

NEBRASKA

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**COMMISSION ON LAW ENFORCEMENT
AND CRIMINAL JUSTICE**

Victim's Guide to the Nebraska Criminal Justice System



*Guide created by the Nebraska Commission on
Law Enforcement and Criminal Justices | 2004
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The use of the term “victim” throughout this guide is also intended to represent survivors of crime.

Information about the Criminal Justice System

This guide is intended to provide basic information about Nebraska’s Criminal Justice System, specifically cases that involve a felony level offense. It is meant to be an overview, therefore, if you have additional questions, please contact the County Attorney or a Victim Advocate in your area.

Threats, Harassment, or Intimidation are Not Okay

If you or someone in your immediate family is being threatened or harassed through the use of violence or intimidation by the defendant, or at their direction, please do one or all of the following:

- ❖ Contact your local law enforcement agency immediately and report the incident.*
- ❖ Contact the County Attorney’s Office and tell the attorney handling the case what has been happening.*
- ❖ Ask the County Attorney or an advocate for information on protection orders.*
- ❖ Contact the nearest Victim Assistance Program and request information.*

Victim’s Rights and Duty

Later in this guide we will review some specific rights for victims in the adult criminal justice system. These rights can be found in Nebraska Revised Statute 81-1848. These rights include the right to receive certain information and to be notified of specific parts of the criminal justice process, as well as several other rights. Also, additional specific rights for victims of sexual assault can be found in Nebraska Revised Statute 29-4308.

Victim Services

Nebraska has different types of providers and programs to help victims of crime. Two in particular are Victims Services Providers and Victim Assistance/Witness Programs.

***Victim Services Providers:** Specialize in helping victims of sexual and domestic violence, dating violence, stalking, human sex trafficking, child abuse, and other victimizations. These agencies operate outside of the criminal justice system. Because of this, there are state laws protecting confidential communication between a victim and an advocate. More information on these laws can be found in Nebraska Statutes 29-4301 – 29-4304.*

***Victim Assistance/Witness Programs:** Often called Victim/Witness Units are associated with local law enforcement agencies or County Attorney’s Offices. These programs operate within the crime justice system and are available to any victim of any type of crime. They also work closely with witnesses of crimes.*

Important Contact Information

County Attorney Office | Name & Contact: _____

Prosecutor | Name & Contact: _____

Victim Assistance Agency & Advocate | Name & Phone: _____

Law Enforcement Agency & Investigator | Name & Case #: _____

NEVCAP | Nebraska Victims of Crime Alert Portal | <https://nevcap.nebraska.gov>

Inmate Name: _____

Inmate Number: _____

Institution Name: _____

Chosen four-digit PIN: ____ ____ ____ ____

**Victim of a federal crime - U.S. Department of Justice Victim Notification System:*
<https://www.notify.usdoj.gov/>

**Offender is detained outside of Nebraska in another state's jail or prison - VINELink and select state:* <https://www.vinelink.com/classic/#/home>

How Do I Find Help?

To gather information and connect with resources, call or visit these websites:

Nebraska Coalition to End Sexual and Domestic Violence: <https://www.nebraskacoalition.org>

Nebraska Victim Assistance/Witness Programs: <https://nebraskacoalitionforvictimsofcrime>

Nebraska Attorney General's Office Victim Assistance Program:
402.471.3823 | ago.nebraska.gov

