

**Victims' Rights Education Project**  
***Victims' Rights Brochure Kit***

**A**  
**Component of the**  
**Victims' Rights Education Project**

***Prepared by:***  
**National Victims' Constitutional Amendment Network**

***February 27, 2004***

**The National Victim Constitutional Amendment Network (NVCAN) is a non-profit organization comprised of leaders in the victim rights movement from across the nation. NVCAN is dedicated to advancing and supporting the rights of crime victims at all levels.**

## Table of Contents

Acknowledgments .....	4
Introduction .....	5
The Victims' Rights Education Project .....	5
Goal and Objectives .....	6
The Victims' Rights Brochure Kit .....	7
Introduction.....	7
Brochure Topics .....	7
Brochure Format .....	8
Adapting the Brochure Content .....	8
Victim Notification Brochure.....	10
Overview.....	10
Why Victim Notification Is Important.....	10
Your Victim Notification Rights.....	10
Your Role in the Notification Process.....	10
For More Information.....	11
<i>Options for Brochure Text</i> .....	12
Victim Protection Brochure.....	14
Overview.....	14
Why Victim Protection Is Important .....	14
Your Victim Protection Rights .....	14
Your Role in the Protection Process .....	15
For More Information.....	15
<i>Options for Brochure Text</i> .....	16
Victim Impact Statements Brochure.....	18
Overview.....	18
Why Victim Impact Statements Are Important.....	18
Who Can Complete a Victim Impact Statement? .....	18
Your Victim Impact Statement Rights.....	18
Your Role in the Victim Impact Statement Process.....	19
For More Information.....	20
<i>Options for Brochure Text</i> .....	21
Victim's Participation/Attendance Brochure .....	23
Overview.....	23

Why the Right To Be Present Is Important.....	23
Your Right to Be Present .....	23
Limited Right to Attend Trial .....	23
Notification of Proceedings .....	23
Right to Participate.....	23
Right to Have a Representative Attend on Your Behalf .....	24
For More Information.....	24
<i>Options for Brochure Text</i> .....	25
<b>Victim Restitution Brochure</b> .....	28
Overview.....	28
Why Victim Restitution Is Important .....	28
Your Victim Restitution Rights.....	28
The Restitution Process .....	29
Your Role in the Restitution Process.....	29
What If the Offender Has Not Paid Court-ordered Restitution?.....	30
For More Information.....	30
<i>Options for Brochure Text</i> .....	31
<b>Victim Information and Referral Brochure</b> .....	34
Overview.....	34
Why Victim Information and Referral Are Important.....	34
Your Victim Information and Referral Rights .....	34
Important Basic Issues for You to Consider .....	34
Assistance and Services .....	35
Information About Your Rights as a Victim of Crime .....	35
Your Role in the Information and Referral Process .....	35
For More Information.....	35
<i>Options for Brochure Text</i> .....	36
<b>Crime Victim Compensation</b> .....	40
For Additional Information.....	41

## Acknowledgments

This Project would not have been possible without the dedication and expertise of many groups and individuals. It is with profound gratitude that the NVCAN Project Team thanks the following people:

The volunteers who served as state liaisons, coordinating all local activities and providing feedback and direction to the project team.

The many victims/survivors and victim service providers, criminal justice professionals and allied professionals for participating in the group field interviews. Their contribution formed the scope and framework of these materials.

Project Team:

Mary McGhee, Steve Siegel, and Nancy Lewis, NVCAN Grant Managers, oversight of grant and Project

Anne Seymour, Victims' Rights Consultant, Project Team member, facilitation of group field interviews and development of educational materials

David Beatty, Executive Director, Justice Solutions, Project Team member, facilitation of group field interviews and development of educational materials

Doug Beloof, Director, National Crime Victim Law Institute, Lewis & Clark Law School, legal research

Marti Kovenor and John Patzman, web design and development

Project Staff:

Ann Jaramillo, NVCAN Victims' Rights Education Project Director

Amy Brouillette, NVCAN Victims' Rights Education Project Administrative Assistant

## Introduction

### The Victims' Rights Education Project

Since the inception of the victim assistance field in 1972, over 32,000 statutes have been passed in states that define and protect the rights of crime victims. For many victims, these victims' rights laws become their "guide" to understand and navigate the criminal justice system, and give them a sense of control over their destiny after they have been harmed by crime. Victims' rights statutes are essential to our nation's ultimate goal of "justice for all."

The Victims' Rights Education Project, sponsored by the National Victims' Constitutional Amendment Network has developed the Victims' Rights Education Project Toolkit to help victims, witnesses and the American public better understand victims' rights and how to exercise them. This Toolkit was designed with input from professionals and volunteers who include victims/survivors, victim assistance professionals, criminal justice professionals, and legal counsel. The Project conducted a series of group field interviews with crime victims/survivors, service providers, justice and other allied professionals in 12 states. The data resulting from this vital input from the field were collected and analyzed. In addition, a wide range of existing resources about victims' rights – including laws, brochures, handbooks, and web sites – were reviewed to contribute to the development of the Toolkit. The Tools include this *Victims' Rights Brochure Kit* and:

- The *Creating a Victims' Rights Public Education Strategy Guidebook* that helps victim service providers, and organizations and agencies that assist victims of crime, develop a strategy to educate crime victims and survivors, criminal justice officials and the rest of society about victims' rights, what they mean, and why they are important.
- An *Introduction and Overview* that provides a complete description of the Project and its products and deliverables. It describes the target audiences; addresses the potential for "mixing and matching Tools"; and suggests considerations for funding and marketing the products customized by victim service providers, and organizations and agencies that assist victims of crime.
- A *Crime Victims' Rights Miranda Card* that includes the core rights of victims in a brief format that can be contained on a pocket-size "Miranda style" card to be handed to crime victims at the first point of contact with law enforcement.

- The *Victims' Rights Handbook* for use by victims of crime and the general public to increase awareness of victims' rights and how to exercise them, and their understanding of the criminal justice system.
- A *Frequently Asked Questions (FAQ) Kit* that includes a model for victim service providers, and organizations and agencies that assist victims of crime, to customize a FAQ List of commonly asked questions and issues of concern to crime victims in their state and/or jurisdictions.
- A *Talking Points Kit* for victim service providers, and organizations and agencies that assist victims of crime, to enhance training, educational materials and presentations that address the need for and value of victims' rights.
- *Promising Practices in the Compliance and Enforcement of Victims' Rights Kit*, which provides guidance for victims to exercise their rights.

### **Goal and Objectives**

The NVCAN developed the Victims' Rights Brochures to provide clear and simple information about crime victims' core rights that can be easily adapted by states and jurisdictions.

