

Missouri Department of Public Safety
Office of the Director
Crime Victim Services Unit



Technical Assistance to Prosecuting Attorney Offices
A Guide to Victim Rights Compliance

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Technical Assistance to Prosecuting Attorney's Offices

This packet is designed to provide basic or minimal guidance with Missouri statute, however, prosecuting attorney offices are encouraged to provide even greater levels of victim assistance as their resources allow.

For Prosecuting Attorneys

- ❖ 595.212- Prosecuting attorneys to maintain program to afford rights to victims and witnesses—funding and approval agency programs
- ❖ Each prosecuting attorney shall create and maintain, but not be limited to, a program to afford victims and witnesses of crimes the rights and services described in sections 595.200 to 595.215
- ❖ State funding shall be only for rights and services actually afforded victims and witness of crimes as set forth in section 595.200 to 595.215. State and local government agencies which seek state funding shall have an operating victims' services program before said agency seeks state funding. The attorney general's office through the Missouri office of prosecution services utilizing exiting staff and volunteers shall approve agency programs before such agency seeks state funding. Said approved programs shall be funded by the general assembly within the limits of funds appropriated for such purposes.

(Reference: Missouri Revised Statutes 595.212)

A Victim Defined

- ❖ A **Victim** is a person who suffers direct or threatened physical, emotional or financial harm as the result of crime or attempted crime
- ❖ A **Victim** is a natural person who suffers direct or threatened physical, emotional or financial harms as the result of the commission or attempted commission of a crime
- ❖ A **Secondary Victim** includes family members of a minor, incompetent or a homicide victim or person who is injured as a direct result of witnessing an act of crime against another person
 - *Family* includes the spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half brother, half sister, adopted children or parent or spouse's parents
 - *Guardian* is one appointed by a court to have the care custody of the person of a minor or of an incapacitate person, including a limited guardian
 - *Incapacitated person* is one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that he lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness or disease is likely to occur, including a partially incapacitated person who lacks the capacity to meet, in part, such essential requirements

(Reference: Missouri Revised Statutes 595.010 and 595.200.6 & 7)

Automatic Rights to Victims

❖ Rights are automatically afforded to victims of dangerous felonies, which include:

*(Victims of the below listed crimes automatically receive their rights and **do not** have to request their rights in writing.)*

- Murder in the first degree
- Voluntary manslaughter
- Arson in the first degree
- Assault in the first degree
- Attempted forcible rape if physical injury results
- Attempted forcible sodomy if physical injury results
- Forcible rape, forcible sodomy, kidnapping, murder in the second degree
- Assault of a law enforcement officer in the first degree
- Domestic assault in the first degree
- Elder abuse in the first degree
- Robbery in the first degree
- Statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense
- Statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense
- Abuse of a child pursuant to subdivision (2) of subsection 3 of section 568.060, child kidnapping, and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153
- The attempt of one of the preceding crimes

(Reference: Missouri Revised Statutes 595.209.1; 556.061; 565.020; 565.023; and 564.011)

Requested Rights to Victims

- ❖ Upon written request, rights shall be afforded to victims of all other crimes and witnesses of crimes

(Reference: Missouri Revised Statutes 595.209.1)

Basic Victim Rights

❖ A Victim has the right to:

*(This list **does not** include all victim rights. Please review the Missouri Revised Statutes Chapter 595 for the entirety of victims of crime rights.)*

- Attend all criminal justice proceedings at which the defendant has the right to attend
- Testify or provide a written or audio statement at each guilty plea and bail, sentencing, parole, probation and probation revocation hearing
- Information regarding all trials and preliminary hearings
- Restitution
- A speedy disposition and appellate review of cases
- Reasonable protection from the defendant or any person acting on his/her behalf
- Information on the release, escape, recapture or death of the accused while in custody or confinement
- Information about the criminal justice system and the rights and availability of services and information about the crime

(Reference: Missouri Revised Statute 595)

Victim Notification

❖ Notifying Victims of case information

- Notification by the appropriate person or agency utilizing the statewide automated crime victim notification system (Missouri Victim Automated Notification System/MOVANS) shall **constitute compliance with the victim notification requirement**
- If MOVANS cannot or is not used, then written **notification shall be sent by certified mail** to the most current address provided by the victim
- The CVSU recommends victim notification documentation
- Some offices provide victims with a victim information packet, which can include, but is not limited to, a list of basic victim rights; a victim information form (seeking information regarding notifications, impact statements, restitution, contact information, etc.) a MOVANS brochure (these are free upon request); Crime Victim Compensation information; and a list of resources in the area.