Nebraska Victim Advocacy Program: 402.429.1609 | <https://ncc.nebraska.gov>

Nebraska Crime Victims' Reparations: 402.471.2828 | <https://ncc.nebraska.gov>

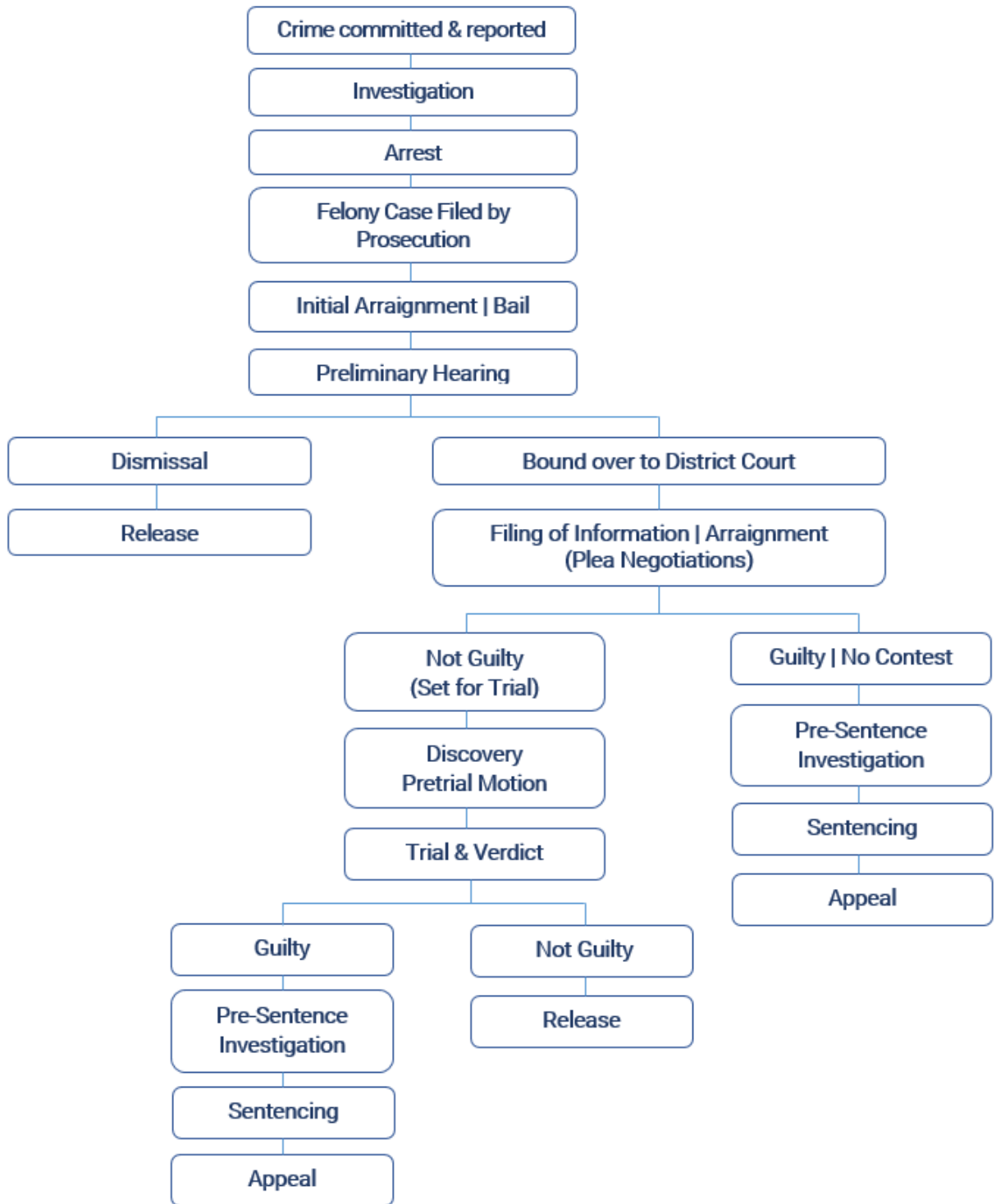
Nebraska Alliance of Child Advocacy Centers: 402.933.7422 | <https://www.nebraskacacs.com>

Mothers Against Drunk Driving (MADD): 1.877.275.6233 | <http://www.madd.org>

Nebraska Department of Correctional Services Victim Assistance: 402.479.5798

U.S Attorney's Office Victim Assistance: 402.661.3700

Explanation of the Criminal Justice System (Felony Cases)



The image above illustrates the typical flow of a felony case through the adult criminal justice system. Following is a brief explanation of each stage of the process. The defendant is the person who is alleged to have committed the crime.

Felony Crime Committed and Reported

A crime is committed and is reported by someone to law enforcement. Law enforcement will respond and attend to the immediate needs and safety of the victim and conduct initial investigation. The officer may contact an advocate to assist with this as well.

Investigation

The officer investigates the crime by taking statements from those involved and from potential witnesses. This may happen when the officer arrives in response to the call for help or over the course of several days. If the crime involves a sexual assault, the victim may be asked to undergo a sexual assault forensic exam as part of the investigation.

