

Rights for Crime Victims: Compliance through a Comparative, Social Science and Social Media Lens

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Legislation to guarantee inalienable rights for victims of crime

Support

1. Right to Recognition
2. Right to Information
3. Right to Assistance

Justice

4. Right to Restitution and Repayment
5. Right to Protection from the Accused
6. Right to Participation and Representation

Good government

7. Right to Effective Policies to Reduce Victimization
8. Right to Full Implementation
 - Office for victims of crime
 - Standards and training
 - Evaluation and ombudspersons
 - Surveys for success
 - Research and development

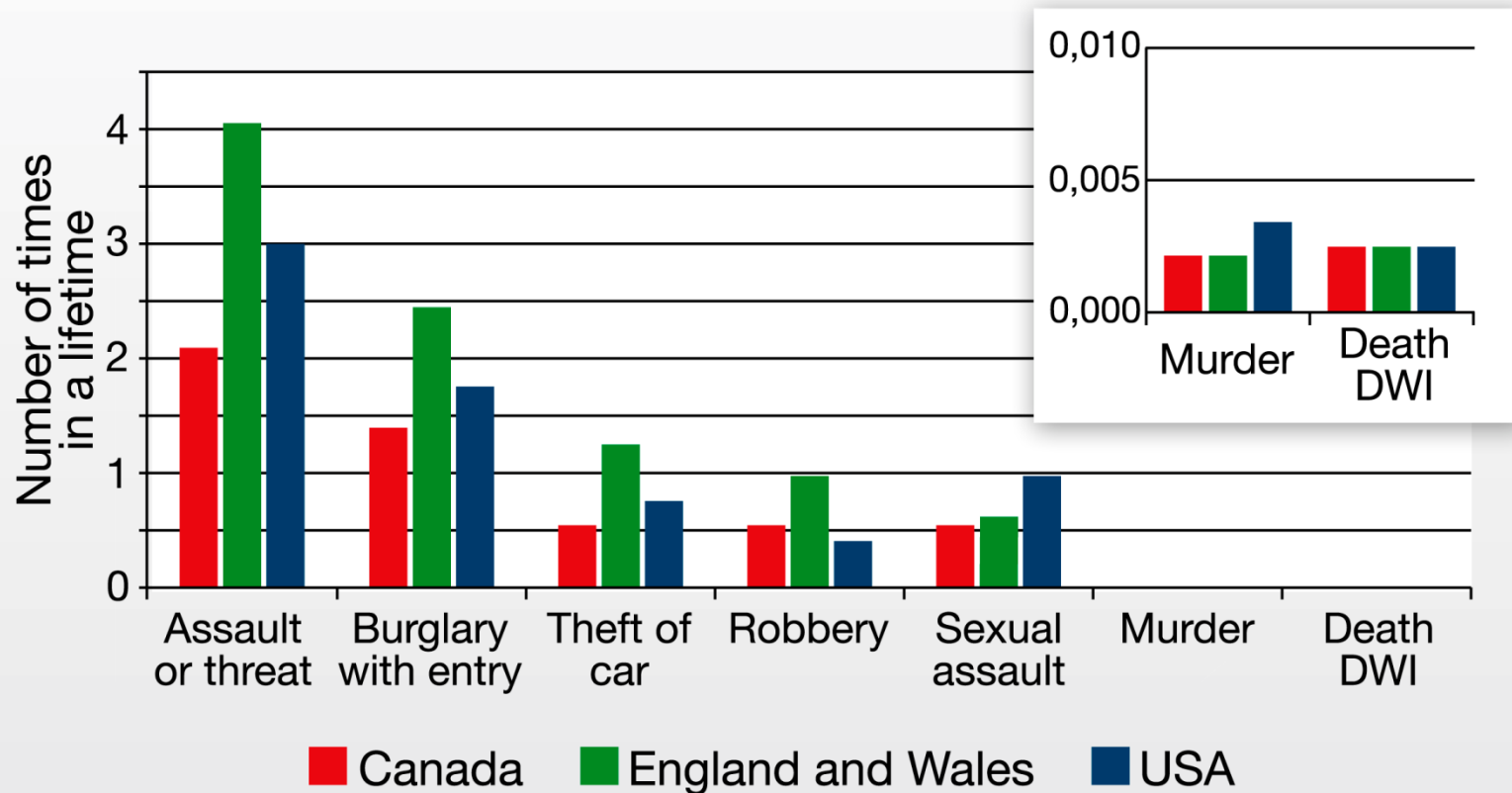
Rebalancing government policy from only “justice” for offenders to rights and services for victims and taxpayers

