



GULF SHORES POLICE DEPARTMENT

VICTIM'S LEGAL RIGHTS and REMEDIES

Prosecutor's Office for the City of Gulf Shores:

City: Raines Law Firm
Attorney Ken Raines
101 N. Section St.
Fairhope, AL 36532
(251) 517-0528

State: District Attorney Robert Wilters
101 Hand Ave.
Bay Minette, AL 36507
(251) 937-0274
BaldwinDA@baldwincountyal.gov

If within 60 days you are not notified of an arrest in your case or if you as a victim are subject to threats or intimidation, you may call the telephone number of the Gulf Shores Police Department (251-968-2431) for the status of the case.

Officer's Signature, Badge #

Associated web sites:

- Victim Notification System:
 - <https://victims.alabama.gov/>
- Alabama Crime Victims' Compensation Commission:
 - <http://acvcc.alabama.gov/downloads/application.pdf>
- Alabama Crime Victims' Rights:
 - <https://ago.state.al.us/legacy/File-Alabama-Crime-Victims-Rights>
- Crime Victim Services:
 - <https://ovc.ncjrs.gov/findvictimservices/>
- Gulf Shores Police Department
 - <http://www.gulfshoresal.gov/334/Police>

*Please advise the officer if you do not have access to the internet.

I acknowledge that a member of the Gulf Shores Police Department has provided me with information for the Legal Rights and Remedies for Victims and Witnesses in accordance with Alabama 15-23-62

Printed Name: _____ Signature: _____

Legal Rights and Remedies Notice to Domestic Violence Victims

Alabama Domestic Violence Overview

Under Alabama law, domestic violence occurs when crimes such as harassment, assault, menacing, reckless endangerment, or coercion are committed against a victim who is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant. Domestic violence can be at the level of a misdemeanor or a felony, depending on the circumstances and level of assault.

Warrantless Arrest

The police can arrest your abuser in certain instances, without having to first get a legal document at the courthouse to authorize the arrest. One such occasion for a warrantless arrest is when an offense involves domestic violence and the arrest is based on probable cause. (This means that there was a reasonable belief that the crime was committed). Under these circumstances, it does not matter whether the offense was a felony or a misdemeanor.

Child Abuse

If a child under 18 years of age is abused by a parent, stepparent, adoptive parent, guardian, or custodian, the abuser can be punished by imprisonment no less than 1 year and no more than 10 years.

Child Custody

In child custody proceedings, the judge must consider the safety of the child and the parent who is a domestic violence victim; and the abuser's history of violence. The judge can create certain conditions if awarding visitation rights to the abuser. These conditions may include: ordering supervised visitation, ordering the abuser to attend counseling, prohibiting overnight visitation, etc. There is also a rebuttable presumption that it's in the best interests of the child to live with the parent who is not the abuser.

Harassment

It's "harassment" for your abuser to annoy or alarm you by physically hurting you and using obscene language or gestures. Harassment also includes verbal or nonverbal threats made with intent to carry out the threat that would cause you to fear for your life. Your abuser can be arrested for harassing you.

Stalking

It is called stalking if your abuser intentionally and repeatedly follows or harasses you and makes a threat to place you in fear of death or serious bodily harm. If along with this crime, your abuser is also violating a court order— it is "aggravated stalking." Both of these crimes are considered felonies, and there are penalties which apply to the abuser. If you think you have been stalked, contact the police department and the district attorney.

Holding Period Bill for Domestic Violence Offenders, (Act 00-597)

A victim of domestic violence used to be able to file a report with the police without making a request for the perpetrator to be put in jail. Often a report would be filed as a victim hoped that their partner would realize the seriousness of their actions and stop the violence before an arrest could be made. If an arrest was made, the accused could post bond and be back home within a few hours. As of August 2000, a report of domestic violence results in the perpetrator being held for at least 12 hours to cool off; reducing tensions in the household and providing time for a victim to find safety in a shelter or with friends before the abuser is released.

Legal Rights and Remedies Notice to Domestic Violence Victims

If you are the victim of domestic violence you may file a criminal complaint. You also have the right to go to court having jurisdiction over domestic relations and file a petition requesting a Protection From Abuse Order, which could include the following:

1. An order restraining the abuser from further acts of abuse.
2. An order directing the abuser to leave your household.
3. An order preventing the abuser from harassing you or coming about you for any reason.