Arrest

If the law enforcement officer gathers enough evidence against a person suspected of committing the crime, they will obtain an arrest warrant from the court and then make an arrest. In some situations, they can arrest the person without a warrant.

Felony Case Filed in County Court by Prosecution

The facts of the case are presented to the County Attorney (prosecutor) who determines if criminal charges are to be filed with the court. At this point, the authority of the case transfers from the law enforcement agency to the County Attorney's Office. If the County Attorney believes there is enough evidence to prove that the person arrested committed the crime, the County Attorney will decide what charges to file and then files those criminal charges with the court. The person charged with the crime is now referred to as the defendant.

Initial Arraignment (County Court)

The defendant is brought before a County Court and the County Attorney informs the defendant of the criminal charges that have been filed and the possible penalties for those criminal charges.

Plea Negotiations: Plea negotiations can occur at any point between filing of the case by the prosecutor and the announcement of a verdict by the judge. During plea negotiations the defendant may be offered a reduced (lesser) charge by the prosecutor in exchange for a guilty or no contest plea. The defendant can also make a similar request to the prosecutor. As a victim, you have a right to be notified and informed of plea negotiations. It will be an important part of the process to update the County Attorney with any changes to your contact information in order to remain informed about the case.

Bail: Like the plea negotiations, bail can be set at any time after the arraignment itself. If the judge determines that bail is not appropriate given the facts of the case, the defendant can request a judge consider bail at a later time.

Preliminary Hearing (County Court)

The Preliminary Hearing is a hearing to determine whether there is enough evidence against the defendant that the criminal trial should take place. The defendant has the right to waive (not have) the Preliminary Hearing at any point before it happens. The defendant's attorney can require that the victim and other witnesses attend the Preliminary Hearing and require them to testify. The defendant will be present at the Preliminary Hearing. During the Preliminary Hearing the following may occur:

***Dismissal:** The judge may dismiss the case if the judge decides that there is not sufficient evidence to prove that a crime was committed by the defendant. If the judge dismisses a felony charge, the prosecutor may file the case again as a misdemeanor or a reduced charge. If the case is dismissed and no other charges are filed, the defendant is released and free to leave.*

***Bound Over to District Court:** The judge may decide that there is sufficient evidence to support a finding that a defendant likely committed the alleged crime(s). If the charged crime is a felony, the case will then be transferred to District Court for trial. This does not mean that the defendant was found guilty. It means that the judge has determined that there is sufficient evidence to allow the County Attorney to pursue the criminal charges against the defendant.*

Filing of Information and Arraignment (District Court)

Like the arraignment in County Court described above, the defendant is told what charges are filed and the possible penalties. A date is set for further proceedings.

Entry of a Plea

If the County Attorney and the defendant have not reached a plea agreement, the defendant will go before the court and enter a plea of guilty, not guilty or Nolo Contendere (No Contest) to each of the crimes charged. No contest is a plea that allows the defendant to neither deny nor admit guilt to the charges and accept the sentence without trial.

- A. ***Pleads Not Guilty:** The defendant is denying that they are guilty of committing the crime(s). The following procedures then occur.*
 - 1) ***Set for Trial:** The court schedules the date of the trial. Prior to trial, the defendant's attorney may file motions (paperwork) to exclude a person who will testify against the defendant. The victim's testimony may be needed with such motions. Such motions may also include a request to exclude certain types of physical evidence or specific testimony from being introduced during the trial. The defendant's attorney may also take sworn statements from the victim and other witnesses prior to trial. This process is called a Deposition.*
 - 2) ***Discovery Pre-trial motion:** The defendant's attorney is provided the evidence the prosecutor has against the defendant. The prosecutor is required by law*

to give the defendant's attorney any evidence the prosecutor has that might suggest the defendant is innocent.

