



VICTIMS RIGHTS AND SERVICES

Act	Victims' Rights and Restitution Act VRRRA (1990) 42 U.S.C. § 10607	Crime Victims' Rights Act CVRA (2004) 18 U.S.C. § 3771
What does it do?	<ul style="list-style-type: none"> • Mandates services to be provided to victims by Federal Government agencies. • Addresses the agency's responsibilities. 	<ul style="list-style-type: none"> • Establishes court-enforceable victims' rights.
Definition of "victim"?	<ul style="list-style-type: none"> • A person that has been directly physically, emotionally, or financially harmed as the result of <u>commission of a crime</u>. 	<ul style="list-style-type: none"> • A person directly and proximately harmed as a result of the <u>commission of a federal offense</u> or an offense in the District of Columbia. (Note: offense means charges have been filed, and the victim is named in the filing.)
Who can be considered a victim?	<ul style="list-style-type: none"> • For victims under 18 years of age, incompetent, incapacitated, or deceased, services should be provided to one of the following in the order of preference—spouse, legal guardian, parent, child, sibling, another family member, or another person designated by the court. • Foreign nationals. • Institutional entities. 	<ul style="list-style-type: none"> • For victims under 18 years of age, incompetent, incapacitated, or deceased, services should be provided to one of the following in the order of preference—spouse, legal guardian, parent, child, sibling, another family member, or another person designated by the court. • Foreign nationals. • Institutional entities.
Who cannot be considered a victim?	<ul style="list-style-type: none"> • Governments. • People culpable for/accused of the crime being investigated. • Witnesses who are not victims (e.g., did not suffer harm). 	<ul style="list-style-type: none"> • Governments (except with respect to restitution). • People culpable for/accused of the crime being investigated. • Witnesses who are not victims (e.g., did not suffer harm).
When should rights or services be provided?	<ul style="list-style-type: none"> • When a <u>crime is detected</u> or an <u>investigation is opened</u> and continues throughout the criminal justice process (as long as it does not interfere with the investigation). 	<ul style="list-style-type: none"> • When federal <u>criminal charges are filed</u> and continue throughout the criminal justice process. <i>Since many of the rights relate to court matters, these rights primarily affect the United States Attorney's Office personnel, although law enforcement are still responsible for reasonable protection and fair treatment of victims.</i>



<p>Mandatory Services</p>	<ul style="list-style-type: none"> • Victim identification. • Reasonable protection. • General information. • Services referrals. • Notice of case events. • Return of property. • Employer/debt notification. 	<p>N/A</p>
<p>Mandatory Rights</p>	<p>N/A</p>	<ul style="list-style-type: none"> • Reasonable protection. • Reasonable, accurate, and timely notification. • Not to be excluded from court. • To be reasonably heard. • Reasonable right to confer with the prosecutor. • To full and timely restitution as provided in the law. • To proceedings free from unreasonable delay. • To be treated with fairness and respect for dignity and privacy.
<p>Additional items to remember:</p>		
<p>*Identification: Victim identification is the responsibility of law enforcement. Victim information should be provided to the U.S. Attorney’s Office coordinator or prosecutor before charging. Identifying a victim includes recording their name, date of birth, and contact information so that they receive case information and access to services.</p>		
<p>*Privacy: Where possible, redact Social Security number, date of birth, bank account information, home address, contact information, and location from public documents.</p>		
<p>*Inclusion: “Presumption to provide, not withhold, services,” meaning you should still provide services in some instances when a victim may not meet the legal definition of a victim. When in doubt, provide services.</p>		
<p>*Mandatory Reporting: Law enforcement members are mandatory reporters of child abuse and are encouraged to report if they suspect an elderly or otherwise vulnerable adult victim may be suffering from neglect, abuse, or exploitation.</p>		
<p>*Identity theft: If you discover a suspect possesses an individuals’ personally identifying information (PII), you should determine whether the PII was used in a way that could cause harm to the individual. If no evidence indicates information was misused, there is likely no direct harm to support victim status.</p>		
<p>*Children: Children who are depicted in child pornography that has been advertised, transported, distributed, received, accessed, or possessed are presumed to have been directly and proximately harmed as a result of those crimes.</p>		
<p>*For more information: Consult the <i>2011 Attorney General Guideline for Victims and Witness Assistance</i> http://www.justice.gov/olp/pdf/ag_guidelines2011.pdf</p>		