The names and phone numbers for area resources and/or domestic violence shelters are as follows:

The Lighthouse (Robertsdale) 1-800-650-6522 and 1-251-947-6008 www.abeacon.org

The Harbor Crisis Center (Fairhope) 1-334-928-9500

CARE House (Bay Minette) 1-254-937-2273

Under His Wings Crisis Intervention Service 1-251-947-4250

The Alabama Coalition Against Domestic Violence 1-800-650-6522

National Domestic Violence Hotline (24 hour hotline) 1-800-799-7233

Alabama Crime Victims Compensation Commission 1-800-541-9388

PO Box 231267, Montgomery, AL 36123-1267

To file a petition requesting a Protection From Abuse Order you may contact:

Baldwin County Circuit Court (Bay Minette) 1-251-937-0280

The procedural steps involved in a criminal prosecution.

A crime is committed, it is reported, an investigation conducted and an arrest made (these may all occur in rapid sequence if the offense is committed in the presence of a law enforcement officer)

Booking an administrative procedure which records the defendant's name, the crime charged, and other relevant information about the defendant (telephone number and address, photograph, fingerprints, etc.)

Arraignment- when the defendant appears in court and enters a plea (guilty or not guilty, or sometimes "nolo contendere" [no contest]). The defendant is presented with a written accusation dealing the facts of the crime and his/her involvement in the crime. The written accusation may be presented by a grand jury, a prosecutor or a police officer. If the defendant enters a not guilty plea, a date for trial is set.

Bail or Detention -bail is either set or the defendant is required to be "detained" (kept in jail until the trial). Bail could range from being "released on your own recognizance" (in other words, you are on your honor to appear at the next hearing), to many thousands of dollars. When a higher amount of bail is set, a bail bondsman is often called to provide the bail payment in exchange for a fee and a lien against property (as collateral) of the defendant. If bail is posted, the defendant is released but must show up at the next hearing (or bail will be forfeited).

Preliminary Hearing- A hearing in which a judge determines whether the defendant should be held for trial. At the "prelim," the prosecution has the burden of providing sufficient evidence to the judge that a crime has occurred and that the defendant committed the crime.

Trial-opening statements, examination of witnesses and presentation of evidence, closing statements, charging the jury (giving the jury its instructions), verdict rendered by the jury after due deliberation, and entering of the verdict (either guilty, guilty of a lesser included or related offense, or not guilty). After a verdict is issued, the defendant may try a post trial motion, such as a motion for a new trial.

Sentencing- when a defendant has been found guilty by trial or has plead guilty, a hearing is set to determine the imposition of the sentence. Sentencing reports, which set forth mitigating and compounding factors (prior payment of restitution may be a mitigating factor, other convictions of crimes may be a compounding factor) are often submitted to the judge and then the judge pronounces judgment at a sentencing hearing (in some jurisdictions juries or sentencing councils render the sentence).

Fine, Probation, Jail- the defendant may be ordered to pay a fine, be released but subject to specific terms of probation, or sent directly to jail. If a person violates the terms of his/her probation, s/he may have his/her probation revoked, and be sent to jail.

Appeal- after conviction of a crime, the defendant has appellate proceeding which may be available to determine whether all substantive and procedural law issues were properly conducted at the trial.

Provided in accordance to Section 13A-6-134(c)

**Title 15 CRIMINAL PROCEDURE -Chapter 23 ALABAMA CRIME VICTIMS
Article 3 Crime Victims' Rights**

Section 15-23-60

Definitions.

As used in this article, the following words shall have the following meanings:

- (1) **ACCUSED.** A person who has been arrested for committing a criminal offense and who is held for an initial appearance or other proceeding before trial.
- (2) **APPELLATE PROCEEDING.** An oral argument held in open court before the Alabama Court of Criminal Appeals, the Supreme Court of Alabama, a federal court of appeals, or the United States Supreme Court.
- (3) **ARREST.** The actual custodial restraint of a person or his or her submission to custody.
- (4) **COMMUNITY STATUS.** Extension of the limits of the places of confinement of a prisoner through work release, supervised intensive restitution (SIR), and initial consideration of pre-discretionary leave, passes, and furloughs.
- (5) **COURT.** All state courts including juvenile courts.
- (6) **CRIME VICTIM ADVOCATE.** A person who is employed or authorized by a public entity or a private entity that receives public funding primarily to provide counseling, treatment, or other supportive assistance to crime victims.
- (7) **CRIMINAL OFFENSE.** Conduct that gives a law enforcement officer or prosecutor probable cause to believe that a felony involving physical injury, the threat of physical injury, or a sexual offense, or any offense involving spousal abuse or domestic violence has been committed.
- (8) **CRIMINAL PROCEEDING.** A hearing, argument, or other matter scheduled by and held before a trial court but does not include a lineup, grand jury proceeding, or other matter not held in the presence of the court.
- (9) **CUSTODIAL AGENCY.** A municipal or county jail, the State Department of Corrections, juvenile detention facility, Department of Youth Services, the Board of Pardons and Paroles, or a secure mental health facility having custody of a person who is arrested or is in custody for a criminal offense.
- (10) **DEFENDANT.** A person or entity that is formally charged by complaint, indictment, information, or petition, of committing a criminal offense.
- (11) **FINAL DISPOSITION.** The ultimate termination of the criminal prosecution of a defendant by a trial court, including dismissal, acquittal, or imposition of a sentence.
- (12) **IMMEDIATE FAMILY.** The spouse, parent, child, sibling, or grandparent of the victim, unless that person is in custody for an offense or is the accused.
- (13) **LAWFUL REPRESENTATIVE.** A person who is designated by the victim, who is a member of the immediate family, or appointed by the court and who will act in the best interests of the victim.

