



NATIONAL CRIME VICTIM LAW INSTITUTE

Overview of Legal Systems Crime Victims May Encounter

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Victims of crime may choose to or be required to navigate multiple legal systems. This resource provides a brief description of some of the legal systems victims may encounter in the aftermath of their victimization. For more information on victims' rights in legal systems or to request technical assistance, please visit NCVLI's website at www.ncvli.org.

LEGAL SYSTEMS	OVERVIEW
Criminal Justice Systems	<p>Depending on where a crime occurred, who committed the crime, and what type of crime it is, a victim's case may be investigated, charged, and prosecuted within the federal, state, tribal, and/or military criminal justice systems.</p> <hr/> <p><i>Federal & State Criminal Justice Systems</i></p> <p>The federal and state criminal justice systems are composed of networks of agencies whose job it is to:</p> <ul style="list-style-type: none">• investigate criminal activity (law enforcement);• bring charges (prosecutors);• oversee judicial proceedings (courts); and• manage accused and convicted persons (jails/corrections/parole/probation). <p>Meeting the legal definition of "victim" within the state and federal criminal systems confers numerous enforceable legal rights on victims/survivors.</p> <hr/> <p><i>Tribal Justice Systems</i></p> <p>The Tribes have a unique status as sovereign nations within the United States, and have historically had the power to make legal decisions and judgments regarding what happens within their territories. However, when crimes occur on reservations and other tribal lands, the determination of which justice system (tribal, federal, state) has jurisdiction to investigate and prosecute</p>

	<p>a crime can be complex. Each Tribe may afford legal rights to victims.</p> <hr/> <p><i>Military Criminal Justice Systems</i></p> <p>The United States military has numerous branches; these are the: Air Force, Army, Coast Guard, Marine Corps, National Guard, Navy, and Space Force. The military criminal justice system in all of the branches is based on the Uniform Code of Military Justice (UCMJ), which governs the conduct of service members. The UCMJ applies to all active-duty members as well as activated National Guard and Reserve members and military academy students. Service members who commit crimes in violation of the UCMJ are subject to the jurisdiction of the military system. This means that the military system has the authority to investigate and determine the guilt and punishment of members of the military by way of the court-martial process. Depending on the circumstances, service members who commit crimes off of military installations may also be subject to investigation and charges in the state or federal criminal justice systems. Victims who have cases proceeding in the military criminal justice system have enforceable victims' rights similar to those in the civilian criminal justice systems. The military also provides victims of certain crimes with their own attorney—called a Special Victims' Counsel, Victims' Legal Counsel or Victim Counsel—who represents the victims and can assert their rights and interests in the context of the military proceedings.</p>
Federal & State Civil Justice Systems	<p>The civil justice system is where many non-criminal legal matters are handled. Examples of civil legal matters include:</p> <ul style="list-style-type: none"> • a housing case such as for eviction or foreclosure; • a family law case such as divorce or custody; • seeking a restraining order or order of protection; or • a personal injury case, when someone sues another person or entity for money because of damage to property or personal harm. <p>Depending on the circumstances, victims may choose to bring claims against the perpetrator in civil court or may have to defend against claims brought by the perpetrator.</p> <p>Depending on the jurisdiction, victims may have enforceable victims' rights in the context of these civil proceedings.</p>

<p>Administrative Systems</p>	<p>Administrative legal systems are created by legislation and empower an agency to create binding rules and regulations. Examples of administrative systems that a victim may choose or be required to navigate include state crime victim compensation programs, the immigration system, and college disciplinary systems.</p>

State Crime Victim Compensation Programs

State crime victim compensation programs (CVCPs) are administrative systems that reimburse victims for crime-related expenses such as medical costs, mental health counseling, funeral and burial costs, and lost wages or loss of support. Every state has a statutorily created CVCP. Although program details vary, they are generally similar in purpose, process, and types of expenses covered. Victims who meet the eligibility requirements may seek reimbursement from their state's CVCP for certain expenses they incur as a result of the crime.

Immigration System

The United States immigration system is a system of adjudicating legal status. The system includes federal laws that provide legal status for qualifying noncitizens who are victims of crime.

Examples of these are the U and T nonimmigrant visas, which were designed with the purposes of strengthening the ability of law enforcement agencies to investigate and prosecute crimes, while offering protection to noncitizen crime victims. Among other benefits, U and T Visas offer noncitizen crime victims a pathway to obtain lawful permanent residency, employment authorization, and family unity, as well as increased access to health care, housing, and other services.

College Disciplinary Systems

Institutions of education generally have systems in place to address student misconduct. A student who is found to have violated a school's code of conduct can face suspension, disciplinary probation, or other educational sanctions. The schools' processes for handling claims of sexual harassment and sexual misconduct may be different from those used to address

other types of misconduct, as schools are bound by Title IX and other federal laws in their handling of these claims if they receive federal funding.

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