- 3) **Trial & Verdict:** The defendant and their attorney decide if they want a trial by jury or by judge. If the trial is to a judge (also known as a Bench Trial), then the judge decides the verdict (guilty or not guilty).
- 4) **Not Guilty Verdict:** If the defendant is found not guilty, the defendant is released from the case and released from custody, if applicable.
- 5) **Guilty Verdict:** If the defendant is found guilty of the charges there is usually a Pre-sentence Investigation (PSI) completed.
- 6) **Post-Conviction Process**
 - a) **Pre-sentence Investigation (PSI):** If the defendant is found guilty or enters a guilty plea or a plea of no contest, a pre-sentence investigation may be completed by Probation. It consists of an interview with the defendant, a review of their criminal record, and a review of the specific facts of the crime. A form may be sent to the victim called a Victim Impact Statement. The victim can use this to provide information to the court regarding how the crime impacted the victim. The Probation Office may also contact the victim by phone to collect this information. The victim has the option of filling out the form or submitting their own statement to be included in the PSI. It is important to note that the PSI report, including the victim's statement, may be made available to the defendant. The probation officer may make a recommendation to the judge about the type and severity of the sentence (penalties). The judge may or may not follow the recommended sentence from probation.
 - b) **Sentencing:** The penalties for the defendant will be announced in District Court after the trial and the Pre-sentence Investigation is completed, if a Pre-sentence Investigation was done. The sentence may include fines and/or jail or prison time or probation or all of these.
 - c) **Appeal:** If the defendant is found guilty, they have a right to appeal the conviction to a higher court. If the defendant entered a plea or is found guilty, they have a right to appeal the sentence. During this time, the defendant may be free on an appeal bond. (See Appeal Process Information Section)

Appeal Process Information

An appeal is usually filed because the defendant and/or their attorney believe that there is some error in the procedure or application of the law. The court will review this to

determine if an actual error exists. During this time the defendant may be released on an appeal bond until the appeal is heard in the higher court, which could be several years later. The Trial Court's decision is not considered final until all appeals are heard. Once the appeal is heard, the decision will be made to either affirm or dismiss the decision of the lower court.

Appeals are first taken to the Court of Appeals and once a decision is made by the Court of Appeals, the defendant can then appeal to the State Supreme Court.

Victims' Rights

Below is a summary of the general rights for victims of crime. If more information is needed contact the prosecutor in the County Attorney's office handling the case or a Victim Assistance Program. The prosecutor must make reasonable and good faith efforts to provide notice and keep victims informed of rights, information and process. You can also find the general victims' rights in Nebraska Revised Statute 81-1848.

As a victim you have the right:

- 1. To be able to see any information that is collected by criminal justice agencies, that is available to the public.**
- 2. To be notified by the County Attorney about:**
 - Crimes for which the defendant is charged.**
 - Defendant's bond.**
 - Time and place of any scheduled court proceedings, including the sentencing proceeding.**
 - Time and place of any changes to scheduled proceedings.**
 - Whether the defendant was found guilty or not guilty, the crimes they are found guilty of, and the penalty.**
 - Time and place of any further judicial proceedings if the defendant was acquitted (found not guilty) on grounds of insanity.**
 - The victim's right to make and provide an impact statement to the Probation Office for the Pre-sentence Investigation, and information on how to contact the Probation Office.**
 - The Pre-sentence Investigation and any statement by the victim included in such report and made available to the defendant.**
- 3. To be present throughout the entire trial of the defendant, unless the victim is to be called as a witness.**
- 4. To be notified by the Parole Board of the right to submit a written statement for consideration by the Board and to be notified of any action taken by the Board.**

5. *To submit a written statement for consideration at any conditional release (a furlough from incarceration for 24 hours or longer) proceedings, Board of Parole proceedings, pardon proceedings, or commutation (change in punishment) proceedings.*
6. *To be notified of the filing of an appeal by the defendant.*
7. *To be notified by the Attorney General:*
 - *That the defendant has filed an appeal of the conviction.*
 - *About the appeal process, including possible dispositions.*
 - *Of the time and place of any appeal proceedings and any changes in the time or place of those proceedings.*
 - *If the defendant has been released on bail pending the disposition of the appeal.*
 - *Of the results of the appeal.*
 - *Of the final disposition of the case within 30 days after the final disposition is made.*
8. *To be notified of a convicted defendant's escape from custody.*
9. *To be notified if the prisoner is subsequently confined pursuant to a sentence.*

Victims and Witnesses of Crime Shall Have the Following Rights:

