

YOUR RIGHTS AS A VICTIM OF CRIME IN VERMONT

KEEP THIS HANDOUT FOR FUTURE REFERENCE

As a victim of a crime, or a victim's family member, you may feel helpless, angry or fearful. The criminal justice system can be confusing and frustrating. There are free services designed to help minimize the physical, financial, and emotional damage of criminal victimization. **AS A VICTIM OF CRIME, YOU HAVE RIGHTS!** *NOTE: Some of these rights only apply if your offender is criminally charged.*

The Right to Choice

You have the right to choose the ways you will participate if your case moves through the criminal justice process. Some of the ways you may participate are described in this handout. You can decline any of the services that are offered to you.

It is important that you know you are under **no** obligation to respond to questions regarding this crime from anyone outside a courtroom or a deposition. A deposition is where a person gives recorded sworn testimony.

The Right to Have a State's Attorney Victim Advocate

If your offender is charged, your case will be assigned a State's Attorney (SA) Victim Advocate. SA Victim Advocates are available to provide support and information throughout the criminal justice process. Your SA Advocate will help you understand and exercise your rights and can assist you with the following: Completing paperwork, requesting financial assistance, communicating with law enforcement, and arranging transportation. Additionally, your SA Advocate will give you notice of court proceedings and can make referrals for further services.

If you have any questions or concerns about this case, you should contact your SA Advocate at the State's Attorney's Office (see box).

*NOTE: Information that you share with the State's Attorney's Victim Advocate is **NOT** confidential. Information may be shared with the State's Attorney, who may have an obligation to share it with the defense attorney and the Court.*

The Right to Safety

- If you think you are being harassed or intimidated, ask the police for information about the various forms of protection that may be available to you. Witness tampering is a crime.
- If you are afraid for your safety, you may be able to obtain a court issued protective order. For further information contact police or your SA Advocate.
- If you are testifying in a criminal case, you can't be forced to reveal your home address or place of employment, unless the court finds that keeping this information private will hurt the defendant's case.
- If you are a witness, you may have to give a deposition. You may ask for your SA Advocate and/or a private attorney to be with you during the deposition. The defendant may not be there without your agreement, unless the judge orders it. No attorney may act in ways that harass or intimidate you.
- If the defendant is in Department of Corrections (DOC) custody, see "The Right to Information and Notification" section.
- If you are a victim of domestic violence, sexual violence, stalking, or human trafficking and want to keep knowledge of your new address from the defendant, the "Safe at Home" address confidentiality program may be able to help. For more information about the program call **(800) 439-8683** or visit the website at <http://www.sec.state.vt.us/otherprg/safeathome/safeathome.html>.

The Right to Financial Assistance

The Victim Compensation Program provides limited financial assistance to victims of crime who have experienced a financial loss as the direct result of the crime, as long as the loss is not reimbursable through other sources, such as insurance. Immediate family members of homicide victims are also eligible. For more information about Victim Compensation Program, contact the Vermont Center for Crime Victim Services (see box). *Note: Property losses are generally not covered.*

Through your local State's Attorney's Office:

- You have the right to receive witness fees and mileage costs, if you are called as a witness of the State or subpoenaed to testify in court.
- If you have suffered any uninsured crime-related losses, you have the right to request restitution.
- Restitution can be ordered by the court as part of the defendant's sentence. Saving receipts and other documents is very important, as this information will be needed in order to verify your losses. Your SA advocate can assist you with your claim. For additional information about restitution, you can call the Restitution Unit at

(802) 241-4688 or toll free at **(800) 584-3485** (VT ONLY).

This form can also be viewed at:

www.ccvs.state.vt.us

Vermont Center for Crime Victim Services

Victim Compensation Program
58 South Main Street, Suite 1
Waterbury, VT 05676-1599



1-800-750-1253 (VT only)

1-802-241-1250 (Voice)

1-802-241-1253 (fax)

www.ccvs.state.vt.us

The Right to Information and Notification

If your offender is charged, you have the right:

- To be notified when any court proceeding is scheduled for this case.
- To be notified when a court proceeding has been cancelled or postponed, if your presence was requested at that hearing.
- To be notified of the conditions of release and issues concerning bail.
- To be notified of the sentencing date, if you asked to be notified.
- To be notified of the court's final decision and sentence.
- If a defendant is sent to prison, you can ask the Department of Corrections to notify you of the defendant's release, escape, recapture, death, pardon, or commutation of sentence. To make this request, call DOC's Victim Services Program at **(800) 810-1847**.