	From	To
	Retributive justice	Protection of victims
More	Police, prisoners and lawyers	Nurses, teachers, victims lawyers, city collaboration
Debate	Criminal Code	Action plan, target risk and \$
Response	Punishment to fit crime	Measures to reduce crime and assist victims
Results	More Arrests and sentences	Fewer victims and better futures for survivors

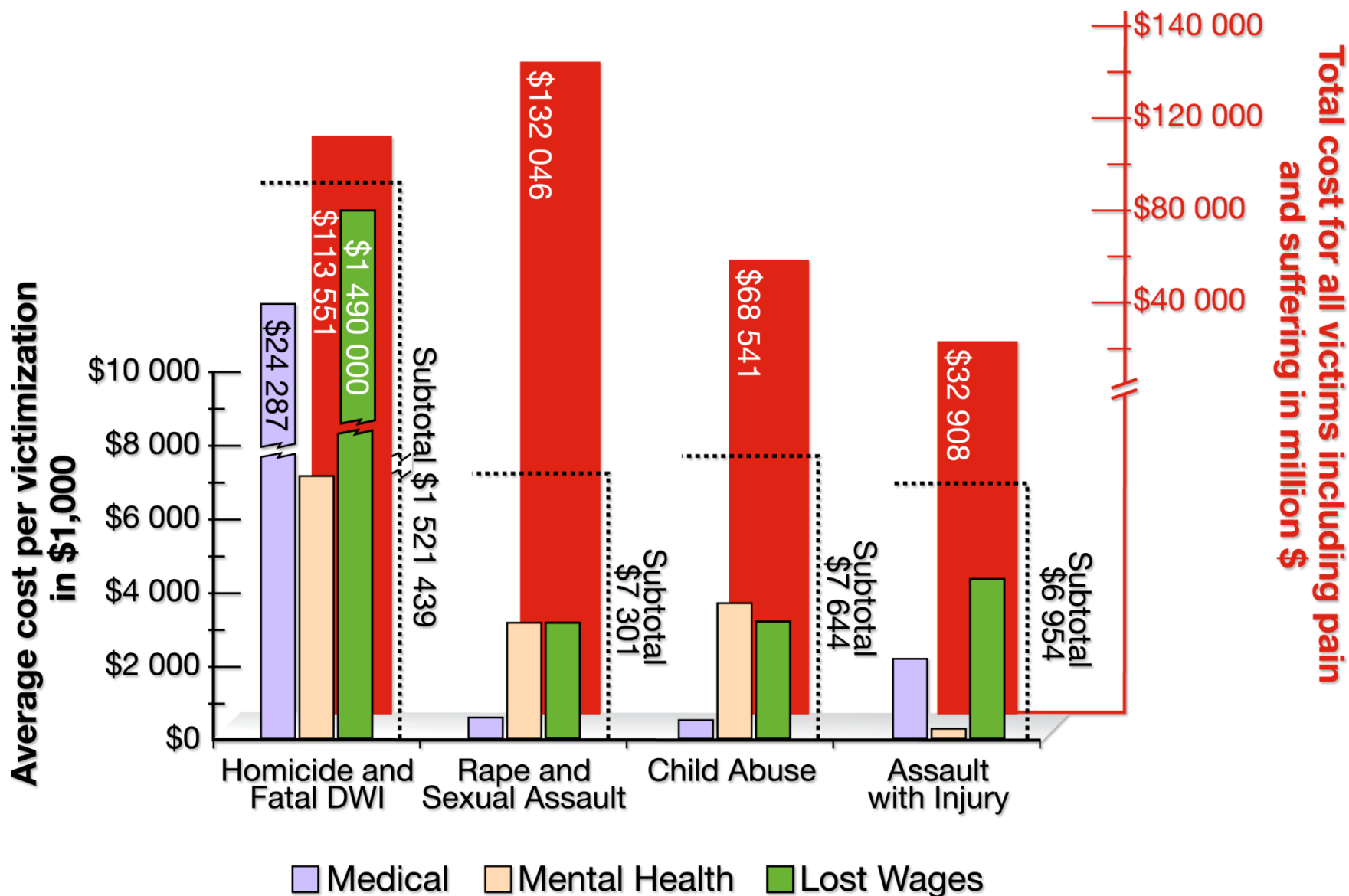
Harm to Victims

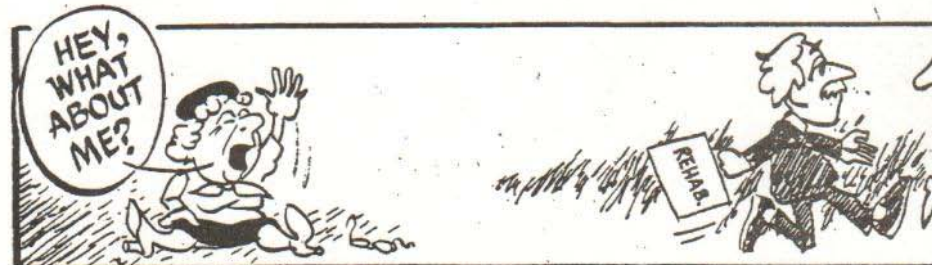
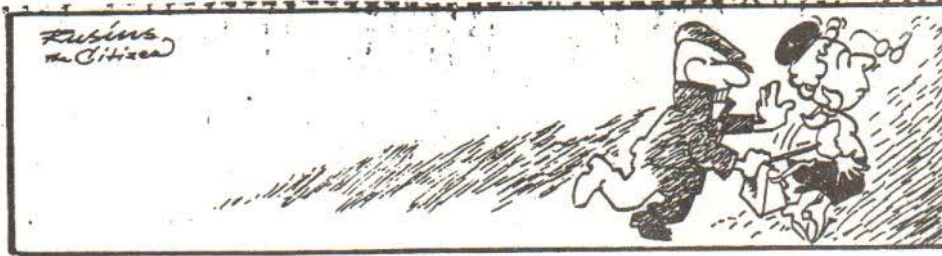
- **Injury**
 - Physical – cuts, broken bones ...
 - Disease – STD's, AIDS ...
 - Pain
- **Emotional Trauma**
 - Anger, fear, shock, depression ...
 - Post traumatic Stress Disorder
 - Loss of an object of sentimental value (irreplaceable emotional value in which a dollar value can not be placed)
- **Financial loss**
 - Value of property stolen or damaged
 - Tangible costs of medical care
 - Loss of wages
 - Costs of non-insured care – mental health
 - "Pain and suffering"

How often will an adult be a victim of crime in their lifetime



Estimates of average costs of selected types of victimization (with total costs for all victims, including pain and suffering)





Reforms have been directed toward protecting the rights of the accused — but what about the victim

UN General Assembly Resolution A/30/44 (1985)

- Recognizes the damage to victims and families (not just against state) as well as difficulties with police, justice and health services and so engages governments to:
 - A. Implement basic principles of justice for victims of crime and abuse of power (the UN Declaration)
 - B. Prevention of victimization by attacking social causes and fostering individual responsibility
- The UN Declaration states basic principles
 1. Information on criminal justice, their case, and services
 2. Assistance to access practical, medical and social services
 3. Guidelines and training for police, health and other services
 4. Reparation through restitution and state compensation
 5. Right and access to justice (voice in justice)

Core needs for victims of crime and likely responses

Core Needs for Victims of Crime		Right to legislation and implementation to provide
