

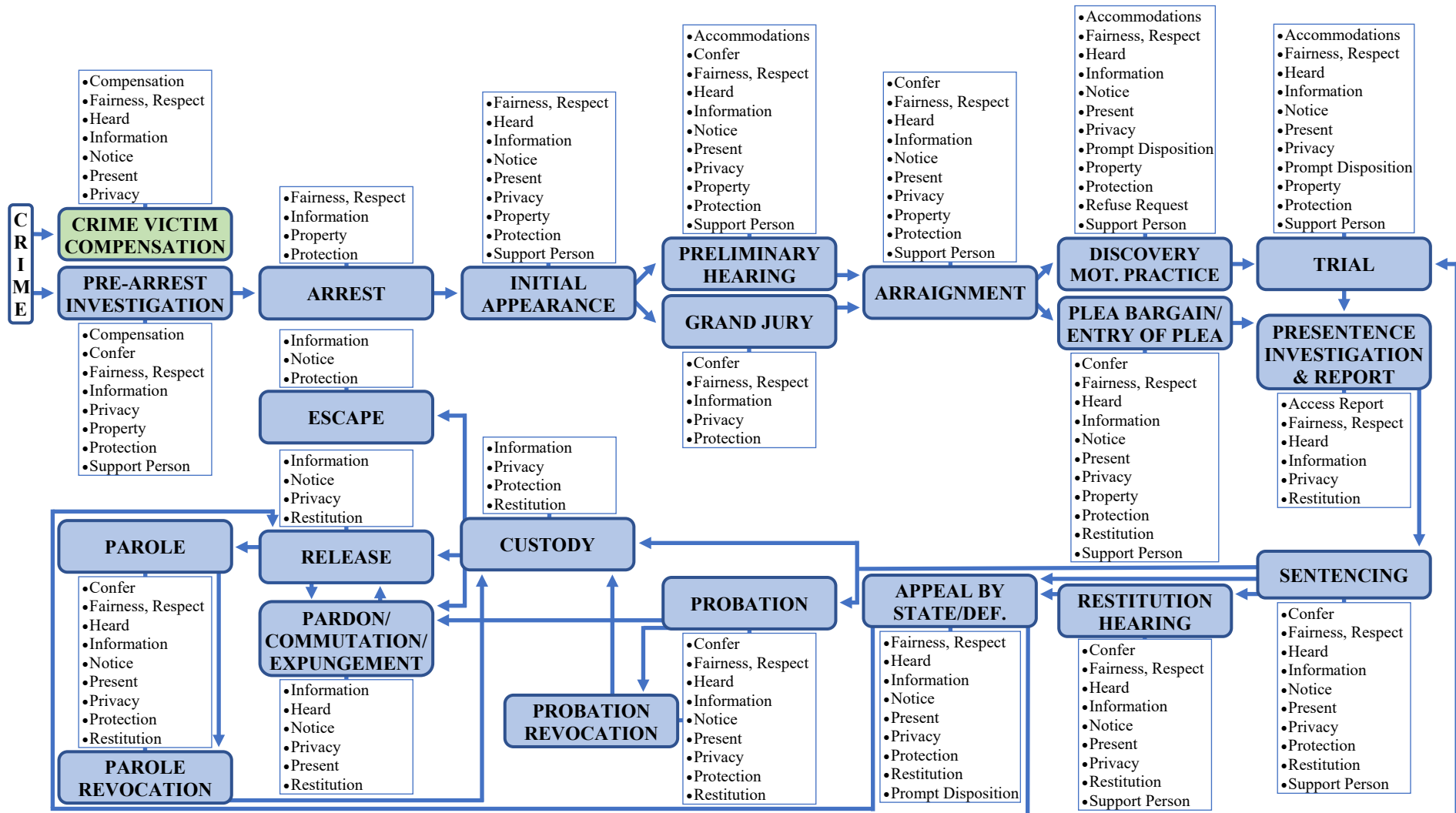


NATIONAL CRIME VICTIM LAW INSTITUTE

1130 SW Morrison St., Suite 200, Portland OR 97205

VICTIMS' RIGHTS DURING SIGNIFICANT STAGES OF THE CRIMINAL JUSTICE PROCESS

The rights available to crime victims throughout the criminal justice process vary by jurisdiction, as do procedures of criminal investigation and prosecution. This chart identifies [common stages of the adult criminal justice process](#) and the victims' rights at stake at each stage. While many of these stages can recur throughout a criminal investigation and prosecution, the arrows indicate the most common progression. This chart does not reflect all victims' rights within the justice process. For instance, three critical rights apply across all stages of this process that are not reflected in this chart: [the right to an attorney](#), [the right to an interpreter](#), and the right to assert and seek enforcement of their rights. To learn more about a specific right in the chart, click on the right below or consult the attached key.



