

Know Your Rights:

A Guide for Victims and
Witnesses of Crime

August 2005



Your Rights

As a victim or witness of a crime, you have these rights:

1. The right to be reasonably protected from the accused.
2. The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused.
3. The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.
4. The right to be reasonably heard at any public proceeding in the district court involving release, plea, or sentencing, or any parole proceeding.
5. The reasonable right to confer with the attorney for the government in the case.
6. The right to full and timely restitution as provided in law.
7. The right to proceedings free from unreasonable delay.
8. The right to be treated with fairness and with respect for the victim's dignity and privacy.

As an agency of federal law enforcement professionals, the U.S. Postal Inspection Service is concerned about problems that may be experienced by victims and witnesses of crime. We know that, as a victim or witness, you may feel anger, confusion, frustration, or fear as a result of your experience.

We have prepared this information to help you deal with problems and questions that may surface during an investigation and to provide you with a better understanding of the criminal justice system. We have included information and services available to you as a victim or witness.

We hope this information will be helpful. We encourage you to contact the Postal Inspector handling your case or your Victim/Witness Coordinator if you have further questions.

Investigating Your Case

Although the days and months ahead may be difficult for you and your family, your assistance is important to ensure that justice is served.

During the investigation, you will be informed of the status of the case. Throughout the investigation, a Postal Inspector or Victim/Witness Coordinator will remain your primary contact. If you have questions, be sure to contact one of these individuals as soon as possible. A criminal investigation can be complex and lengthy. It may involve several federal and local agencies.

Remember, your interests are important to us. We are here to help answer any questions you may have.

If your case is accepted for prosecution, you will be contacted by the attorney's office assigned to handle your case. Most prosecutors' offices have a Victim/Witness Coordinator to help answer your questions and assist with your concerns during the pretrial and court phases of the case.

If You Are Threatened or Harassed

If anyone threatens you, or you feel you are being harassed because of your cooperation with authorities, report it to your Postal Inspector. There are penalties for harassment and other threats. The Inspector may discuss protective measures with you. If you feel you are in immediate danger, call 911.

You Were Physically Injured

If you were injured or threatened with physical injury as a result of the crime, and lack insurance or other means to pay for medical bills, check your state's crime victim compensation program. In many states, the cost of counseling, lost wages, and certain funeral expenses may be covered.

The law varies by state, but your Victim/Witness Coordinator can provide you with the necessary information.

If You Had Property Stolen

As part of its investigation, the Postal Inspection Service hopes to recover any property or money stolen from you. If we recover it, we will notify you and make every effort to have it returned as quickly as possible. Restitution may be available for property not recovered or for the cost of any necessary repairs.

Assisting With Your Employer

Upon request, during the investigation and court processing, we can call your employer to discuss the importance of your role as a victim or witness to the government's case and to explain any absences you may need to take from your workplace.

Restitution

If a person is arrested and successfully prosecuted in your case, you may be eligible for restitution. This is a court-ordered payment made to you as a victim of a crime. Upon conviction, the offender pays out-of-pocket expenses resulting from your victimization.

If the court orders restitution at sentencing, it may consider the offender's present and future ability to pay. If the defendant has assets, the court may order restitution to be paid immediately or in scheduled payments. In many cases, however, the proceeds of the crime are no longer available and the defendant does not have sufficient assets to pay restitution. It is possible, therefore, that a victim may not receive restitution.

Other remedies may include a civil suit or small claims court action. Restitution cannot be avoided through bankruptcy.

Assisting With Your Recovery

Victims and witnesses are emotionally affected by crime. Although everyone reacts differently, victims and witnesses commonly report some of these behaviors:

- Increased concern for your personal safety and that of family members. You may naturally be more cautious.
- Trouble concentrating on the job.
- Difficulty handling everyday problems or feeling overwhelmed.
- Going over the circumstances of the crime again and again, and thinking about what might have gone differently.
- Difficulties from financial loss.

These problems are normal, and they may decrease with time. Talking with the Postal Inspector handling your case or a Victim/Witness Coordinator may assist in your recovery. If the defendant either pleads guilty or is found guilty, you have the opportunity, before sentencing, to submit an “Impact Statement” describing the emotional, physical, and financial effects of the crime on your life and that of your family. A Victim/Witness Coordinator can help you prepare the statement, if needed.

For Assistance

Call the Victim/Witness Coordinator at your local Postal Inspection Service office for information on the status of your case. If the case is prosecuted federally, you should receive information on how to access the Department of Justice’s Victim Notification System (VNS). VNS is a computer-based system that provides updated information on your case. You can access it at no cost via a toll-free number.

Other Programs

U.S. DEPARTMENT OF JUSTICE
OFFICE FOR VICTIMS OF CRIME
202-307-5983
www.ojp.usdoj.gov/ovc

NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE
1-800-879-6682
www.trynova.org

NATIONAL CENTER FOR VICTIMS OF CRIME
1-800-394-2255
www.ncvc.org

U.S. POSTAL INSPECTION SERVICE
475 L’ENFANT PLAZA SW RM 3100
WASHINGTON DC 20260-3100
www.usps.com/postalinspectors

FEDERAL TRADE COMMISSION
1-877-FTC-HELP (toll free)
www.ftc.gov