

North Carolina Governor's Crime Commission
Criminal Justice Analysis Center

Crime Victim Rights Act Compliance in North Carolina

An examination of services provided to victims of crime by law enforcement, prosecution, and crime victim service agencies.

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Introduction

For every type of crime there are victims. A crime can hurt many or only affect one. There is no age, gender, racial, ethnic or other demographic element that prevents victimization. Whether the intended victim of a theft or a surviving loved one affected by a homicide, it is an all-inclusive state that people are placed in when victimized by criminals and their activities. The Crime Victims' Rights Act (CVRA) was passed in North Carolina 1998 and in 2004 by the United States Congress to help ensure that crime victims are afforded access to information and assistance that will help in the process of navigating the sometimes complex issues of criminal investigations, prosecutions and corrections and to restore them to some meaningful acceptance of their circumstances and to move forward in their lives after victimization (United States Attorney's Office, 2010). In essence, it protects the victims of crime from the additional agony of blind navigation through the complexities of the criminal justice system.

These services begin at the investigative stage and continue through the prosecution stage, post-conviction proceedings and imprisonment. The services include emergency assistance, counseling and social service referrals, assistance with creditors, providing information about victim impact statements, assistance with securing victim compensation and restitution information (United States Attorney's Office, 2010).

This study seeks to examine compliance to the CVRA by agencies in North Carolina that commonly have contact with victims of crime. Specifically, law enforcement agencies, district attorney's offices and agencies designed to offer specialized assistance to the victims of crimes were surveyed. The delivery of CVRA related information and services such as crisis hot-lines, victim safety, information about the investigation and prosecution process, and specific information concerning an offenders' custody and any potential release are addressed in this investigation.

The notion of restorative justice existed prior to our adversarial system of justice and the CVRA;

At its best, restorative justice truly represents a very different way of responding to crime through more active involvement of crime victims and the community. It goes far beyond the traditional liberal and conservative positions by identifying underlying truths and joint interests of all of those concerned about crime policy in a democratic society (Umbreit, 1998).

The Crime Victims' Services Act

The primary goals of the United States Crime Victims' Rights Act are:

- The right to be reasonably protected from the accused.
- The right to reasonable, accurate and timely notice of court proceeding or parole proceeding involving the crime or of the release or escape of the accused.
- The right not to be excluded from 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.

- The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing or parole proceedings.
- The reasonable right to confer with the attorney for the government (prosecutor) in the case.
- The right to full and timely restitution as provided in law.
- The right to proceedings free from unreasonable delay.
- The right to be treated with fairness and with respect for the victim's dignity and privacy.

Any agency receiving state or federal funding that is involved with victims of crime should provide a broad spectrum of information and services to every victim under this act. While there are no defined remedies or sanctions for non-compliance, there is legal reasoning supporting compliance and a potential for withholding additional funding.

The North Carolina Crime Victims' Rights Act

In its response to the CVRA, the state of North Carolina's Crime Victims' Rights Act found in General Statutes Chapter 15A Criminal Procedure Act, Article 46, offers definitions and responsibilities for state and local agencies that might have contact with crime victims (see Appendix B). Below are some of these stated responsibilities.

Law enforcements agencies shall provide the following information within 72 hours after identifying a victim covered by the Article.

- The availability of medical services, if needed.
- The availability of crime victims' compensation funds and administering agency contact information.
- The contact information of the District Attorney's Office that will be prosecuting the case.
- A law enforcement contact the victim can call for information about the status of their case if no notification of arrest has occurred.
- Information on the accused's opportunity for pretrial release.
- A contact from the arresting law enforcement agency the victim may contact to find out the custody status of the accused.
- The informational sheet described in G.S. 50B-3(c1), if there was a personal relationship, as defined in G.S. 50B-1(b), with the accused. (These are the court ordered domestic violence protective orders.)

Upon receiving the above information, the victim shall indicate their desire to receive any further notices from the law enforcement agency during the investigative and pretrial process. Additionally, arresting law enforcement agencies have 72 hours to notify the original investigating law enforcement agency and district attorney's office of any arrest in the case and provide specific personal information about the defendant.

District attorneys' offices must provide clear and concise written information to the victim within 21 days of arrest and no later than 24 hours prior to the accused first scheduled probable cause hearing that explain:

- The victim's rights under this Article, including the right to discuss with the attorney prosecuting the case about the disposition of the case and the right to provide a victim impact statement.
- The responsibilities of the district attorney's office under this Article.
- The victim's eligibility for compensation under the Crime Victims Compensation Act and the deadlines by which the victim must file a claim for compensation.
- The steps generally taken by the district attorney's office when prosecuting a felony case.
- Suggestions on what the victim should do if threatened or intimidated by the accused or someone acting on the accused's behalf.
- The name and telephone number of a victim and witness assistant (VWA) in the district attorney's office whom the victim may contact for further information. (Many district attorneys have multiple VWAs specializing in particular crime categories.)

After the victim receives this information they shall indicate whether they wish to receive any additional notices of some, all, or none of the trial and post-trial proceedings involving the accused. The district attorney's office shall provide notification to the victim of the date, time and place of all trial court proceedings if the victim has elected to receive notice. Whenever practical, the district attorney's office shall provide a secure waiting area during court proceedings. When the victim is to be called as a witness in a court proceeding, the court shall make every effort to permit the fullest attendance possible by the victim in the proceedings. Prior to case disposition the victim shall be given the opportunity to offer their views of potential dispositions. At the sentencing hearing, the prosecuting attorney shall submit to the court a copy of a form containing the identifying information set forth in G.S. 15A-831(c) about any victim's electing to receive further notices under this Article. The clerk of superior court shall include the form with the final judgment and commitment, or judgment suspending sentence, transmitted to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or other agency receiving custody of the defendant and shall be maintained by the custodial agency as a confidential file. Finally, when a person is a victim of a human trafficking offense and is entitled to benefits and services, the district attorney's office shall notify the Office of the Attorney General and Legal Aid of North Carolina, Inc., in addition to other services provided under this Article.

