
Crime Victims' Rights and Crime Victim Assistance

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Through much of our history, victims of crime have found themselves on the margins of the judicial system—deprived of any formal role in court proceedings against their offenders, denied information regarding the progress of their cases, overlooked by busy staff, bewildered by unfamiliar terminology, intimidated by their surroundings. Eventually, the perceived imbalance between the criminal justice system's scrupulous attention to offenders' rights and its neglect of victims' concerns led to a popular reaction, and the "victims' rights" movement was born. That movement has made dramatic progress in the years since 1980, when Wisconsin became the first state to enact a crime victims' bill of rights. All 50 states have now enacted some sort of crime victims' rights legislation, and 29 states have amended their constitutions to safeguard those rights. The rights secured to crime victims under these provisions vary considerably from state to state, but they generally include the right to be treated with dignity, the right to receive notice of events and proceedings in the cases in which they are involved, the right to attend and participate in those proceedings, and the right to receive restitution for their losses. A series of federal enactments over the last two decades, beginning with the Victim and Witness Protection Act of 1982, has extended similar rights to crime victims in the federal criminal justice system.

For victims of juvenile offenders, however, progress has been slower. The traditional rehabilitative focus of the juvenile court system, with its emphasis on confidentiality of records and secrecy of proceedings, tended to retard early recognition of victims' notice and participatory rights. Few of the first state bills of rights extended their protections to victims of juvenile crime. Even now, the rights of victims in the juvenile court system tend to be more piecemeal and less comprehensive than those of their counterparts in the adult system. Still, as of 1997, 29 states had enacted victims' bills of rights applicable to victims of juvenile offenders; in 10 states, these rights are guaranteed by the state constitution. Thirty-five states afford victims the right to attend and/or participate in juvenile hearings. Thirty-three states require that victims be allowed to present victim impact statements to their juvenile courts. In 24 states, victims of juvenile offenders are entitled to receive payments from state crime victims' compensation funds.



"...the best available data indicate that overall in-school crime is not on the rise—in fact it has been declining slightly."

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Actually bringing an end to the traditional exclusion of crime victims from the justice process takes more than new laws and new rights, however. It takes affirmative measures that not only allow but encourage and assist victim participation. At the adult level, crime victim assistance programs tend to be overseen by prosecutors' offices. In juvenile systems, however, responsibility for victim inclusion/assistance measures generally falls to juvenile probation and court services departments. This new responsibility, along with the task of monitoring offenders' obligations under a new set of victim-oriented dispositions (restitution, surrogate service, victim/offender mediation, etc.), is changing the very nature of the work performed by these departments.

Common victim assistance measures include orientation programs, brochures, or videos that explain victims' rights, describe juvenile court procedure and terminology, and recommend sources of support services. In some jurisdictions, victims of juvenile offenders are afforded not just the bare right to information about case progress, but an automatic notification process that is integrated into the case management system, with automated voice response technology that allows 24-hour access to case status information over the phone. Other increasingly common victim assistance measures include formal outreach efforts to victims' groups; the recruiting of victims and victims' advocates onto court planning and goal-setting bodies; hiring permanent staff members to oversee all victim services and develop coordinated responses to victims' needs; and routinely administering victim satisfaction surveys designed to elicit complaints and suggestions and to determine whether victims are being adequately served.

The following collection of materials will familiarize readers with recent developments and emerging issues in the crime victims' rights/victim assistance

movement, both in the juvenile justice and criminal justice systems.

Victim Rights/Assistance in the Juvenile System

- ***The Juvenile Court Response to Victims of Juvenile Offenders***

National Council of Juvenile and Family Court Judges. 1999. Reno, NV: National Council of Juvenile and Family Court Judges. 401 pages.

This thorough and up-to-date training curriculum on the unique rights and needs of victims of juvenile offenders within the juvenile court, produced in 1999 by the National Council of Juvenile and Family Court Judges under a grant from the Office of Victims of Crime, contains sections on victim impact panels; the role of the judge in assuring victim rights; statutory and constitutional rights of victims of juveniles; victim notification; victim orientation; victim impact statements; creative dispositions in juvenile court; balanced and restorative justice; securing restitution; victim protection issues; avoiding further victimization; developing new victim service programs; developing a coordinated response; and resources and information centers. The section on the current state-constitutional and statutory rights of victims includes a state-by-state summary (updated August 22, 1997) of victims' rights to information, notice, confidentiality, protection, and treatment and other services, as well rights at trial, monetary and property rights, and special rights for victims of juvenile sex crimes.

