

Crime Victim Rights:



Apply for free legal aid online at MontanaLawHelp.org or call/text Kaia, YHDP Coordinator, at (406) 594-1971

What rights do I have as a victim of a crime?

- You should be treated fairly during the course of your participation in the investigation and the criminal proceeding.
- Generally, your personal information, such as your full name, address, and place of work, is unavailable to the public.
- You have a right to know when court proceedings are taking place.
- You have the right to a copy of any papers filed in the criminal case.
- You can talk to the prosecutor about your case.
- You can be present for court proceedings.
- You cannot be fired for attending court.
- The prosecutor must help make arrangements with your school if you have to miss class or if you need extra help.
- You have a right to tell your story and give your opinion about the offender's sentence.
- You DO NOT have to speak to the authorities unless a court requires it.

Tribal community members may have additional ways of accessing justice within their tribal courts. If you are a tribal member living in a tribal community, call MLSA for advice on your specific situation.

What do I need to know about the justice system?

The legal structure in Montana is set up in **three** systems. As a victim you may interact with all three:

1. **Administrative** – Administrative systems provide outside-of-the-courtroom resolutions. For example, you may have access to processes through the Human Rights Bureau, the Crime Victim Compensation Program, and others.
2. **Civil** – You could file a lawsuit related to the offense. You could ask for a court order of protection from the offender, damages (money), or other remedies.
3. **Criminal** – The criminal justice system focuses on public safety. These are the basic steps:
 - You report a crime to law enforcement.
 - Upon receiving a victim's report, law enforcement may or may not investigate based upon the information provided.
 - If they investigate and find that a crime may have been committed, law enforcement refers the report to the county attorney to decide if charges should be brought.
 - If charges are brought, the State goes to court on behalf of the public good against the offender. The attorney representing the State does not represent you individually.

Learn more about the supportive services MLSA provides on MTCrimeVictimHelp.org

What limits apply to my rights?

- You cannot demand law enforcement do its job differently or better.
- You cannot determine what charges, if any, are filed against the offender.
- You do not have a right to an attorney at public expense.
- Your communications with law enforcement, witness coordinator, and county attorney are not private or protected.

How can MLSA help me?

MLSA provides FREE legal information, forms, advice, and representation to eligible clients.

MLSA's Youth Homelessness Demonstration Project (**YHDP**) Coordinator can provide you with referrals to agencies in your community and link you with free civil legal assistance.

Have more questions about your legal rights? Visit:

MontanaLawHelp.org

