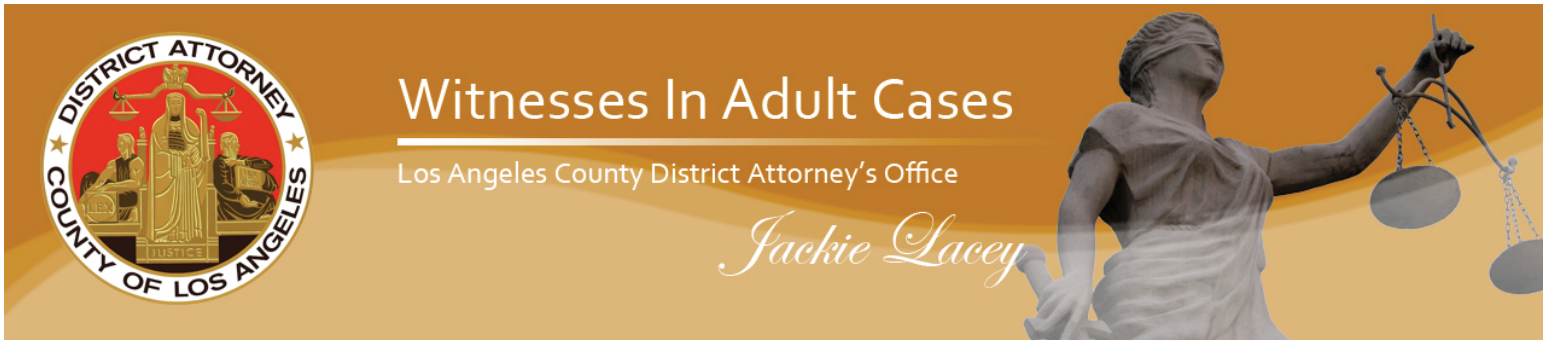

Information for Witnesses in Criminal Cases

The law requires that all victims and witnesses be treated with dignity, respect, courtesy and sensitivity. The rights of victims and witnesses are to be honored and protected.

What should I do if I receive a subpoena?
A subpoena is a court order. When you receive a subpoena you must go to court on the date and at the time shown on the subpoena. You may ask to be placed "on call," which means you do not have to appear in court at the time noted on the subpoena, but you agree to come to court within a specific amount of time after being contacted. Failure to appear could result in a warrant for your arrest. For more information regarding "on call" status, please contact the witness coordinator at the phone number on your subpoena.

What should I know before I go to court?
Leave your home early enough to allow enough time for travel, traffic, parking, court security screening and elevators.

Everyone entering a courthouse must go through the court security screening. The following items are not allowed in courthouses: guns, knives, glass containers (such as juice bottles), metal utensils, scissors, nail clippers, metal knitting needles, weapons or any other sharp objects.

What should I wear?
Business casual clothing is suggested. Do not wear shorts, tank tops, clothing that shows your stomach, beachwear, flip-flops or clothing with inappropriate words or signs. Do not wear buttons or carry signs having to do with the case without discussing it first with the prosecutor.

How should I conduct myself at the courthouse?
To make sure that nothing you do has a negative impact on the case:

- Never attempt to talk to or communicate with anyone who has a "Juror" badge.
- Do not talk about the case within hearing distance of a juror.
- Turn off cell phones and other electronic devices while in the courtroom.
- Leave drinks, food and gum outside the courtroom.
- Smoking is not permitted in any courthouse.
- While in the courtroom, never attempt to talk to or communicate with a defendant.[1]
- Wait until the jury exits before leaving the courtroom unless otherwise directed.

What should I do if I have safety concerns?
Intimidating or harassing a victim or witness is a crime. If this has happened, contact your local law enforcement. If you have concerns about your safety while in court, notify the Sheriff's Department in the courthouse or the bailiff in the courtroom as well as the prosecutor or victim advocate.

What if I am contacted by someone other than a prosecutor or the police for an interview or to give a statement?
Anyone contacting you about the case should clearly identify themselves and their role in the criminal justice system (e.g., a representative of the District Attorney's Office, the law enforcement agency or the defendant). Be truthful whenever speaking to anyone about the case. Victims and witnesses have a right to refuse to talk to anyone, including the defendant, his/her attorney or anyone acting on his/her behalf. Victims and witnesses also can set reasonable limits on any conversation they have with anyone seeking to interview or obtain a statement from them, including a defendant or a representative of a defendant.

It is best not to discuss the facts of the case with any other witnesses, even if they are friends or family members.

What happens when I testify in court?
Every witness must take an oath to tell the truth. When any witness testifies, both sides will ask questions. Attorneys may ask about prior statements you made to police, statements by other witnesses records they have obtained, reports in the media, any emails or texts you may have written or information on Facebook or other social media sources. The following are guidelines for testifying in court:

- Be truthful. Do not exaggerate your testimony.
- If you do not understand a question, ask that it be repeated or explained.
- Answer the question asked. Do not volunteer additional information.
- Do not guess.
- If an attorney objects to a question asked by another attorney, wait until the judge tells you whether to answer the question.
- Try to avoid distracting mannerisms such as yawning, nail biting, laughing or facial expressions like eye rolling.
- Never answer a question when you are angry. It may diminish the impact of your testimony.

What if my boss doesn't want me to come to court?
It is against the law for an employer to fire or harass an employee who takes time off from work to go to court because of a subpoena. Please contact the District Attorney's Office if there is an issue.

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What if I need a special accommodation?
Witnesses who need an ALS, TDD/TTY or who have mobility issues should advise the witness assistant at the contact number listed on the subpoena.

As a victim, am I eligible for compensation?
Victims of crimes of violence may be eligible to receive compensation for their crime-related losses. Victim advocates[2] with the Bureau of Victim Services can explain this program more fully and assist you in applying for this program if you are eligible. The toll-free number for the Bureau of Victim Services is (800) 380-3811.

What if I want to file a lawsuit?
Anyone who has had monetary or property loss because of the criminal act of another has the right to file a civil suit to attempt to recover those losses, regardless of whether a criminal case was filed or the outcome of the criminal case. In a civil case, one person sues another and the state is not involved. Prosecutors cannot give legal advice to witnesses on filing a civil lawsuit, nor can they represent them. If you are considering filing a civil lawsuit, you should contact a civil attorney as soon as possible.

Many informational pamphlets are available on the Los Angeles County District Attorney's website including: Crime Victims Know Your Rights (http://da.lacounty.gov/crime-victims-know-your-rights), Navigating the Criminal Justice System (http://da.lacounty.gov/navigating-criminal-justice-system), Marsy's Law (Victims' Constitutional Rights) (http://da.lacounty.gov/marsys-law) and Families Surviving Criminal Homicide (http://da.lacounty.gov/families-surviving-criminal-homicide).

[1] Any communication with the defendant should be carefully considered. Prior to initiating contact with the defendant at any time, it is recommended that you discuss the reason for the communication with a victim advocate or the prosecutor assigned to your case. Should you be contacted by the defendant or a representative of the defense, it is also recommended that you carefully consider your response (see the "What if I am contacted by someone other than a prosecutor or the police for an interview or to give a statement?" section).
[2] The Bureau of Victim Services has victim services representatives who work as governmental victim advocates to assist victims of crimes of violence and threat of violence throughout the criminal justice process.

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