General Information

The role of the United States Attorney is to prosecute cases fairly and justly. Each United States Attorney's office has professionals dedicated to assisting and supporting crime victims and witnesses. If you are identified as a victim under the Crime Victims' Rights Act, we will make our best efforts to provide the rights and services you are entitled to by law. We will also do our best to assist you with accessing services and help you navigate the criminal justice system.

The interests of the United States may diverge from your interests as a victim. We do not represent you and we cannot give you legal advice. You may seek the advice of an attorney with respect to your rights. If you believe that an employee of the Department of Justice failed to provide you with one or more of these rights, you may file a complaint by using the Complain Form found at https://www.justice.gov/usao/office-victims-rights-ombuds.

Compensation and Restitution

Victim Compensation— State victim compensation programs may cover expenses for victims of certain types of crime such as medical care, mental health expenses, and lost wages due to crime related injuries. To obtain further information and an application, contact our office and ask to speak to a victim specialist.

What is Restitution? Restitution is compensation for a loss that is paid by a defendant to a victim in a criminal case. The court can only order restitution, where authorized by statute, for losses sustained by a victim as a result of the defendant's criminal conduct.

Under Federal law, restitution is mandatory for many (but not all) types of crimes. It is important for victims who may be entitled to restitution to keep a record of their losses, medical expenses, property damage and counseling expenses, with receipts when possible. This information will be needed to determine the amount of authorized restitution if the defendant is convicted.

The Federal Criminal Justice Process

Investigation

Arrest

Detention Hearing

At a detention hearing, the Court decides whether the defendant will be held in custody or released. The Court may consider statements from the prosecutor, defense attorney, and/or subpoenaed witnesses and exhibits.

Preliminary Hearing or Grand Jury

In a preliminary hearing, the Court determines if there is probable cause to charge the defendant for the alleged offense(s). The Government may call witnesses to testify. This hearing only occurs if the defendant has not been charged by the Grand Jury. Alternatively, a Grand Jury hears evidence in a non-public proceeding and may issue formal charges via an Indictment.

Arraignment

A defendant appears in court and hears the charge(s) against them. At this time, the defendant typically enters a plea of not guilty and a trial date is set by the Court.

Pretrial

This may include the exchange of materials and evidence, known as discovery. During this stage, the parties may discuss a possible plea. The parties may also file motions concerning the admissibility of evidence or trial issues.

Guilty Plea

The defendant may enter a plea of guilty at any time, often as a result of plea negotiations with the Government.

Trial

The Government must prove its case beyond a reasonable doubt and presents evidence at trial which may include testimony from witnesses. Trial generally results in a verdict by a jury or a judge.

Pre-sentence

After a finding of guilt, a pre-sentence report is prepared for the judge by U.S. Probation. Victims may be contacted by the assigned probation officer to obtain information about any compensable losses and the impact of the crime.

Sentencing

The Court determines the defendant's punishment which could include incarceration, fines, restitution, terms of supervised release, or other penalties.

Post Conviction

Even after a conviction, the defendant may seek to challenge the verdict or reduce the sentence.

The Crime Victims' Rights Act gives victims the following rights:

1) The right to be reasonably protected from the accused; 2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; 3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; 4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; 5) The reasonable right to confer with the attorney for the Government in the case; 6) The right to full and timely restitution as provided in the law; 7) The right to proceedings free from unreasonable delay; and 8) The right to be treated with fairness and with respect for the victim's dignity and privacy; 9) The right to be informed in a timely manner of any plea bargain or deferred prosecution agreement; 10) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims' Rights Ombuds of the Department of Justice.

Victims' Rights and Restitution Act

Victims are entitled to information about:

- Emergency medical and social services;
- Restitution or other relief to which you may be entitled; and
- Public or private counseling, treatment or support programs.

Under the VRRA, you are also entitled to:

- A separate waiting area away from and out of the sight and hearing of the defendant and defense witnesses;
- To have personal property being held for evidentiary purposes maintained in good condition and returned as soon as it is no longer needed for evidentiary purposes; and
- Notifications about case events, including the filing of charges, scheduled proceedings, the release or detention status of the offender, the acceptance of a guilty plea or verdict at trial, and the sentence imposed. Notices are sent by letter or e-mail through the Victim Notification System (VNS). If the defendant is convicted and sentenced to the custody of the Bureau of Prisons, notification will continue through VNS regarding the defendant's release date, furlough, or escape. REMINDER: please keep VNS updated with of any address, e-mail, or telephone number changes.

Other Assistance

Victims and witnesses may also receive:

- Courtroom orientation and support,
- Safety planning and crisis intervention, and
- Information and assistance regarding travel, lodging, parking, and reimbursement, if permissible, for court appearances and pre-trial conferences. Please bring one form of identification for entry into the courthouse.

