

IF YOU ARE A VICTIM OF A CRIME, YOU HAVE THESE RIGHTS:

- ✓ **The right to be treated with dignity, respect and fairness throughout the criminal justice process.**
- ✓ **The right to see a doctor if you are in need of immediate medical attention.**
- ✓ **The right to protection from the defendant by the judge setting bail and/or conditions of release.**
- ✓ **The right to protection from harassment or threats because of your involvement in this case.** If someone bothers you or threatens you, call the police or the District Attorney's Office. They may be able to help in these ways:
 1. Contacting the person, or the person's attorney, to tell the person to stop bothering you;
 2. Investigating and, if necessary, arresting and prosecuting the person;
 3. Asking a judge to put the person back in jail, if the person has been released;
 4. Providing information about shelter programs that may be available in your area.
- ✓ **The right to timely disposition of the case following the arrest of the defendant.**
- ✓ **The right not to be fired from your job because you have to miss time from work to go to court at the request of the prosecuting attorney.**
- ✓ **The right to obtain information about, and to attend all court hearings which the defendant has a right to attend.**
- ✓ **The right not to have your address released to the public.**
- ✓ **The right to be heard at bail hearings, if you make a request.**
- ✓ **The right to be told when the defendant will go to court for trial and for sentencing; and to be told if those court dates change.**
- ✓ **The right to talk with someone from the**

DA's office (this is one reason why a victim witness paralegal is provided to you).

- ✓ **The right to be told, after the defendant is convicted, about the defendant's other criminal convictions.**
- ✓ **The right to choose if you want to talk to the defense.** The person who is charged with the crime will usually have an attorney to help with the case. You may be contacted by attorneys or investigators. Attorneys and investigators are required to tell you which side they work for. You may ask for identification and you may ask whether they are recording the conversation.

Whether or not to talk to the people who contact you is your decision, the DA's office cannot give you advice about that decision. You may decide that you want to talk to them, or that you don't want to talk to them. If you want someone from the DA's office to be present please let the victim witness paralegal assigned to your case know, and they will arrange for that.

Please be aware that whenever you talk to an attorney or investigator, they are allowed to secretly record the conversation.

- ✓ **In felony cases, you have the right to be told the address and phone number of the office that will prepare a presentence report for the judge and the right to be interviewed by the person writing the presentence report.** If the defendant is convicted of a felony crime, the judge may order a "presentence report." The purpose of the report is to provide information to the judge about the defendant, the crime, and how the crime affected you. For that reason, the person writing the report should contact you to get a "victim impact statement."

The presentence report is confidential. Only the district attorney, the judge, the defense attorney and the defendant are allowed to read the entire report. You can read parts of the report before the sentencing if you ask the victim witness paralegal assigned to your case in the DA's Office. Those parts are: (a) the summary of the offense, (b) the defendant's version of the offense, (c) the summary of your statements, and (d) the sentence recommendation made by the writer of the report.

- ✓ **The right to be heard at sentencing, if you make a request.** You may be heard at sentencing by:

1. Writing a letter to the judge, and/or;
2. Appearing in person to speak at the sentencing, and/or;
3. Making a victim impact statement in the presentence report if a presentence report is ordered.

You may write or talk about any relevant information including:

1. How the crime hurt you or your family (emotionally, physically and financially) and affected your life.
2. What you think should happen to the person who did the crime (jail, counseling, having to stay away from you and your family, paying you for your out-of-pocket expenses not covered by insurance, etc.).
3. Other information you would like the judge to know about the defendant or this case.

If you wish to write a letter to the judge, begin your letter with:

Re: State v. (Name of Defendant)
Case No. (Number of your case)

"Your Honor: (this is how to address the judge) ...I am the victim in this case," then continue with what you want to tell the judge. Send your letter to the victim witness paralegal assigned to your case. The victim witness paralegal will send your letter to the judge. The defendant's attorney will also receive a copy of your letter and will most likely allow the defendant to read your letter.

