

CRIME VICTIMS' RIGHT ACT

The CVRA gives victims of offenses charged in Federal court 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 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.
- 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 Ombudsman of the Department of Justice.

If you believe that a DOJ employee has not provided you with these rights, you may file a complaint with the Ombudsman by visiting, www.justice.gov/usao/resources/crime-victims-rights-ombudsman, by phone 877.574.9302 or by email usao.VictimOmbudsman@usdoj.gov.

THE FEDERAL CRIMINAL JUSTICE PROCESS

INVESTIGATION

ARREST

DETENTION HEARING (POSSIBLE)

A hearing to determine the custody status of the defendant. The Court will make a custody determination based on statements from the prosecutor, defense attorney, and/or subpoenaed witnesses and exhibits. Defendants on release pending trial are typically supervised by a Pretrial Release Officer.

PRELIMINARY HEARING or GRAND JURY HEARING

In a preliminary hearing, a Judge determines if there is sufficient probable cause to charge the defendant for the alleged offense. 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.

An Arrest Warrant may be issued at this time in which case, a detention hearing may occur (see above).

ARRAIGNMENT

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

DISCOVERY (evidence), PLEA NEGOTIATIONS & MOTIONS

This may include hearings & rulings on motions concerning the admissibility of discovery, trial issues, or a possible guilty plea from the defendant.

TRIAL or GUILTY PLEA

In a trial, the Government presents its case with witnesses, followed by the defendant's case. The trial generally results in a verdict by a jury.

Alternatively, the defendant may enter into a plea agreement with the Government and change his/her plea to guilty rather than proceeding to a trial. In most cases, you have the right to make a statement to the Court at a public hearing involving the defendant's plea.

PRE-SENTENCE REPORT PREPARED

After a finding of guilt, a pre-sentence report (PSR) is prepared for the judge by U.S. Probation, at which time you have the right to submit a written victim impact statement.

SENTENCE

The defendant is sentenced by the Court. In most cases, you have the right to make a statement to the Court at a public hearing involving the defendant's sentencing.

APPEAL

INFORMATION AND ASSISTANCE

FOR

FEDERAL CRIME VICTIMS AND WITNESSES



United States Attorney's Office
Northern District of California
Victim-Witness Program

Victim-Witness Unit

415.436.6834 (San Francisco)

408.535.5176 (San Jose)

415.436.6597 (Oakland)

victim.assistanceNDCA@usdoj.gov

<http://www.justice.gov/usao-ndca/victim-witness-assistance>

INFORMATION FOR VICTIMS & WITNESSES OF FEDERAL CRIME

The role of the United States Attorney's Office (USAO) is to prosecute cases fairly and justly. If you are identified as a victim under the Crime Victims' Rights Act (CVRA), the USAO Victim-Witness Unit is available to assist you as you navigate the criminal justice process. We will make our best efforts to ensure you are provided the rights and services described in this brochure. We will also do our best to assist you with accessing a variety of services to help you through this experience.

It is important to understand that our actions on your behalf do not constitute an attorney-client relationship and we cannot give you legal advice. The interests of the United States may occasionally diverge from your interests as a victim. You may seek the advice of an attorney with respect to your rights.

THE EMOTIONAL IMPACT OF CRIME

Being a victim and/or witness of a crime, you may experience common reactions such as:

- 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

The Victim-Witness Program can assist you in finding appropriate support services. You can also visit the National Center for Victims of Crime (NCVC) at www.ncvc.org or call 855.484.2846.

IF YOU ARE THREATENED

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 with you additional safety measures and assistance such as temporary restraining orders, possible relocation, or other appropriate referrals.

VICTIMS' RIGHTS & RESTITUTION ACT

If you are a victim, you are entitled to information and assistance from the U.S. Attorney's office about:

- Emergency medical and social services.
- Restitution or other relief to which you may be entitled.
- Public or private counseling, treatment or support programs.
- A separate waiting area away from and out of the sight and hearing of the defendant and defense witnesses.

During prosecution, you are also entitled to notification 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 address, E-mail, or telephone number changes.**

Visit www.notify.usdoj.gov to read the full text of the Victims' Rights and Restitution Act.

OTHER SERVICES

Victim-Witness Program staff also provide victims and witnesses with:

- Courtroom support.
- Information and assistance regarding travel, lodging, parking, and reimbursement for court appearances and pre-trial conferences in which you have been subpoenaed.

COMPENSATION & RESTITUTION

Victim Compensation—The Victim Compensation Program for your State of residence helps cover expenses for victims of certain types of crime. The Crime Victim Compensation Program may be able to reimburse you for crime related expenses such as medical care, mental health expenses, and lost wages due to crime related injuries. To obtain further information and an application, contact our Victim-Witness Program or for a current listing of state compensation and assistance programs in the U.S. and U.S. territories, please visit www.ovc.gov/help/links.htm.

What is Restitution? Restitution is compensation for a loss that is paid by a criminal to the victim of the crime. It is not awarded in civil cases, but is ordered as part of a criminal sentence. Restitution is only available for an actual monetary loss that a victim sustained as a result of the defendant's criminal conduct.

Under Federal law, restitution is mandatory for most types of crimes. It is important for victims entitled to restitution to keep a record of losses; medical expenses, property damage, counseling expenses, with receipts when possible. This information will be needed by the probation department if the defendant is convicted and ordered to pay restitution.

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. We do our best to keep sensitive information confidential. As part of the team, there are times when we may need to share information you provide with the other team members. This is especially important if you share information regarding your safety, a medical emergency, information that relates to child abuse, and/or information that is critical to the investigation or prosecution of the case.