Note: You will not automatically be notified if the defendant is moved to another correctional facility, or of his/her release date, or of a change in his/her custody level. However you can locate the defendant by using the Vermont Automated Notification Service (VANS).

Additionally, you have the right to the following information:

- Access to public records, related to this case, which are considered public under the law. To request these records, call the records division of the investigating police agency.
- Victims of sexual crimes have the right to receive information from the Vermont Sex Offender Registry. If requested, the Sex Offender Registry will notify you in writing if your offender changes his address. Forms for this request can be obtained from Vermont Center for Crime Victim Services. For additional information and to access the registry visit: http://vcic.vermont.gov/sex_offender.

If Your Offender is Charged, You Have the Right to Be Heard

- You have the right to come to the sentencing and address the Court. Your views must be heard and considered by the Court.
- If you are not at the sentencing hearing you may send a written or tape-recorded statement about the impact the crime had on you and how you feel about the sentence.
- If you are a minor, or unable to exercise your rights at sentencing, a family member, the SA Victim Advocate, or another representative may do so in your place.
- If the defendant is sentenced to jail, you may have the right to address the parole board prior to the defendant's release. To find out if you have this right, contact DOC's Victim Services Program at **(800) 810-1847**.

Information for Victims of Domestic and Sexual Violence

Your local Vermont Network program (see box) supports victims and survivors of domestic and sexual violence. This support may include: free and confidential 24/7 hotline support, help with the legal system, financial and personal advocacy, medical advocacy, help finding emergency shelter, and assistance filing a protection order.

If you are being abused by a partner or family member, you can request a Relief from Abuse Order (protection order or RFA) from the Family Division of Superior Court. RFAs can be obtained 24/7 and may order your abuser to stop hurting you, leave your home, and grant you temporary custody of your children. An advocate can help you with this. After court hours call **(800) 540-9990**.

If you have been sexually assaulted or stalked by someone who is not a family member, an advocate can help you file for a Sexual Assault or Stalking Order which may order the perpetrator to stay away from you and/or stop contacting you. You can apply for these orders at Civil Court during regular court hours.

A violation of these orders is a crime and should be reported to the police. Orders are recognized across state lines.

Additional Information for Victims of Sexual Violence

If you are a victim of sexual violence, an advocate can help you figure out your options. An advocate from your local Vermont Network program (see box) is confidential and can go with you to the hospital or to a doctor and can help you get legal, police, and social services. *If you are a minor or are concerned about confidentiality, you may want to call the hotline anonymously.*

You have the right to request a Sexual Assault Nurse Examiner (SANE) at every hospital in Vermont. SANEs are trained in examining and treating injuries related to sexual violence. They can provide medical care, perform a sexual assault exam, give you information, and gather medical evidence which can be stored anonymously for up to 6 months while you decide whether to report the crime to the police. *If you are minor (under 18 years of age), a SANE will be required to report the sexual violence to the Department for Children and Families (DCF).*

If you are worried about being exposed to HIV as a result of a sexual assault, a SANE can perform an HIV screening, give you medication to prevent HIV infection, and refer you to a local infectious disease specialist. Medication to prevent HIV infection work best if taken within 48 hours (2 days) of a sexual assault. If you suspect that you were drugged with a predatory drug such as Rohypnol, GHB, or Ecstasy, a SANE nurse can test you for drug traces. It is important that you get tested within 24 hours for the most accurate results.

All of these services are free, except for drug testing. You do not have to have health insurance and any identifying information will be kept confidential. If you seek medical services from someone other than a SANE, you can still receive services for free. For more information, call the Vermont Center for Crime Victim Services Sexual Assault Program at **(800) 750-1213**.

Domestic Violence 24-Hr Hotline: 1-800-228-7395

Sexual Violence 24-Hr Hotline: 1-800-489-7273

These hotlines are confidential with a few exceptions. If you have concerns about your confidentiality, talk to the hotline about your concerns first.

Find more information about your nearest network program at www.vtnetwork.org

Other Statewide Resources

Vermont's statewide information services: 2-1-1

Child Abuse Reporting hotline: (800) 649-5285

Deaf Vermonters Advocacy Services: (802) 661-4091 (TTY)

Vermont Automated Notification Service (VANS): (866) 976-8267 or visit www.vinelink.com

LGBTQQ Survivors of Violence, support: (866) 869-7341

Adult Protective Services: (800) 564-1612

Vermont Human Trafficking Hotline: (888) 984-8626