Support		
1	Recognition and emotional support	Trained informal and professional crisis support and counseling
2	Information on criminal justice, their case, services and personal developments	Timely information on: law enforcement, criminal justice and corrections; case; assistance; and expected developments
3	Assistance to access practical, medical and social services	Advocacy and assistance with repair, practical, social and other services
Justice		
4	Help to pay bills caused by victimization	Emergency funds and restitution from offender, compensation from state, and paid medical and mental health care
5	Personal safety and protection from accused	Prevention of revictimization and protection from accused
6	Choice to voice in justice	Choice to participate and be represented to defend safety, reparation, truth and justice
Good Government		
7	Best public safety	Modern strategies that reduce crime and prevent victimization
8	Implementation	Performance measures and surveys of victims as clients

Core need	2006 - Draft Convention (Article)	1982 President's Task Force	1984 VOCA 1994 VAWA	1985 UN Declaration	2001 EU Framework Decision	2004 Int. Crim. Court	2004 Japan Human Rights	2005 UN Child Guidelines	2006 UK Code of Practice
Support									
1	Recognition of victims, co-victims, good samaritans (1)	yes	yes	yes	yes	yes	yes	yes	yes
2	Information (7)	yes	yes	yes	yes	yes	yes	yes	yes
3	Assistance (8) - referral by police				yes	yes	yes	yes	yes
	Assistance (8) - short term	yes	yes	yes	yes	yes	yes	yes	yes
	Assistance (8) - medium term	yes	yes	yes	yes	yes	yes	yes	yes
	Special assistance because of age, gender, disability, race (3)		VAWA			yes		yes	
Justice									
4	Restitution from offender (10)	yes	yes	yes	yes	yes	yes	yes	
	Restorative justice (9) - respecting victim rights			yes	yes			yes	
	Compensation from state (11)	yes	yes	yes		yes	yes	yes	yes
5	Protection of victims, witnesses and experts (6)	yes	VAWA	yes	yes	yes	yes	yes	
6	Access to justice and fair treatment (5)	yes		yes	yes	yes	yes	yes	
Good Government									
7	Commitment to reduce victimization (4)		VAWA	yes		yes		yes	
8	Implementation (12)		yes	yes (res)	yes	yes	yes	yes	yes