Summary

Prioritizing the needs and rights of victims' has at least a 30-year history in federal law with the creation of the Victims of Crime Act (VOCA) signed into law by President Reagan in 1984. Additionally, the Office for Victims of Crime, state victims' compensation, and numerous other victims' agencies, programs and non-profit services have been created to protect the rights of crime victims. The CVRA is another step to ensure the efforts of law enforcement, prosecutors, courts and corrections shall take the victim's needs into consideration in the process of adjudicating crimes. Crimes create victims who can find themselves in situations within the criminal justice system processes that are very unfamiliar and frightening and the CVRA offers them an assurance that efforts are being made to include them in all aspects of their cases.

Research Objective

While there are many state and local agency representatives such as sexual assault nurse examiners that respond to certain kinds of victims and any number of non-profit organizations who provide a broad spectrum of transitional services, the two groups with the most immediate contact with all victims are law enforcement and prosecutors. Law enforcement are the first responders when there is a criminal incident and prosecutors do their jobs to provide some resolution to victims with what are hoped to be successful prosecutions. These two groups were contacted via email by the Criminal Justice Analysis Center to respond to an online survey designed to determine compliance with the requirements of the CVRA. Additionally, all agencies receiving funding from the GCC Crime Victims' Services Committee from 2010 to 2013 were also sent multiple emails to provide responses to the survey. While compliance might not have been the foremost reason to survey this group, it did offer a window into the level of services being offered and the degree of referrals between crime victim service providers.

Research Design

Survey Instrument

A survey instrument was designed to determine type of agency, county or counties of primary service provision, prosecutorial district and multiple types of services offered for many different crimes. Not all services are expected to be offered by each type of agency; however, the survey was designed to get an understanding of the scope of services provided to victims of most crime types across jurisdictions within the state. Additional questions sought to determine difficulties agencies have in providing services mandated by both the federal and state acts. Questions were also designed to determine the number of victims served and a basic demographic profile of the people that have used the victims' services of these organizations.

Participants

North Carolina is a state comprised of 100 counties and 44 prosecutorial districts. In May 2013 surveys were sent to the District Attorneys of all 44 prosecutorial districts, more than 500 law enforcement executives, and 400 GCC Crime Victims' Services Committee current and former grantees covering the 2010 to 2013 funding cycles. The cutoff date for receiving completed surveys was June 17, 2013 and the online collection was halted at close of business that day.

Results and Analysis

A determination to use prosecutorial districts, rather than counties, was made to illustrate provision of services within a district. While some counties may have economic disadvantages, all counties fall into a prosecutorial district and less affluent counties may have some coverage when grouped together as a prosecutorial district.

There was at least one response from law enforcement or the District Attorney's Offices in all but prosecutorial district 18, which is Guilford County consisting of the Greensboro metropolitan area, and district 11A which consist of the counties of Harnett and Lee. However, there were responses from

victim service providers from all counties in these two districts. There was at least 1 survey returned from one of the three primary service agencies (law enforcement, prosecution, victim service agencies) from all 100 counties. Of the 44 District Attorney's Offices there were 34 with at least one completed response and 10 that did not complete a survey. Responses were received from law enforcement agencies from 55 of the 100 counties comprising 34 of the 44 prosecutorial districts. Victims' services providers in 94 counties provided responses.

Of respondents that provided an agency type, 101 (42%) were law enforcement, 36 (15%) were District Attorney's Offices and 97 (41%) were victim services providers. There was an additional five (2%) representing state agencies such as Victims Compensation or Division of Adult Correction and Juvenile Justice.

Since all prosecutorial districts did have some response from at least one of the three agency types, this provides a more accurate picture of services provided. Figure 1 illustrates the responses of agency types by prosecutorial district.

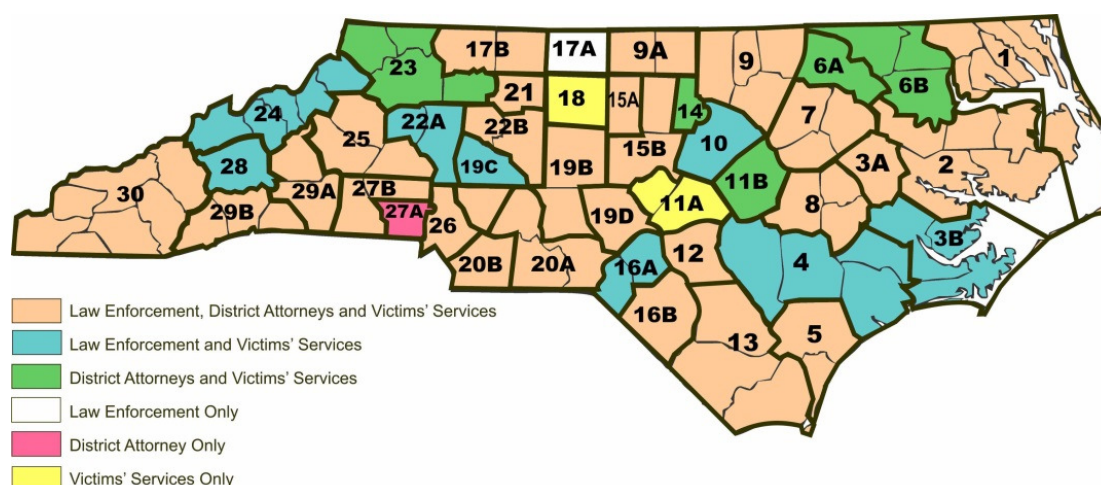


Figure 1.
Responding Agency Type by Prosecutorial District

When asked if their agency had a victim service outreach unit or dedicated victim liaisons, 134 (65%) answered in the affirmative. Most interesting was that of the 85 law enforcement agencies responding to this question, 61 (72%) indicated they had no such dedicated service provision.

When queried of the number of employees trained in victims' rights service provision, 164 (69%) indicated they had at least one member of their staff trained and knowledgeable about the CVRA.