1. *To be informed of any witness fees available, other financial assistance and any social services that may be available, and the process to apply for this assistance.*
2. *To be informed of any cancelled court proceeding for which the victim received a subpoena to appear.*
3. *To receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts.*
4. *During court proceedings, to be provided, whenever possible, a secure area that is not near the defendant and the defendant's family and friends.*
5. *To have any stolen or other personal property returned by law enforcement when it is no longer needed as evidence.*
6. *To be provided help in working with the victim's employer to minimize an employee's loss of pay and other benefits resulting from the victim's court appearances.*
7. *To a speedy disposition of the case in which they are involved.*
8. *To be informed by the county attorney of the final disposition of a felony case in which they were involved and be notified whenever the defendant is released from custody.*

Additional Rights for Victims of Crime:

- 1) To waive their rights as a victim at any time by contacting the Clerk of the Court or through an Attorney;***
- 2) To request the County Attorney to forward their name and address to the appropriate agency so that they can be notified by the:***

Department of Correctional Services or county corrections agency if:

- The convicted person is granted a furlough or release from incarceration for 24 hours or longer or transferred to community status.***
- A convicted person is released into a community-based program, including educational and work release programs.***
- A convicted person escapes or does not return from a granted furlough or release and be notified when the convicted person is returned into custody.***
- A convicted person is discharged from custody upon completion of his or her sentence.***
- In addition, of the earliest date the convicted person can be paroled or released; and of any reduction in the convicted persons minimum sentence.***

Board of Parole:

- Of the tentative release date and the earliest parole eligibility date of the convicted person.***
- Of any Parole Hearings or proceedings.***
- When a convicted person who is on parole is returned to custody because of parole violations.***
- If it has been decided that the convicted person is a mentally disordered sex offender or is a convicted sex offender after the convicted person is released from custody or treatment.***

Department of Health and Human Services:

- When the convicted person becomes the subject of a mental health petition prior to their discharge from custody or within 30 days after such discharge.***
- When a person under the Mental Health Board Commitment escapes from an inpatient facility providing treatment, and again when the person is returned to an inpatient facility.***
- When a person under a mental health commitment is discharged or has a change in disposition.***
- When a person under a mental health commitment is granted a furlough or released for 24 hours or longer.***
- When a person under a mental health commitment is released into educational or work release programs. Such notification shall occur at the beginning and termination of any such programs.***

Board of Pardons:

- *Of any pardon or commutation proceedings.*
- *If a pardon or commutation of the conviction has been granted.*

Rights Specific to Victims of Sexual Assault:

In addition to general victim rights outlined above, outlined below are rights specific to sexual assault victims.

The Sexual Assault Victim's Bill of Rights can be found in Nebraska Revised Statute 29-4308 to 29-4315.

These rights are available to victims of sexual assault even if the victim decides not to participate in the criminal justice system or decides not to get a physical exam.

The right to have a forensic medical exam:

Victim can get a medical exam to identify injuries and evidence related to the sexual assault. Forensic medical exams are available across our state at no cost, however, an individual may receive a bill for other medical costs during that visit. It is important the victim get this exam as soon as they can after the crime. It is best as soon as possible within five days of the crime, though an exam can still be beneficial after five days. The victim has the right to have an advocate of ones choosing be present during a forensic medical exam. As a victim, one has the right to a shower after the exam if such facilities are available.

As a victim, there are three reporting options:

If victim is under 18 years old, received serious bodily injury, or a deadly weapon was used during the sexual assault, a report of the sexual assault to law enforcement is mandatory. If a victim is 18 or older and neither received a serious bodily injury nor was a deadly weapon used during the sexual assault, there are three options for making a sexual assault report. The victim may make: (a) a full report, (b) a partial report or (c) an anonymous report. Please consult the forensic nurse or an advocate for more information on these options and the effect of the chosen reporting option on the investigation.

Victims' rights in an interview by law enforcement, prosecutors or defense attorneys:

As a victim, in meetings with law enforcement officers, prosecutors, or defense attorneys, one has the right to have an advocate present during these interviews. When possible, law enforcement will find an interviewer who is the gender of victims choosing and one who speaks the victims preferred language (or find an interpreter).

A victim may also choose to have a private attorney present during these interviews. However, this does not mean that the attorney will be provided for free.

When a victim is a minor or a person with special needs, they can choose to be interviewed one-on-one at a Child Advocacy Center (CAC). At the conclusion of the case, the victim has the right to see or get a copy of certain law enforcement reports about the sexual assault.

