

Virginia Crime Victim and Witness Rights



Virginia Department of Criminal Justice Services

www.dcjs.virginia.gov

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. 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 Virginia Victims Fund (officially the Criminal Injuries Compensation Fund)
- Address and telephone number confidentiality¹
- Closed preliminary hearing 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
- The right to consult the commonwealth's attorney regarding proposed plea agreements and plea negotiations in felony cases²
- The law (§ 40.1-28.7:2) requiring employers to allow employees who are crime victims leave from work to attend criminal proceedings

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 proceedings²
- Receiving the services of an interpreter
- Preparing a Victim Impact Statement in felony cases
- Seeking restitution

Notification of:

- Changes in court dates²
- Changes in the status of the defendant, if he/she is being held in a jail or a correctional facility³
- 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 defendant³
- Case disposition, defendant appeal rights, and restitution information²

As the witness to a crime, you may be entitled to:

Information about:

- Your rights and available protection
- Address and telephone number confidentiality¹
- 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:** In a felony case, the commonwealth's attorney shall consult with the victim either verbally or in writing to inform the victim of the contents of a proposed plea agreement and to obtain the victim's views about the disposition of the case, including the victim's views concerning dismissal, pleas, plea negotiations, and sentencing. The victim shall be notified of any proceeding in which the plea agreement will be tendered to the court, if the victim has provided their current address and telephone number.

³ **Information about release or status of defendant:** If the defendant is incarcerated in a local jail or awaiting trial, a victim may register for status change notifications using VINELink.com. If the defendant is convicted and sentenced to 12 months of incarceration or more, a system called NAAVI (Notification And Assistance for Victim Inclusion) is used by the Virginia Department of Corrections Victim Services Unit, the Office of the Attorney General Victim Notification Program, and the Virginia Parole Board Victim Input Program to assist victims with post-sentencing services and information. NAAVI provides automated status change notifications regarding inmates that are in the custody of the Virginia Department of Corrections (VADOC) and allows all three agencies access to provide services and information to crime victims regarding the correctional and parole processes, appeal and habeas corpus proceedings, and civil commitment. To register for post-conviction victim services and notification, visit NAAVI.virginia.gov. If you have additional NAAVI questions, please call (800) 560-4292.

Virginia Department of Corrections Victim Services Unit:
(800) 560-4292 or email VictimServices@vadoc.virginia.gov

Office of the Attorney General Victim Notification Program:
(800) 370-0459 or email VNP@oag.state.va.us

Virginia Parole Board Victim Input Program: (800) 560-4292 or
email VictimInput@vpb.virginia.gov

Local contact information:

- Local Victim/Witness Program:
- Commonwealth's Attorney:
- Investigating Law Enforcement Agency:

For information, assistance, and referrals you can also call statewide toll-free numbers including:

■ **Virginia Victim Assist Helpline**
1-855-443-5782 (1-855-4-HELP-VA)

■ **Virginia Family Violence & Sexual Assault Hotline**
1-800-838-8238 (call) or 804-793-9999 (text)