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- (14) **POST-ARREST RELEASE.** The discharge of the accused from confinement on recognizance, bond, or other condition.
- (15) **POST-CONVICTION RELEASE.** Parole, or discharge from confinement by an agency having custody of the prisoner.
- (16) **POST-CONVICTION RELIEF PROCEEDING.** A hearing, argument, or other matter that is held in any court and that involves a request for relief from a conviction, sentence, or adjudication.
- (17) **PRISONER.** A person who has been convicted or adjudicated of a criminal offense against a victim and who has been sentenced to the custody of the sheriff, the Alabama Department of Corrections, Department of Youth Services, juvenile detention facility, a municipal jail, or a secure mental health facility.
- (18) **RIGHT.** Any right granted to the victim by the laws of this state.
- (19) **VICTIM.** A person against whom the criminal offense has been committed, or if the person is killed or incapacitated, the spouse, sibling, parent, child, or guardian of the person, except if the person is in custody for an offense or is the accused.

(Acts 1995, No. 95-583, p. 1234, §1.)

Section 15-23-61

Designated representative.

- (a) If a victim is physically or emotionally unable to exercise any right established by this article, but is able to designate a lawful representative, the designated representative or person may exercise the same rights that the victim is entitled to exercise. The victim may revoke his or her designated representation at any time and thereafter exercise his or her rights.
- (b) If a victim is incompetent, deceased, or otherwise incapable of designating another person to act in his or her behalf, the court may appoint a lawful representative who is not a witness in the case. If at any time the victim is no longer incompetent, incapacitated, or otherwise incapable of acting, the victim may personally exercise his or her rights.
- (c) If the victim is a minor, the parent or other immediate family of the victim, or other designated representative as determined by the court, may exercise all of the rights of the victim on behalf of the victim.

(Acts 1995, No. 95-583, p. 1234, §2.)

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Section 15-23-62

Law enforcement agency required to provide victim with information concerning services, compensation benefits, etc.

Within 72 hours, unless the victim is unavailable or incapacitated as a result of the crime, after the initial contact between a victim of a reported crime and the law enforcement agency either responding to the report of the crime of the victim or another person, or having responsibility for investigating the crime, the law enforcement agency shall provide to the victim in a manner and form designed and produced for the appropriate governmental agency or office, the following information:

- (1) The availability of emergency and crisis services.
- (2) The availability of victims' compensation benefits and the name, address, and telephone number of the Alabama Crime Victims Compensation Commission.
- (3) The name of the law enforcement officer and telephone number of the law enforcement agency with the following statement attached: "If within 60 days you are not notified of an arrest in your case, you may call the telephone number of the law enforcement agency for the status of the case."
- (4) The procedural steps involved in a criminal prosecution.
- (5) The rights authorized by the Alabama Constitution on rights of victims, including a form to invoke these rights.
- (6) The existence and eligibility requirements of restitution and compensation pursuant to Section 15-18-65 et seq. and Section 15-23-1 et seq.
- (7) A recommended procedure if the victim is subjected to threats or intimidation.
- (8) The name and telephone number of the office of the prosecuting attorney to contact for further information.

(Acts 1995, No. 95-583, p. 1234, §3.)

Section 15-23-63

Prosecuting attorney required to notify victim of charges and proceedings; request for notice.

- (a) Upon written request of the victim, the prosecuting attorney shall notify the victim of all charges filed against the defendant, criminal proceedings, except initial appearances, as soon as practicable, including any changes that may occur.
- (b) The victim shall provide to and maintain with the office of the prosecuting attorney a request for notice on a form provided by the agency. The form shall include the telephone number and address of the victim. If the victim fails to keep this information current, his or her request for notice shall be considered withdrawn and

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void. Except as otherwise provided, all notices provided to a victim pursuant to this article shall be on forms developed and produced for the appropriate government agency or office.