Victim's right to have the sexual assault evidence tested in a timely manner:

A victim has the right to timely processing of the evidence that was collected if they did not report anonymously. A victim can contact the investigating law enforcement agency for an update on the process and analysis of the evidence, at any time. Evidence that is collected anonymously cannot be processed until a person comes forward to request the kit be tested. Victim may request to change from an anonymous report to a partial or full report at any time.

Victim may request law enforcement to inform the victim whether DNA matched the accused person or anyone else known to law enforcement. Law enforcement will enter that DNA into a DNA database for future reference, as allowed by law and federal guidelines.

Additional rights and resources of sexual assault victims:

- 1. The right to not participate in the criminal justice process and refrain from having a medical evidentiary exam.*
- 2. A sexual assault victim should be provided with the contact information of those within the appropriate field that could help.*
- 3. The right to know the state and federal relief available to victims of crime.*
- 4. A sexual assault victim should be provided with the information needed to request information regarding the forensic evidence.*
- 5. The right to state and federal compensation funds for medical and other costs associated with sexual assault and information about what happens in the event of a conviction.*

Protection Orders

A protection order is an order from a court that prohibits someone from coming near or doing other things to a particular person. A protection order is not a guarantee for anyone's safety.

Nebraska has three (3) types of protection orders:

Domestic Abuse Protection Order

This type of order is for people who have been in close relationships (relatives, spouses or former spouses, people who have lived or are living together, people in a dating relationship, or persons who have a child in common) and have experienced injury or threats by that person.

Harassment Protection Order

A Harassment Protection Order does not depend upon relationships, but requires a pattern of telephone or personal contacts that seriously terrify, threaten, or intimidate a person.

Sexual Assault Protection Order

A Sexual Assault Protection Order does not depend upon relationships and is granted because someone subjected or attempted to subject the other person to sexual contact or sexual penetration without consent.

For more information on Nebraska's protection orders and the forms available from the District Court Clerk of your local courthouse or through the Supreme Court visit the Nebraska Supreme Court's self-help website at <http://supremecourt.ne.gov/self-help> and click on Protection from Abuse.

It is recommended that victims work with a victim advocate in their geographic area to obtain and complete the forms needed to apply for a protection order.

Address Confidentiality Program

The Nebraska Address Confidentiality Program (ACP) provides services to Nebraska residents who are victims of domestic violence, sexual assault and stalking.

If the victim is planning to or has recently moved to a new location unknown to the offender, the program may provide a substitute or new mailing address that keeps individuals actual physical address confidential.

Phone: 402.471.3568 | 1.866.227.6327 (toll free)

<http://sos.nebraska.gov/business-services/address-confidentiality-program>

Other Assistance Available

Crime Victim's Reparations Program

A victim may qualify for financial help with bills relating to the crime. If victim has medical expenses, funeral expenses or has lost wages as a result of a crime, which are not covered by insurance, the victim may qualify for compensation under the Nebraska Crime Victims Reparation Act.

To qualify a victim must:

- ❖ **Report the crime to law enforcement within 3 days (72 hours), or if the incident or offense could not have been reported within that period, within 3 days of the time when a report could reasonably have been made.**

A victim of sexual assault, domestic violence, child abuse, or sex trafficking is not subject to the 3-day reporting requirement if, prior to the submitting the CVR application the applicant/victim reported the crime to law enforcement, or obtained a protection order related to the incident or presented for a forensic medical exam.

- ❖ **Apply for compensation within 2 years from the date of the crime.**

The compensation program does not cover loss of property or pain and suffering.

For more information and to access the Crime Victim's Reparations portal, visit ncc.nebraska.gov/crime-victim-reparations. To apply, click on the link for the Crime Victim's Reparations Portal. The Crime Victim's Reparations program can be reached at 402.471.2828

For additional victim assistance, contact your local Victim Witness/Assistance program, the Nebraska Victim Advocacy Program, or your local County Attorney's Office.

Nebraska Victims of Crime Alert Portal (NEVCAP)

NEVCAP is a free anonymous electronic system that provides victims of crime the ability to check on the status of a specific offender and/or be notified if the offender is released from prison, jail or transferred to another Nebraska correctional facility. NEVCAP provides English and Spanish support and alerts by text messages (SMS) and emails.

For inmate status or to be notified when an inmate is released or transferred in Nebraska, go to <https://nevcap.nebraska.gov> and follow the prompts to register.

