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Rights of Federal Crime Victims

The victims rights movement of the 1970s and 1980s resulted in the creation of many programs designed to assist victims of crime and in the passage of laws at the local, state, and federal level establishing certain rights for victims. These rights and services vary somewhat from state-to-state, depending upon the laws of each state and available resources. State and local authorities investigate crimes which are violations of state criminal laws. Most crimes investigated by the FBI involve violations of the United States Federal Criminal Code. Victims of federal crimes are entitled to certain rights and services according to federal law.

Under the *Victims' Rights and Restitution Act (VRRRA)*, 34 U.S.C. § 20141, victims are entitled:

- To be notified they have been the victim of a federal crime;
- To be informed of the place where they may receive medical and social services;
- To be informed of public and private programs available for counseling, treatment, and other support services;
- To receive reasonable protection from a suspected offender and persons acting in concert with or at the behest of the suspected offender;
- To know the status of the investigation of the crime, to the extent it is appropriate and it will not interfere with the investigation;
- To have personal property being held for evidentiary purposes maintained in good condition and returned as soon as it is no longer needed for evidentiary purposes.

For purposes of these rights and services, victims are defined in specific ways in the law.

Under the VRRRA, a **crime victim** is a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime. If a crime victim is under 18 years of age, incompetent, incapacitated, or deceased, services should be provided to one of the following representatives of the victim (in order of preference): a spouse, legal guardian, parent, child, sibling, another family member, or another person designated by the court. More than one representative victim can be identified and provided with services depending on the circumstances. Under no circumstances shall a person culpable for the crime be treated as a representative victim.

Additionally, under the *Crime Victims' Rights Act (CVRA)*, 18 U.S.C. § 3771, if federal charges are filed involving images or material depicting the victim, victims (or a parent, guardian, or other appropriate alternate contact while victim is a minor) will have the following rights:

- The right to be reasonably protected from the accused;
- 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;
- The right not to be excluded from any such public court proceeding unless the court, after receiving clear and convincing evidence,

the right to be excluded from any courtroom proceedings, 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;

- The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding;
- The reasonable right to confer with the attorney for the government in the case;
- The right to full and timely restitution as provided in law;
- The right to proceedings free from unreasonable delay;
- The right to be treated with fairness and with respect for the victim's dignity and privacy;
- The right to be informed in a timely manner of any plea bargain or deferred prosecution agreement;
- The right to be informed of the rights under this section and the services described in section 503(c) of the *Victims' Rights and Restitution Act of 1990 (34 U.S.C. § 20141(c))* and provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice. The Victims' Rights Ombudsman may be contacted at usaeo.VictimOmbudsman@usdoj.gov if you believe a Department of Justice employee has failed to provide you rights under the Crime Victims' Rights Act.

Under the CVRA, a **crime victim** means a person who has been directly and proximately harmed (physically, emotionally, or financially) as a result of the commission of a federal offense or an offense in the District of Columbia. In the case of a crime victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardians of the crime victim or the representatives of the crime victim's estate, family members, or any other persons appointed as suitable by the court may assume the crime victim's rights, as long as that person is not a defendant in the crime being investigated or prosecuted. Foreign citizens may be victims in some cases. Businesses, corporations, and non-profit organizations can be eligible victims, and an authorized representative of the entity should be designated for purposes of notification. A government agency or entity is not considered a victim for purposes of these rights.

Most of these rights apply after charges have been filed by a U.S. Attorney's Office.

The FBI's responsibility for assisting victims is continuous until the investigation is closed or until it is turned over to a U.S. Attorney's Office for prosecution.

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