

Crime Survivor Project

Survivor Rights in the Criminal Justice System

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This guide is to help survivors of crime. You are a survivor. Crime survivors have legal rights in the criminal justice system. You may be called a victim throughout the legal process. A victim is any person who has suffered financial, psychological, or physical harm because of a crime.

General rights of all survivors

You have a right to justice. You have a right to be treated with dignity and respect. You have a right to fair treatment throughout the criminal justice process. You also have a right to reasonable protection from the offender throughout the criminal justice process.

Some rights are automatic, but some rights must be requested. We have listed when you need to request a right.

- » To find out more about how to request your rights, go to: https://www.doj.state.or.us/wp-content/uploads/2017/03/victims_rights_request_form.pdf
- » You can request your rights by contacting your local District Attorney's (DA) Office/ Victim Assistance Program. For a list of DA offices by county, visit: <https://www.doj.state.or.us/crime-victims/victims-resources/other-resources/county-victim-assistance-programs/>

Automatic rights

You do not need to request these rights.

- » You have the right to go to any critical stage of court proceedings that are open to the public. This would include almost all parts of the process from pre-trial to post-trial proceedings.
- » You have the right to have a support person with you during nearly all phases of the investigation and court proceedings.

Rights that must be requested

You must ask for these rights.

- » You have the right to know ahead of time the dates of any critical stage open court events.
- » In any criminal proceeding, the court must appoint a qualified interpreter and make available appropriate assistive communication devices whenever it is necessary.

Your rights following the arrest of the offender

Automatic rights

- » The judge must consider your safety when determining if the offender should be released pre-trial.
- » You have the right to choose not to speak or otherwise communicate with the offender, the offender's lawyer, or anyone else working with the offender before the trial occurs.
- » You have the right to talk to the prosecutor and share your ideas of what should happen to the offender. The prosecutor can use your input to determine a plea deal. A plea deal is an agreement that sets forth an appropriate punishment for the offender based on the charges. If the offender accepts the deal, there will not be a trial.

Rights that must be requested

- » You have the right to be given notice of court proceedings that are open to the public, such as hearings, trial, sentencing, and release of the offender.
- » In a violent felony case, you have the right to be consulted about the plea before an agreement is reached.
- » You have the right to be heard at the pretrial release hearing.

Your rights if your case goes to trial

Automatic rights

- » The court must consider your schedule when setting trial dates or a hearing requiring your attendance.
- » Sometimes a presentence investigation report is ordered. This is a report prepared prior to sentencing the offender. If it is, you have the right to include a Victim Impact Statement.

- » You have the right to be heard. This means presenting an oral or submitting a written statement at a sentencing hearing. This is when the court decides what punishment the offender will receive.

Your rights after sentencing

Automatic rights

- » You have the right to full restitution for money damages caused by the offender's criminal conduct. Restitution is payment for the economic loss you experienced because of the offender's criminal activities.

Rights that must be requested

- » You have the right to be notified thirty days in advance when the convicted person is released from custody.
- » You have the right to reasonable notice before a parole hearing in adult cases. A parole hearing is a procedure to determine whether an inmate should be released from prison.

Other resources

There are other rights that you may wish to assert. For a comprehensive list of victim rights, visit: <https://www.doj.state.or.us/crime-victims/victims-rights/victims-rights-guides/>

How to request help

Call us at 503-243-2081 or 1-800-452-1694 ext. 243, send us an email at csp@droregon.org, or send us a letter at Disability Rights Oregon 511 SW 10th Avenue, Suite 200 Portland, Oregon 97205

Civil rights statement

Disability Rights Oregon operates its program, services, and activities in compliance with federal nondiscrimination laws.

For more information about our Crime Survivor Project, visit droregon.org/survivor.