This goal can be met by the following three objectives:

1. Providing options within the brochures' text that address issues that may be state- or jurisdiction-specific for consideration by the field.
2. Providing recommendations to the field – included in this “overview” section – about how to adapt the brochures for paper-based or electronic publication.
3. Providing suggestions on how to develop a dissemination plan that effectively reaches victims with information about their rights.

# The Victims' Rights Brochure Kit

## Introduction

For victims whose cases proceed through the criminal justice system, information about their rights and how to exercise them is critical. Knowledge of core victims' rights helps educate victims about justice processes and their role in exercising their rights, and provides them with opportunities to make *informed* decisions about their cases and their lives. In addition, information about victims' rights provides an excellent opportunity to refer victims to additional services in the community or in the system, and to other resources that help them more clearly understand their rights and their experiences as victims of crime.

While victims' rights differ considerably across states, there are important global issues that are relevant to *most*, if not *all*, jurisdictions. These issues form the foundation of these brochures, with clear indication and explanation of topics that may differ.

## Brochure Topics

There are seven core victims' rights addressed in the *Victims' Rights Brochures Kit*. The eighth core right to compliance is addressed in the "*Promising Practices in the Compliance and Enforcement of Victims' Rights*" Kit. Each of these seven brochures can be published as a "stand alone" or be included in a "victims' rights information package" as a group. While the implementation of victims' rights is seldom linear, the recommended order of brochures for any overall package is as follows:

- Victim notification.
- Victim protection.
- Victim impact statements.
- Victim participation/attendance.
- Victim restitution.
- Victim information and referrals.
- Victim compensation.

In addition, some states have laws that address "compliance" with victims' rights, i.e. the range of actions that can happen when a justice official willfully denies a crime victim a right that is defined by law. The "*Promising Practices in the Compliance and Enforcement of Victims' Rights*" Kit highlights proactive measures that victims can take to know, understand and exercise their rights, as well as "promising practices" in victims' rights compliance.

## Brochure Format

Each brochure features a simple, consistent format that enhances its capacity to be a component of an overall victim education effort, and includes the following sub-headings:

- An Overview of (the Right).
- Why (the Right) Is Important.
- Your (Topic) Rights.
- Your Role in the (Right) Process.
- For More Information.

Please note that some brochures have additional sub-headings that provide further information specific to the right they describe. In addition, the “Victim Compensation” document is written as a “fact sheet” that highlights the general, important information victims should know about how to apply for compensation.

## Adapting the Brochure Content

While the brochures are designed to describe the most important general issues related to each specific right and how to exercise it, there are state- and jurisdiction-specific issues that must be addressed prior to publication. Within the text of each brochure, these issues are identified by brackets with numbers, i.e., [ 1 ].

Following each brochure’s text is a section entitled “Options for Brochure Text.” In this section, each possible option that is state- or jurisdiction-specific is clearly described. The brochure’s drafter(s) must adapt the final brochure text to include the options that apply to his or her state or jurisdiction.

To make the model brochures most useful to you and the victims you seek to educate, you will need to adapt the models to reflect the actual laws in your jurisdiction and create your own customized Brochures. NVCAN asks that brochure drafters add the following attribution to NVCAN on the last page of each brochure, *“The prototype for the development of this brochure was created by NVCAN, a non-profit organization comprised of leaders in the victim rights movement from across the nation.”*

## Brochure Development and Dissemination Strategy

There are a variety of innovative approaches that can help develop effective victims’ rights brochures, and ensure that they reach the widest audience possible. To facilitate this process, it is important to review the *Creating a Victims’ Rights Public Education Strategy Guidebook* that offers useful tips to:

- Create a public education strategy team.
- Create strategy goals and objectives.



- Determine target audiences for the brochures.
- Adapting and formatting the brochures to a specific jurisdiction.
- Effectively reach diverse populations.
- Enhance public policy and agency policy development.
- Disseminate the brochures through paper-based, electronic, and training and public education venues.
- Utilize the news media to publicize the availability of the brochures.

# Victim Notification Brochure

## Overview

As a victim of crime, your right to notification is essential to help you understand and keep you informed about criminal justice processes and supportive services available to help you. By exercising your right to notification, you will be kept informed of the status of your case, the status of the alleged or convicted offender, and services that can help you rebuild your life in the aftermath of a crime.

### Why Victim Notification Is Important

Your right to victim notification can:

- Inform you of your [ 1 ] rights as a victim of crime, which include the rights to [ 2 ], and help you exercise them.
- Keep you informed of the date, time, and place of critical hearings and proceedings.
- Keep you informed about what is happening with your case, and the location and status of the accused or convicted offender.
- Help you take an active role to seek justice, hold offenders accountable for the harm they have caused, and promote improved safety for victims and our community.
- Help you make *informed* decisions related to your case and to your future.
- Link you with criminal justice and other officials, including [ 3 ], who can help you understand the criminal justice process and your role as a victim/witness, and enforce your rights as a victim of crime.
- Link you with supportive services that can help you cope with the physical, emotional, financial and spiritual impact of crime on you and your loved ones.

### Your Victim Notification Rights

Under [ 4 ] law, you have the right to be notified of: [ 5 ]

We can contact you with victim information and notification [ 6 ]:

### Your Role in the Notification Process

In order to be notified about the status of your case and offender, and your rights as a victim of crime, you must:

- Request to be notified by [ 7 ].
- Keep the notifying agency informed of any changes in your contact information (address, telephone number, or e-mail address) so that accurate and timely information and notification can be provided to you.

- Keep the notifying agency informed if and when you no longer wish to be notified.

**For More Information**

A number of agencies can help you learn more about your rights to notification, and to provide you with information or referrals to further victim assistance services. Please call or visit the web sites of [ 8 ] for further information and assistance.

## **Victim Notification**

### ***Options for Brochure Text***

- [ 1 ] Statutory and/or constitutional.
- [ 2 ] Be informed of your rights; information about and help in applying for victim compensation in violent crime cases; information about the status of your case; information about victim witness programs; information about the status and location of your alleged or convicted offender; reasonable protection from the accused or convicted offender; attend key criminal justice proceedings; to submit a victim impact statement or be interviewed about the impact of crime for a pre-sentence investigation (PSI) report; restitution paid by the offender to pay for financial losses you may have endured as a result of the crime; information about and referrals to victim assistance services to help you; and/or information about enforcing your rights as a victim of crime.
- [ 3 ] Law enforcement; prosecutors, court administrators; probation; parole; and institutional corrections. (and their respective victim services staff), as well as victims' rights compliance staff.
- [ 4 ] (Your) state.
- [ 5 ] While victim notification laws vary state to state, they generally address a victim's right to: 1) Notification of statutory and/or constitutional rights as a victim of crime; 2) Notification of hearings, and their rights to attend and participate in hearings; and 3) Notification of events related to the status of the case, and status and location of the alleged or convicted offender.