Available from the National Council of Juvenile and Family Court Judges, P.O. Box 8970, Reno, NV 89507, (775) 784-6012.

- ***How to Be Victim Friendly in Juvenile Court***

National Council of Juvenile and Family Court Judges. 1999. Reno, NV: National Council of Juvenile and Family Court Judges. Packet of 9 single-page brochures.

This beautifully packaged series of nine brochures was produced under the same Office for Victims of Crime grant that funded *The Juvenile Court Response to Victims of Juvenile Offenders* (described above). Collectively, they are designed to offer guidance to juvenile courts wishing to make themselves “victim friendly.” Each of the brochures is brief and to the point, dealing with a single practical aspect of the task: assuring victim rights; victim orientation to the court; victim notification; obtaining victim impact statements; creative dispositions considering victims; securing restitution; developing a coordinated response; resources for victim issues; and legislating victim rights.

Available from the National Council of Juvenile and Family Court Judges, P.O. Box 8970, Reno, NV 89507, (775) 784-6012.

- ***Helping Victims and Witnesses in the Juvenile Justice System: A Program Handbook***

Bourque, Blair B. and Roberta C. Cronin. 1991. Washington, DC: US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. 124 pages.

This handbook offers information and guidelines for those wishing to establish assistance programs for victims and witnesses in the juvenile justice system. It describes actual approaches taken in 8 case study locations; identifies key decisions that must be made

and issues that must be resolved, including sponsorship, program goals, populations to be targeted and services to be offered; lists the “core service components” of successful programs; discusses the planning, implementation, operation, and evaluation of victim/witness assistance programs, as well as obstacles commonly met with and ways to circumvent them; and provides a guide to additional resources.

To order a copy, call the National Criminal Justice Reference Service at (800) 851-3420.

- ***Victim/Witness Services in the Juvenile Justice System***

Kurlychek, Megan. March 1997. Harrisburg, PA: National Center for Juvenile Justice. 5 pages.

This issue of the quarterly *Pennsylvania Progress* highlights model programs that serve victims and witnesses of juvenile crime in Pennsylvania. The highlighted models are: the District Attorney Model in Philadelphia County; the Juvenile Probation Model in Bucks County; the Private Sector Model in Dauphin County; and the Combined Resources Model in Allegheny County.

To order a copy, call the National Center for Juvenile Justice at (412) 227-6950.

- ***Victim Assistance in the Juvenile Justice System: A Resource Manual***

National Organization for Victim Assistance. 1996. Washington, DC: National Organization for Victim Assistance. Approximately 450 pages.

This thick compilation is intended primarily to give

victim service providers an overview of juvenile crime and the juvenile justice system. Many of the materials included here have been reprinted from other sources. They contain exhaustive information on the prevalence and nature of juvenile crime, characteristics of victims of juvenile offenders, and the impact of juvenile crime on its victims. There is a useful section on victim rights in the juvenile justice system as well, including significant legislation and interpretive case law. The manual also contains material on victim services (reproduced from *Helping Victims and Witnesses in the Juvenile Justice System: A Program Handbook*, described above), along with a selection of readings on the role of the victim in the “restorative community justice” model.

To order a copy, call the National Organization for Victim Assistance at (800) 879-6682.

- ***Victim/Community Awareness: Establishing a Restorative Justice Community***

Sarbo, William E. and Valerie Bender. 1999. Pittsburgh, PA: Center for Victims of Violent Crime. Approximately 280 pages.

This handbook contains curriculum materials for a victim/community awareness instruction course designed for juvenile justice service providers and residential staff. One section contains instructions and forms for conducting victim impact panels and counseling groups focused on increasing offenders' empathy for victims.

Available from the Center for Victims of Violent Crime at (412) 350-1975.

- ***Juvenile Offenders and Victims: 1999 National Report***

Snyder, Howard, and Melissa Sickmund. 1999. Washington, DC: US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. 213 pages.

