



EXPLANATION OF VICTIM RIGHTS & NOTIFICATION PREFERENCES

Under the *Victims' Rights and Restitution Act (VRRRA)*, 42 U.S.C. §10607, 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.

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, 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 (42 U.S.C. 10607(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 usao.VictimOmbudsman@usdoj.gov if you believe a Department of Justice employee has failed to provide you rights under the Crime Victims' Rights Act.

It is possible for a victim's images to be possessed and distributed numerous times by many individuals. As a result, those images may be involved in more than one federal investigation or prosecution. Victims may choose to be notified each time their images are involved in a case resulting in frequent notifications. If a victim chooses not to be notified, the Department of Justice (DOJ), including the FBI, will **not** provide notice when their images are involved in a federal investigation or prosecution. Victims may seek the advice of an attorney with respect to these rights. A victim represented by an attorney may elect to have the attorney receive notifications on his or her behalf.

Victims may choose at any time to discontinue notification or restart the notification process. To change notification preference, please contact the FBI Office for Victim Assistance at 1-877-236-8947 or CPVA@fbi.gov. The FBI and the DOJ will only provide notice based on a victim's preference. Other parties may continue to provide notification, including state and local criminal justice officials defense attorneys representing offenders, or court officials preparing a report for the judge prior to sentencing an offender.

Once a victim of a federal crime reaches age of majority (18), the FBI will take reasonable steps to contact the victim to provide him or her with notice of these rights and determine his or her notification preference.

EXPLANATION OF LOSSES SUBJECT TO POSSIBLE RESTITUTION

Under the law, as part of the criminal sentence imposed on a defendant, or as part of a plea agreement, victims may be entitled to restitution for certain losses suffered as a result of the commission of an offense.

The full amount of a victim's losses may include any costs incurred by the victim as a result of the crime, including:

- *medical services relating to physical, psychiatric, or psychological care;*
- *physical and occupational therapy or rehabilitation;*
- *necessary transportation, temporary housing, and child care expenses;*
- *lost income;*
- *attorneys' fees, as well as other costs incurred; and*
- *any other losses suffered by the victim as a proximate result of the offense.*

To assist in determining eligibility for restitution, it is important to keep a record of all expenses incurred as a result of the crime. The Victim Assistance Unit of the U.S. Attorney's Office can provide assistance regarding the submission of claims for restitution.

Privacy Act Notice

Collection of the information on this form is authorized by the VRRRA and the CVRA. The primary purpose of the information requested is to notify you, as a victim of child pornography, or your guardian if you are still a minor, of your rights under Federal law and to document your right to be notified every time the use of your image is the basis of a future federal investigation and/or court proceeding. The information collected will be used for notification purposes only by personnel who have a need for the information in the performance of their official duties. The information may also be disclosed to other federal agencies involved in the investigation and/or prosecution of child pornography cases involving your images. The information collected may also be used to document whether you wish to provide a Victim Impact Statement to be used in sentencing or parole proceedings where the defendant's offenses involved the use of your image. You are not required to provide the requested information; however, your failure to do so may result in you being notified every time your image is the basis of a federal investigation and/or court proceeding.

THIS SECTION TO BE COMPLETED BY INVESTIGATIVE AGENT OR VICTIM SPECIALIST:

Agent and/or Victim Specialist VS: _____

Case Number: _____ SN: _____

VICTIM PREFERENCE INFORMATION

*** This section to be completed by victim or victim's guardian/alternate contact ***

NOTIFICATION:

Victims may change their notification preference, or revoke consent for an alternate contact to receive notification on their behalf, at any time by contacting the FBI's Office for Victim Assistance at 1-877-236-8947 or CPVA@fbi.gov.

Yes, I want to be notified when images of my victimization are the basis for future federal investigations or court proceedings.

Yes, I want to be notified, but prefer notifications go to an alternate contact.

I provide consent for _____ to be notified when images of my victimization are the basis for future federal investigations or court proceedings.

No, I do not want to be notified when images of my victimization are the basis for future federal investigations or court proceedings.

Waiving this right to notification means that I will not receive any information from the Department of Justice regarding new investigations and court or parole proceedings, or any information concerning the release or escape of the accused in such cases. By waiving notification, I may not have the opportunity to exercise my rights as a victim pursuant to the Crime Victims' Rights Act, including *the right to restitution and the right to be heard at any public court proceeding*.

PREFERRED NOTIFICATION METHOD:

If you choose to receive email notices only, you must "verify" an email address in the Victim Notification System (VNS) and most, if not all, future notification will be sent by email only. If you do not verify your email address, VNS may continue to send both letter and email notifications. However, email notifications will not contain details about the nature of the notification until the email address has been verified.

Letter

Email

*** Please note that if you elect email, you may still receive letters from some agencies according to their notification policies ***

VICTIM IMPACT STATEMENT:

Yes, I wish to provide a Victim Impact Statement to be used in federal, state, and/or local sentencing or parole proceedings where the defendant's offenses involved images of my victimization, regardless of whether I have chosen to be notified of those proceedings. I understand that I will be contacted in the future by a Victim Assistance Specialist from the U.S. Attorney's Office and my Victim Impact Statement will be kept on file for use in future cases.

No, I do not wish to provide a Victim Impact Statement to be used in current or future federal, state, and/or local sentencing or parole proceedings where the defendant's offenses involved images of my victimization.

RESTITUTION:

Yes, I would like to be contacted concerning my eligibility for restitution.

No, I would not like to be contacted concerning my eligibility for restitution.

VICTIM CONTACT INFORMATION

*** This section to be completed by victim or victim's guardian/alternate contact ***

VICTIM INFORMATION:

Victim: _____ DOB: _____ Sex: Female Male

Mailing Address: _____

City: _____ State: _____ ZIP: _____ Country: _____

Phone: (home cell) _____

Email Address: _____

Victim Signature: _____ Date: _____
(If age of majority – 18)

GUARDIAN INFORMATION (if applicable):

*** Please complete if victim is currently under 18 years of age ***

Is the victim aware that images and/or video exist? Yes No

Guardian: _____ Relationship: _____

Mailing Address: (same as above) _____

City: _____ State: _____ ZIP: _____ Country: _____

Phone: (home cell) _____

Email Address: _____

Guardian Signature: _____ Date: _____

ALTERNATE CONTACT OR LEGAL REPRESENTATIVE INFORMATION (if applicable):

*** Please complete if you are an authorized alternate contact or legal representative ***

Alternate Contact / Legal Rep: _____

Agency (if applicable): _____

Mailing Address: _____

City: _____ State: _____ ZIP: _____ Country: _____

Office Phone: _____

Email Address: _____

Alternate Contact Signature: _____ Date: _____

Please return this form to:

FBI Office for Victim Assistance
ATTN: CPVA | Room 3329 | 935 Pennsylvania Avenue, NW | Washington, DC 20535
Phone: 1-877-236-8947 | Email: CPVA@fbi.gov