ultimately, any agreed recommendation is **presented to the judge** who makes the **final decision** to accept the proposed resolution and states the individual **sentence for the defendant**. At the sentencing hearing, victims have a right to:

- provide a **victim impact statement**
- share their **support or concerns** regarding any **proposed resolution** to the judge for final determination.

What is Restitution

In a criminal case, if the defendant is found guilty or pleads guilty, the court may order restitution within 180 days of the sentencing. Restitution can include any out of pocket expenses directly related to the crime such as property damage, medical or counseling expenses, and future medical expenses. Restitution does not cover pain and suffering.

Crime Victims must provide documentation (receipts, invoices, cost estimates, etc.) to the King County Prosecuting Attorney's office by completing the Victim Loss Form. You can complete this form and submit your documentation online through our website.

The type of restitution you can receive and what is covered by law depends on the crime and the charges. Once a restitution order is signed by the court, the defendant is ordered to pay.

- If the defendant makes payments, victims will receive payments.
- If the defendant does not make payments, victims will not receive payments.
- Some defendants may be deemed "unable to pay" due to their economic status, and though the court ordered restitution, victims still receive no payments.

Who do I ask about restitution payments?

If restitution has been ordered by a Superior Court Judge, restitution is then collected and disbursed through the Superior Court Clerk's Office. For more information from Superior Court Clerk, please contact the [Legal Financial Obligations Collections Program](#) at LFOColl@kingcounty.gov. For restitution order in district court, please contact

Plea or No Plea

Plea

If the prosecution and defense agree on a resolution, a **plea hearing** will be scheduled.

Pleas can happen at anytime after a case has been charged until a verdict has been read. In King County, most pleas occur on a calendar with several other cases set for plea that same day.

Sometimes a defendant is sentenced immediately following a plea, but typically a sentencing hearing is scheduled two weeks later to provide victims an opportunity to attend and provide a victim impact statement.



No Plea

If a **resolution is not possible**, a case is usually **set for trial**. Typically, once a case has been set for trial, a **trial prosecutor is assigned** to the case.



Crime Victims

A victim or survivor should be **notified in advance** of a plea, but in **some instances**, pleas occur **before proper notice** can be provided. If you have been in contact with our office and have expressed interest in providing a victim impact statement during sentencing a sentencing hearing will usually be scheduled out a couple weeks to provide you an opportunity to attend.

Set for Trial

Once a case has been set for trial, **many things will happen**, including:

- The prosecution and defense will start **scheduling interviews** with:
 - **potential witnesses** including victims,
 - **law enforcement**,
 - and **additional experts**.
- **Pre-trial motions** and hearings may be scheduled to address:
 - what **evidence** may be **allowed or limited** during trial.
 - Other **pretrial matters** that must be resolved before a trial begins



*Please stay in contact with our office staff regarding your availability and be aware that hearing dates **might change** as we learn more about the court's availability to go to trial.*

Cases rarely start on their first scheduled trial date due in part to limited courtroom and judge availability.



Crime Victims

The defense attorney or defense investigator may ask to interview the victim. According to the crime victim bill of rights, you may have a right to have a **victim advocate** present to **support you** during this process. You may also wish to have the **prosecutor present** as well.

If you want to know more about your rights regarding this interview or would like our office to be responsible for **scheduling this interview on your behalf**, please contact your advocate.

Trial

Trials occur before a **Judge (bench trial)** or a **Judge and Jury (jury trial)**. The Prosecutor and Defense attorney **present evidence and question witnesses**. The prosecutor has the **burden to prove the case** beyond a reasonable doubt. At the end, the Judge or the Jury finds the defendant **“guilty” or “not guilty.”** If the jury cannot agree on a verdict the Judge will declare a **“hung jury”** and the State will consider whether to retry the case. There are several phases of a trial outlined below:



Step 1: Jury Selection

Once a case has been assigned to a judge, and pre-trial motions have concluded, the judge will facilitate **jury selection**, also called *voir dire*. This is when a panel of jurors will be **summoned to appear for court**. Each juror will be provided a number and they will **participate in questioning** from the judge, the prosecution and defense. Jury selection will conclude with **12 jurors** and usually a couple alternates.



Step 2: Opening Statements

When jury selection is complete, **the state will, and the defense may present their opening statements** to the jury. During opening statements, attorneys outline their case by presenting an overview of the facts and witnesses they intend to call during trial.

Step 3: Prosecutor Case, Defense Case, Rebuttal

The State has the burden to prove their case by **beyond a reasonable doubt** and will present its case first. The state will **call witnesses one at a time** to present evidence to the jury. Witnesses may include:

- **victims,**
- individuals who **saw** or **have information related to the case,**
- **first responders** like medics,
- **law enforcement,**
- **medical professionals,**
- and other related **experts.**

The prosecution will contact each witness in advance of trial and **communicate expectations and logistics** for the time and day of **testimony**. It is important to know that once trial begins:

- there can be **unexpected continuances, delays or changes** to the schedule.
- Witnesses may be expected to be present on a **specific day and time.**

After the **State** has called all its witnesses, the State will **rest**, and the **defense** may call witnesses. Both the defense and the prosecution can **cross examine** or ask questions of the opposing side's witnesses.

