

Crime Victims' Rights Overview

Criminal

Criminal Process starts with a Police Report

Following an Arrest

- Judge will consider your safety at a pre-release trial release hearing.
- You can refuse to speak to an attorney for the defendant.

If Case Goes to Trial & Sentencing

- You have the right to express your views at sentencing, in person or in writing.
- Rape shield laws may apply in your case.
- If a pre-sentence investigation report is ordered, you can include a statement in it.

Generally

- You have constitutional & statutory rights that can be asserted by you, your own attorney, or the prosecution, upon request.

Civil

Crime victims may be able to pursue these options generally without involvement in the criminal process

Restraining Order

Petition court for protective/restraining order (FAPA, SAPO, Stalking, EPPDAPA)

Civil Law Suits

Sue perpetrator or other responsible parties, including companies, landlords, institutions, etc., for personal injury or other civil claims.

Employment

- Can receive unemployment insurance, if you quit for domestic violence, stalking, or sexual assault and safety reasons.
- Employer cannot refuse to make a reasonable safety accommodation
- Employer cannot discriminate or retaliate against victims of domestic violence, stalking, or sexual assault.

Housing

- Domestic violence, stalking, and sexual assault victims can break a lease and request to have locks changed by the landlord.
- Landlords cannot discriminate or retaliate against domestic violence, stalking, or sexual assault victims.

Immigration

Immigration relief available to crime victims in the U.S.
**Some relief may require participation in criminal process.

University

A report of sexual assault to many school employees will trigger a mandatory report to the University Title IX Coordinator, and may require an investigation. Confidentiality cannot be guaranteed, but will be respected if possible.

Disclosure of sexual assault (not involving minors) to a licensed medical professional, clergy, lawyer, or confidential advocate will not generally trigger a mandatory report to law enforcement or school administration.

- University investigation must be prompt, thorough, and neutral (Typically within 60 days).
- If there is a law enforcement investigation, the University may wait up to two weeks to start an investigation, but best practice is not to do so and to take interim measures. The University must consider the safety of the victim and campus community.

Intermediary Measures

- Housing transfers
- No Contact Orders
- Academic accommodations
- Financial aid accommodations

Prompt and Equitable

- Treatment of both complainant and accused must be equitable.
- Both have same opportunity to an advisor during a conduct hearing.
- Both informed of outcome of conduct hearing.