This resource was developed by the National Crime Victim Law Institute (NCVLI) under 2018-V3-GX-K049, awarded to the International Association of Chiefs of Police (IACP) by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this draft publication are those of the contributors and do not necessarily represent the official position of the U.S. Department of Justice.

VICTIMS' RIGHTS DURING SIGNIFICANT STAGES OF THE CRIMINAL JUSTICE PROCESS

VICTIMS' RIGHTS KEY

This key provides a brief overview of the rights highlighted in the flow chart depicting victims' rights during significant stages of the criminal justice process. Additional information and analysis regarding the scope, protection and enforcement of these rights is available on NCVLI's Victim Law Library (https://law.lclark.edu/centers/national_crime_victim_law_institute/professional_resources/ncvli_library/) or by clicking on the individual rights listed here or in the chart.

Right to Access Presentence Investigation Report (Access Report): A victim's right to access a presentence investigation report is the right to timely access at least those portions of the report that are relevant to victims' rights or interests.

Right to Compensation (Compensation): A victim's right to compensation is the right to reimbursement from the government for certain financial losses that the victim incurred as a result of crime.

Right to Courtroom Accommodations (Accommodations): A victim's right to accommodations is the right to modifications in procedure and physical set up that improve victims' ability to communicate meaningfully and reduce the secondary harms that victims can suffer as a result of their participation in the justice system. Such accommodations include testimony via closed-circuit television and closing the courtroom during victim testimony.

Right to Confer (Confer): A victim's right to confer is the right to gather information from and provide information to the prosecution regarding the victim's rights or interests, significant stages of the criminal justice process and the disposition of a case.

Right to be Treated with Fairness, Dignity and Respect (Fairness, Respect): A victim's right to be treated with fairness, dignity and respect is the right to justice and due process within the criminal justice process. The right requires consideration of victims' interests throughout their involvement in this process.

Right to be Heard (Heard): A victim's right to be heard is the right to express the victim's views to the court and other entities tasked with making decisions related to a criminal case and/or offender. The right to be heard authorizes victims to express these views at any court proceeding or stage of the justice process at which their rights or interests are implicated.

Right to Information (Information): A victim's right to information is the right to be told about criminal proceedings and available resources. This right includes the provision of information regarding victims' rights and services, the operation of the criminal justice system and the relevant details of a particular case.

Right to Notice (Notice): A victim's right to notice is the right to be advised, in a reasonable, accurate and timely manner of any court proceedings or specific events in the criminal justice process implicating the victim's rights or interests.

Right to be Present (Present): A victim's right to be present is the right to choose to attend criminal justice proceedings related to an offender's investigation, prosecution and incarceration, as well as other proceedings related to a victim's rights or interests.

Right to Privacy (Privacy): A victim's right to privacy is the right to protective measures that limit or prevent access to a victim's personal information, such as the victim's identity, location, confidential or privileged records, sexual history or the intimate details of the crime committed against them.

Right to Prompt Return of Property (Property): A victim's right to the prompt return of property is the right, when a victim's property is the possession of the government for investigative or prosecutorial purposes, to have such property returned to the victim as soon as it is no longer needed for an investigation or prosecution.

VICTIMS' RIGHTS DURING SIGNIFICANT STAGES OF THE CRIMINAL JUSTICE PROCESS

Right to Protection (Protection): A victim's right to protection is the right to be reasonably protected from the accused and those acting on behalf of the accused during and after the victim's involvement with the criminal justice system. This right generally extends to victims' physical safety, as well as their mental and emotional health.

Right to Refuse Request for Pretrial Interviews, Depositions and Production of Documents (Refuse Request): A victim's right to refuse a request for pretrial interviews, depositions or the production of documents.

Right to Restitution (Restitution): A victim's right to restitution is the right to court-ordered reimbursement from an offender for certain financial losses that the victim has or will incur as a result of the crime.

Right to Prompt Disposition (Prompt Disposition): A victim's right to a prompt disposition is the right to the final resolution of the case involving their victimization and includes both pre-and post-conviction processes without unreasonable delay.

Right to Support Person Presence (Support Person): A victim's right to support person presence is the right to have a victim advocate and/or a person of the victim's choosing accompany the victim to proceedings and other events in the criminal justice process at which their rights or interests are at stake.

This resource was developed by the National Crime Victim Law Institute (NCVLI) under 2018-V3-GX-K049, awarded to the International Association of Chiefs of Police (IACP) by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this draft publication are those of the contributors and do not necessarily represent the official position of the U.S. Department of Justice.