

Rule 60. Victim's Rights

(a) IN GENERAL.

(1) *Notice of a Proceeding.* The government must use its best efforts to give the victim reasonable, accurate, and timely notice of any public court proceeding involving the crime.

(2) *Attending the Proceeding.* The court must not exclude a victim from a public court proceeding involving the crime, unless the court determines by clear and convincing evidence that the victim's testimony would be materially altered if the victim heard other testimony at that proceeding. In determining whether to exclude a victim, the court must make every effort to permit the fullest attendance possible by the victim and must consider reasonable alternatives to exclusion. The reasons for any exclusion must be clearly stated on the record.

(3) *Appropriate Safeguards.* Before, during, and immediately after any court proceeding, the court must provide appropriate safeguards to minimize the contact that may occur between the victim or the victim's family and the accused, the accused's family, or defense witnesses.

(4) *Right to Be Heard on Release, a Plea, or Sentencing.* The court must permit a victim to be reasonably heard at any public proceeding concerning release, plea, or sentencing involving the crime.

(5) *Right to Submit Community Impact Statement.* The court must permit a community representative to submit a community impact statement prior to the imposition of sentence. The statement must be submitted in accordance with procedures established by the Chief Judge.

(6) *Right to Make a Statement at Criminal Record-Sealing Hearing.* The court must permit a victim to make a statement at any criminal record-sealing hearing.

(7) *Case Involving a Child.* On its own or on motion by the attorney for the government or the victim's lawful representative, the court may designate a case in which a child will testify as a case of special public importance.

(A) *Scheduling.* A case designated as being of special public importance must be expedited and given scheduling precedence over other proceedings.

(B) *Continuances.* When deciding whether to grant a continuance, the court must take into consideration the age of the child and the potential adverse impact the delay may have on the child's well-being. The court must make written findings of fact and conclusions of law when granting a continuance in cases involving a child witness.

(b) ENFORCEMENT AND LIMITATIONS.

(1) *Time for Deciding a Motion.* The court must promptly decide any motion asserting a victim's rights described in these rules.

(2) *Who May Assert the Rights.* A victim's rights described in these rules may be asserted by the victim, the victim's lawful representative, the attorney for the government, or any other person as authorized by 18 U.S.C. § 3771(d) and (e) or D.C. Code §§ 23-1901 to -1906 (2012 Repl. & 2017 Supp.).

(3) *Multiple Victims.* If the court finds that the number of victims makes it impracticable to accord all of the rights described in 18 U.S.C. § 3771, the court must fashion a reasonable procedure that gives effect to these rights without unduly complicating or prolonging the proceedings.

(4) [Omitted].

(5) *Limitations on Relief.* A victim may move to reopen a plea or sentence only if:

(A) the victim asked to be heard before or during the proceeding at issue, and the request was denied;

(B) the victim petitions the District of Columbia Court of Appeals for a writ of mandamus within 14 days after the denial, and the writ is granted; and

(C) in the case of a plea, the accused has not pleaded to the highest offense charged.

(6) *No New Trial.* A failure to afford a victim any right described in these rules is not grounds for a new trial.

COMMENT TO 2017 AMENDMENTS

This rule is substantially similar to *Federal Rule of Criminal Procedure 60*, which was added to the federal rules in 2008 and which implements the federal Crime Victims' Rights Act (18 U.S.C. § 3771). However, the Superior Court rule has been modified to include provisions from both the federal Crime Victims' Rights Act and the District of Columbia Crime Victims' Rights Act (D.C. Code §§ 23-1901 to -1906 (2012 Repl. & 2017 Supp.)).

Additional provisions regarding victim impact statements and a victim's right to speak at sentencing can be found in Rule 32.