A series of 18 questions were asked regarding crime victim service provision to victims of 10 different crime victimization types. Respondents were also offered the opportunity to indicate when any type of service was not provided by their agency. The categories of victimization types provided were:

1. Adult Sexual Assault
2. Domestic Violence

3. Child Sexual Abuse
4. Child Physical Abuse
5. Adult Survivor of Sexual Abuse
6. Survivors of Homicide Victims
7. Victims of Drunk Drivers
8. Elder Abuse
9. Other Violent Crime
10. Property Crimes

Question by Question Review

Table 3 provides a matrix which illustrates the breakdown between agency type and crime victimization type for provision of services for victims as described in each of the 18 questions. A narrative of each question is offered to provide clarity for the responses indicated by agency type

1. *Does your agency provide on-scene response to victims of crime (Forensic Nurse Examiner, Victim Response Officer...)?*

This question was asked to determine the degree to which law enforcement and other relevant agencies provided services and/or information to crime victims at the point of contact, be it domestic violence, robbery, assault or even drunk driver related victimization. While it could be expected that law enforcement would be able to provide the earliest information to victims, responses indicated that many victim service providers and a few District Attorney's Office Victim and Witness Assistants were also providing these services. Adult sexual assault and domestic violence victims, child sexual assault and child physical abuse were the most likely to have on scene victim assistance provided with victims of drunk drivers the least likely with 21 agencies responding they provide such services.

- Adult sexual assault – 74 responses
- Domestic Violence - 74 responses
- Child sexual assault – 67 responses
- Child physical abuse – 57 responses

2. *Does your agency provide verbal information to victims concerning their rights as a victim?*

The provision of this information is a primary emphasis that is explicitly described in the CVRA. Across agency type and crime victimization type, responses to this question garnered the most responses. Verbal notification of a crime victim rights was highest for all of the violent crimes with less services for homicide victim survivors, victims of drunk drivers and property crime victims. However, indications of providing some verbal information about rights and services in these three categories were noted as being rather high.

- Adult sexual assault – 148 responses
- Domestic violence – 161 responses
- Child sexual assault – 132 responses

- Survivors of homicide victims – 83 responses
- Drunk driving -61 responses

3. *Does your agency provide written or media information to victims concerning their rights as a victim, either as educational literature and/or videos or via web page?*

Across all victimization types, there was an indication that all three types of providers distribute written information to help guide victims through both criminal justice system processes and victim service provision. Written and media information was most often provided to victims of domestic violence with 134 total responses.

- Law Enforcement – 46 responses
- District Attorneys – 23 responses
- Service Providers – 65 responses

4. *Does your agency provide crime victims referrals to other crime victim service providers?*

For all categories of victimization there was a high degree of information sharing or referral to other agencies that provide additional services to such victims. When examining the violent crime victimization types of adult sexual assault, domestic violence, child sexual assault and child physical abuse, table 1 indicates the percentage of law enforcement, prosecutors' offices and victim services providers that actively refer victims to other service providers.

Table 1.

Percentage of agencies that provide referrals.

	Adult sexual Assault	Domestic Violence	Child Sexual Assault	Child Physical Abuse
Law Enforcement	84.8%	95.5%	92.4%	87.9%
District Attorneys	84%	96%	92%	88%
Service Providers	78%	90.2%	73.2%	65.9%

5. *Does your agency provide any crisis hot-lines such as rape crisis or domestic violence?*

The data indicated that crisis hot-lines were more likely to be provided by the crime victim services provider agencies than law enforcement or prosecutors. While there were a moderate number of law enforcement hotlines provided for sexual abuse and domestic violence, the vast majority of crisis-hotlines appear to be provided by victim service providers. Access to information via hot-lines for those experiencing criminal victimization is best illustrated by the percentages of the three agency types that

indicated that this service is not provided. Of the law enforcement agencies responding, 68 percent had no hot-lines. Of the District Attorneys' offices responding, 89 percent offered no hot-lines. Of the victim service providers responding, 24.7 percent did not offer this service.

6. Does your agency provide specialized safety training programs and crime prevention techniques for victims of crime?

Specialized safety training was also more likely to be provided by the crime victim services provider agencies than by law enforcement or prosecutors. Specialized safety training for domestic violence was offered by 60 percent of the victim service providers, 35 percent of law enforcement agencies and seven percent of the prosecutors responding to this survey. Training on preventing property crimes was the type most often reported by law enforcement respondents. While property crimes are generally a strong focus of law enforcement crime prevention units, there were many agencies that also offered training to prevent violent victimizations as well.

7. Does your agency offer a shelter or safe-house for the immediate safety of crime victims?

Perhaps surprising, there were 18 law enforcement agencies that indicated they had some degree of shelter to provide for the immediate safety of victims of domestic violence. The question did not determine if this shelter was in the form of agreements with domestic violence shelters, within the agency, or as vouchers to local hotels. Data indicated that 60.4 percent of the victim service agencies responded they provide for the immediate safety needs of victims of violent crimes, predominately crimes of domestic violence.

8. Does your agency provide transitional housing for the long-term safety of crime victims?

Transitional housing was offered primarily for victims of domestic violence but by very few agencies (five law enforcement agencies and 12 victim services providers). While this is an example of a type of service not required by the CVRA, it is a service for which information and referral should be available for the victims of certain types of violent crimes, including domestic violence. The low number of responses for this question may indicate this type of service is only available in jurisdictions where the need for such programs is supported by the numbers of victims within the types of crime victimization that might require such long-term housing. Additional research into the long-term safety of victims of all types of violent crimes may be indicated.

9. Does your agency provide therapy, treatment or individual counseling for victims of crime?

Perhaps surprisingly, a few law enforcement agencies offered therapy services to victims of violent crimes. Though not specifically addressed in the CVRA, this is a service that can help victims to cope with the aftermath of crimes committed against them and help restore their emotional wellbeing. This service is offered by about half of the victim service providers that responded in each of the violent crime categories.

10. Does your agency provide group counseling sessions or support groups for victims of crime?

This was almost exclusively offered by service providers to victims of sexual assaults and domestic violence. Very few services of this sort were provided by law enforcement and a few prosecutors offered it for the surviving victims of homicide and for victims of drunk drivers. The CJAC speculates that these are services that law enforcement and prosecutors likely referred victims to that were actually facilitated by a third party provider.

