

Victims of Crime

If you have been a victim of a crime, you and your family may suffer from physical pain, emotional trauma, and financial losses. Our office works with you to help you and your family recover from your traumatic loss.

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Legal Rights For Victims of Crime

Overview of Legal Rights for Victims of Crime

WHAT TO DO IF YOU ARE A VICTIM OF CRIME

MAKE SURE THAT YOU ARE SAFE. The most important single act a victim of violent crime can engage in immediately after the crime is getting to a safe place.

SEEK MEDICAL ATTENTION. Victims injured in a crime should seek medical help as soon as possible, if necessary being transported by ambulance.

REPORT THE CRIME TO AUTHORITIES. Victims should report the crime to authorities. Once the crime is reported, the matter is referred to the appropriate police agency for investigation and prosecution. You may obtain additional information about this process by contacting the Victim's Advocate in your county.

SEEK SUPPORT. Being a crime victim can be both physically and psychologically traumatic in the short and long term. Many victims seek the support of family, friends or professionals throughout their recovery.

RECEIVE FINANCIAL ASSISTANCE. You may be entitled to receive reimbursement for your medical bills, lost wages or pain and suffering. Contact our office to discuss what may be possible in your case.

REMEMBER THAT YOU HAVE IMPORTANT RIGHTS AS A VICTIM.

In most jurisdictions, victims usually have the following rights:

- The right to be treated with fairness and with respect for your dignity and privacy.
- The right to be reasonably protected from the perpetrator of the crime.
- The right to be notified of court proceedings.
- The right to be present at most public court proceedings related to the offense, in most circumstances.
- The right to confer with the prosecuting attorney.
- The right to restitution.
- The right to information about the conviction, sentencing, imprisonment, and release of the perpetrator of the crime.

Frequently asked questions about the rights of victims of crime.

Do I need to consult with an attorney?

Yes. Although you will most likely not need to retain an attorney to assist you with the criminal prosecution of your case, you may need an attorney in several related cases. In some jurisdictions, an attorney can assist you in securing reimbursement for your medical expenses or lost wages through a victim's compensation fund. In those areas, there is no charge for you to hire an attorney to assist you with the application. An attorney may also help you discover if there are resources available to help you obtain compensation for your pain and suffering through a civil case.

How can I be compensated for the losses that I have suffered?

You may be compensated, or reimbursed, through a civil case, through an application to a crime victim's fund or through an award of restitution in the criminal case.

What is the difference between these three kinds of cases?

In the civil case, you may receive damages for economic and non-economic losses. In the criminal case, the offender may be convicted of a felony or misdemeanor, may be required to pay fines, serve time in prison or be placed on probation or parole. In a case involving a crime victim's fund application, you may be able to receive some damages, but those will be limited to out-of-pocket damages.