There is no more readable, accurate and complete source of information on young victims of crime than the second chapter of this report, which presents—in a format that is comprehensible as well as comprehensive—the most recent statistics on homicide, sexual assault, abuse and other forms of crime involving minor victims. The authors discuss correlations between drug use and victimization, age relationships between killers and their victims, profiles of everyday school crime, and other issues bearing on the victimization of young people, summarizing the best and most recent research available.

To order a copy, call the National Criminal Justice Reference Service at (800) 851-3420 and ask for NCJ #178257..

- ***State Responses to Serious and Violent Juvenile Crime***

Torbet, Patricia, et al. July 1996. Washington, DC: US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. 61 pages.

Chapter 6 of this report from researchers at the National Center for Juvenile Justice presents a useful overall summary of the impact of the crime victims' rights movement on the juvenile justice system through the mid-1990's. (A follow-up publication from NCJJ, *State Legislative Responses to Violent Juvenile Crime: 1996-97 Update*, continues the story through 1997.)

To order copies, call the National Criminal Justice Reference Service at (800) 851-3420. For the original publication, ask for NCJ 161565. For the follow-up, specify NCJ 172835.

Victim Rights/ Assistance in General

- ***New Directions from the Field: Victims' Rights and Services for the 21st Century***

Office for Victims of Crime. 1998. Washington, DC: US Department of Justice, Office of Justice Programs, Office for Victims of Crime. 429 pages.

This comprehensive update of the original (1982) report of the President's Task Force on Victims of Crime—which denounced the U.S. justice system as “appallingly out of balance” in its failure to acknowledge the interests of crime victims—indicates both how far we have come since those days and how far we have left to go. It contains over 250 recommendations regarding needed improvements in the treatment of crime victims, elicited from crime victims themselves as well as victim service providers and criminal and juvenile justice professionals participating in public hearings, working groups, and focus groups around the country. It also describes promising practices in the victims services field, including children's advocacy centers, community criminal justice partnerships, crisis response teams, and comprehensive victim services centers. There are special sections devoted to recommendations relating to child victims and to victim compensation.

To order a copy of the executive summary, call the National Criminal Justice Reference Service at (800) 851-3420 and ask for NCJ #172811.

The full text of the document is available at <http://www.ojp.usdoj.gov/ovc/ne/directions/>

- ***The Rights of Crime Victims - Does Legal Protection Make a Difference?***

Kilpatrick, Dean, David Beatty, and Susan Smith Howley. December 1998. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. 11 pages.

This research brief describes a large-scale survey of crime victims in four states, conducted in an effort to determine the effectiveness of victims' bills of rights and other legal and constitutional measures intended to protect crime victims' rights. The researchers sought the views of victims in two states in which legal protection of victims' rights was considered strong and two states in which such protection was considered weak, testing whether victims in the former group had better experiences with the justice system. In general, they found that victims in strong-protection states were more likely to receive advance notice of events and proceedings in their cases (arrests, hearings, pretrial releases, plea negotiations, etc.), and more likely to be notified of their rights and of services available to them. They were also more likely to exercise at least some their rights, and their level of satisfaction with various aspects of criminal justice processing was somewhat higher than that of their counterparts in weak-protection states. However, the survey found significant dissatisfaction with the criminal justice system as a whole, even among victims in strong-protection states.

To order a copy, call the National Criminal Justice Reference Service at (800) 851-3420 and ask for NCJ #173839. To download a copy, visit www.ncjrs.org/victasst.htm.

- ***Promising Practices and Strategies for Victim Services in Corrections***

Office for Victims of Crime and National Center for Victims of Crime. 1999. Washington, D.C.: Office for Victims of Crime and National Center for Victims of Crime. 56 pages

This overview of promising corrections-based programs and services for crime victims contains information on such topics as program planning, development, staffing, and funding; establishing victim services advisory committees; victim notification; victim protection; restitution issues; handling victim complaints; and program evaluation.

Available at: <http://www.ojp.usdoj/ovc/new/pubs.htm>

- ***Probation and Parole: A Handbook for Crime Victims***

American Probation and Parole Association, Victim Issues Committee. 1994. Lexington, KY: Council of State Governments.

This simple handbook is intended to serve as a primer for crime victims regarding the workings of the probation and parole systems, including their history, terminology, methods, goals, and the conditions they typically impose on probationers and parolees.