***Victim of a federal crime - U.S. Department of Justice Victim Notification System:
<https://www.notify.usdoj.gov/>**

***Offender is detained outside of Nebraska in another state's jail or prison - VINELink and select state: <https://www.vinelink.com/classic/#/home>**

Victim may also request help from a victim assistance agency.

The status of a Nebraska inmate can be checked on at any time by entering the name of the offender on the NEVCAP website.

To receive notifications when the offender is released or moved to another Nebraska facility, the victim must first register on the NEVCAP website to be notified via text message or email.

❖ Victim will be asked to provide a phone number where they can be reached and to select a four digit Personal Identification Number (PIN) code.

Immigrant Victims of Crime

It is well documented that immigrants to the United States suffer higher rates of criminal victimization than United States citizens, especially with regard to domestic violence and sexual assault. As such, the federal Violence Against Women Act (VAWA) law provides for some potential options for immigrant victims of crime.

VAWA Self-Petition: *The VAWA Self-Petition is for immigrant victims of extreme cruelty or physical abuse who have a “qualifying relationship” with a citizen or permanent resident abuser. A qualifying relationship can include spouse, children, or parents of the citizen or permanent resident abuser. To qualify, victims must show they:*

- Have or had the qualifying relationship with a citizen or permanent resident abuser;*
- Currently reside or have resided with the abuser;*
- Have good moral character, and*
- Have been a victim of extreme cruelty or physical abuse.*

The VAWA Self-Petition can be sought by anyone.

U Visa: *The U Visa was created with two goals: (1) to create a tool for law enforcement to encourage the reporting of crimes, and (2) to offer immigrant protections for victims. In order to qualify for a U visa, victims must:*

- Be a victim of a qualifying criminal activity and suffered substantial physical or mental abuse as a result of the crime;*
- Possess information about the crime;*
- Have been, currently are being, or are likely to be helpful in the investigation and/or prosecution of the qualifying criminal activity, and*
- Be a victim of a criminal activity that violated a United States law.*

In order to file a U visa, victims must first obtain a signed U Visa Certification form from qualified U Visa certifiers, which can include law enforcement, prosecutors, judges, Child

Protective Services, the Department of Labor, etc. Nebraska state law provides that U visa certifiers must respond to all requests for U visa certifications within 90 business days of such request.

Qualifying criminal activities include:

- *Abduction*
- *Abusive Sexual Contact*
- *Blackmail*
- *Domestic Violence*
- *Extortion*
- *False Imprisonment*
- *Female Genital Mutilation*
- *Perjury*
- *Felonious Assault*
- *Fraud in Foreign Labor Contracting*
- *Hostage Taken*
- *Incest*
- *Peonage*
- *Involuntary Servitude*
- *Kidnapping*
- *Manslaughter*
- *Rape*
- *Murder*
- *Obstruction of Justice*
- *Witness Tampering*
- *Prostitution*
- *Sexual Assault*
- *Slave Trade*
- *Stalking*
- *Torture*
- *Trafficking*
- *Sexual Exploitation*
- *Unlawful Criminal Restraint*
- *Other related crimes*

T Visa: The T Visa provides immigration protections to victims of a severe form of trafficking in persons. This can involve both sex trafficking and labor trafficking. In order to qualify for a T visa, victims must:

- *Currently be or were victims of a “severe form of trafficking” as defined under federal law.*
- *Be in the United States or United States territories due to trafficking.*
- *Comply with a reasonable request from law enforcement for assistance in the investigation and/or prosecution of the trafficking.*
 - ❖ *An exception can be made to this requirement if the victim is under the age of 18 or if the victim is unable to cooperate due to physical or physiological trauma.*
- *Demonstrate that removal from the United States would cause the victim extreme hardship.*

Victims are encouraged to obtain T Visa certification forms from qualified certifiers, but a certification form is not required to file. Nebraska law provides that T visa certifiers are required to respond to requests for a T visa certification within 90 business days of such request.

For more information about these types of relief, go to:

<https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/resources-for-victims-of-human-trafficking-and-other-crimes>

GLOSSARY

Arraigned - To be called before a Court to be notified of the charges and possible penalties that have been filed against the defendant.

Bail - An amount of money set by the court which allows a person charged with a crime to be released from jail. The purpose of bail is to insure the defendant (person charged with a crime) will appear in court. The defendant usually must pay 10% of the amount of bail set by the judge in order to be released. For example, a defendant would need to pay \$250 of a \$2,500 bail to be released.