(Acts 1995, No. 95-583, p. 1234, §4.)

Section 15-23-64

Prosecuting attorney required to confer with victim prior to final disposition of offense.

The prosecuting attorney shall confer with the victim prior to the final disposition of a criminal offense, including the views of the victim about a nol pros, reduction of charge, sentence recommendation, and pre-trial diversion programs.

(Acts 1995, No. 95-583, p. 1234, §5.)

Section 15-23-65

Prosecuting attorney required to confer with victim before commencement of trial.

The prosecuting attorney shall confer with the victim before the commencement of a trial. Any information received by the victim relating to the substance of the case shall be confidential, unless otherwise authorized by law or required by the courts to be disclosed.

(Acts 1995, No. 95-583, p. 1234, §6.)

Section 15-23-66

No right to direct prosecution.

The rights of the victim do not include the authority to direct the prosecution of the case.

(Acts 1995, No. 95-583, p. 1234, §7.)

Section 15-23-67

Right to be present throughout proceedings.

The victim has the right to be present throughout all criminal proceedings pursuant to Section 15-14-50 et seq.

(Acts 1995, No. 95-583, p. 1234, §8.)

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Section 15-23-68

Waiting area for victim; court to minimize contact of victim with defendant.

The court shall provide a waiting area for the victim separate from the defendant, relatives of the defendant, and defense witnesses, if an area is available and the use of the area is practical. If a separate waiting area is not available, or its use impractical, the court shall minimize contact of the victim with the defendant, relatives of the defendant, and defense witnesses during court proceedings.

(Acts 1995, No. 95-583, p. 1234, §9.)

Section 15-23-69

Testimony concerning information about victim; information about victim in court file.

(a) Based upon the reasonable apprehension of the victim of acts or threats of physical violence or intimidation by the defendant, the family of the defendant, or by anyone at the direction of the defendant, against the victim or the immediate family of the victim, the prosecutor may petition the court to direct that the victim or any other witness not be compelled to testify during pre-trial proceedings or to any trial, facts that could divulge the identity, residence, or place of employment of the victim, or other related information without consent of the victim unless necessary to the prosecution of the criminal proceeding. If the court schedules a hearing on the merits of the petition, it shall be held in camera.

(b) The address, phone number, place of employment, and other related information about the victim contained in the court file shall not be public record.

(Acts 1995, No. 95-583, p. 1234, §10.)

Section 15-23-70

Right to refuse defendant's request for interview.

The victim has the right to refuse a request by the defendant, the attorney of the defendant, or by any other person acting on behalf of the defendant, for an interview or other communication with the victim.

(Acts 1995, No. 95-583, p. 1234, §11.)

Section 15-23-71

Plea agreement.

The victim has the right to be present at any proceeding at which a negotiated plea for the person accused of committing the criminal offense against the victim will be presented to the court. The court shall not accept a plea agreement unless:

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(1) The prosecuting attorney advises the court that, before requesting the negotiated plea, reasonable efforts were made to confer with the victim.

(2) Reasonable efforts are made to give the victim notice of the plea proceeding, including the offense to which the defendant will plead guilty, the date that the plea will be presented to the court, the terms of any sentence agreed to as part of the negotiated plea, and that the victim has the right to be present.

(3) The prosecuting attorney advises the court that, to the best of his or her knowledge, the notice requirements of this article have been met.

(Acts 1995, No. 95-583, p. 1234, §12.)

Section 15-23-72

Right to pre-sentence information.

The prosecuting attorney shall provide to the victim the date of a conviction, acquittal, or dismissal of the charges filed against the defendant and prior to sentencing, when applicable, notice of the following:

(1) The criminal offense for which the defendant was convicted, acquitted, or the effect of a dismissal of the charges filed against the defendant.

(2) If the defendant is convicted, on request, the victim shall be notified, if applicable, of the following:

a. The existence and function of the pre-sentence report.

b. The name, address, and telephone number of the office of the Board of Pardons and Paroles which is preparing the pre-sentence report.

c. The right to make a victim impact statement.

d. The right of the defendant to view the pre-sentence report.

e. The right to be present and be heard at any sentencing proceeding.

f. The time, place, and date of the sentencing proceeding.

g. If the court orders restitution, the right to pursue collection of the restitution as provided by Section 15-18-65 et seq.

(Acts 1995, No. 95-583, p. 1234, §13.)

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Section 15-23-73

Impact statement; right to review pre-sentence investigative report.