Available at: <http://www.appa-net.org/pub3.html>

- ***What if He Gets Out and Comes After Me? Victim Advocacy After the Offender is Released***

Hardy, Matt. 1999. Alexandria, VA: American Prosecutors Research Institute's National Center for Prosecution of Abuse. 2 pages.

This issue of the monthly *Update* from the American Prosecutors Research Institute's National Center for Prosecution of Child Abuse concerns child sexual abuse victim advocacy after the sexual offender is released back into the community. Specifically, it discusses protective orders and other tools prosecutors and police can use to ensure that the victims of sexual offenses retain peace of mind following offender release. "Prosecutors who take advantage of offender registration laws and extend advocacy services to victims even after their offenders are released do more than just show that they care," the author concludes. "They help victims of child sexual abuse and their families translate information into power, and power into security and dignity, in a process that may last a lifetime."

To order a copy, call the APRI's National Center for Prosecution of Child Abuse at (703) 739-0321 or visit their web site at www.ndaa-apri.org/apri/NCPCA.

- ***Victim and Witness Intimidation: New Developments and Emerging Responses***

Healey, Kerry Murphy. October 1995. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. 14 pages.

This paper, from the National Institute of Justice's "Research in Action" series, summarizes recent developments in gang- and drug-related intimidation of victims and witnesses, current responses to the problem by police and prosecutors, and emerging models and strategies for its prevention and suppression. It is based on structured interviews with 32 criminal justice professionals from 20 urban jurisdictions, including prosecutors, victim services directors, law enforcement officers, judges, and scholars. Also included are the insights offered by a

working group of 20 criminal justice professionals on emerging responses to the problem of victim and witness intimidation.

To order a copy, call the National Criminal Justice Reference Service at (800) 851-3420 and ask for NCJ #156555. To download a copy, visit www.ncjrs.org/victasst.htm.

Other Victim Rights/ Assistance Links

- ***National Center for Victims of Crime***

<http://www.ncvc.org>

This first-class site, operated by one of the nation's leading private/nonprofit crime victims' rights organizations, has everything: a "news room" with a continually updated selection of current national news and commentary on crime victims' issues; a "virtual library" with both full-text publications and extensive bibliographies compiled by NCVC staff on selected issues related to crime victims (child abuse, elder abuse, domestic violence, stalking, etc.); lengthy, downloadable fact sheets ("Infolinks") on a wide range of crime victim-related subjects, featuring statistics, brief overviews, descriptions of promising programs, bibliographies, and contact information; information on the current progress of proposed federal and state legislation and constitutional amendments related to victims; discussion forums; a detailed calendar of victims-related events; and a comprehensive set of links to other victim-related sites.

- ***Office for Victims of Crime***

<http://www.ojp.usdoj.gov/ovc>

This site features numerous downloadable publications on crime victims' issues, an on-line program directory (with state-by-state links) of the National Association of Crime Victim Compensation Boards, and the Office for Victims of Crime Resource Center, a service of the National Criminal Justice Reference Service that allows the public to search OVC databases.

- ***National Organization for Victim Assistance***

<http://www.try-nova.org>

The site operated by this DC-based advocacy group is worth visiting primarily for its links to other crime victims' rights sites, but it also offers (generally for a fee) NOVA's own publications, training materials, and information packets.

- ***Victim Assistance Online***

<http://www.vaonline.org>

This site, operated by an Ontario-based nonprofit organization and designed primarily to serve professionals in the field of crime victim assistance, contains reviewed links to victim assistance web sites and on-line research resources as well as a "Victim Assistance E-mail Forum/Network" open only to crime victim assistance specialists and professionals in related fields.

This summary is a product of the National Center for Juvenile Justice, the research division of the National Council of Juvenile and Family Court Judges. Summaries provide information on topics relevant to the Juvenile Accountability Incentive Block Grants (JAIBG) Program administered by the Office of Juvenile Justice and Delinquency Prevention. For more information about this and other summaries contact us at:

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This summary was supported by funds under grant #98-JB-VX-0102 from the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. Points of view or opinions contained within this document are those of the author(s) and do not necessarily represent any official position, policy, or view of the U.S. Department of Justice.