There are at least 65 possible points of notification for victims throughout the criminal justice continuum. These should be summarized and included in this section of the victim notification brochure.

- [ 6 ] (Include all that apply to your state or jurisdiction):
  - By telephone.
  - In writing.
  - By fax.
  - By e-mail.
  - By providing you with access to a secure web site that includes case and offender status information.
  - (In states with automated victim notification) By an automated system that will notify you of key information about your case and offender, and allow you to access such information 24-hours-a-day, seven days a week by calling (area code/telephone number) and following the prompts.
- [ 7 ] Your state statutes should provide information about how victims can exercise their rights to notification, which usually include:

- Putting the request for notification in writing to a designated criminal justice or victim assistance agency (in states that *require* victims to request notification).
- Completing a designated “victim notification request form.”
- Asking a designated criminal justice or victim assistance professional to register the victim for notification.
- In states with automated victim notification services, either having the victim self-register by calling the designated toll-free registration number, or asking the designated criminal justice or victim assistance professional to help the victim complete the registration process.
- In jurisdictions that utilize secure web sites for victim notification registration, providing information about how to complete this process.

[ 8 ] Informational resources may include the following:

- Law enforcement.
- Prosecutor.
- Court administration.
- Probation.
- Parole.
- Institutional corrections.
- System-based victim services programs.
- Community-based victim assistance programs.
- Attorney General Victim Assistance Program.

(When possible, include toll-free telephone numbers, and a web site URL for easy access).

# Victim Protection Brochure

## Overview

As a victim of crime, you may have important concerns about your personal safety, and that of your family and others close to you. Often, victims' concerns about safety arise from the trauma of victimization; from real or implied threats made by the alleged or convicted offender and his or her colleagues; or from not knowing or understanding your rights to protection as defined under law, and the range of services available to identify and address your safety concerns.

It is very important for you to identify *any* concerns that you may have about your personal safety -- however minor they may seem -- to criminal justice and victim assistance officials who are working on your case. Your input is necessary to develop approaches to help promote your safety within the criminal justice system, as well as in your home and community.

## Why Victim Protection Is Important

Your safety and security are vital to your ability to cope with the effects of victimization; your capacity to effectively participate in criminal justice processes as a victim or witness; and perhaps most important, your right to live free from intimidation or harm. The harm you have endured as a victim of crime should *not* be amplified by any threat of future harm to you or your loved ones.

## Your Victim Protection Rights

Your protection rights begin with ensuring that you are knowledgeable about the complete range of victims' rights available to you, which can help you make informed and educated decisions about your case and your future. These include the rights to: [ 1 ].

The right to "reasonable protection from the accused or convicted offender" means that you can request that the court/correctional agency/probation agency/parole authority issue a(n) [ 2 ]. This means that for a designated period of time [ 3 ], the offender will be under a criminal justice system order to refrain from contacting you [ 4 ].

You can also request contact information for the specific criminal justice agency and official(s) who are responsible for offender supervision or incarceration.

A(n) [ 2 ] *cannot* guarantee your personal safety and security. It is important that you be aware of the specific conditions of the [ 2 ], and confirm that it has been served to the offender, i.e., that he or she is in possession of the order.

It is also helpful to make decisions and consider actions that can enhance your personal safety and security – at home, while working, and in the community. Assistance is available to help you develop a personal safety plan by contacting [ 5 ].

In addition, you can have input into conditions of [ 6 ] that can help you feel safer, and place specified controls on the offender to prohibit or limit contact with you. Your input can be provided through [ 7 ]. If you are aware of any violations of such conditions (such as unwanted contact), and/or have documentation of such violations, you must immediately contact [ 8 ] so that corrective action can be taken.

### **Your Role in the Protection Process**

In order to enhance your personal safety and security, it is very important that you:

- Understand your core rights as a victim of crime, and how exercising them can contribute to your safety.
- Identify any concerns you may have about your safety to the criminal justice official or victim assistance professional who is working on your case, or helping you.
- Seek assistance to develop a personal safety plan if you feel that would be helpful.
- Request and obtain any specific protection orders available from the court/correctional agency/ paroling authority.
- Request and obtain the contact information for the criminal justice agency and specific official(s) who are responsible for supervising/incarcerating your offender.
- Offer your input into conditions of the sentence that may help you feel safer, through a victim impact statement and/or the pre-sentence investigation conducted by the court/probation agency.
- Report and, if possible, document any violations of conditions of the offender's supervision or incarceration of which you are aware to the supervising agency (such as unwanted contacts).

### **For More Information**

A number of agencies can help you learn more about your rights to protection, and to provide you with information or referrals to further victim assistance services. Please call or visit the web sites of [ 9 ] for further information and assistance.

## **Victim Protection**

### ***Options for Brochure Text***

- [ 1 ] (List all core victims' rights applicable to your state or jurisdiction):
- Be informed of your rights under law.
  - Be informed of your right to apply for victim compensation to help cover the financial losses that result from the crime (in violent crime cases).
  - Be notified about the status of your case.
  - Be notified about the status and location of your alleged or convicted offender.
  - Reasonable protection from the accused or convicted offender.
  - Participate in and/or attend (list key justice proceedings at which the victim has a right to participate and/or attend).
  - Provide a victim impact statement at (the time of sentencing/parole eligibility hearings/ probation revocation hearings/parole revocation hearings).
  - Receive information about and referrals to available victim services in your community.
  - Victim or victim witness protection programs.
  - (Any other core rights).
- [ 2 ] order of protection/stay away order/no contact order/no trespassing order.
- [ 3 ] (Designate the options available):
- Temporary: for a designated period of time, such as 90 days.
  - Permanent: the order remains in effect for perpetuity, or until it is revised by the justice agency that issues it.
- [ 4 ] (Include all types of contact that apply):
- In person.
  - By mail.
  - By telephone or pager.
  - By e-mail or other form of electronic communications.
  - Through a third-party individual.
- [ 5 ] Contact information for system- or community-based agencies or victim assistance programs that can provide assistance in safety plan development.
- [ 6 ] the sentence/incarceration/community supervision



[ 7 ] (List all that apply to your jurisdiction)

- A victim impact statement.
- A pre-release investigation (PRI) report.
- A pre-sentence investigation (PSI) report.

[ 8 ] Contact information for the agency/official in charge of offender supervision or incarceration.

[ 9 ] Informational resources may include the following:

- Law enforcement.
- Prosecutor.
- Court administration.
- Probation.
- Parole.
- Institutional corrections.
- System-based victim services programs.
- Community-based victim assistance programs.
- Attorney General Victim Assistance Program.

(When possible, include toll-free telephone numbers, and a web site URL for easy access).