(Reference: Missouri Revised Statue 595.209.18.4)

Automatic Notification Systems

❖ Missouri Victim Automated Notification System/MOVANS

- MOVANS is the victim notification program administered by the Missouri Department of public Safety
- The information available in MOVANS comes from participating county sheriff and municipal police offices. The information is entered by jail staff and then uploaded to the MOVANS system every 15 minutes
- Registering for MOVANS cannot be done if the defendant has a *warrant issued* as the latest docket entry
- Any victim can register with the MOVANS system to receive notifications to determine if an offender is currently in jail AND for court events for a specific case. (Note: you must register for each case separately and you must register for custody status separately)
- For more information regarding MOVANS, call 1-866-566-8267

❖ Steps to Register for MOVANS

Register for an offender's custody status

1. Victims can register at www.vinelink.com
2. Click on the state of Missouri
3. Click on the 'Offenders' tab on the left of the page

(Note: Registering for an offender's custody status and an offender's court event require **separate** registrations.)

4. Enter the offender's court case number or the offender's first and last name and click 'search'
5. If the offender's name appears in blue, the offender is currently in custody. Click the offender's name
6. Next, determine how you want to be notified- by phone or by e-mail
7. To register by *phone*, you will enter your phone number and a 4-digit pin of your choosing and click 'Register.' Remember, when registering for notification by phone, you **MUST** have the 4-digit pin to stop the automated phone calls. The pin tells the system you were notified of the case information
8. To register by *e-mail*, enter your e-mail address, confirm the address and click "Register"

Register for an offender's specific court case

1. Victims can register at www.vinelink.com
2. Click on the state of Missouri
3. Click on the "Offenders with Court Cases" tab on the left of the page

(Note: Registering for an offender's court event and an offender's custody status require **separate** registrations.)

4. Enter the offender's court case number or the offender's first and last name
5. The offender's name will appear in blue for each pending court case. Select the case number you want to register for by clicking the case number
6. Next, determine how you want to be notified- by phone or by e-mail.
To register by *phone*, you will enter your phone number and a 4-digit pin of your choosing and click "Register." (Remember, when registering for notification by phone, you **MUST** have the 4-digit pin to stop the automated phone calls. The pin tells the system you were notified of the case information. Encourage registrants to use a pin that is easy to remember)
7. To register by *e-mail*, enter your e-mail address, confirm the address and click "Register."

OR victims can register for specific court cases at <https://www.courts.mo.gov/casenet/base/welcome.do>

8. Click "Litigant Name Search" and enter the offender's first and last name
9. Select and click the case number in blue you wish to be notified about
10. Click "Click here to receive phone/e-mail notices of future hearings on this case"
11. Click search
12. Follow steps 6-8 to register

❖ Vine Protection Orders/VPO

- Missouri protective order notification system or VPO is free telephone service that lets Petitioners access information about their protection orders
- VPO provides information regarding the status of a temporary or permanent order of protection
- Using VPO can provide immediate notification when an order has been served
- VPO provides information regarding changes to the status of an order
- For more information regarding VPO, call 1-866-566-8267

❖ Steps to Register for VPO

1. Victims can register at www.vinelink.com
2. Click on the state of Missouri
3. Click on the “Protective Orders” tab on the left of the page
4. Click on the state of Missouri
5. Enter the case number, the respondent’s first and last name and the county of issuance (Note: In registering for protection orders, you must have the correct case number)
6. Click the green + in the ‘Add Registration’ box
7. Determine how you want to be notified- by phone or by e-mail
8. To register by *phone*, you will enter your phone number and a 4-digit pin of your choosing and click ‘Add.’ (Remember, when registering for notification by phone, you **MUST** have the 4-digit pin to stop the automated phone calls. The pin tells the system you were notified of the case information. Encourage registrants to use a pin that is easy to remember)
9. To register by *e-mail*, enter your e-mail address, confirm the address and click “Add.”

