

Overview

NCVC is a non-profit that provides national victim rights advocacy, direct service to all survivors of crime, and training and technical assistance for professionals. If you are a victim of a crime, you may have state and federal rights you are entitled to. While you may not choose to use the term victim to identify yourself, the law uses this word to establish who qualifies for specific services and rights. Each state uses a different definition and may have different rights and services. This pamphlet will help you understand some of the common federal rights and resources available.

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NCVC GUIDE for
CRIME VICTIMS

**VICTIM
RIGHTS**

www.victimsofcrime.org



Know Your Rights

The **right to be treated with fairness**, dignity, sensitivity and respect; this means that your needs should be considered in the criminal justice system

The **right to notice**. This means you have the right to be informed about the rights you are entitled to and how to invoke them.

The **right to be present**. Victims have the right to be physically present at open court proceedings related to investigation, prosecution, and incarceration. The right to be heard in the criminal justice process, including the right to confer with the prosecutor and submit a victim impact statement at sentencing, parole, and other similar proceedings.

The **right to be informed** of proceeding where you can be present and heard, as well as events in the criminal justice process, including the release or escape of the offender, legal rights and remedies, available benefits and services, and access to records, referrals, and other information.

The **right to protection** from intimidation and harassment. Most states will provide victims with information so they can take reasonable steps to secure their safety. This may mean notification of release or other custody statuses. Some states even provide victims with information that allows the victim to avoid certain areas.

The **right to privacy**. You have the right to protect your personal information (name, contact information, and location) in criminal justice documents. This includes your name, phone number, and address. In some cases you may be entitled to additional privacy protection through state Address Confidentiality Programs.

The **right to the expeditious return of personal property** seized as evidence whenever possible. This



law varies based on the place you live, but all 50 states include this right.

The **right to a speedy trial** and other proceedings free from unreasonable delay. The specifics of these rights depends on where you live and where the crime occurred.

The **right to enforcement** of these rights and access to other available remedies. Victims have a right to make sure their rights are enforced. This process is complex in most jurisdictions. Access the resources in this pamphlet to learn more about state and jurisdiction level enforcement of these rights.



The **right to apply for crime victim compensation**. Crime Victim Compensation is money paid by the government for certain losses. You have the right to apply but are not guaranteed to receive funds.

The **right to restitution from the offender**. Restitution is ordered based on actual financial loss (past/future) related to the crime committed against you and requires an individual be convicted. It is important to keep receipts of these expenses once a crime occurs. The amount can be paid in full but more commonly, the individual will create a payment plan. If the individual who commits the crime is on probation or parole, often the probation officer will be responsible for collecting payments for the court.

How Can I Access my Rights?

Rights afforded to victims of crime are either automatic or require a victim of crime to opt into services. Typically, victims can sign up for rights at any stage of the criminal justice process, though it most commonly happens during prosecution. If you did not elect your rights or opted-out, please know that you can change your mind at any time. To elect your rights, it is best to reach out to the agency that is currently in control of your case, for example:

1. The prosecuting attorney (during the trial phase);
2. Parole Board or other authoritative body (if offender is sentenced to prison); or
3. The Community Supervision Program (if the offender is on probation or parole).

Where Can I Get More Information?

- **The National Crime Victim Law Institute (NCVLI)** provides a Victim Law Library, Resource Map, and Legal Resource Referrals. https://law.lclark.edu/centers/national_crime_victim_law_institute/about_ncvli/know_your_rights.php
- **VictimLaw** provides a comprehensive and searchable database for victims' rights. <https://victimlaw.org/victimlaw/>
- **The National Crime Victim Bar Association** - A professional association of Attorneys and allied professions dedicated to helping victims seek justice through the civil system. <https://victimbar.org/>
- **VINELink** is a critical tool for status notifications for anyone, not just the legal victim (or victim of the instant offence) <https://www.vinelink.com/#state-selection>
- **VictimConnect Resource Center** - a weekday phone, chat, and text-based referral helpline that provides emotional support, information, and referrals that empower visitors as they navigate the physical, emotional, legal, and financial consequences of crime. **1-855-4VICTIM** and <https://chat.victimsofcrime.org/victim-connect/>

