

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 23.**  
**CRIMINAL PROCEDURE.**

**CHAPTER 19.**  
**CRIME VICTIMS' RIGHTS.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 19. CRIME VICTIMS' RIGHTS.

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### TABLE OF CONTENTS

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[§ 23-1901. Crime victims' bill of rights.](#)

[§ 23-1902. Notice to crime victims.](#)

[§ 23-1903. Crime victim privacy and security.](#)

[§ 23-1904. Crime victims' rights at sentencing.](#)

[§ 23-1905. Definitions.](#)

[§ 23-1906. Applicability.](#)

# **CHAPTER 19. CRIME VICTIMS' RIGHTS.**

## **§ 23-1901. CRIME VICTIMS' BILL OF RIGHTS.**

(a) Officers or employees of the District of Columbia engaged in the detection, investigation, or prosecution of crime or the judicial process shall make their best efforts to see that victims of crime are accorded the rights described in subsection (b) of this section.

(b) A crime victim has the right to:

- (1) Be treated with fairness and with respect for the victim's dignity and privacy;
- (2) Be reasonably protected from the accused offender;
- (3) Be notified of court proceedings;
- (4) Be present at all court proceedings related to the offense, including the sentencing, and release, parole, record-sealing, and post-conviction hearings, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony or where the needs of justice otherwise require;
- (5) Confer with an attorney for the prosecution in the case which does not include the authority to direct the prosecution of the case;
- (6) An order of restitution from the person convicted of the criminal conduct that caused the victim's loss or injury;
- (7) Information about the conviction, sentencing, imprisonment, detention, and release of the offender, and about any court order to seal the offender's criminal records;
- (8) Notice of the rights provided in this chapter and under the laws of the District of Columbia; and
- (9) Be notified of any available victim advocate or other appropriate person to develop a safety plan and appropriate services.

(c) This section does not create a cause of action or defense in favor of any person arising out of the failure to accord to a victim the rights enumerated in subsection (b) of this section.

(June 8, 2001, D.C. Law 13-301, § 302(b), 47 DCR 7039; May 5, 2007, D.C. Law 16-307, § 3(b)(1), 54 DCR 868; Oct. 23, 2010, D.C. Law 18-239, § 206(c), 57 DCR 5405.)

## **§ 23-1902. NOTICE TO CRIME VICTIMS.**

(a) The head of each department and agency of the District of Columbia engaged in the detection, investigation, or prosecution of crime or in the judicial process shall designate the persons who will be responsible for identifying the victims of crime and performing the services described in subsection (c) of this section at each stage of a criminal case.

(b) At the earliest opportunity after the detection of a crime at which it may be done without interfering with an investigation, a responsible official shall identify the victim or victims of a crime.

(c)(1) At the earliest opportunity after the detection of a crime at which it may be done without interfering with an investigation, a responsible official shall inform identified victims of:

- (A) Their right to receive the services described in this subsection and a listing of their bill of rights as contained in section 23-1901;
- (B) The name, title, business address and telephone number of the responsible official to whom the victim should address a request for assistance to obtain the services described in this subsection;
- (C) The place where the victim may receive emergency medical and social services;
- (D) Any restitution, crime victims' compensation, crime victims' assistance or other relief for which the victim may be eligible under this or any other law and the manner in which such relief may be obtained;
- (E) The names and phone numbers of public and private victim assistance programs that are

- available to provide counseling, treatment, and other support to the victim;
  - (F) The procedure and resources available for reasonable protection of the victim; and
  - (G) The police report number, if available, and other identifying case information.
- (2) During the investigation and prosecution of a crime, a responsible official shall provide the victim, to the extent possible, with timely notice of the:
- (A) Status of the investigation of the crime, to the extent it is appropriate to inform the victim and to the extent that it will not interfere with the investigation;
  - (B) Arrest of a suspected offender;
  - (C) Filing of criminal charges, the *nolle prosequi* of the case, or the dismissal of all charges against a suspected offender;
  - (D) Date of each scheduled court proceeding and any scheduling changes;
  - (E) Release or detention status of an offender or suspected offender;
  - (F) Acceptance of a plea of guilty, *nolo contendere* or an Alford plea, or the rendering of a verdict after trial; and
  - (G) Sentence or disposition imposed on an offender, including the date on which the offender will be eligible for parole or release.
- (d) After trial, a responsible official shall provide a victim with timely notice of the:
- (1) Scheduling of a release, parole, record-sealing, or post-conviction hearing for the offender.
  - (2) Escape, work release, furlough, or any other form of release from custody of the offender; and
  - (3) Death of the offender, if the offender dies while in custody or under supervision.
- (e) The victim or the representative of the victim appointed by the court has a continuing obligation to provide the appropriate investigative, prosecutive, judicial, or correctional agency with correct and up-to-date information on the victim's name and address or an alternate means by which the victim can be given notice.
- (f) This section does not create a cause of action or defense in favor of any person arising out of the failure of a responsible person to provide information as required by this chapter.
- (June 8, 2001, D.C. Law 13-301, § 302(b), 47 DCR 7039; May 5, 2007, D.C. Law 16-307, § 3(b)(2), 54 DCR 868.)