During trial, attorneys may make **objections** that may require additional arguments outside of the jury's presence and before the judge. These arguments may have to do with **case law, evidence rules, or previous pre-trial rulings.**

After the defense rests, the State may call **rebuttal witnesses**. When testimony is complete the attorneys will present **closing arguments.**

Step 4: Closing Arguments

Closing Argument is the **final opportunity** for each side to **summarize their strongest case** before the **jury**. The attorneys will **remind the jury** of the **evidence and facts** that they presented at trial and provide legal argument regarding the defendant's guilt or innocence.

Step 5: Jury Instructions

Before the jury begins **deliberations**, the Judge will provide them with a set of **instructions** to help them **understand the law and what is expected** from them during deliberations.

Step 6: Deliberations and Verdict

The jury instructions will guide the jury's deliberations until they have reached a decision or "**verdict**".

Upon **receipt of the verdict**, the court will notify both the prosecutor and defense attorneys. **Court will resume within 30 minutes to 1 hour** depending how quickly the parties return to court.

The verdict will be read out loud in court. There are three possible verdicts, with a unique outcome:

- "**guilty**" – the defendant is convicted, and the court will schedule a sentencing hearing a few weeks out
- "**not guilty**"- the jury decides that the case was not proven beyond a reasonable doubt and the defendant is released
- "**hung jury**" – the jury unable to unanimously agree on the defendant's guilt or innocence, and the case may be re-tried

Crime Victims



Trial looks different for every case. But generally, you and other witnesses **will be in contact** with the **prosecuting attorney**, or your **advocate** if one is assigned. They will let you know **the day you need to appear** and the day you will be **expected to testify**. Once you testify, most of your participation in the trial is complete. For more information check out our tips for coming to court.

Sentencing Hearing



*A judge will **impose a sentence** on the defendant based on the sentencing guidelines. During this hearing, the victim and their loved ones **have the right to provide a victim impact statement** to the court.*

A sentencing hearing is scheduled after a guilty verdict from a jury or through a guilty plea.

During the sentencing the court will:

- Hear the prosecutor's sentencing recommendation.
- Consider **Victim Impact Statement(s)**.
- **Listen to defense** and their sentencing **recommendations**, including statements from the defendant's family and friends on behalf of the defendant.
- Provide the defendant the **right of allocution**, allowing the defendant **to speak directly to the court**.

The judge typically imposes a **sentence within the standard sentencing range** set by Washington State legislature, taking into consideration:

- The prosecution and defense **recommendations**,
- any **victim impact statements** and **statements on the defendant's behalf**.

The judge may also order restitution (**for crime related costs sustained by the victim**), fines, probation, jail or prison. It is not uncommon for the restitution to be ordered at a hearing date **after the sentencing**.



Crime Victims

At sentencing, victims have a **statutory right** to provide a victim impact statement explaining **how the crime impacted them** before the judge enters the sentence. This may be provided **in writing**, or the victim (or representative of their choosing) may **speak directly** to the judge **during the sentencing hearing**.

Post Sentencing



*The court's sentence is recorded in the Judgment and Sentence document. The defendant, now called "offender", may immediately begin the processing to **servicing their sentence**.*

In general, the **offender** will **serve their sentence** as follows:

- If the offender is looking to spend **more than one year** in corrections facility, they will be transferred to the Department of Corrections for processing into **prison**.
- If the offender is only scheduled to serve **less than one year** they will most likely complete that time with in the King County **jail** system.

Some sentences include the following conditions:

- a post sentencing **no-contact order** protecting any victims and/or witnesses
- community custody (previously known as **probation**).
- **treatment and evaluation requirements**.

For more information about **community custody and corrections programs** please visit [Washington State Corrections](#) website.

Crime Victims



Many victims report that after the trial and sentencing have concluded they **experience some of the trauma reactions** that they experienced at the beginning of the process. For some victims, going through the criminal justice system prevented them from processing the totality of their trauma. Please consider reaching out for **supportive services**.

If a post sentencing criminal **no-contact order** was entered at sentencing, victims should **obtain a copy** from their victim advocate.

Victims of qualifying crimes who are concerned about the defendant's release should register for the Victim Notification program through the Department of Corrections. This notification **is not automatic**, and victims and survivors **must register**.

Restitution Hearing



If there is **eligible restitution**, the court has **180 days from sentencing to order restitution**. It's not uncommon for restitution to be **agreed outside of court**. If there is some **disagreement, then the court will set a restitution hearing**. To learn more about what is eligible for restitution visit [here](#).

It is important to note:

- Restitution is only ordered **upon conviction**. If the case is dismissed, or if the defendant is found **not guilty**, then no restitution may be ordered.
- Restitution payments are subject to the offender's **ability to pay**. The court will not force an individual to pay if they are found indigent.
- The King County Superior Court **Clerk's office** is responsible for **collecting and dispersing** restitution payments. For questions related to payments please visit [here](#).

Appeals and Resentencing



The defendant has the **right to appeal a conviction** resulting from a trial, and a limited right to appeal a guilty plea. If the defendant is successful in their appeal, there is a possibility that a case may **be retried, or a defendant resentenced**. Though this does happen, it is **not common**. Our office will be in **communication with victims** when a case is remanded for retrial or resentencing.