OR victims can register at www.registervpo.com

10. Follow steps 4-9 to register

Additional Department of Public Safety Programs/Resources

❖ Crime Victims' Compensation/CVC

- The department of public safety shall, pursuant to the provisions of sections 595.010 to 595.075, have jurisdiction to determine and award compensation to, or on behalf of, victims of crimes
- The Crime Victims' Compensation/CVC Program financially assists victims of violent crime in paying for reasonable medical expenses, counseling expenses, funeral expenses, lost wages and loss of support
- In the case of death, the CVC can help the victim's dependents with loss of support if the victim was gainfully employed
- An application with the CVC must be filed with the office within two years of the crime date, or in cases involving persons under 18, within two years of discovery
- A victim/claimant must submit a birth certificate during the application process
- As a payer of last resort, the CVC Program considers out-of-pocket expenses only after all collateral sources have been exhausted
- A maximum benefit of \$25,000 may be awarded on eligible claims
- Losses not covered by the Program include, but are not limited to: stolen or damaged property; pain and suffering; crime scene clean-up; relocation; house payments; rent; utilities; food and/or clothing costs; tuition reimbursement, monetary losses from investment schemes or identity theft
- How to file a claim
 - Applications can be obtained by contacting the Program at
Crime Victims' Compensation
P.O. Box 1589
Jefferson City, MO 65102-1589
 - Phone 573-526-6006 or toll free at 1-800-347-6881
 - Web site at www.dps.mo.gov/dir/programs/cvc

(Reference: Missouri Revised Statute 595.010 to 595.075)

❖ Sexual Assault Forensic Exam (SAFE) Program

- The department of public safety shall make payments to appropriate medical providers, out of appropriations made for that purpose, to cover the reasonable charges of the forensic examination of persons who may be a victim of a sexual offense
- The SAFE Program provides payment to cover the cost of gathering evidence during the forensic examination for victims of sexual crimes in Missouri
- The medical provider is required to bill the SAFE Program for reasonable charges incurred during the forensic examination
- The patient may not be billed for any forensic examination charges
- Charges for medical treatment of any injuries are not eligible and may be billed to the patient
- Funding for the SAFE Program is received and administered by the Crime Victims' Compensation (CVC) Program
- All claims for sexual assault forensic examination charges must be submitted to the department within ninety (90) days from the date of the forensic examination
- To file a claim for the payment of the sexual assault forensic examination charges, the medical provider must submit the following documentation:
 - Sexual Assault Forensic Examination Program Report
 - Sexual Assault Forensic Examination Checklist
 - An itemized bill
- The appropriate forms and itemized bill should be mailed to:
 - Department of Public Safety
Sexual Assault Forensic Examination Program
P.O. Box 1589
Jefferson City, MO 65102 – 1589
 - Phone: 573-526-6006 or 1-800-347-6881

(Reference: Missouri Revised Statute 595.220)

Post-Conviction Victim Services

- ❖ Missouri Department of Corrections, Victim Services
 - RSMo 595.209 ensures that victims receive notification and are invited to participate in specific matters pertaining to an offender in the custody of the Missouri Department of Corrections (MODOC)
 - Victims have the right to request notification of the offender's custody status. This notification request includes notice and information regarding parole hearings, hearing results, release to the community, escape and death
 - Victims must complete the *Victim Notification Request* form with the Missouri Department of Corrections to begin post-conviction notification services
 - For more information and the notification form, contact the Missouri Department of Corrections, Victim Services at their web site, <http://doc.mo.gov/victim.php> or by phone at 573-526-6516

(Reference: Missouri Revised Statute 595)

For questions or more information, please contact:

**Missouri Department of Public Safety
Office of the Director
Crime Victim Services Unit
573-526-9945
1-866-334-6682**

**MOVANS/VPO
1-866-566-8267**