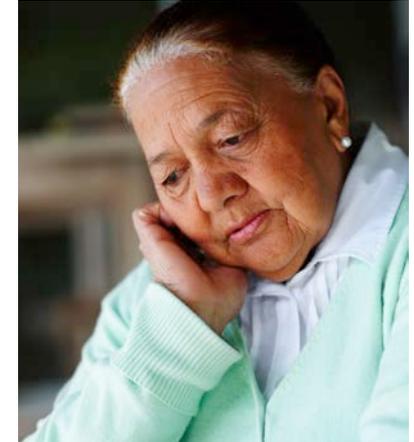
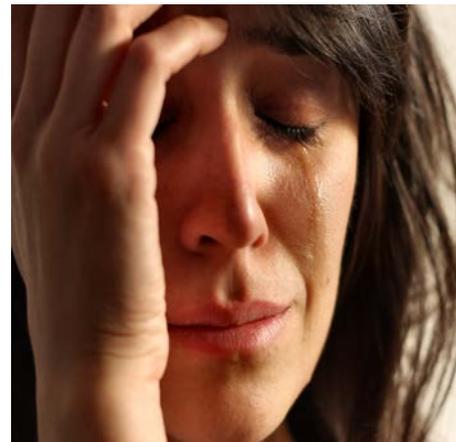
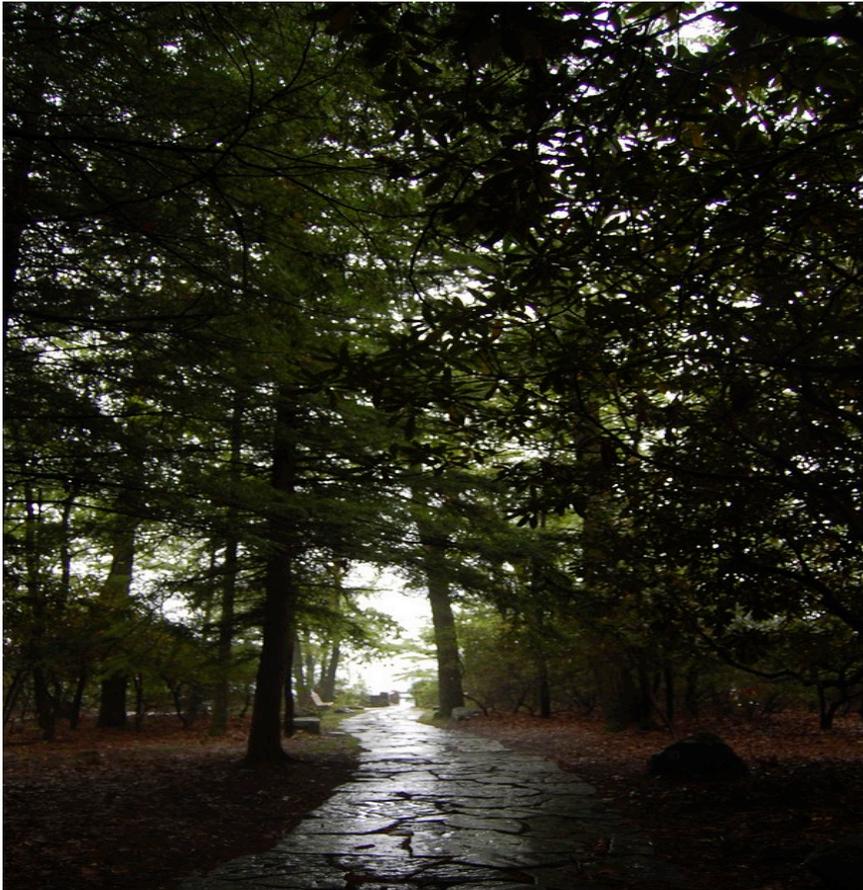
What is a crime victims compensation fund?

Although they vary state to state, in most states the funds are established to provide compensation to innocent victims of crime who have suffered personal injury resulting in out-of-pocket losses.

What types of crimes does the fund provide compensation for?

The fund provides compensation only for crimes resulting in personal injury. These include:

- Drunk and Reckless driving
- Vehicle homicide (Negligent homicide)
- Malicious assault
- Assault and battery
- Child abuse/molestation
- Domestic violence
- Murder
- Robbery
- Sexual assault
- Kidnaping
- Hunting accident
- Arson
- Other violent crimes



Restorative Justice: Another Option?

Victims of crimes sometimes feel that the resources available in most court systems are not sufficient—that even when the system works properly, something is missing. Restorative justice may provide additional options. Most programs that incorporate restorative justice include provisions for a victim offender dialog. In the victim offender dialog, when both the victim and offender agree, they have a meeting where they may privately discuss the crime and

the harm that was caused by the crime. While many jurisdictions do not include such program, our office may be available to facilitate victim offender conferences or make arrangement for specially trained facilitators to arrange for and facilitate the conference. Victim Offender Dialogs may be arranged at any time during or after a legal proceeding. Our office also has training and experience with other restorative practices including Family Group Decision Making, Family Group Conferencing and Talking Circles.



CRIMINAL PROSECUTIONS:

Our office does not represent parties in criminal prosecutions, the prosecuting attorney will prosecute the case. However, we are able to assist victims in their communications with the prosecuting attorney's office.

Victims in most jurisdictions have very clear rights, usually outlined by statute. These rights pertain receiving notice of hearings, pleas, and release of the offender.

What are the stages in a criminal case?

Most criminal cases involving adults have the following stages.



CIVIL LITIGATION:

Our office represents some victims in civil cases against their offender. These cases are accepted on a contingency fee, which means that if there is no recovery, the victim will not bear any attorney fees

In those cases, we will seek to recover out of pocket costs, such as medical expenses and lost wages, as well as other damages such as pain and suffering.



CRIME VICTIMS FUND APPLICATIONS:

In West Virginia, our office accepts cases to file for reimbursement for costs for victims of crime from the West Virginia Crime Victim's Fund.

In West Virginia, the attorney fees for completing the application are paid by the fund, so the victim will not incur any expense to retain our office.

We are unable to represent litigants in Crime Victim's Fund applications in the District of Columbia. However, we are happy to meet with victims to review their cases and provide them with referrals to complete their crime victim's application.



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