

Department had made its “best efforts in thousands of federal and District of Columbia cases to assert, support, and defend crime victims’ rights.” The response also referenced OLC’s December 2010 opinion concluding that CVRA rights apply when criminal proceedings are initiated, noting that “the new AG Guidelines go further and provide that Department prosecutors should make reasonable efforts to notify identified victims of, and consider victims’ views about, prospective plea negotiations, even prior to the filing of a charging instrument with the court.”³⁸³

In 2015, Congress amended the CVRA, and added the following two rights:

(9) The right to be informed in a timely manner of any plea bargain or deferred prosecution agreement.

(10) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims’ Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims’ Rights Ombudsman of the Department of Justice.

G. The CVRA Litigation Proceedings and Current Status

While the CVRA litigation was pending in the Southern District of Florida, numerous federal civil suits against Epstein, brought in the same district, were transferred to the same judge as “related cases,” as a matter of judicial economy pursuant to the Local Rules. As the parties agreed on settlements in those civil cases, they were dismissed.³⁸⁴ Several of the victims who had settled their civil cases filed a pleading in the CVRA litigation asking the court to “maintain their anonymity” and not “further disseminate[]” their identities to the CVRA petitioners.³⁸⁵

In the CVRA case, the petitioners claimed that the government violated their CVRA rights to confer by (1) negotiating and signing the NPA without victim input; (2) sending letters to the victims claiming that the matter was “under investigation” after the NPA was already signed; and (3) not properly informing the victims that the state plea would also resolve the federal investigation. In addition, the petitioners alleged that the government violated their CVRA right to be treated with fairness by concealing the NPA negotiation and also violated their CVRA right to reasonable notice by concealing that the state court proceeding impacted the enforcement of the NPA and resolved the federal investigation.

During the litigation, the USAO argued that (1) the victims had no right to notice or conferral about the NPA because the CVRA rights did not apply pre-charge; (2) the government’s

³⁸³ 157 Cong. Rec. S7359-02 (2011) (Kyl letter and Department response).

³⁸⁴ Epstein also resolved some county court civil cases during this time period as well. In addition, numerous other cases were resolved outside of formal litigation. For example, one attorney told OPR that he resolved 16 victim cases, but did not file all cases with the court. Court data indicate that the attorney filed only 3 of the 16 cases he said he resolved.

³⁸⁵ *Doe*, Response to Court Order of July 6, 2015 and United States’ Notice of Partial Compliance at 1 (July 24, 2015).