# Victim Impact Statements Brochure

## Overview

The victim impact statement is your opportunity to describe to the court how the crime affected you and your loved ones – emotionally, physically, financially and spiritually. The “voice of the victim” is clearly heard through the victim impact statement process, and provides valuable information to the court to determine a just and effective sentence. For many victims, it is also a useful process to personally reflect on how the crime has affected them, their family and friends.

When a criminal defendant is convicted of a crime by a judge or jury, or agrees to a plea agreement, the victim impact statement is provided to the court at the time of sentencing.

## Why Victim Impact Statements Are Important

Your victim impact statement is extremely important because it will help the court better understand:

- The circumstances of the crime and its emotional, physical, financial, and spiritual effects on you and your loved ones.
- Any concerns you may have about your safety and security.
- Any significant changes in your life that you may have experienced since the crime occurred.
- Your suggestions for a resolution that is fair and just, and your thoughts about how the offender can take responsibility for actions that caused you harm and loss.
- Your wishes to receive further information and/or notification about the status of your case and offender.

## Who Can Complete a Victim Impact Statement?

Anyone who is a direct victim of a crime can complete a victim impact statement. If you [ 1 ], you have the right to complete a victim impact statement. In addition, [ 2 ]

## Your Victim Impact Statement Rights

At the time of sentencing, you can provide victim impact information to the court. However, it may be helpful to begin considering how the crime affected you and your family *prior to this time* so that your statement is comprehensive and effective.

*You do not have to fill out a victim impact statement.* However, it may be helpful to the judge when he or she decides what sentence the defendant should receive, any money the defendant may have to reimburse you for expenses you have paid or owe because of this crime, and conditions of the offender’s sentence and supervision.

In writing your victim impact statement, remember that it is not considered to be evidence or court testimony – it is simply (and importantly) your feelings about the crime and its impact on you and your loved ones. A victim impact statement form is available from the [ 3 ].

It is most helpful to the court if you address the following issues:

- The circumstances of the crime and how it affected you and your family.
- The *emotional impact* of the crime on you and your family.
- The *physical impact* of the crime.
- The *financial impact* of the crime.
- Any *spiritual impact* of the crime.
- Any concerns you may have about your safety and security, or that of your loved ones.
- What you would like to happen now (including recommendations for sentencing).
- Any suggestions you have for community service if it is ordered as a condition of the offender's sentence.
- Any other information you think might be helpful to the court in making its sentencing decision
- Your wishes to receive further information or notification about the status of the case and the convicted offender.

There are a number of ways that your victim impact statement can be provided to the court: [ 4 ]

You may also be contacted by a probation or court official to provide [ 5 ]

Your statement will become an official court document after it is given to the court, and will become part of the convicted offender's permanent file. The judge, prosecutor, and probation officer will review your statement. In addition, prison and parole officials may read your statement if the defendant is sentenced to a prison term. [ 6 ] It is important to ask [ 7 ].

### **Your Role in the Victim Impact Statement Process**

You will need to decide if you want to provide a *victim impact statement* to the court, and in which format you would like it to be delivered, and inform the [ 8 ] of your wishes.

Then, you can provide it to the court in the manner that is most comfortable for you. The [ 9 ] can answer any questions you may have about your statement, and provide assistance if needed and upon request.

The defendant may have the right to cross examine you about your victim impact statement if you present it orally before the court.

If the probation agency contacts you for a pre-sentence interview (PSI), you can complete this interview *in addition to* completing your victim impact statement (both will become official records of the court).

*Once you have delivered your victim impact statement and the court has sentenced the defendant, you can obtain information about [ 10 ] from [ 11 ].*

### **For More Information**

A number of agencies can help you learn more about your right to submit a victim impact statement, and to provide you with information or referrals to further victim assistance services. Please call or visit the web sites of [ 12 ] for further information and assistance.

## Victim Impact Statements

### *Options for Brochure Text*

- [ 1 ] were directly victimized by a crime, are the parent, child or sibling of a homicide victim, or are the parent, guardian or sibling of a victim who is under the age of 18,
- NOTE: Include any other persons who are eligible in your jurisdiction to complete a victim impact statement (such as friends, clergy members, co-workers, etc.).
- [ 2 ] a victim impact statement designed specifically for children is available from (the district attorney or probation agency).
- [ 3 ] District attorney/probation agency/court/victim services agency.
- [ 4 ] (List all delivery approaches relevant to your jurisdiction):
- In writing in a letter or statement to the court.
  - In writing using the victim impact statement form available from (the district attorney/probation agency).
  - In an oral presentation to the court (this is also called “allocution”).
  - On an audiotape that will be played in court.
  - On a videotape that will be played in court.
  - Via closed-circuit television that will be viewed by the court (this is sometimes utilized in cases involving sensitive victims, such as child victims, elderly victims, and victims with cognitive or developmental disabilities).
  - Child victim impact statements (which are provided in a format that is commensurate with child victims’ age and cognitive development)
- [ 5 ] victim impact information through a process called the pre-sentence investigation (PSI), which is conducted through an interview with you by a court or probation official. In addition to the PSI interview process, it is always helpful to document your feelings, concerns and losses in a written victim impact statement that will also become an official part of the court record.
- [ 6 ] *Add in applicable jurisdictions.* The defendant and the defendant's attorney will also be able to read what you have written. They may even be able to ask you questions about your statement in court. *However, the defendant will not be able to see your address and telephone number because you are not asked to put them on your statement.*
- [ 7 ] if the defense counsel, defendant or convicted offender will have access to your victim impact statement, and if your victim impact statement is placed in a secure, confidential section of the case file (NOTE: laws regarding access vary state to state).
- [ 8 ] District Attorney/Victim-Witness Staff/Judge/Court Administrator/Other
- [ 9 ] victim/witness staff and/or probation agency staff.

[ 10 ] the sentence, conditions imposed by the court relevant to incarceration or community supervision, and your rights as a victim in the post-sentencing phase of your case.

[ 11 ] the district attorney/district attorney's victim-witness staff/court administrator/probation agency/institutional corrections agency/other.

[ 12 ] Informational resources may include the following:

- Law enforcement.
- Prosecutor.
- Court administration.
- Probation.
- Parole.
- Institutional corrections.
- System-based victim services programs.
- Community-based victim assistance programs.
- Attorney General Victim Assistance Program.

(When possible, include toll-free telephone numbers, and a web site URL for easy access).

# Victim's Participation/Attendance Brochure

## Overview

As a crime victim, your right to be present at proceedings/hearings represents a unique opportunity to be part of the criminal justice process. Victims often feel that there is no substitute for witnessing, in person, the administration of justice in their own case.

