



## CRIME VICTIM AND WITNESS RIGHTS

*As a victim or a witness of crime, you have certain rights under Virginia's Crime Victim and Witness Rights Act (§19.2-11.01). There are specific steps you must take to receive these rights (summarized below). Your local victim/witness program, commonwealth's attorney's office, police department, or sheriff's office are among the agencies that can help and can provide further information about your rights.*

### **AS THE VICTIM OF A CRIME, YOU MAY BE ENTITLED TO:**

#### **Information about:**

- Your rights and local agencies and programs that can provide information and assistance
- Protection and protective orders
- Financial assistance and social services, including the Criminal Injuries Compensation Fund (crime victims' compensation)
- Address and telephone number confidentiality<sup>1</sup>
- Closed preliminary hearings or use of closed-circuit television, under limited circumstances
- Separate waiting area during court proceedings
- The right to remain in the courtroom during a criminal trial or proceeding



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- The right to consult the commonwealth's attorney regarding proposed plea agreements and plea negotiations in felony cases<sup>2</sup>

**Assistance in:**

- Obtaining protection and protective orders
- Obtaining property held by law enforcement agencies
- Receiving intercession services with your employer
- Obtaining advanced notice of court proceedings<sup>2</sup>
- Receiving the services of an interpreter
- Preparing a Victim Impact Statement in felony cases
- Seeking restitution

**Notification of:**

- Changes in court dates<sup>2</sup>
- Changes in the status of the defendant, if he/she is being held in a jail or a correctional facility<sup>3</sup>
- The opportunity to prepare a written victim impact statement prior to sentencing of a defendant in felony cases
- The filing and disposition of any appeals/habeas corpus proceedings involving the defendant<sup>4</sup>
- Case disposition, defendant appeal rights, and restitution information<sup>2</sup>

**AS THE WITNESS TO A CRIME, YOU MAY BE ENTITLED TO:**

**Information about:**

- Your rights and available protection
- Address and telephone number confidentiality<sup>1</sup>
- Separate waiting area during court proceedings

**Assistance in:**

- Obtaining protection
- Receiving intercession services with your employer
- Receiving the services of an interpreter

**Steps you need to take to receive confidentiality, notification, or status information:**

- 1 Confidentiality:** To request confidentiality, you must file a Request for Confidentiality by Crime Victim Form (DC-301) with the magistrate, court, commonwealth's attorney, or law enforcement agency in the locality where the crime occurred. Upon motion by the commonwealth's attorney, a judge may also prohibit testimony regarding the current residential or business address or telephone number of a victim or witness.
- 2 Notification of court dates, plea consultation, case disposition:** You must give the commonwealth's attorney your current name, address, and telephone number, in writing, if you wish to be notified in advance of the scheduled court dates for preliminary hearings, trials, sentencing hearings and other proceedings in your case. You must make a specific written request to the commonwealth's attorney to receive case disposition information or, in felony cases, notice of plea agreement proceedings, or to request consultation with the commonwealth's attorney about plea negotiations or a proposed plea agreement.
- 3 Information about release or status of defendant:** You must give the sheriff, jail superintendent, Department of Corrections, or, if applicable, Parole Board your current name, address, telephone number and defendant name, in writing, if you wish to be notified about changes in the status of the defendant or inmate, or if you wish to offer parole input or receive parole related notifications.
- 4 Information about appeals/habeas corpus proceedings:** You must give the Victim Notification Program of the Office of the Attorney General of Virginia your current

