

WHAT ARE THE DISTRICT ATTORNEY'S RESPONSIBILITIES TO ME AS A CRIME VICTIM?

Responsibilities of the District Attorney's Office:

*Within 21 days after the arrest of the accused, but not less than 24 hours before the accused's first scheduled probable-cause hearing, the district attorney's office **shall** provide you with a pamphlet or other written material that explains:*

- The responsibilities of the district attorney's office.
- You have the right to reasonably confer with the district attorney's office about the disposition of the case and the right to provide a victim impact statement.
- You have the right to be informed of eligibility for compensation under the Crime Victims Compensation Act and the deadlines by which the victim must file a claim for compensation.
- You have the right to be informed of the steps generally taken by the district attorney's office when prosecuting a crime.
- You have the right to receive suggestions on what a victim should do if threatened or intimidated by the accused or someone acting on the accused's behalf.
- You have the right to be informed of the name and telephone number of the witness assistant in the district attorney's office whom you may contact for further information regarding your case.

You, as the victim, have the responsibility, upon receiving the information and a form provided by the district attorney's office, to indicate whether you wish to receive notices of some, all, or none of the trial and post-trial proceedings involving the accused.

If you decide to receive these notices, you are responsible for notifying the district attorney's office or any other department or agency involved in your case of any changes in your address and telephone number or other contact information.

You may change the request for notification at any time by notifying the district attorney's office and completing the form provided by the district attorney's office.

If you are the victim of an act of delinquency, the district attorney's office responsibility to you is extended if the juvenile's case is transferred to criminal court.

If you are a victim of a human trafficking offense the district attorney's office shall notify the Office of the Attorney General and Legal Aid of North Carolina, Inc., in addition to providing entitled rights.

During the court process:

- The district attorney's office **shall** notify you of the date, time, and place of all court proceedings of the type that you have chosen to be notified of.
- All notices required to be given by the district attorney's office **shall** be reasonable, accurate, and timely. The notices shall be given prior to the date of the court proceeding. The district attorney's office may provide the required notification electronically or by telephone, unless the victim requests otherwise. The notifications shall be documented by the district attorney's office.
- Whenever practical, the district attorney's office **shall** provide a secure waiting area during court proceedings that does not place you in close proximity to the defendant or the defendant's family.
- The district attorney's office **shall** make every effort to ensure that your personal information is not disclosed unless otherwise required by law. The district attorney's office shall inform you that personal information such as the victim's telephone number, home address, and bank account number are not relevant in every case and that you may request the district attorney to object to that line of questioning when appropriate.
- ****The district attorney's office shall offer you the opportunity to reasonably confer with an attorney from the district attorney's office to obtain your views about (at a minimum) dismissal, plea or negotiations, sentencing, and any pretrial diversion programs.**
- Should the accused be found guilty and at the sentencing hearing, the prosecuting attorney **shall** submit to the court a copy of a form containing the identifying information about your decisions to receive further notices pertaining to this case.

At that point the clerk of superior court **shall** include the form with the final judgment and commitment, or judgment suspending sentence, to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety or other agency receiving custody of the defendant. This form shall be maintained by the custodial agency as a confidential file.

****Prior to Sentencing:**

You have the right to (but are not required to) submit a **Victim Impact Statement** to the court to be considered during sentencing. Your written Victim Impact Statement becomes permanent part of the District Attorney's file. The Victim Impact Statement may include:

- A description of any physical, psychological, or emotional injury sustained as a result of the offense committed by the accused
- An explanation of any economic or property loss
- A request for restitution and an indication as to whether you have applied for or received crime victim's compensation

At your request and with the consent of the defendant, the district attorney's office or a law enforcement officer may offer evidence of the impact of the crime to the court.