### Why the Right To Be Present Is Important

Your right to be present can:

- Help you take an active role in securing justice, holding the offender accountable and promoting safety for yourself and your community.
- Remind the judge; jury and all court personnel of the real human consequences of crime in a way that helps foster a more balanced and just system.
- Keep you informed about what is happening in your case.
- Provide you with the information needed to ask the prosecutor timely and informed questions about your case and its progress.
- In some cases, relate directly to the implementation of other rights you have as a victim (such as your right to provide a victim impact statement at sentencing).

### Your Right to Be Present

The [ 1 ] grants you the right to be present at [ 2 ] including: [ 3 ].

### Limited Right to Attend Trial

Although your right to be present at the trial is granted by [ 4 ] it is not an *absolute* right. For example, your right to attend the trial may be limited, particularly if you are called upon to testify as a witness. Generally, court rules (specifically called the "rules of sequestration") require that potential witnesses be excluded from the courtroom during trial, at least until they have testified [ 5 ]. This limitation does *not* generally apply to the sentencing portion of the trial.

### Notification of Proceedings

You are entitled to be notified of the time, date and location of each proceeding for which you have a right to attend [ 6 ]. You will be notified by [ 7 ] at least [ 8 ] in advance of the proceeding. You are also entitled to be informed if the scheduled hearing is cancelled or re-scheduled [ 9 ]. [In order to receive notice of proceedings, you need to formally request such notice and to maintain your current address and contact information with the appropriate authorities] [ 10 ].

### Right to Participate

Although you may have the right to *attend* a proceeding, you may or may not have a right to *participate* in that proceeding. For example, you have the right to attend the trial, but you do not have the right to testify at trial. However, in cases that result in a plea

agreement or conviction, you do have the right to address the court at sentencing through a victim impact statement and during other proceedings [ 11 ]. [See the Victim Impact Statement Brochure in this Tool for more information about this specific victim's right] [ 12 ]

### **Right to Have a Representative Attend on Your Behalf**

As a general matter, anyone is allowed to attend a public hearing. However as a victim of the crime, you may have the right to designate a representative if you are unable to attend in person, or if you are the parent or legal guardian of an underage or incapacitated victim [ 13 ].

### **For More Information**

A number of agencies can help you learn more about your rights to be present, and to provide you with information or referrals to further victim assistance services. Please call or visit the web sites of [list appropriate agency] [ 14 ] for further information or assistance.



## **Victim's Participation/Attendance**

### ***Options for Brochure Text***

- [ 1 ] (Your) state law.
- [ 2 ] State law varies considerably regarding the number and nature of proceedings at which victims have the right to attend. Some states specifically list the proceedings; others limit the right to "public hearings"; while still others simply say that victims have the right to attend all proceedings that the accused/convicted offender has the right to attend. You will need to review the statutory/constitutional language to determine the approach that is mandated by law in your state.
- [ 3 ] This sample list of proceedings reflects hearings at which victims may have the right to attend under the law of your state. You may want to list all proceedings or, in the interest of space, you may want to select only those that are key.

Victims may have the right to be present at:

- Bail Hearings and/or Pre-trial Release Hearings.
  - Arraignment.
  - Portions of Grand Jury Hearings.
  - Pre-trial Hearings (i.e., evidentiary hearings, depositions, etc).
  - Trial.
  - Sentencing Hearings.
  - Post-trial Bail Hearings.
  - Restitution Hearings.
  - Appellate Hearings (hearings held to review appeals filed by either party in the case).
  - Commutation and Clemency Hearings.
  - Temporary Release Hearings (i.e., offender work-release, furlough, etc.).
  - Parole Hearings.
  - Parole Revocation Hearings.
- [ 4 ] (Your state law/state constitutional amendment). Check to see if this right is established by statute or constitutional amendment.
- [ 5 ] The statutory law and court rules may differ significantly between individual jurisdictions. Some allow victims listed as potential witnesses to be excluded from the entire guilt phase of the trial. Others allow victims to remain after they have testified the first time.

[ 6 ] This is generally the case for all jurisdictions, but check to make sure this is the case in yours.

[ 7 ] (Include all that apply to your state or jurisdiction):

- By telephone.
- In writing.
- By fax.
- By e-mail.
- By providing you with access to a secure web site that includes case and offender status information.

(In states with automated victim notification) By an automated system that will notify you of key information about your case and offender, and allow you to access such information 24-hours-a-day, seven days a week by calling (area code/telephone number) and following the prompts.

[ 8 ] Some state laws or local rules specify a time period for the provision of notification prior to the actual hearing. If this is the case in your jurisdiction, reference it here. If not, delete the sentence.

[ 9 ] This may or may not be true in your jurisdiction for any or all proceedings. Check your state law, court rules, or practices.

[ 10 ] Your jurisdiction may or may not require victims to register for notification. Adjust the text to reflect the law in your jurisdiction, and list any specific requirements for victims who wish to be notified.

[ 11 ] Check to see if this comports with relevant state law.

[ 12 ] Include this reference only if you plan to publish the companion “Victim Impact Statement” brochure.

[ 13 ] Generally the relevant statutes specifically state who can be designated by the victim to attend proceedings on his or her behalf and under what circumstances. Refer to the relevant state law.

[ 14 ] Informational resources may include the following:

- Law enforcement.
- Prosecutor.
- Court administration.
- Probation.

- Parole.
- Institutional corrections.
- System-based victim services programs.
- Community-based victim assistance programs.
- Attorney General Victim Assistance Program.

(When possible, include toll-free telephone numbers, and a web site URL for easy access).

# Victim Restitution Brochure

## Overview

Victim restitution is the payment of crime-related expenses to a victim from an offender who is convicted of a crime. It is designed to help crime victims recover the out-of-pocket expenses that result from the crime, such as medical treatment for physical injuries; the costs of mental health counseling; and the loss of or damage to property. It generally does not cover other costs, such as those resulting from “pain and suffering.” When an offender is found guilty, the court can order that he or she pay restitution to the victim based on [ 1 ].

Victim restitution is different from *victim compensation*. Restitution is a court-ordered obligation of the *offender* directly to his or her victim. Victim compensation is a state program that is available to victims of violent crime who report an offense and cooperate with the criminal justice process. Victims can complete an application for compensation to help pay for financial losses resulting from the violent crime.

Victims of violent crime have the right to seek restitution *and* file a claim for victim compensation. Additional information about victim compensation is available by calling the Crime Victim Compensation Program at [ 2 ].

## Why Victim Restitution Is Important

Restitution is important and helpful for several reasons. It:

- Helps victims pay for the many monetary losses that can result from criminal victimization.
- Holds offenders accountable for the laws they have broken and the harm they have caused to their victims, by requiring them to be responsible for the victim’s out-of-pocket expenses that result from the crime.
- Fulfills a key role of the criminal justice system in providing justice to victims and holding convicted offenders responsible for their crimes.