11. Does your agency provide any financial assistance to victims of crime?

While this is a service of the state office for Victims Compensation, it should be a referral by law enforcement and prosecutors. Many of the victims' service providers also provide some minimal financial assistance to victims in need of immediate safety however, 43 percent reported they did not provide any compensation. Victim service respondents indicated that they provided financial assistance to the victims of adult sexual violence (40 percent) and domestic violence (50 percent), and to lesser degree victims of elder abuse (18.8 percent).

12. Does your agency provide victim ministry to victims of crime?

While this was the least provided service across questions and victimization categories, there were a few respondents that do provide such services. Additional study might be done to determine if these were mostly from victim service programs that were housed in or administered by a faith-based program.

13. Does your agency provide criminal justice system support to help victims better understand the processes of a case moving from incident to investigation through the prosecution, court and sentencing process?

It was anticipated that this type of support would be primarily offered by the victim assistance officers from both law enforcement agencies and district attorney's offices. While the assumption was shown to be accurate, there were a substantial number of victims' service providers that also provided these services. All of the District Attorneys responding to this question indicated that they provide this service for most crime victimization categories. The two categories with the most response from victim service providers were adult sexual assault with 68.3 percent and domestic violence with 72 percent. Slightly less than 60 percent of the law enforcement agencies reported they too provide victims with assistance understanding the system and the movement of their case investigation. This was likely the principal question being asked to determine compliance with the Crime Victims' Rights Act by respondents. Understanding the maze of the criminal justice system is an essential element of victims not feeling lost and overwhelmed by circumstances they were forced into by virtue of being a crime victim. This is a service that is designed to insure that crime victims do not also feel victimized by the processes of the system. Response to this question was exceptionally high across both agency type and victimization category.

14. Does your agency provide legal assistance to victims of crime?

There were 15 prosecutor's offices that assisted in legal services to victims. However, the victims' service providers were the agencies most likely to offer legal services for victims with 41 of 77 (53

percent) responding that they did provide this service. While legal assistance is not written into the CVRA, this is another service or referral that can assist crime victims in understanding the legal avenues open for them.

15. Does your agency provide crime victims assistance in obtaining a protective order?

Law enforcement agencies and victims' services providers were the most likely to respond they provided this service. The CJAC posits this is likely because the 50B protective orders are an emergent service during a heated time in a domestic discourse and not a prosecution. Time is crucial in obtaining these orders from the court to place legal restrictions on an aggressors contact with the victim. A few of the prosecutors' offices also indicated they offered these services. These services are generally needed by victims of domestic violence where there is intimate partner involvement in the victimization. These services might be needed in stalking or other aggressive criminal behaviors that impair the safety of the victim. Table 2 provides an illustration of the agencies responding to this question.

Table 2.

Provision of 50B Protective Order Assistance.

	Adult Sexual Assault	Domestic Violence	Child Sexual Assault	Child Physical Abuse	Agencies Not Providing Service	Total Agencies Responding
Law Enforcement	24 <i>35.8%</i>	46 <i>68.6%</i>	20 <i>29.9%</i>	17 <i>25.4%</i>	21 <i>31.3%</i>	67 <i>100%</i>
District Attorneys	3 <i>11%</i>	9 <i>33.3%</i>	3 <i>11%</i>	3 <i>11%</i>	19 <i>70.4%</i>	27 <i>100%</i>
Service Providers	55 <i>67.9%</i>	56 <i>69.1%</i>	37 <i>45.7%</i>	27 <i>33.3%</i>	13 <i>16%</i>	81 <i>100%</i>

16. Does your agency provide court advocacy for victims of crime?

Response to this type of service provision was strongly correlated to prosecutors' offices and victim services providers. While there were some law enforcement agencies that responded that they, too, provide such services, court advocacy would be consistent with activity that was offered to victims after the primary criminal investigation and thus more likely to be correlated to prosecutors and service providers.

Percent providing this service to at least one victimization category.

- Law Enforcement – 22.4%
- District Attorneys – 83.3%
- Victim Service Providers – 88.9%

17. Does your agency provide mediation for the victim with their offender?

It seems that mediation between victim and offender was an unlikely service to be offered to crime victims. Only four service providers indicated they offered mediation for partners involved in a domestic violence situation. Additionally there were two prosecutors and three law enforcement agencies also offering the service to this category of victim.

18. Does your agency provide crime victims with case investigation, prosecution or custody updates?

Of those agencies answering this question, 83.6 percent of law enforcement agencies and 96% number of district attorneys indicated that they provided updates to crime victims. Victim services providers were well lower with only 44.7 percent indicating that they offer victims assistance in obtaining updated on case progression for all but drunk driver and property crime victimizations.

A final series of questions involved the Statewide Automated Victims Assistance and Notification (SAVAN) program to determine if agencies inform victims of the program and the perceived usefulness of SAVAN. SAVAN is a program designed to allow victims of crime to opt to be notified as any changes occur in the status, either in custody or upon release, of the offenders that victimized them. Fifty percent of the law enforcement agencies responding did not know of the program, 19 District Attorney's Offices responded they were aware of the program and 60 victim service providers were aware of it. When asked to gauge usefulness of NC SAVAN, 23 percent found it to be extremely useful, 61 percent somewhat useful, 16 percent found it to be either less than or not useful. Further study should be conducted comparing and contrasting service delivery of NC SAVAN with the notification system provided by the Division of Adult Corrections and Juvenile Justice.

Discussion

While there is likely universal recognition of the Miranda rights, named for the landmark case of *Miranda versus Arizona*, that require an arresting officer to recite these rights to an accused person, crime victims' rights are not so readily understood by many. It is thus incumbent on those members of law enforcement, prosecution, courts and corrections to assist victims by providing information concerning the rights. Crime victim service providers, though not specified in CVRA legislation, also have tremendous contact with the victims of many differing types of crime and thus can be excellent resources of information for crime victims. This review of CVRA service provision in the 44 prosecutorial districts of North Carolina indicates there is a strong level of compliance from agencies surveyed. Additional surveys targeting all agencies involved within selected prosecutorial districts are recommended to empirically determine the extent of compliance within the district. As a state, North Carolina seems to be affording victims of crime the necessary information and assistance to navigate their way through the repercussions of victimization.