### **§ 23-1903. CRIME VICTIM PRIVACY AND SECURITY.**

- (a) Before, during, and immediately after any court proceeding, the court shall provide appropriate safeguards to minimize the contact that may occur between the victim and the victim's family with the accused or the accused's or respondent's family, and defense witnesses.
  - (b) The accused or defendant, the accused's or defendant's attorney or another person acting on behalf of the accused or defendant shall clearly identify himself or herself as being, representing or acting on behalf of the accused, defendant, or respondent in any contact with the victim.
  - (c) A responsible official shall arrange for any crime victim's property being held for evidentiary purposes to be maintained in good condition and returned to the victim as soon as it is no longer needed for evidentiary purposes.
  - (d) In a proceeding in which a child is called to give testimony, on motion by the attorney for the government or the victim's legal or court-appointed representative, or on its own motion, the court may designate the case as being of special public importance. In cases so designated, the court shall expedite the proceeding and ensure that it takes precedence over any other. The court shall ensure a speedy trial in order to minimize the length of time the child must be involved with the criminal justice system. When deciding whether to grant a continuance, the court shall take into consideration the age of the child and the potential adverse impact the delay may have on the child's well-being. The court shall make written findings of fact and conclusions of law when granting a continuance in cases involving a child witness.
- (June 8, 2001, D.C. Law 13-301, § 302(b), 47 DCR 7039.)

### **§ 23-1904. CRIME VICTIMS' RIGHTS AT SENTENCING.**

- (a) Crime victims shall have the right to be present at the defendant's sentencing, release, parole, post-conviction, and record-sealing hearings.
- (b) Crime victims shall have the right to submit, prior to the imposition of sentence, a written victim impact statement containing information concerning any emotional, psychological, financial, or physical harm

done to or loss suffered by the victim.

(c) In determining the appropriate sentence to be imposed on the defendant, the Court shall consider any victim impact statement submitted in accordance with this chapter and such statement shall be made a part of the pre-sentence report filed by the Court Services and Offender Supervision Agency.

(d) Crime victims shall have the right to offer at the defendant's release or parole hearing a written statement of the victim's opinion whether the defendant should be granted release or parole.

(e) Crime victims shall have the right to make a statement at the defendant's sentencing and record-sealing hearings. The absence of the crime victim shall not preclude the court from holding the sentencing or record-sealing hearings.

(f)(1) In addition to a crime victim, a representative of a community affected by the crime of which the defendant has been convicted shall have the right to submit, prior to imposition of sentence, a community impact statement and the court shall consider the community impact statement in determining the appropriate sentence to be imposed on the defendant. If more than one community is affected, each may submit a statement pursuant to this paragraph.

(2) Sentencing in a misdemeanor case shall not be continued solely because a community impact statement has not been submitted.

(3) The Chief Judge of the Superior Court shall establish reasonable procedures with respect to time and manner in which community impact statements are submitted to the court.

(June 8, 2001, D.C. Law 13-301, § 302(b), 47 DCR 7039; May 5, 2007, D.C. Law 16-307, § 3(b)(3), 54 DCR 868; Nov. 6, 2010, D.C. Law 18-259, § 2(a), 57 DCR 5591.)

## **§ 23-1905. DEFINITIONS.**

For purposes of this section,

(1) The term "community" means a formal or informal association or group of people living, working, or attending school in the same place or neighborhood and sharing common interests arising from social, business, religious, governmental, scholastic, or recreational associations.

(1A) The term "community impact statement" means a written statement that provides information about the social, financial, emotional, and physical effects of the defendant or crime on the community.

(1B) The term "court" means the Superior Court of the District of Columbia.

(2)(A) The term "victim" or "crime victim" means a person who or entity which has suffered direct physical, emotional, or pecuniary harm:

(i) As a result of the commission of any felony or violent misdemeanor in violation of any criminal statute in the District of Columbia;

(ii) While assisting lawfully to apprehend a person reasonably suspected of having committed or attempted a crime;

(iii) While assisting a person against whom a crime has been committed or attempted if the assistance was rendered in a reasonable manner; or

(iv) While attempting to prevent the commission of a crime.

(B) In the case of a victim or crime victim:

(i) That is an institutional entity, the term "victim" or "crime victim" includes an authorized representative of the entity.

(ii) Who is under 18 years of age, incompetent, incapacitated, or deceased, the term "victim" or "crime victim" includes a representative appointed by the court to exercise the rights and receive the services set forth in this chapter on behalf of the victim.

(C) The term "victim" shall not include any person who committed or aided or abetted in the commission of the crime.

(June 8, 2001, D.C. Law 13-301, § 302(b), 47 DCR 7039; Nov. 6, 2010, D.C. Law 18-259, § 2(b), 57 DCR 5591.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 18-259 redesignated existing par. (1) as (1B); and added pars. (1) and (1A).

#### *Legislative History of Laws*

For Law 13-301, see notes following § 23-1901.

For history of Law 18-259, see notes under § 23-1904.

### **§ 23-1906. APPLICABILITY.**

The provisions of this chapter requiring notice to the victim shall be applicable when computer systems are in place at the Metropolitan Police Department or the Superior Court of the District of Columbia to provide such notice or one year after the effective date of this chapter [June 8, 2001], whichever occurs first, and will apply only to crimes committed on or after that date.

(June 8, 2001, D.C. Law 13-301, § 302(b), 47 DCR 7039.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 13-301, see notes following § 23-1901.