## Your Victim Restitution Rights

Victims of crime in [ 3 ] have the right to request a restitution order from the court [ 4 ] for all crime-related expenses that are *not* already covered by insurance or the Crime Victim Compensation Program. Generally, such expenses include (but are not limited to):

- Medical bills.
- Costs of mental health counseling.
- Costs of physical or occupational therapy.
- Funeral expenses (in homicide or manslaughter cases).
- Transportation costs.

- Lost wages due to an injury or the death of a loved one.
- Relocation expenses.
- Stolen or damaged property.
- Crime scene cleanup.

### **The Restitution Process**

Once an offender has been convicted of a crime, you have the right to provide information about your financial losses through [ 5 ]. Documentation of your financial losses will become a record of the court, and can help the judge determine the amount of restitution to be ordered. The Victim/Witness Program within the Office of the District Attorney or the County Probation Office can provide you with guidelines to help you consider and document your restitution losses. [ 6 ]

In some cases, [ 7 ]

If a convicted offender is sentenced to probation (where he or she will be supervised in the community), he or she must pay court-ordered restitution to one of the following [ 8 ], who forwards payments to you; *there will be no contact between the offender and you for the purpose of restitution payments*. The [ 8 ] will determine a payment plan and schedule for the restitution order (you can request a copy of this plan and schedule for your records by calling, writing or e-mailing [ 9 ]).

If a convicted offender is sentenced to the (State) Department of Corrections and is ordered to pay restitution, [ 10 ]

If for any reason restitution payments are not paid to you in accordance with the plan and payment schedule and are at least 60 days delinquent, you will need to contact [ 11 ].

### **Your Role in the Restitution Process**

In order to be effective, the restitution process requires your involvement, which is vital to successful restitution management and appreciated by our criminal justice system.

Victims of crime should:

- Request an order for restitution and document all current and projected losses that result from the crime.
- Include the financial impact of the crime on you and your family in a victim impact statement or pre-sentence investigation (PSI) report for the court.
- Request and receive a copy of the restitution order, payment plan and schedule for your records.
- Inform the restitution management agency [ 11 ] if you do not receive restitution payments in accordance with the schedule, or if payments are delinquent by at least 60 days.

- Keep the restitution management agency informed of any changes in your contact information (address, telephone number, or e-mail address) so that accurate and timely restitution information and payments can be provided to you (this information is confidential, and will not be provided to the offender).
- Keep the restitution management agency informed when restitution has been paid in full, or if and when you no longer wish to receive restitution payments.

### **What If the Offender Has Not Paid Court-ordered Restitution?**

*A court order for restitution does not guarantee payment.* The [ 11 ] is responsible for monitoring the offender's restitution payments and sending them to you. If restitution was ordered and you have not yet received payment, or if a payment is delinquent for more than 60 days, you need to contact [ 11 ]. If a [ 12 ] has not yet been assigned to the offender, you should call the Clerk of the Court to document the lack or delay of payment.

(Jurisdiction) has many options to enforce victim restitution that is ordered by the court, including: [ 13 ]

(IN JURISDICTIONS WITH CIVIL JUDGMENT STATUTES):

You also have the right to enforce a restitution order civilly if the court has ordered restitution and the offender fails to comply with this order. Civil action allows you to [ 14 ]

### **For More Information**

A number of agencies can help you learn more about your right to restitution; help you through the restitution process; and provide you with information or referrals to further victim assistance services. Please call or visit the web sites of [ 15 ] for further information and assistance.

## Victim Restitution

### Options for Brochure Text

- [ 1 ] Any applicable requirements under law, such as: current and/or projected documentation of the victim's financial losses; the victim's documentation of financial losses; offender's financial circumstances and ability to pay, etc.

NOTE: If your state law includes "the offender's ability to pay" as a condition of restitution orders, issues that may be applicable to your state for the purposes of victim information and education should include the following:

- Current employment status, including salary, benefits and pension plans.
  - Projection on future employability.
  - Assets not essential to an offender's quality of life, i.e., savings accounts, investments, income from investment properties, etc.
  - Savings such as solo or joint bank accounts, certificates of deposits, or money market/stock/retirement accounts.
  - Potential contingency funds, such as federal or state income tax returns, winnings from lotteries, or inheritances.
  - A thorough assessment of the offender's non-essential expenses, such as the costs of cigarettes, cable or satellite television, hunting and fishing licenses, etc. that could be applied to restitution.
- [ 2 ] Contact information for Victim Compensation Program (toll-free telephone number, if applicable).
- [ 3 ] (Your) state.
- [ 4 ] and/or paroling authority (in states where paroling authorities have the authority to order restitution).
- [ 5 ] a victim impact statement, which helps you tell the court about the physical, emotional, and financial impact of the crime on you and your family. A victim impact statement (brochure/form) is available from (the prosecutor's victim/witness program; the {county} probation agency; or other agency). (AND/OR)
- a pre-sentence investigation (PSI) report, where a probation officer will contact and interview you about your financial losses resulting from the crime. It is helpful to submit a victim impact statement for the court records in addition to completing the PSI interview.
- [ 6 ] Your jurisdiction may have forms or brochures specifically designed for restitution documentation and processing.
- [ 7 ] you may have difficulty documenting losses for *restitution* because of unknown or projected out-of-pocket expenses, such as the costs for ongoing medical or mental health treatment. (In applicable jurisdictions:) If additional expenses are anticipated or incurred, the Prosecutor (can request a separate Restitution

Hearing at a later date and/or may have the ability to add these expenses to the offender's restitution obligations ordered by the court).

- [ 8 ] the Clerk of the Court, District Attorney, Probation Agency, or other authority designated by law to manage the collection and disbursement of victim restitution.
- [ 9 ] (telephone number, address, and e-mail contact information for the Clerk of the Court, probation agency, or other authority designated by law to manage the collection and disbursement of victim restitution).
- [ 10 ] (State) law provides that (#) percent of the prisoner's earnings (or inmate trust accounts, which include earnings and all monies deposited by the inmate or others into the account) shall be allotted to court-ordered restitution. An account is set up by the Department of Corrections and monies are sent to the Clerk of the Court for distribution to the victim; OR an account is set up by the Department of Corrections, and restitution monies will be mailed directly to the victim by the Department (Division); OR (describe other procedures and protocols for disseminating restitution from incarcerated offenders).
- [ 11 ] the (Clerk of the Court; Probation Agency; District Attorney; Department of Corrections; or agency designated by law to manage the collection and disbursement of restitution).
- [ 12 ] probation/parole/court officer/correctional institution official
- [ 13 ] (The range of compliance options vary for each state, but may include the following:)
  - Wage garnishment (where a portion of the offender's paycheck is automatically deducted for restitution payments).
  - Accepting restitution payments via credit cards.
  - Forfeiture of bail or bond monies.
  - Forfeiture, seizure or sale of the offender's assets.
  - Assigning a private collection agency to secure payments.
  - Assignment to both paid and unpaid public or community service employment.
  - Increasing the conditions of supervision to intensive supervision.
  - Implementing curfews.
  - Restrictions on the offender's ability to travel.
  - Electronic monitoring.
  - Holding the offender in contempt of court.
  - Extending the term of probation until the restitution order is paid in full.



