

# Disclaimer

All victims shall be entitled to the aforementioned rights, beginning at the time of their victimization. However, under certain provisions of this section, victim's must assert their rights in order for the protections to be enforced.

For example, victim's must assert their right to a law enforcement agency or to the courts, in order to prevent the disclosure of information or records which could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information about the victim.

Any number of private/public entities, or individuals request copies of closed criminal reports from the Fargo Police Department on a daily basis. We will redact/remove the information as required by ND Open Records restrictions. Ongoing or open criminal investigations are not subject to release under ND Open Records laws.

However, victim information is not automatically redacted from all closed criminal reports upon an open records request. There are only certain instances, when we would remove victim's information (i.e. domestic violence victims and juvenile victims) from a report. Otherwise, the applicable victim's information will be released in accordance with ND Open Records laws.

Failure to assert victim's rights in a timely manner may result in the release the victim's information pursuant to North Dakota Open Records laws.

A "victim" is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. If a victim is deceased, incompetent, incapacitated, or a minor, the victim's spouse, parent, grandparent, child, sibling, grandchild, or guardian, and any person with a relationship to the victim that is substantially similar to a listed relationship, may also exercise these rights. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor or incapacitated victim.

## North Dakota SAVIN

The North Dakota Statewide Automated Victim Information and Notification (ND SAVIN) program provides crime victims and other concerned citizens free, prompt, and confidential notification and status information.

You can register to receive notifications by phone, email, and text messaging. SAVIN is available in English or Spanish. Assistance in other languages is available.

## Additional Resources

### Rape and Abuse Crisis Center

24 hr Crisis Phone: (800) 344-7273  
317 8 St. N., Fargo, N.D.  
[www.raccfm.com](http://www.raccfm.com)

### First Link

(701) 235-7335

### VINELink

[www.vinelink.com](http://www.vinelink.com)  
(866) 631-8463

### Fargo Police Department

222 4th St. N.  
Fargo, N.D. 58102  
(701) 235-4493  
[www.fargopolice.com](http://www.fargopolice.com)



MARSHY'S LAW  
INFORMATION +  
RESOURCES

# Victim's Rights

- To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment and abuse.
- To be reasonably protected from the defendant and persons acting on behalf of the defendant.
- To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
- To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
- To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
- To reasonable, accurate and timely notice of, and to be present at, all proceedings involving the criminal or delinquent conduct, including release, plea, sentencing, adjudication and disposition, and any proceeding during which a right of the victim is implicated.



**PRESERVE.  
PROTECT.  
JUSTICE.**

- To be promptly notified of any release or escape of the accused.
- To be heard in any proceeding involving release, plea, sentencing, adjudication, disposition or parole, and any proceeding during which a right of the victim is implicated.
- To confer with the attorney for the government.
- To provide information regarding the impact of the offender's conduct on the victim and the victim's family to the individual responsible for conducting and pre-sentence investigation report or recommendation regarding, and to have any such information considered in any sentencing or disposition recommendations.
- Upon request, to receive a copy of any report relevant to the exercise of a victim's right, except for those portions made confidential by law or unless a court determines disclosure would substantially interfere with the investigation of a case, and to receive a copy of any pre-sentence report or plan of disposition when available to defendant or delinquent child.
- Upon request, to the prompt return of the victim's property when no longer needed as evidence in the case.
- To full and timely restitution in every case and from each offender for all losses suffered by the victim as a result of the criminal or delinquent conduct.
- To proceedings free from unreasonable delay, and to prompt and final conclusion of the case and any related post-judgment proceedings.
- To be informed of the conviction, adjudication, sentence, disposition, place and time of incarceration, detention or other disposition of the offender, any scheduled release date of the offender, and the release of or the escape by the offender from custody or commitment.
- To be informed in a timely manner of all post-judgment processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. The parole authority shall extend the right to be heard to any person harmed by the offender.
- To be informed in a timely manner of any pardon, commutation, reprieve or expungement procedures, to provide information to the Governor, the court, any pardon board and other authority in these procedures, and to have that information considered before a decision is made, and to be notified of such decision in advance of any release of the offender.
- To be informed that victims can seek the advice of an attorney with respect to their rights.