Building Better Communities:
The Role of Victims’ Rights & Advocacy
This material was produced by the International Association of Chiefs of Police (IACP) and National Crime Victim Law Institute (NCVLI) under 2018-V3-GX-K049, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this material are those of the contributors and do not necessarily represent the official position of the U.S. Department of Justice.
Objectives

❖ UNDERSTAND survivor experience in current system.

❖ IDENTIFY the impacts of that experience on criminal investigation and prosecution.

❖ DESCRIBE landscape of victims’ rights.

❖ ARTICULATE how law enforcement-based victim advocacy can improve outcomes.
Let’s walk in the shoes . . .
“A day” in the life of a victim
"I'm not saying she deserved anything like what she got... No woman ever deserves to be assaulted. Ever. But to pretend that this story shouldn't serve as a cautionary tale is unrealistic. Ladies, get to know your dates before you go home with them. Like, maybe, have a cup of tea instead of booze... especially with a guy you meet on Match, for crying out loud. They're all d-bags and everybody with any sense knows that."

Response to victims' public recounting of her rape
Montana: judge reduced a former teacher's rape conviction to 31 days because the victim, a 14-year-old girl, was "as much in control of the situation" as her rapist and, in his opinion, "older than her chronological age."

California: judge reduced a sentence of a convicted rapist because the woman didn't fight hard enough. The judge said, "If someone doesn't want to have sexual intercourse, the body shuts down. The body will not permit that to happen unless a lot of damage is inflicted, and we heard nothing about that in this case. That tells me that the victim in this case, although she wasn't necessarily willing, she didn't put up a fight."
Arizona: judge reduced a sentence of convicted sexual abuser to community service and probation, saying, "If you wouldn't have been there that night, none of this would have happened to you. ... When you blame others, you give up your power to change."

Alabama: judge structured 40-year sentence for rape so the rapist would serve 2 years in a community program for nonviolent criminals and 3 years of probation at home. The judge said, "You didn't hear the evidence. The original allegation was that both of these crimes were forcible. But then you have to believe that although she was forcibly raped twice, she continued to come back and have a social relationship (with the rapist)."
The Power of a STORY

That awkward moment when someone asks you to tell more about yourself, and you're like:

OH GOD, WHO AM I?
So real day in the life:

In the words of Judith Herman, M.D., “if one set out intentionally to design a system for provoking symptoms of posttraumatic stress disorder, it might look very much like a [our justice system].”
May not seek assistance or disclose

May not discuss full situation

May not continue with process

Medical Impacts

Mental Health Impacts

IMPACTS
A Glimpse at Attrition

Crimes

Crimes reported to law enforcement

Cases prosecuted

Offenders convicted
Pause...What is the goal?
More from literature: Outcomes
So what is to be done?

- Be reasonably protected from the accused
- Reasonable, accurate & timely notice of court proceedings
- Not be excluded from being heard at any public proceeding
- Be reasonably heard at any public proceeding
- Proceedings free from unreasonable delay
- Be treated with fairness and with respect for their dignity and privacy

Every Jurisdiction Has Something Similar!


International Association of Chiefs of Police

National Crime Victim Law Institute
Protection

Privacy

Participation

Property

The Basics
A long-standing purpose of criminal justice was creation and defining of community.

Pause . . . what is being created.
Won’t we hurt defendant’s rights?

Well okay, but wait a second ....
"But not every victim ..... "Never Assume" Except when I ask you to.....
But wait another second . . .
NCVLI can help - www.ncvli.org

**RIGHTS ENFORCEMENT TOOLKIT** that guides practitioners through the steps of asserting victims’ rights

**QUICKTOOL**
- Basic victims’ rights information in short video **QUICKTOOLS**

**VICTIM LAW LIBRARY** filled with innovative legal articles

**National, regional, local, and online TRAININGS** on victim law

**TECHNICAL ASSISTANCE** in the form of legal research, writing, strategic advice, and amicus curiae briefing

**Listings of victims’ rights and resources by location and topic in an online VICTIM RESOURCE MAP**

IACP
International Association of Chiefs of Police

NATIONAL CRIME VICTIM LAW INSTITUTE
thank you
Questions?