(a) The victim may submit a written impact statement or make an oral impact statement to the probation officer for use in preparing a pre-sentence report. The probation officer shall consider the economic, physical, and psychological impact that the criminal offense has had on the victim and the immediate family of the victim.

(b) The victim shall have the right to review a copy of the pre-sentence investigative report, subject to the applicable federal or state confidentiality laws, at the same time the document is available to the defendant or his or her counsel.

(Acts 1995, No. 95-583, p. 1234, §14.)

Section 15-23-74

Right to present evidence, statement, etc., during sentencing or restitution proceedings.

The victim has the right to present evidence, an impact statement, or information that concerns the criminal offense or the sentence during any pre-sentencing, sentencing, or restitution proceeding.

(Acts 1995, No. 95-583, p. 1234, §15.)

Section 15-23-75

Right to information concerning defendant's sentence, request for notice, post-conviction review, etc.

The victim has the right to the following information:

(1) As soon as practicable, after the date of sentencing, the office of the prosecuting attorney shall notify the victim of the sentence imposed on the defendant.

(2) The names, addresses, and telephone numbers of the appropriate agencies and departments to whom request for notice should be provided.

(3) The status of any post-conviction court review or appellate proceeding or any decisions arising from those proceedings shall be furnished to the victim by the Office of the Attorney General or the office of the district attorney, whichever is appropriate, immediately after the status is known.

(4) If the terms and conditions of a post-arrest release include a requirement that the accused post a bond, the sheriff or municipal jailer shall, upon request, notify the victim of the release on bond of the defendant.

(5) The agency having physical custody of a prisoner shall, if provided a request for notice, and as soon as practicable, give notice to the victim of the escape and, subsequently, the return of the prisoner into custody.

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(Acts 1995, No. 95-583, p. 1234, §16.)

Section 15-23-76

Right to be present and heard at court proceeding.

It is the discretion of the victim to exercise the right to be present and heard, where authorized by law, at a court proceeding. The absence of the victim at the proceeding of the court does not preclude the court from going forth with the proceeding. The right of the victim to be heard may be exercised, where authorized by law, at the discretion of the victim, through an oral statement or submission of a written statement.

(Acts 1995, No. 95-583, p. 1234, §17.)

Section 15-23-77

Right to have property returned.

(a) Prior to the admission of evidence to the court, on request of the victim, after consultation and written approval by the district attorney or Attorney General, the law enforcement agency responsible for investigating the criminal offense shall return to the victim any property belonging to the victim that was taken during the course of the investigation, or shall inform the victim of the reasons why the property will not be returned. The law enforcement agency shall make reasonable efforts to return the property to the victim as soon as possible.

(b) If the property of the victim has been admitted as evidence during a trial or hearing, the court may, upon request of the district attorney or the Attorney General, order its release to the victim if a photograph can be substituted. If evidence is released pursuant to this subsection, the attorney for the defendant or investigator may inspect and independently photograph the evidence before it is released.

(Acts 1995, No. 95-583, p. 1234, §18.)

Section 15-23-78

Right to information from agency having physical custody of prisoner.

Any custodial agency having physical custody of the prisoner, if provided a request for notice, shall mail to the victim the following information:

- (1) Notice of an end of sentence release within 15 days prior to the end of the sentence of the prisoner.
- (2) Notice of the death within 15 days after the prisoner has died.

(Acts 1995, No. 95-583, p. 1234, §19.)

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Section 15-23-79

Submission of victim's statement into prisoner's records.

(a) The victim shall have the right to be notified, upon written request, that he or she may submit a written statement, or recorded oral transcription, which shall be entered into the prisoner's Department of Corrections records. The statement shall be considered during any review for community status of the prisoner or prior to release of the prisoner.

(b) The victim shall have the right to be notified by the Board of Pardons and Paroles and allowed to be present and heard at a hearing when parole or pardon is considered pursuant to Section 15-22-36 et seq.

(Acts 1995, No. 95-583, p. 1234, §20.)

Section 15-23-80

Facility with custody of defendant to send victim release opinion.

Upon written request of the victim, the Alabama Department of Mental Health and Mental Retardation, or other facility with custody of the criminal defendant, shall send the victim a copy to the address stated in the request, of its release opinion which was provided to the appropriate court pursuant to Section 15-16-63 et seq.

(Acts 1995, No. 95-583, p. 1234, §21.)

Section 15-23-81

Victim to respond to subpoena or to participate in proceeding preparation without loss of employment or fear of loss.

The victim shall respond to a subpoena to testify in a criminal proceeding or participate in the reasonable preparation of criminal proceeding without the loss of employment or the intimidation, threats, or fear of the loss of employment.

