

WHAT ARE MY RIGHTS WHEN THE DEFENDANT IS INCARCERATED?

Upon the judge giving a final judgement and moving into the commitment phase of a trial, what rights am I entitled?

Responsibilities of agency with custody of defendant:

When a form requesting notification is included with the final judgment and commitment, or when you have filed a written request for notification with the custodial agency (jail/prison facility), the custodial agency **shall** notify the victim of the following within 60 days of the date the custodial agency takes custody of the defendant or within 60 days of the event requiring notification, or as otherwise specified:

- ✦ The projected date by which the defendant can be released from custody. The calculation of the release date shall be as exact as possible, including earned time and disciplinary credits if the sentence of imprisonment exceeds 90 days.
- ✦ An inmate's assignment to a minimum custody unit and the address of the unit. This notification shall include notice that the inmate's minimum custody status may lead to the inmate's participation in one or more community-based programs such as work release or supervised leaves in the community.
- ✦ Your right to submit any concerns to the agency with custody and be made aware of the procedure for submitting such concerns.
- ✦ **The defendant's escape from custody, within 72 hours, except if you have notified the agency in writing that the defendant has issued a specific threat against the victim, the agency shall notify you as soon as possible and within 24 hours at the latest.**
- ✦ The defendant's capture, within 24 hours.
- ✦ The date the defendant is scheduled to be released from the facility. Whenever practical, notice shall be given 60 days before release. In no event shall notice be given less than seven days before release.
- ✦ The defendant's death.
- ✦ The procedure for alleging a failure of the custodial agency to notify the victim as required by this section.

