March \_\_, 2020

*This is a sample template letter to a court that must comply with the federal Crime Victims’ Rights Act. Any standing order that addresses emergency release of defendants due to the current Covid-19 situation must factor in crime victims’ rights.*

The Honorable [Judge Name]  
Chief Judge  
United States District Court for the [District Name]  
[Address]

Re: Standing Order of [Date] Establishing Procedures for Release from Custody Due to COVID-19

Dear Chief Judge:

The Court’s standing order fails to incorporate requirements that protect crime victims’ rights—under the Crime Victims’ Right Act (CVRA)—to notice, to be reasonably heard, to be reasonably protected from the accused, and to be treated with fairness and with respect. *See* 18 U.S.C. § 3771(a)(1), (2), (4), (8). The absence of such requirements violates the victims’ rights and this Court’s statutory duty under the CVRA. *See id.* § 3771(b)(1) (“In any court proceeding involving an offense against a crime victim, the court shall ensure that the crime victim is afforded the rights described in subsection (a).”).

On behalf of crime victims who will be impacted by the standing order, we request the Court to issue an amended standing order that ensure notice to the crime victim (or their counsel if represented) of any motion or consideration of release. We also request that the Court make clear in the order how all victims who want to exercise their rights should file a response to any motion for release, recognizing that such response may be required to be on an expedited calendar, *e.g.,* one business day or 24 hours, whichever is longer. Further, we request that the Court make clear whether decisions will be made on the papers or whether telephonic or other such appearance will be available.

Notably, failure to include such requirements risks court congestion and increased health risks for the community as victims whose rights have been violated will have to seek court reconsideration, which may entail additional hearings. We should not put victims to the Hobson choice of exercising their rights and accessing justice or safeguarding their health.

Incorporating such requirements is the only way that the Court’s standing order can comply with the law and truly be in the best interest of the administration of justice. *See Payne v. Tennessee*, 501 U.S. 808, 827, 111 S. Ct. 2597, 115 L. Ed. 2d 720 (1991) (“‘[J]ustice, though due to the accused, is due to the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true.’” (quoting *Snyder v. Massachusetts*, 291 U.S. 97, 122, 54 S.Ct. 330, 78 L.Ed. 674 (1934))).

Respectfully,

[Sign]