(Acts 1995, No. 95-583, p. 1234, §22.)

Section 15-23-82

Clerk of court to accept and disburse restitution.

The clerk of the court is authorized and shall accept partial payments from defendants when directed to do so by the court, pursuant to the conditions in Section 12-19-26. The clerk of the court shall disburse restitution to victims or the authorized recipient, including partial periodic payments as ordered under any judgment, decree, or order of the circuit or district court, pursuant to Section 15-18-65 et seq. The disbursements shall be made to the victims or the authorized recipient no later than the time provided in Rule 4, Alabama Rules of Judicial Administration. The clerk of the court shall, at the end of each month, provide to the district attorney and

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probation office a list of the names of defendants who are delinquent in their restitution payments under a court-approved installment plan or any other deferred-payment time period specified by the court in its sentencing order.

(Acts 1995, No. 95-583, p. 1234, §23.)

Section 15-23-83

Assertion of rights by Attorney General or district attorney.

The Attorney General or district attorney may assert any right to which the victim is entitled.

(Acts 1995, No. 95-583, p. 1234, §24.)

Section 15-23-84

Failure to provide right or notice not grounds for setting aside sentence.

The failure to provide a right, privilege, or notice to a victim under this article shall not be grounds for the defendant to seek to have the conviction or sentence set aside.

(Acts 1995, No. 95-583, p. 1234, §25.)

Alabama CAN Crime Victim Automated Notification System Information Form

Alabama crime victims have rights! Exercise your rights by registering at www.victims.alabama.gov or fill out this form and return it to your local District Attorney office as soon as possible.

Victim / Contact Information	Name: _____	
	I am: <input type="checkbox"/> Victim <input type="checkbox"/> Parent / Guardian (<input type="checkbox"/> victim is a minor) <input type="checkbox"/> Immediate Family Relationship: _____	
	Victim's Name: _____	DOB: _____
	Current Mailing Address: _____	
	City: _____	State: _____ Zip: _____ County: _____
	SSN:° _____	Drivers License # <i>OR</i> State Issued ID #: _____ State: _____
	Home Phone: _____	Cell Phone: _____
	E-mail Address(es): _____	
	Employer: _____	Work Phone: _____
	Address: _____	

Crime Information	Defendant's Name:** _____	FOR OFFICE USE ONLY PR Number: _____ AIS Number: _____ <small>Complete for: All class A felonies, sex offenses, all offenses involving violence, death, physical injury, and child abuse either by charge or offense details.</small>
	Offense: _____ County: _____ Case No: _____	
	Offense: _____ County: _____ Case No: _____	
	Offense: _____ County: _____ Case No: _____	

Notification Information	If the Defendant is eligible for a parole/pardon hearing do you choose to be notified?	
	<input type="checkbox"/> Yes, I choose to be notified by: (Select ALL that apply) Regular Mail:° <input type="checkbox"/> Certified Mail Return Receipt Requested:° <input type="checkbox"/> <input type="checkbox"/> E-Mail: <input type="checkbox"/> <input type="checkbox"/> Text Message: <input type="checkbox"/> <input type="checkbox"/> Automated Voice Recording: <input type="checkbox"/>	
	<input type="checkbox"/> No, I do NOT want to be notified. Signature: _____ <p style="text-align: center;">(Victim, Parent/Guardian, Immediate Family)</p>	

Form Prepared by:

Name (Printed)	Signature	Date
Employed by:	Phone	

*Providing a social security number is voluntary and is requested as a personal identifier for record-keeping accuracy. Your social security number will not be disclosed without your consent, except as mandated by law.

**Complete a new form for each Defendant.

+Must qualify for regular mail/certified mail, return receipt requested under Alabama Law

ALABAMA CRIME VICTIMS' COMPENSATION COMMISSION

P.O. BOX 231267

MONTGOMERY, ALABAMA 36123-1267

(334) 290 4420

1-800-541-9388 (VICTIMS ONLY)

FAX (334) 290 4455

www.acvcc.alabama.gov

If you have limited English proficiency, you have the right to language assistance and this language assistance will be provided to you free of charge.

Si usted ha limitado la pericia inglesa, usted tiene el derecho a la ayuda del idioma y esta ayuda del idioma será proporcionado a usted libre de la carga

THE COMMISSION DOES NOT PROVIDE COMPENSATION FOR PROPERTY CRIMES, ACCIDENTS, IDENTITY THEFT, PAIN & SUFFERING OR ATTORNEY'S FEES.

The Commission can only provide compensation for actual expenses.

No more than \$20,000 may be awarded for any compensation claim.

