



CIVIL REMEDIES FOR VICTIMS OF SEX CRIMES

EISENBERG & BAUM, LLP



ALWAYS HAVE A PLAN

The most important thing is to always have a safety plan. You should consult with a victim advocate group and know that your safety comes first, if you are in an unsafe situation. Do not move forward with anything until you have a safety plan in place. Although a victim advocate will not be able to recommend an attorney, they can advise you regarding different resources available to victims. If you have any legal questions, you should contact an attorney that can help assess your case and advise you further about your rights.

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KNOW YOUR RIGHTS

As a victim of a crime, you have the right to file a civil suit and seek justice in the form of financial compensation from the culprit and other parties whose conduct or lack of care made it possible or easier for the crime to occur. You absolutely have a right to speak to a civil lawyer about what your rights are in the civil justice system.



DIFFERENT TYPES OF SEX CRIMES

CRIMES AGAINST CHILDREN

- Sexual Battery
- Sexual Molestation
- Statutory Rape Cases
- Human Trafficking
- Production of Child Pornography
- Enticement

CRIMES AGAINST ADULTS

- Sexual Battery
- Attempted Sexual Battery
- Human Trafficking
- Battery
- Sextortion

CIVIL AND CRIMINAL JUSTICE

WHAT IS THE DIFFERENCE

Both can serve the victims. But seeking justice in one, does not preclude a victim from seeking justice in the other. A victim does not have to choose between the two. Both systems serve different purposes. The Criminal Justice System is to seek justice for the community and to keep the community safe while the Civil System is to attempt to make the victim whole again.

Criminal Cases

- Victims have the right to be heard and notified of all proceedings
- Victims have the right to have their own counsel present to represent them (the prosecutor IS NOT the attorney for the victim, they represent the government)
- Victims have a right to request restitution.
- Victims do not control what charges get filed, if charges get filed or what the final outcome of the case is.
- Victims are witnesses in the case and not a party to the case.
- Burden of proof is the highest standard "Beyond and the exclusion of every reasonable doubt."

Civil Cases

- Victim, is a party to the case and therefore controls the case.
- Victim decides the manner in which the case concludes (trial, settlement)
- Burden of proof is the lower standard. "Preponderance of the evidence", which means that the plaintiff only must prove their case 50.01% more than the defendant.

WHO CAN BE SUED IN A CIVIL CASE

- The Perpetrator. The person that committed the crime can be sued. This is regardless of what the outcome was in criminal court. Defendants can be held civilly liable, even if no charges were filed or the person was found not guilty.
- Third Parties - These are parties that didn't commit the crime, but made it possible or easier for the perpetrator to commit the crime. Some examples are;
 1. Landlords that didn't provide adequate security.
 2. Schools, day care centers or after care centers that don't properly check their employees or that didn't take appropriate precautions to protect the children in their care.
 3. Churches or religious centers and institutions that have been negligent in protecting their parishioners, or that help the perpetrators cover up crimes after the fact.
 4. Colleges and Universities that did not have proper security and/or education on campus assaults.
 5. Hotels/Motels that allowed prostitution and human trafficking to occur.
 6. Certain dating apps and websites that don't monitor content or communications to make sure minors aren't on their platforms.
 7. These are only examples, you can always consult with an attorney to make sure they can assess your case and advise you of your rights.



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