If you wish to speak at the sentencing, please inform the victim witness paralegal assigned to your case in the DA's office so time can be set aside for you to do so.

- ✓ **The Right to Violent Crimes Compensation Board information and how to apply.** The Violent Crimes Compensation Board (VCCB) is a program to reimburse innocent victims of violent crime for crime-related expenses such as medical bills, lost wages, and counseling costs. In the case of deceased

victims, VCCB may reimburse survivors for burial expenses and for loss of support to a dependent of a deceased victim. VCCB does not pay for stolen or damaged property, and will not pay if you have another source for payment of these expenses (such as medical insurance for medical care or workmen's compensation for lost wages). To apply for compensation you need to fill out a form that is available from the DA's office or by calling Violent Crimes Compensation directly at:

Violent Crimes Compensation Board
1.907.465.3040 or 1-800-764-3040
www.doa.alaska.gov/vccb

✓ **The right to restitution if the defendant is convicted.** Restitution is when the judge orders the defendant to pay for your expenses/ losses caused by the crime that are not covered by other sources (such as insurance). To request restitution, you must fill out a "Restitution Request Form" and return it to the DA's office within two weeks of receiving this brochure. If expenses are ongoing (so you do not yet have a final amount), provide the current total and explain which amount you will provide in the future giving an approximate date. Be sure to follow up. If the form is not included with this brochure and you want to request restitution, call the victim witness paralegal assigned to your case in the DA's office for assistance.

If the judge orders restitution for you: A special office that oversees the collection of restitution should contact you soon. That office is the Attorney General's Office, Collections Unit, 1031 West 4th Avenue, Suite 200, Anchorage, AK 99501. If you have questions, you may contact the office by calling 907.269.5205 (for Anchorage residents) or the toll-free number of 1.800.580.5205 (for non-Anchorage residents).

✓ **The right to be told, in writing, within 30 days from the end of the case, about what happened, if you make a request.**

✓ **The right to be told when the defendant will be released and/or if the defendant escapes from jail, if you make a request.** Make your request by registering with the VINE system (an automated notification system) by calling 1.800.247.9763 and following prompts. Also, if you make a written request, a recent

photo of the defendant will be sent to you with the notice of release or escape. To make a request for a recent photo, write to:

Department of Corrections
550 W. 7th Ave. Suite 601
Anchorage, AK 99501-3558
Phone: Alaska Toll Free 1.877.741.0741

✓ **The right to be told when the defendant will be released from a mental institution if the defendant was found not guilty by reason of insanity, if you make a request.** To make a request for notification of release or escape from a mental institution, write to:

Alaska Psychiatric Institute
2800 Providence Dr.
Anchorage, AK 99508-4677
Phone: 907.269.7100

✓ **The right to be informed about the Alaska Office of Victims' Rights.** The State of Alaska has established a special office to assist crime victims: Alaska Office of Victims' Rights. The purpose of the office is to help victims of crime obtain the legal rights they have under Article 1, Section 24 of Alaska's Constitution and various Alaska state statutes with regard to their contacts with criminal justice agencies in this state. A victim of crime has the right to be informed about the Alaska Office of Victims' Rights during their first contact with law enforcement and the prosecution. The Alaska Office of Victims' Rights is staffed by attorneys and available at no cost to victims. For more information please contact:

The Alaska Office of Victims' Rights
Main Phone: 907.272.2620
Toll Free in Alaska: 1.866.274.2620
Fax: 907.272.2640
www.officeofvictimsrights.legis.state.ak.us

If you are in need of an interpreter please let the district attorney's office know. One will be provided at no cost to you.

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STATE OF ALASKA

Department of Law
Criminal Division

VICTIM WITNESS
ASSISTANCE PROGRAM

CRIME VICTIMS'
RIGHTS



Every day, people in Alaska are hurt because of crime. Crimes hurt us physically, emotionally, and financially. People who are hurt by crime are called "victims."

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YOU HAVE RIGHTS**