Crime Victims' Rights Act Service Provision Conclusions

For agencies responding to this survey, the types of service provision being offered to crime victims across all victimization categories and all agency types appears to be rather robust in North Carolina's 44 prosecutorial districts. Additional investigations could be conducted in communities to determine the nexus between the rates of individual types of crimes and the level of service provision. However, the Crime Victims' Rights Act primarily requires information be made available concerning the process and progress of a case through the criminal justice system, the safety of a victim and assistance with potential victim compensation. In doing this, North Carolinas' law enforcement agencies, district attorney's offices, and crime victims' services providers appear to be protecting the rights of victims as provided in the CVRA. While the goal of some relative degree of restorative justice is a primary force for victims' rights, the agencies responding to this survey provide evidence that such information and services are taken seriously in the state.

Table 3.

Number of respondents indicating they provide services, categorized by Victimization Type and by Agency Type.

Types of services provided by responding agencies	Adult Sexual Abuse Victims			Domestic Violence Victims			Child Sexual Abuse Victims			Child Physical Abuse Victims			Adult Survivor of Sexual Abuse			Survivors of Homicide Victims			Victims of Drunk Drivers			Elder Abuse Victims			Other Violent Crime Victims			Property Crime Victims		
	LE	DA	VS	LE	DA	VS	LE	DA	VS	LE	DA	VS	LE	DA	VS	LE	DA	VS	LE	DA	VS	LE	DA	VS	LE	DA	VS	LE	DA	VS
On-scene victim response	33	2	39	37	2	35	36	4	27	33	3	21	18	2	25	18	3	11	18	0	3	29	1	21	27	3	9	24	1	3
Verbal information to victims about their rights	54	25	64	67	24	69	53	25	54	50	24	44	41	24	52	37	25	21	36	21	4	45	22	40	49	25	16	37	22	5
Written or media information to victims concerning their rights	33	23	57	46	23	65	33	23	44	33	22	36	27	22	44	24	23	16	23	21	3	26	21	35	30	21	11	18	21	2
Provide victim referrals	56	21	64	63	24	74	61	23	60	58	22	54	42	20	55	37	20	30	32	15	15	45	17	47	40	14	25	30	11	15
Provide crisis hot-lines	17	3	54	22	3	52	12	3	35	12	2	45	12	2	45	7	1	14	5	1	5	7	2	31	10	1	8	4	0	4
Provide specialized safety training for victims	16	1	48	20	2	48	15	1	33	14	1	21	12	0	30	10	0	7	11	0	2	13	1	23	18	0	7	25	1	2
Shelter for victim's immediate safety	7	1	41	18	2	49	7	1	22	7	1	17	4	1	19	4	0	8	2	0	1	5	0	27	4	0	6	0	0	1
Provide transitional housing for victim safety	3	0	9	5	0	12	4	0	5	4	0	4	2	0	3	2	0	2	1	0	0	2	0	5	2	0	2	0	0	0
Therapy, treatment or counseling for victims	8	1	42	8	1	46	7	1	38	7	1	30	6	0	35	5	1	16	3	0	4	5	0	27	5	0	11	1	0	3
Counseling sessions or support groups	3	0	51	3	0	52	3	0	30	3	0	23	2	0	40	2	2	10	1	2	2	2	0	25	2	0	7	0	0	1
Any financial assistance for victims	2	1	32	2	1	40	2	1	18	2	1	10	1	1	18	1	1	3	0	1	0	1	1	15	1	2	3	1	2	1
Provide victim ministry	7	1	10	8	1	12	7	1	9	7	1	9	5	1	8	13	1	1	5	1	0	6	1	8	8	1	3	1	1	0
Support so victims can better understand the criminal justice system	38	24	56	41	26	59	38	26	44	38	26	34	31	25	41	30	26	21	26	25	5	35	24	33	35	24	16	28	23	5
Provide victim legal assistance	2	15	28	3	15	36	3	15	22	3	15	17	2	15	18	2	15	7	2	15	0	2	15	18	2	15	4	2	13	2
Assist in obtaining protective orders	24	3	55	46	9	56	20	3	37	17	3	27	15	3	31	9	3	12	6	3	1	15	3	33	14	3	8	8	3	2
Court advocacy for victims	11	20	54	15	20	55	10	21	43	8	21	33	9	21	38	7	21	18	6	20	4	6	19	30	7	20	15	3	18	4
Mediation for victims with offenders	1	1	2	3	2	4	1	1	2	1	1	1	0	1	1	0	1	0	0	1	0	0	1	0	0	1	0	0	2	0
Provide case or custody updates	53	23	24	55	23	21	49	24	23	47	24	15	42	24	16	42	24	5	33	23	1	44	21	14	50	23	4	42	20	1

LE= Law Enforcement Agency, **DA=**District Attorneys' Office, and **VS=**Victim Service Provider

Appendix A

United States' Crime Victims' Rights Act

18 U.S.C. § 3771. Crime victims' rights

(a) RIGHTS OF CRIME VICTIMS.--A crime victim has 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 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.

(b) RIGHTS AFFORDED.--In any court proceeding involving an offense against a crime victim, the court shall ensure that the crime victim is afforded the rights described in subsection (a). Before making a determination described in subsection (a)(3), the court shall make every effort to permit the fullest attendance possible by the victim and shall consider reasonable alternatives to the exclusion of the victim from the criminal proceeding. The reasons for any decision denying relief under this chapter shall be clearly stated on the record.

(c) BEST EFFORTS TO ACCORD RIGHTS.--

(1) GOVERNMENT.--Officers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights described in subsection (a).

(2) ADVICE OF ATTORNEY.--The prosecutor shall advise the crime victim that the crime victim can seek the advice of an attorney with respect to the rights described in subsection (a).

(3) NOTICE.--Notice of release otherwise required pursuant to this chapter shall not be given if such notice may endanger the safety of any person.