- Revoking the offender's probation and have him or her serve the remainder of the sentence in jail or prison.
- Taking a portion of money in inmate trust accounts, or a portion of inmate wages, to fulfill restitution obligations.

[ 14 ] (The range of civil actions vary for each state, but may include the following):

- Place a lien on property owned by the defendant.
- Attach the defendant's assets (which automatically takes his or her financial resources and turns them over to you), which may include: wages; other income (such as rent, stocks, or money market funds), bank accounts; trust accounts, and personal property (such as motor vehicles, etc.).
- Place a lien on potential contingency funds, such as Federal or state income tax returns, winnings from lotteries, or inheritances.

NOTE: In some states, restitution orders are automatically converted to civil judgments (which requires no further legal action by the victim to enter into the civil proceedings for collection of payments). In other states, the victim is required to obtain and complete forms to convert restitution orders to civil judgments (usually at a nominal fee) and may, in some cases, be required to hire an attorney. Such forms may include:

- Abstract of judgment (the restitution order itself).
- Writ of execution and application for an order to withhold earnings (if the offender has income or assets that may be seized to satisfy the judgment) that are usually filed with and served to the offender by a law enforcement agency.
- Confirmation of the satisfaction of the judgment when the restitution order is paid in full.

[ 15 ] Informational resources may include the following:

- Office of the District Attorney.
- Clerk of the Court.
- Probation Agency.
- Chief State Attorney.
- State Department of Corrections.
- State Victim Compensation Program.
- Community- or System-based Victim Assistance Programs.
- Law Enforcement Agencies (for enforcement of civil judgments).

(When possible, include toll-free telephone numbers, and a web site URL for easy access).

# Victim Information and Referral Brochure

## Overview

Often, victims of crime may have needs, issues and concerns about how they feel, what is going to happen, their role as a victim or witness, and what services are available to help them.

There is a wide range of services to help you cope in the aftermath of a crime, and to help you make informed decisions about your life. Many services are available to all victims of crime, while some victims' rights and services require that you report the crime and cooperate with the investigation and prosecution of a criminal case. In addition, some specialized services are available to help victims of specific types of crime.

## Why Victim Information and Referral Are Important

Nobody asks or wants to be a victim of crime. Sometimes, victims may experience new feelings that are difficult to understand, or may be confused about what is going to happen next and why. Crime victim assistance services have been established in our community and state, as well as in our criminal justice system, to provide you with support, information, assistance, and help in understanding your rights under law as a crime victim.

Victim information and referral services can help identify and assess your *most important needs*, and try and meet them. They can provide you with important information to help you and your loved ones better understand and cope with the emotional, physical, financial and spiritual impact of crime. Perhaps most important, they can give back to you a sense of control that may have been shattered by the crime, and empower you to make *informed decisions* about your possible involvement in justice processes, your life and your future.

## Your Victim Information and Referral Rights

You have the right to request assistance with basic issues that help your daily life; specific assistance to help you cope with the immediate-, short- and long-term effects of the crime on you and your loved ones; and important information that can help you understand and enforce your rights as a victim of crime.

## Important Basic Issues for You to Consider

Sometimes, the effects of being victimized can affect your quality of life and your capacity to cope with basic issues related to your (and your family's) daily activities. Some of these basic issues for you to consider include the following [ 1 ]:

Information about assistance and services to help you address basic issues is available from [ 2 ].

### **Assistance and Services**

There are a number of services that can provide you with information, options and support to cope with the effects of being victimized [ 3 ]: Information about assistance and services available to help you are available from [ 4 ].

### **Information About Your Rights as a Victim of Crime**

As a victim of crime, you have certain rights that can help you become informed about and involved in criminal justice proceedings related to your case. These rights include the following [ 5 ]:

Information about your rights as a victim of crime and how to enact them is available from [ 6 ].

### **Your Role in the Information and Referral Process**

Your most important role is to use the information in this brochure to better understand the range of services, support and rights that are available to you, and to request help. If you are confused about available services or your rights as a victim, or need more information to help you make important decisions, please contact any of the agencies listed below for assistance. We are here to help, and grateful for the opportunity to serve you!

### **For More Information**

A number of agencies can help you learn more about victim information and referral rights and resources, and provide you with information about or referrals to further victim assistance services. Please call or visit the web sites of [ 7 ] for further information and assistance.

In addition, a new On-line Directory of Crime Victim Services is available from the Office for Victims of Crime within the U.S. Department of Justice. The Directory can help you locate non-emergency crime victim services in the United States and abroad by location, type of victimization, service needed, and type of agency. It can be accessed at: [www.ovc.ncjrs.org/findvictimservices/search.asp](http://www.ovc.ncjrs.org/findvictimservices/search.asp).

## Victim Information and Referral

### *Options for Brochure Text*

- [ 1 ] (Brief descriptions of basic sustenance services – include only those that are available in your jurisdiction):
- Housing (both emergency/temporary shelter and long-term housing, and possible re-location if there are any concerns about the victim’s safety and security).
  - Transportation (personal automobile or access to and payment for public transportation).
  - Food and clothing for self and family (to help ensure the health and basic welfare of the victim and his/her family).
  - Employment and/or job training (to help ensure a basic quality-of-life for the victim and his/her family).
  - Assistance with basic issues relevant to any children (such as school, medical or dental needs, safety and security issues, etc.).
- [ 2 ] Centralized victim assistance referral agency/community-based victim assistance program/system-based victim assistance program/ other.
- [ 3 ] (Brief descriptions of core victim assistance services – include *only those* that are available in your jurisdiction):
- Crisis intervention.
    - Services provided in-person, over the telephone, or via the Internet that help victims cope with the immediate mental health effects of victimization, assess their most essential needs, and provide services such as counseling, mental health support, and help to address sustenance issues.
  - Needs assessment.
    - To identify the victim’s most essential needs, and attempt to meet them (the core components to include in a needs assessment for victims).
  - Emergency financial assistance.
    - Funds that are available in some communities to provide emergency cash awards to victims who are in dire financial straits, or who need help to address basic survival concerns (such as health, housing, clothing, food, and transportation).
  - Home safety checks.
    - A service that is usually offered by law enforcement agencies or bonded volunteers to improve the security of a victim’s home, and make recommendations or actually provide physical improvements and

reinforcements (such as new locks, security systems, lighting, and landscape design).