COMPENSATION MAY BE AWARDED FOR:

- A) **Medical expenses**—including doctor and hospital care, dental expenses, prescriptions, medical supplies, inpatient psychiatric care, etc. This does not include expenses covered by insurance. Victims may be eligible to receive 100% reimbursement for medical expenses he/she has paid for out-of pocket
- B) **Rehabilitation expenses**—including vocational or physical therapy, if not covered by another source.
- C) **Counseling expenses**—includes counselor, psychologist and/or psychiatrist fees for counseling services that are related to the victimization. Mental health providers must be properly licensed by the appropriate regulatory body in order for the Commission to consider their services for payment. Counseling is limited to 50 sessions per claim unless the Commission determines exigent circumstances exist. Single counseling sessions may be reimbursed at: \$80 per hour for licensed counselors and social workers; \$100 per hour for psychologists; \$125 per hour for psychiatrists; and \$60 per hour for group therapy.
- D) **Work loss** — work the claimant/victim missed due to the crime. Replacement services loss - expense that the claimant/victim would not have incurred if the victim had not been injured or died. The maximum award for work loss and replacement services loss is \$600 per week. Work loss and replacement services loss are limited to 52 weeks
- E) **Funeral expenses**—including funeral home expenses, cremation, burial expenses including monument. There is a maximum of \$7,000.
- F) **Property expenses**—Compensation may be awarded for eligible property that was damaged during victimization. Security enhancements installed after victimization may be eligible. The maximum award is \$3,000, which includes a \$500 maximum for damaged clothing. Please contact the Commission for a list of specific items that may be eligible.
- G) **Moving expenses**—including security deposits, utility deposits and the costs to move. It does not include rent payments. Moving expenses may be awarded in cases in which the crime occurred in the victim's home, the victim has a reasonable fear for his/her life if he/she does not move from the home, or moving the victim's personal belongings is necessary. There is a maximum of \$2,000; \$3,000 for exigent circumstances.
- H) **Future economic loss**—monetary loss to victim or a deceased victim's dependent spouse and dependent child(ren). The maximum possible award is \$20,000.
- I) **Guardianship fees**—reimbursement for legal fees incurred by claimant to obtain guardianship of disabled or minor victim, if guardianship is awarded. There is a maximum of \$1000.
- J) **Crime scene clean-up**— reasonable costs to clean the scene of the crime. The service provider must be certified, licensed, and in compliance with all applicable federal and state regulations. There is a maximum of \$2,500.

YOU MAY BE ELIGIBLE FOR COMPENSATION IF:

- A) The crime was reported to law enforcement within seventy-two hours (unless good cause can be shown for not doing so). Good cause must be submitted in writing.
- B) The claim is filed within one year of the date of the incident (unless good cause can be shown for not doing so). Good cause must be submitted in writing.
- C) The victim suffered serious personal injury (including a face-to-face threat of physical harm), or death as a result of a criminal act.
- D) The victim/claimant cooperated with law enforcement officials, the prosecutor's office, the courts, and the Commission.
- E) The claimant/victim was not the offender, or an accomplice of the offender, or encouraged or participated in the crime in any way.
- F) The compensation award would not unjustly benefit the offender.
- G) The victim/claimant was not convicted of a felony and/or did not perpetrate criminally injurious conduct after applying for compensation.
- H) The victim/claimant did not contribute to the victimization.
- I) The victim/claimant is a U.S. citizen, legally present in the U.S., or an alien eligible for public benefits. Domestic violence victims and certified victims of human trafficking are considered to be aliens eligible for public benefits regardless of immigration status.
- J) Your expenses were not paid by a collateral source (another source of payment).

I. Safety During An Explosive Incident

A. If an argument seems unavoidable, try to have it in a room or an area that has access to an exit and not in a bathroom, kitchen, or anywhere near weapons.

B. Practice how to get out of your home safely. Identify which doors, windows, elevator, or stairwell would be best.

C. Have a packed bag ready and keep it in an undisclosed but accessible place in order to leave quickly.

D. Identify a neighbor you can tell about the violence and ask that they call the police if they hear a disturbance coming from your house.

E. Devise a code word to use with your children, coworkers, family, friends, and neighbors when you need the police.

F. Decide and plan for where you will go if you have to leave home (even if you don't think you will need to).

G. Use your own instincts and judgment. If the situation is very dangerous, consider giving the abuser what he wants to calm him down. You have the right to protect yourself until you are out of danger.

H. Always remember **YOU DON'T DESERVE TO BE HIT OR THREATENED!**

II. Safety When Preparing To Leave

A. Open a savings account in your name to start to establish or increase your independence. Think of other ways in which you can increase your independence.