The Emotional Impact of Crime

Although victims and witnesses may react differently in the aftermath of crime, many report experiencing:
Anger
Feelings of panic and/or anxiety
Nightmares and sleep pattern changes
Feelings of self-doubt, shame or guilt
Reliving what happened
Depression, difficulty concentrating
Increased concern for personal safety and safety of their family

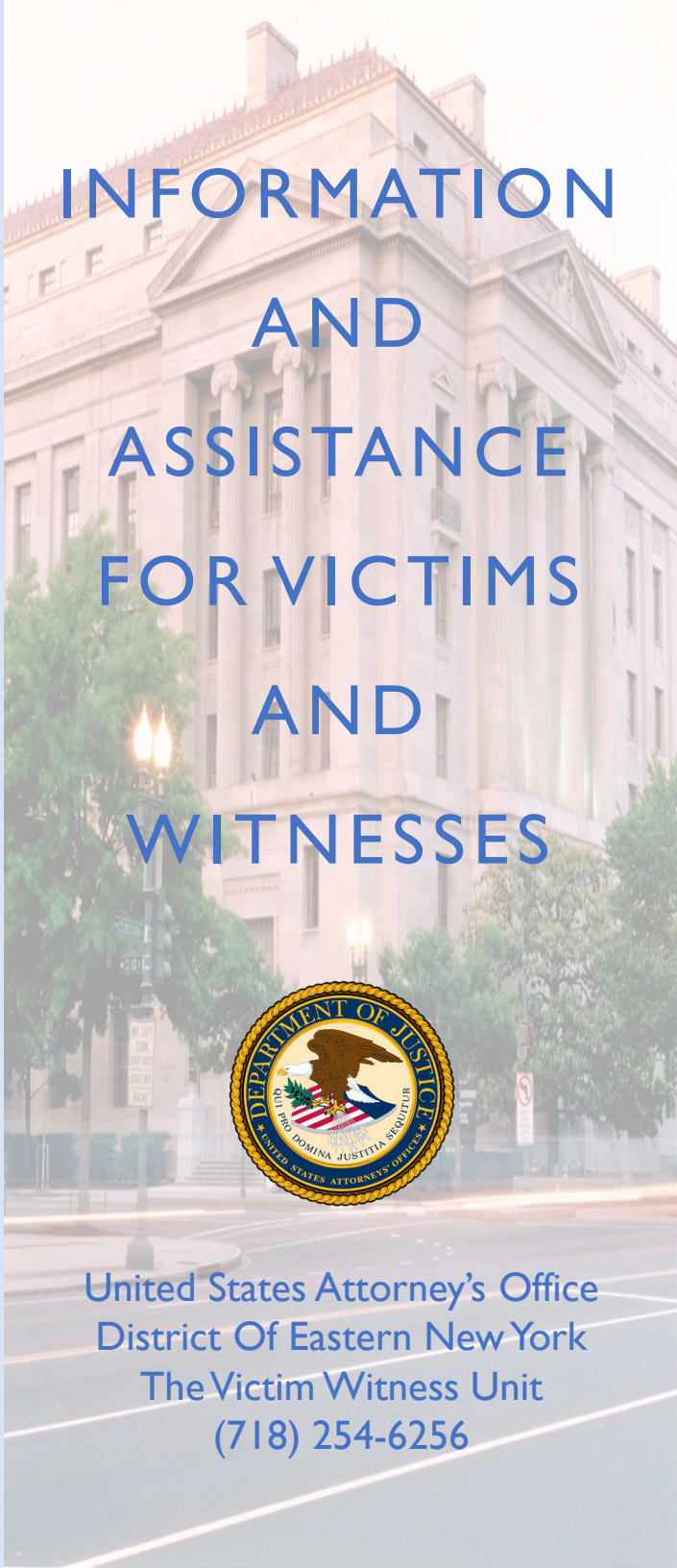
It is not uncommon for people to experience responses for some time after the crime. The Victim Witness Program can assist you in finding appropriate support services.

Safety Concerns

Your safety is paramount. If anyone threatens you or you feel that you are being harassed because of your cooperation with this case, there may be assistance available. Please contact the investigating agent or the Victim Witness Program immediately. They may discuss additional safety measures and assistance such as temporary restraining orders, possible relocation, or other appropriate referrals.

Limited Confidentiality Statement

We are here to assist you as you go through the criminal justice process. However, you should know that we work as part of a team with the criminal prosecutor and the investigative case agent. As part of the team, we share information you provide with the other team members. If you have questions, please contact our office.



INFORMATION AND ASSISTANCE FOR VICTIMS AND WITNESSES

United States Attorney's Office
District Of Eastern New York
The Victim Witness Unit
(718) 254-6256