- Safety planning.
  - An advocacy and support service to help victims identify concerns and issues related to the security of their family and them; protective measures that can enhance their personal safety; and contingency plans to cope with emergency situations.
- Advocacy or intervention with employers.
  - A service provided to victims who, because of the need for medical or mental health treatment, personal safety, help in addressing sustenance issues, or participation as a witness in criminal justice proceedings, may require intervention with their employers (over the telephone, in writing, or in person) to take time off from work without being penalized, or possibly losing their jobs.
- Development or enhancement of social support system.
  - Helping victims to identify people who can provide them with immediate-, short- and long-term support, which may include family members, friends, neighbors, co-workers, clergy members, victim assistance professionals, or others.
- Physical health and medical issues.
  - Services provided to victims that address their immediate-, short- and long-term physical health needs, and may include transportation to medical facilities; emergency room care; rape kit examinations; HIV testing in cases involving the exchange of bodily fluids; physician care and medical treatment; provision of medication, medical supplies or assistive devices (such as wheelchairs, crutches, hearing aids, or eyeglasses); and/or physical or occupational rehabilitation or therapy.
  - Mental health counseling (for self and family).
  - Services that include crisis intervention; a mental health needs assessment; individual counseling; family counseling; possible counseling for alcohol or other drug addictions; and provision of medication to address the victim's mental health needs.
- Victim support groups.
  - Programs that provide peer support from victims reaching out to other victims, regular victim support group meetings, and advocacy throughout criminal justice processes.
- Legal advocacy and services.
  - Programs that are available on a pro-bono or fee basis that help victims understand and access their legal rights under law.

- Referrals for social services.
    - Providing victims with information about additional services that are *not* victim-specific, such as housing, food banks, transportation, employment, and family support; and services that are available in adjunct government systems, such as Child Protective Services, Adult Protective Services, education systems, etc.
  - Information regarding what to do in cases of emergencies.
    - Providing victims with vital information about “911” emergency services, crisis hotlines, and other resources that can provide crisis responses to their immediate needs.
- [ 4 ] Centralized victim assistance referral agency/community-based victim assistance program/system-based victim assistance program/ other.
- [ 5 ] Include only those rights that are afforded to victims in your state by statute or state-level constitutional amendment.
- Information about your rights under law as a victim of crime.
  - Information about and assistance with filing a victim compensation claim in cases involving violent crime.
  - Orientation to the criminal justice process to help you understand what is happening, your basic rights, and any role you make have in justice proceedings.
  - Information about your protection rights.
  - Notification of the status and location of the offender.
  - Information about your right to attend and participate in key justice proceedings.
  - Information about and assistance with completing a pre-sentence investigation (PSI) interview (usually conducted by a probation officer to prior to sentencing to enable the judge to learn more about the defendant, and the impact of the crime on the victim) and/or a victim impact statement.
  - Information about your right to restitution, and assistance with seeking and documenting your losses for restitution orders from the court.
  - Notification of the outcome criminal justice proceedings.
  - *For cases involving incarceration or detention:* Notification of the location of the offender while he or she is incarcerated, and any movement (including release or escape).
  - *For cases involving community supervision:* Obtaining your input into conditions of community supervision; your right to protection (including assistance with obtaining protective orders); your right to financial/legal obligations owed by the offender (such as child support, restitution, payment of house payments or rent, etc.); your right to be notified of any violations, to

[ 6 ] Centralized victim assistance referral agency/community-based victim assistance program/system-based victim assistance program/ other.

[ 7 ] Informational resources may include the following:

- Law enforcement.
- Prosecutor.
- Court administration.
- Probation.
- Parole.
- Institutional corrections.
- System-based victim services programs.
- Community-based victim assistance programs.
- Attorney General Victim Assistance Program.

(When possible, include toll-free telephone numbers, and a web site URL for easy access).

# Crime Victim Compensation

## *Fact Sheet*

- As of 2004, all 50 states, the District of Columbia, the Virgin Islands and Puerto Rico operate victim compensation programs.
- Compensation programs provide financial assistance to victims of nearly every type of violent crime including rape, robbery, assault, sexual abuse, drunk driving, domestic violence, and survivors of homicide. The programs pay for expenses such as medical care, mental health counseling, lost wages and, in cases of homicide, funerals and loss of support. These expenses or costs cannot be covered by insurance or some other readily available “collateral source.”
- With a few exceptions, however, programs do not cover lost, stolen, or damaged property. Most programs cover a basic core of offenses, although eligibility requirements and specific benefits of compensation programs vary somewhat from state to state.
- State programs have established limits to the maximum benefits available to victims that typically range from \$15,000 to \$35,000, although a few states have lower or higher maximum benefits.
- Each state has eligibility requirements that victims must meet to qualify for compensation benefits. While eligibility requirements vary from state to state, virtually all programs require victims to:
  - Report the crime promptly to law enforcement. Seventy-two hours is the general standard, although many programs have longer periods and a few have shorter periods. Nearly all states have “good cause” exceptions applied liberally to children, incapacitated victims, and others with special circumstances. The apprehension or conviction of a perpetrator is not a prerequisite to applying for or receiving compensation benefits.
  - Cooperate with police and prosecutors in the investigation and prosecution of the case.
  - Submit a timely application to the compensation program, generally within one or two years from the date of the crime. A few states have shorter or longer deadlines, and most have the ability to waive these deadlines for exceptional circumstances. Children are generally exempted from timely filing requirements.
- Victims are required to provide other essential information as needed by the program, and they generally are not eligible for compensation if the victimization giving rise to the claim resulted from the victim’s/claimant’s own criminal activity or significant misconduct.



## For Additional Information

The National Association of Crime Victim Compensation Boards ([www.nacvcb.org](http://www.nacvcb.org)) offers many excellent information and referral resources for victim compensation.

- *Crime Victim Compensation: An Overview* highlights the purpose, application process, and eligibility requirements of victim compensation ([www.nacvcb.org/articles/Overview\\_prn.html](http://www.nacvcb.org/articles/Overview_prn.html)).
- *State Compensation Web Sites* provide direct links to state victim compensation program web sites, all of which include information about victims' rights to compensation, eligibility requirements, how to apply, and who can help victims with the application process; and many of which include on-line applications ([www.nacvcb.org/statelinks.html](http://www.nacvcb.org/statelinks.html)).

The *NACVCB Program Directory* allows you to click on any state in the visual U.S. map to see an overview of that state's victim compensation program ([www.nacvcb.org/progdir.html](http://www.nacvcb.org/progdir.html)).