(d) ENFORCEMENT AND LIMITATIONS.--

(1) RIGHTS.--The crime victim or the crime victim's lawful representative, and the attorney for the Government may assert the rights described in subsection (a). A person accused of the crime may not obtain any form of relief under this chapter.

(2) MULTIPLE CRIME VICTIMS.--In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights described in subsection (a), the court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings.

(3) MOTION FOR RELIEF AND WRIT OF MANDAMUS.--The rights described in subsection (a) shall be asserted in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred. The district court shall take up and decide any motion asserting a victim's right forthwith. If the district court denies the relief sought, the movant may petition the court of appeals for a writ of mandamus. The court of appeals may issue the writ on the order of a single judge pursuant to circuit rule or the Federal Rules of Appellate Procedure. The court of appeals shall take up and decide such application forthwith within 72 hours after the petition has been filed. In no event shall proceedings be stayed or subject to a continuance of more than five days for purposes of enforcing this chapter. If the court of appeals denies the relief sought, the reasons for the denial shall be clearly stated on the record in a written opinion.

(4) ERROR.--In any appeal in a criminal case, the Government may assert as error the district court's denial of any crime victim's right in the proceeding to which the appeal relates.

(5) LIMITATION ON RELIEF.--In no case shall a failure to afford a right under this chapter provide grounds for a 2263 new trial. A victim may make a motion to re-open a plea or sentence only if--

(A) the victim has asserted the right to be heard before or during the proceeding at issue and such right was denied;

(B) the victim petitions the court of appeals for a writ of mandamus within 10 days; and

(C) in the case of a plea, the accused has not pled to the highest offense charged. This paragraph does not affect the victim's right to restitution as provided in title 18, United States Code.

(6) NO CAUSE OF ACTION.--Nothing in this chapter shall be construed to authorize a cause of action for damages or to create, to enlarge, or to imply any duty or obligation to any victim or other person for the breach of which the United States or any of its officers or employees could be held liable in damages. Nothing in this chapter shall be construed to impair the prosecutorial discretion of the Attorney General or any officer under his direction.

(e) DEFINITIONS.--For the purposes of this chapter, the term 'crime victim' means a person directly and proximately harmed as a result of the commission of a Federal offense or an offense in the District of Columbia. In the case of a crime victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardians of the crime victim or the representatives of the crime victim's estate, family members, or any other persons appointed as suitable by the court, may assume the crime victim's rights under this chapter, but in no event shall the defendant be named as such guardian or representative.

(f) PROCEDURES TO PROMOTE COMPLIANCE.--

(1) REGULATIONS.--Not later than 1 year after the date of enactment of this chapter, the Attorney General of the United States shall promulgate regulations to enforce the rights of crime victims and to ensure compliance by responsible officials with the obligations described in law respecting crime victims.

(2) CONTENTS.--The regulations promulgated under paragraph (1) shall--

(A) designate an administrative authority within the Department of Justice to receive and investigate complaints relating to the provision or violation of the rights of a crime victim;

(B) require a course of training for employees and offices of the Department of Justice that fail to comply with provisions of Federal law pertaining to the treatment of crime victims, and otherwise assist such employees and offices in responding more effectively to the needs of crime victims;

(C) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice who willfully or wantonly fail to comply with provisions of Federal law pertaining to the treatment of crime victims; and

(D) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and that there shall be no judicial review of the final decision of the Attorney General by a complainant."

Appendix 2

Article 46.

North Carolina Crime Victims' Rights Act.

§ 15A-830. Definitions.

(a) The following definitions apply in this Article:

(1) Accused. - A person who has been arrested and charged with committing a crime covered by this Article.

(2) Arresting law enforcement agency. - The law enforcement agency that makes the arrest of an accused.

(3) Custodial agency. - The agency that has legal custody of an accused or defendant arising from a charge or conviction of a crime covered by this Article including, but not limited to, local jails or detention facilities, regional jails or detention facilities, facilities designated under G.S. 122C-252 for the custody and treatment of involuntary clients, or the Department of Correction.

(4) Investigating law enforcement agency. - The law enforcement agency with primary responsibility for investigating the crime committed against the victim.

(5) Law enforcement agency. - An arresting law enforcement agency, a custodial agency, or an investigating law enforcement agency.

(6) Next of kin. - The victim's spouse, children, parents, siblings, or grandparents. The term does not include the accused unless the charges are dismissed or the person is found not guilty.

(7) Victim. - A person against whom there is probable cause to believe one of the following crimes was committed:

a. A Class A, B1, B2, C, D, or E felony.

b. A Class F felony if it is a violation of one of the following: G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3); 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.2; 14-43.3; 14-190.17; 14-190.19; 14-202.1; 14-277.3; 14-288.9; or 20-138.5.

c. A Class G felony if it is a violation of one of the following: G.S. 14-32.3(b); 14-51; 14-58; 14-87.1; or 20-141.4.

d. A Class H felony if it is a violation of one of the following: G.S. 14-32.3(a); 14-32.3(c); 14-33.2, or 14-277.3.

e. A Class I felony if it is a violation of one of the following: G.S. 14-32.3(b); 14-34.6(b); or 14-190.17A.

f. An attempt of any of the felonies listed in this subdivision if the attempted felony is punishable as a felony.

g. Any of the following misdemeanor offenses when the offense is committed between persons who have a personal relationship as defined in G.S. 50B-1(b): G.S. 14-33(c)(1); 14-33(c)(2); 14-33(a); 14-34; 14-134.3; or 14-277.3.

(b) If the victim is deceased, then the next of kin, in the order set forth in the definition contained in this section, is entitled to the victim's rights under this Article. However, the right contained in G.S.15A-834 may only be exercised by the personal representative of the victim's estate. An individual entitled to exercise the victim's rights as a member of the class of next of kin may designate anyone in the class to act on behalf of the class. (1998-212, s. 19.4(c); 2001-433, s. 1; 2001-487, s. 120; 2001-518, s. 2A.)

§ 15A-831. Responsibilities of law enforcement agency.

(a) As soon as practicable but within 72 hours after identifying a victim covered by this Article, the investigating law enforcement agency shall provide the victim with the following information:

(1) The availability of medical services, if needed.