B. Leave money, an extra set of keys, copies of important documents, extra medicine and clothes with someone you trust so you can leave quickly.

C. Determine who would be able to let you stay with them or lend you some money.

D. Keep the shelter phone number close at hand and keep some change or a calling card on you at all times for emergency calls.

E. Review your safety plan as often as possible in order to plan the safest way to leave your batterer. Remember—**LEAVING YOUR BATTERER IS THE MOST DANGEROUS TIME!**

III. Safety In Your Own Home

A. Change the locks on your doors as soon as possible. Buy additional locks and safety devices to secure your windows.

B. Discuss a safety plan with your children for when you are not with them.

C. Inform your child's school, day care, etc., about who has permission to pick up your child.

D. Inform neighbors and landlord that your partner no longer lives with you and that they should call the police if they see him/her near your home.

E. Never call the abuser from your home. If he has caller ID, he may be able to locate your residence.

IV. Safety With A Protective Order

A. Keep your protective order on you at all times. (When you change your purse, that should be the first thing that goes in it.) Give a copy to a trusted neighbor or family member.

B. Call the police if your partner breaks the protective order.

C. Think of alternative ways to keep safe if the police do not respond right away.

D. Inform your family, friends, and neighbors that you have a protective order in effect.

V. Safety On The Job And In Public

A. Decide who at work you will inform of your situation. This should include office or building security (provide a picture of your batterer if possible).

B. Arrange to have someone screen your telephone calls if possible.

C. Devise a safety plan for when you leave work. Have someone escort you to your car, bus, etc., and wait until you are safely enroute. Use a variety of routes home if possible. Think about what you would do if something happened while going home (i.e. in your car, on the bus, etc.).

VI. Your Safety and Emotional Health

A. If you are thinking of returning to a potentially abusive situation, discuss an alternative plan with someone you trust.

B. If you have to communicate with your partner, determine the safest way to do so.

C. Have positive thoughts about yourself and be assertive with others about your needs.

D. Read books, articles, and poems to help you feel stronger.

E. Decide who you can call to freely and openly to give you the support you need.

F. Plan to attend a women's or victim's support group for at least 2 weeks to gain support from the others and learn more about yourself and the relationship.



VII. If You Are A Teen In A Violent Dating Relationship

- A. Decide which friend, teacher, relative or police officer you can tell.
- B. Contact a trusted adult to help you make a safety plan.

CHECK LIST OF WHAT YOU NEED TO TAKE WHEN YOU LEAVE

- Driver's License
- Child's birth certificate
- Your birth certificate
- Money and/or credit card
- Lease, rental agreement, house deed
- Bank books and check books
- Insurance papers
- House and car keys
- Medications
- Social security card
- Welfare identification
- School record
- Work permit (on card Visa/Passport)
- Your protective order
- Car registration & insurance papers
- Pictures of you, children & your abuser
- Address book
- Telephone card
- Custody papers
- Medical records for you and children
- Divorce papers
- Jewelry
- Child's small toy
- Other

For more information about your legal rights and options, contact an advocate at your local Court or Shelter, or one of the following in Baldwin County.

The Lighthouse:
 Crisis Line 1-800-650-6522 or 1-251-947-6008
 Counseling Services 1-251-947-6008
 Court Advocacy Services 1-251-947-2588
 Safe Shelter 1-800-650-6522 or 1-251-947-6008
 Administration Office 1-251-947-6197
 Prevention Education Services 1-251-947-2705

Police:
 Emergency 911
 Sheriff's Department 1-251-937-0202
 (TDD) 1-251-947-1601
 1-251-580-2516

Legal:
 Legal Services of Alabama 1-800-403-4872
 Juvenile Detention Center 1-251-580-2540
 District Attorney 1-251-937-0274
 1-251-928-2186
 Family Violence Legal Line 1-800-374-1101
 Family Violence Hotline 1-800-777-FAIR
 Nat'l Domestic Violence Hotline 1-800-799-SAFE
 24 Hour Multilingual Crisis Intervention & Referral Services (TDD) 1-800-787-3224

Counseling & Support Services:
 Child Abuse Hotline 1-251-580-2546
 Rape Crisis Services 1-800-543-5068 or 1-251-947-4393
 Catholic Social Services 1-251-947-2298
 Mental Health Center Crisis Line 1-251-928-9500
 Alcoholics Anonymous/Rapport 1-251-990-4234
 Baldwin County Mental Health Center 1-800-738-2871
 Baldwin Youth Services Crisis Intervention 1-251-947-5149



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