Complaint - A written document presented to the court charging a defendant with an offense.

Continuances - Sometimes court hearings cannot always take place as scheduled. As a witness you may be informed that your case has been continued or will be heard on another day.

Conviction - When a defendant is found guilty of the crime they committed either by a jury or by a judge.

County Attorney | Prosecutor | County Attorney's Office - A lawyer employed by the county whose job is to prosecute people who are accused of committing crimes. In many counties, there are several attorneys employed. One is the County Attorney and the other attorneys are called Deputy County Attorneys.

Crime Victim Reparations Fund - A program to assist innocent victims of crime who suffer bodily harm and have incurred a financial loss as a direct result of a criminal act.

Crime Victim's Bill of Rights - A portion of the state constitution and state statute that guarantees certain rights to crime victims and which are listed in this pamphlet.

Defendant - A person who is charged with committing a crime.

Felony - A serious crime that is usually punishable by imprisonment for a term of greater than one year.

Furlough - A privilege of limited freedom from prison of 12 to 48 hours. Furloughs are approved by the Director of the Department of Corrections and the Board of Parole. Inmates who are on furlough are escorted by approved sponsors who are required to accompany the inmate at all times.

House Arrest – An alternative to a locked facility. The offender is restricted to a specific residence except for authorized periods of absence for employment or for medical, educational, or other reasons approved by the court. A person guilty of a crime involving abuse cannot be ordered on house arrest in the residence of the victim, regardless who owns the residence. Offenders on house arrest may be monitored by electronic surveillance devices or systems.

Jury - Twelve county residents sworn to decide if the defendant is guilty or not guilty of a crime he/she is charged with.

Misdemeanor – An offense for which a maximum sentence of one year or less in jail, probation, and/or a fine can be imposed. There is no preliminary hearing held for misdemeanor crimes.

No Contest (Nolo Contendere) - A plea by the defendant in a criminal prosecution that, without admitting guilt, subjects them to a conviction but does not prevent them from denying the charges in a future court proceeding.

Parole - The supervised release of an inmate after they served a portion of their sentence in prison. An inmate's parole release is subject to the conditions set by the Nebraska Board of Parole. Violation of these conditions can result in the arrest and return of the inmate (parolee) to prison.

Parole Board (Board of Parole) - A five-member board (separate from the Nebraska Department of Correctional Services) that makes decisions about whether to approve, deny or revoke parole releases.

Perjury - Not telling the truth after swearing in under oath.

Pre-Sentence Investigation - A report prepared by a probation officer which provides background information about the defendant, the crime and its impact on the victim. The judge uses this information in sentencing the defendant.

Protection Order - An order from a judge designed to attempt to protect victims from future acts of abuse or harassment.

Public Defender - Lawyer employed by the local government to represent defendants who cannot afford to pay for a lawyer's services.

Restitution - Payment by offenders in accordance with their ability to pay, made to the court, which is then transferred to the victim, for damage that happened during a crime. Restitution helps to make the offender accountable for the crime and helps restore the victim's financial loss.

Sexual Assault Victim's Bill of Rights - A portion of the state statute that guarantees certain rights specific to sexual assault victims and which are listed in this pamphlet.

Subpoena - A court order directing a person to be present at a certain time and at a certain place. Failure to comply with the subpoena will cause a person to be in contempt of court.

Victim - As defined by Neb. Rev. Statute 29-119 is a person who, as a result of a homicide, a first or second degree sexual assault, a first or second degree assault, a sexual assault of a child, a first degree false imprisonment, or a robbery, has had a personal confrontation with the offender. Victim shall also mean a person who suffered serious bodily injury as a result of a motor vehicle accident when the violator was charged with driving under the influence. Some criminal justice agencies use a broader definition for victim.

Victim Impact Statement - A written statement that a victim may use to explain to a Probation Officer and a judge how the crime has affected them emotionally, physically and financially. Forms are available for this purpose from the Probation Office, a victim advocate, or directly from the County Attorney's office.

Waive (Victim Rights) - To voluntarily give up or to temporarily postpone your rights as a victim of a crime.

Work Release - A program that allows an inmate who is confined in prison to be released each day to go to work in the community.