(2) The availability of crime victims' compensation funds under Chapter 15B of the General Statutes and the address and telephone number of the agency responsible for dispensing the funds.

(3) The address and telephone number of the district attorney's office that will be responsible for prosecuting the victim's case.

(4) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact if the victim has not been notified of an arrest in the victim's case within six months after the crime was reported to the law enforcement agency.

(5) Information about an accused's opportunity for pretrial release.

(6) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact to find out whether the accused has been released from custody.

(b) As soon as practicable but within 72 hours after the arrest of a person believed to have committed a crime covered by this Article, the arresting law enforcement agency shall inform the investigating law enforcement agency of the arrest. As soon as practicable but within 72 hours of being notified of the arrest, the investigating law enforcement agency shall notify the victim of the arrest.

(c) As soon as practicable but within 72 hours after receiving notification from the arresting law enforcement agency that the accused has been arrested, the investigating law enforcement agency shall forward to the district attorney's office that will be responsible for prosecuting the case the defendant's name and the victim's name, address, date of birth, social security number, race, sex, and telephone number, unless the victim refuses to disclose any or all of the information, in which case, the investigating law enforcement agency shall so inform the district attorney's office.

(d) Upon receiving the information in subsection (a) of this section, the victim shall, on a form provided by the investigating law enforcement agency, indicate whether the victim wishes to receive any further notices from the investigating law enforcement agency on the status of the accused during the pretrial process. If the victim elects to receive further notices during the pretrial process, the victim shall be responsible for notifying the investigating law enforcement agency of any changes in the victim's name, address, and telephone number. (1998-212, s. 19.4(c); 2001- 433, s. 2; 2001-487, s. 120.)

§ 15A-832. Responsibilities of the district attorney's office.

(a) Within 21 days after the arrest of the accused, but not less than 24 hours before the accused's first scheduled probable-cause hearing, the district attorney's office shall provide to the victim a pamphlet or other written material that explains in a clear and concise manner the following:

(1) The victim's rights under this Article, including the right to confer with the attorney prosecuting the case about the disposition of the case and the right to provide a victim impact statement.

(2) The responsibilities of the district attorney's office under this Article.

(3) The victim's eligibility for compensation under the Crime Victims Compensation Act and the deadlines by which the victim must file a claim for compensation.

(4) The steps generally taken by the district attorney's office when prosecuting a felony case.

(5) Suggestions on what the victim should do if threatened or intimidated by the accused or someone acting on the accused's behalf.

(6) The name and telephone number of a victim and witness assistant in the district attorney's office whom the victim may contact for further information.

(b) Upon receiving the information in subsection (a) of this section, the victim shall, on a form provided by the district attorney's office, indicate whether the victim wishes to receive notices of some, all, or none of the trial and post-trial proceedings involving the accused. If the victim elects to receive notices, the victim shall be responsible for notifying the district attorney's office or any other department or agency that has a responsibility under this Article of any changes in the victim's address and telephone number. The victim may alter the request for notification at any time by notifying the district attorney's office and completing the form provided by the district attorney's office.

(c) The district attorney's office shall notify a victim of the date, time, and place of all trial court proceedings of the type that the victim has elected to receive notice. All notices required to be given by the district attorney's office shall be given in a manner that is reasonably calculated to be received by the victim prior to the date of the court proceeding.

(d) Whenever practical, the district attorney's office shall provide a secure waiting area during court proceedings that does not place the victim in close proximity to the defendant or the defendant's family.

(e) When the victim is to be called as a witness in a court proceeding, the court shall make every effort to permit the fullest attendance possible by the victim in the proceedings. This subsection shall not be construed to interfere with the defendant's right to a fair trial.

(f) Prior to the disposition of the case, the district attorney's office shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the views of the victim about the disposition of the case, including the victim's views about dismissal, plea or negotiations, sentencing, and any pretrial diversion programs.

(g) At the sentencing hearing, the prosecuting attorney shall submit to the court a copy of a form containing the identifying information set forth in G.S. 15A-831(c) about any victim's electing to receive further notices under this Article. The clerk of superior court shall include the form with the final judgment and commitment, or judgment suspending sentence, transmitted to the Department of Correction or other agency receiving custody of the defendant and shall be maintained by the custodial agency as a confidential file. (1998-212, s. 19.4(c); 2001-433, s. 3; 2001-487, s. 120.)

§ 15A-832.1. Responsibilities of judicial officials issuing arrest warrants.

(a) In issuing a warrant for the arrest of an offender for any of the misdemeanor offenses set forth in G.S. 15A-830(a)(7)g., based on testimony or evidence from a complaining witness rather than from a law enforcement officer, a judicial official shall record the defendant's name and the victim's name, address, and telephone number electronically or on a form separate from the warrant and developed by the Administrative Office of the Courts for the purpose of recording that information, unless the victim refuses to disclose any or all of the information, in which case the judicial official shall so indicate.

(b) A judicial official issuing a warrant for the arrest of an offender for any of the misdemeanor offenses set forth in G.S. 15A-830(a)(7)g. shall deliver the court's copy of the warrant and the victim-identifying information to the office of the clerk of superior court by the close of the next business day. As soon as practicable, but within 72 hours, the office of the clerk of superior court shall forward to the district attorney's office the victim-identifying information set forth in subsection (a) of this section. (2001-433, s. 4; 2001-487, s. 120.)

§ 15A-833. Evidence of victim impact.

(a) A victim has the right to offer admissible evidence of the impact of the crime, which shall be considered by the court or jury in sentencing the defendant. The evidence may include the following:

(1) A description of the nature and extent of any physical, psychological, or emotional injury suffered by the victim as a result of the offense committed by the defendant.

(2) An explanation of any economic or property loss suffered by the victim as a result of the offense committed by the defendant.

(3) A request for restitution and an indication of whether the victim has applied for or received compensation under the Crime Victims Compensation Act.

(b) No victim shall be required to offer evidence of the impact of the crime. No inference or conclusion shall be drawn from a victim's decision not to offer evidence of the impact of the crime. At the victim's request and with the consent of the defendant, a representative of the district attorney's office or a law enforcement officer may proffer evidence of the impact of the crime to the court. (1998-212, s. 19.4(c); 2001-433, s. 5; 2001-487, s. 120.)

§ 15A-834. Restitution.

A victim has the right to receive restitution as ordered by the court pursuant to Article 81C of Chapter 15A of the General Statutes. (1998-212, s. 19.4(c).)

§ 15A-835. Post-trial responsibilities.

(a) Within 30 days after the final trial court proceeding in the case, the district attorney's office shall notify the victim, in writing, of:

- (1) The final disposition of the case.
- (2) The crimes of which the defendant was convicted.
- (3) The defendant's right to appeal, if any.
- (4) The telephone number of offices to contact in the event of nonpayment of restitution by the defendant.

(b) Upon a defendant's giving notice of appeal to the Court of Appeals or the Supreme Court, the district attorney's office shall forward to the Attorney General's office the defendant's name and the victim's name, address, and telephone number. Upon receipt of this information, and thereafter as the circumstances require, the Attorney General's office shall provide the victim with the following:

- (1) A clear and concise explanation of how the appellate process works, including information about possible actions that may be taken by the appellate court.
- (2) Notice of the date, time, and place of any appellate proceedings involving the defendant. Notice shall be given in a manner that is reasonably calculated to be received by the victim prior to the date of the proceedings.
- (3) The final disposition of an appeal.

(c) If the defendant has been released on bail pending the outcome of the appeal, the agency that has custody of the defendant shall notify the investigating law enforcement agency as soon as practicable, and within 72 hours of receipt of the notification the investigating law enforcement agency shall notify the victim that the defendant has been released.

(d) If the defendant's conviction is overturned, and the district attorney's office decides to retry the case or the case is remanded to superior court for a new trial, the victim shall be entitled to the same rights under this Article as if the first trial did not take place.

(e) Repealed by Session Laws 2001-302, s. 1. (1998-212, s. 19.4(c); 2001-302, s. 1; 2001-433, s. 6; 2001-487, s. 120.)

§ 15A-836. Responsibilities of agency with custody of defendant.

(a) When a form is included with the final judgment and commitment pursuant to G.S. 15A-832(g), or when the victim has otherwise filed a written request for notification with the custodial agency, the custodial agency shall notify the victim of:

(1) The projected date by which the defendant can be released from custody. The calculation of the release date shall be as exact as possible, including earned time and disciplinary credits if the sentence of imprisonment exceeds 90 days.

(2) An inmate's assignment to a minimum custody unit and the address of the unit. This notification shall include notice that the inmate's minimum custody status may lead to the inmate's participation in one or more community-based programs such as work release or supervised leaves in the community.

(3) The victim's right to submit any concerns to the agency with custody and the procedure for submitting such concerns.

(4) The defendant's escape from custody, within 72 hours, except that if a victim has notified the agency in writing that the defendant has issued a specific threat against the victim, the agency shall notify the victim as soon as possible and within 24 hours at the latest.

(5) The defendant's capture, within 24 hours.

(6) The date the defendant is scheduled to be released from the facility. Whenever practical, notice shall be given 60 days before release. In no event shall notice be given less than seven days before release.

(7) The defendant's death.

(b) Notifications required in this section shall be provided within 60 days of the date the custodial agency takes custody of the defendant or within 60 days of the event requiring notification, or as otherwise specified in subsection (a) of this section. (1998-212, s. 19.4(c); 2001-433, s. 7; 2001-487, s. 120.)

§ 15A-837. Responsibilities of Division of Community Corrections.

(a) The Division of Community Corrections shall notify the victim of:

(1) The defendant's regular conditions of probation or post-release supervision, special or added conditions, supervision requirements, and any subsequent changes.

(2) The date and location of any hearing to determine whether the defendant's supervision should be revoked, continued, modified, or terminated.

(3) The final disposition of any hearing referred to in subdivision (2) of this subsection.

(4) Any restitution modification.

(5) The defendant's movement into or out of any intermediate sanction as defined in G.S. 15A-1340.11(6).

(6) The defendant's absconding supervision, within 72 hours.

(7) The capture of a defendant described in subdivision (6) of this subsection, within 72 hours.

(8) The date when the defendant is terminated or discharged.

(9) The defendant's death.

(b) Notifications required in this section shall be provided within 30 days of the event requiring notification, or as otherwise specified in subsection (a) of this section. (1998-212, s. 19.4(c); 2001-433, s. 8; 2001-487, ss. 47(a), 120.)

§ 15A-838. Notice of commuted sentence or pardon.

The Governor's Clemency Office shall notify a victim when it is considering commuting the defendant's sentence or pardoning the defendant. The Governor's Clemency Office shall also give notice that the victim has the right to present a written statement to be considered by the Office before the defendant's sentence is commuted or the defendant is pardoned. The Governor's Clemency Office shall notify the victim of its decision. Notice shall be given in a manner that is reasonably calculated to allow for a timely response to the commutation or pardon

§ 15A-839. No money damages.

This Article, including the provision of a service pursuant to this Article through the Statewide Automated Victim Assistance and Notification System established by the Governor's Crime Commission, does not create a claim for damages against the State, a county, or a municipality, or any of its agencies, instrumentalities, officers, or employees. (1998-212, s. 19.4(c); 1999-169, s.1.)

§ 15A-840. No ground for relief.

The failure or inability of any person to provide a right or service under this Article, including a service provided through the Statewide Automated Victim Assistance and Notification System established by the Governor's Crime Commission, may not be used by a defendant in a criminal case, by an inmate, by any other accused, or by any victim, as a ground for relief in any criminal or civil proceeding, except in suits for a writ of mandamus by the victim. (1998-212, s. 19.4(c); 1999-169, s. 2.)

§ 15A-841. Incompetent victim's rights exercised.

When a victim is mentally or physically incompetent or when the victim is a minor, the victim's rights under this Article, other than the rights provided by G.S. 15A-834, may be exercised by the victim's next of kin or legal guardian. (1998-212, s. 19.4(c).)

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