Law enforcement actions that enhance the response to core needs

Core Needs for Victims of Crime		Right to legislation and implementation to provide
Support		
1	Recognition and emotional support	Trained informal and professional crisis support; Gendered response;
2	Information on criminal justice, their case, services and personal developments	Timely information on: law enforcement, criminal justice and corrections; case;
3	Assistance to access practical, medical and social services	Emergency calls
Justice		
4	Help to pay bills caused by victimization	Emergency funds; Ticket for restitution from offender
5	Personal safety and protection from accused	Prevention of revictimization and protection from accused
6	Choice to voice in justice	Provide evidence for criminal and civil cases
Good Government		
7	Best public safety	Modern strategies that reduce crime and prevent victimization
8	Implementation	Leadership, partnering, training and standards, performance assessment

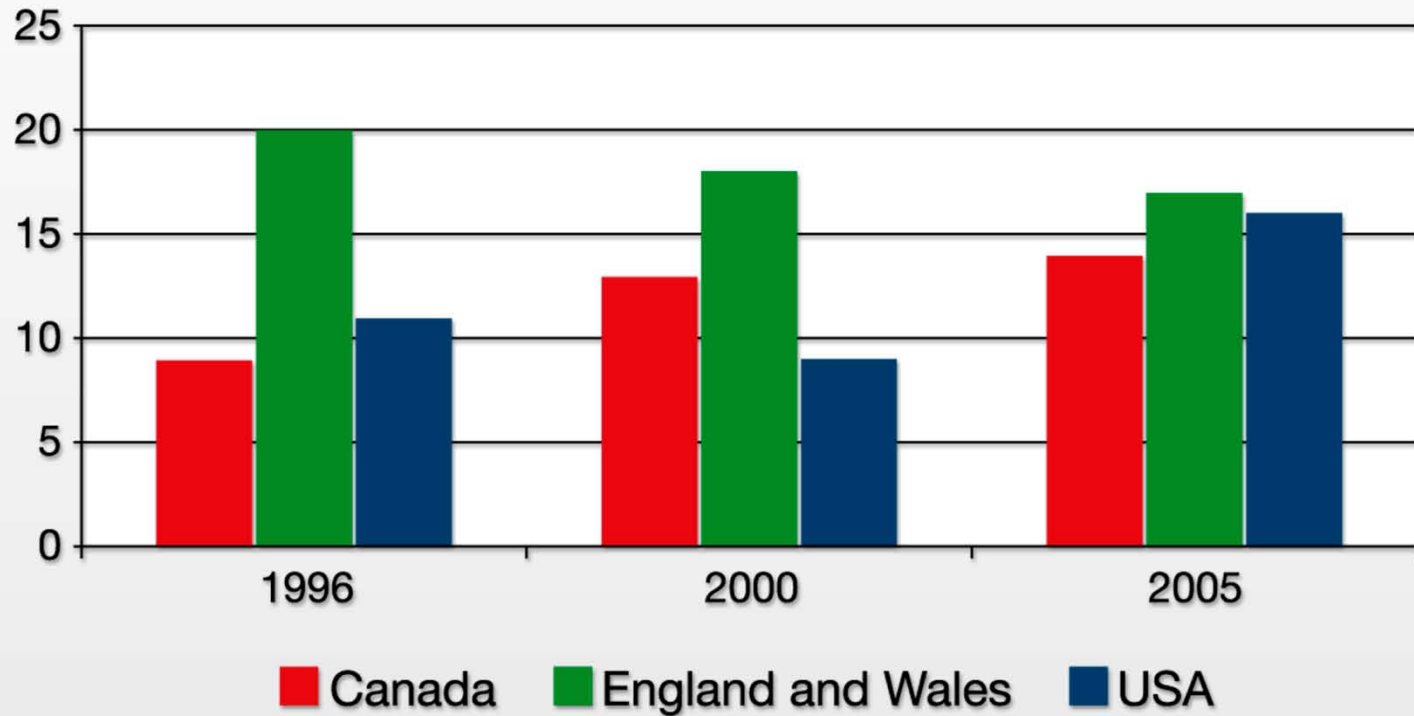
Needs to Improve Policing

(Chapter 3. *First in Aid:* *Victims at the Zenith of Law Enforcement*)

- 3.1. improve proportion of victims reporting to police and assess progress
- 3.2 hold officers accountable for providing information in a timely manner to victims and link to services
- 3.3 follow protocols to better meet the needs of victims who are women, children, aboriginal, disabled ...
- 3.4 develop a timetable to implement IACP strategy to put victims at zenith of law enforcement



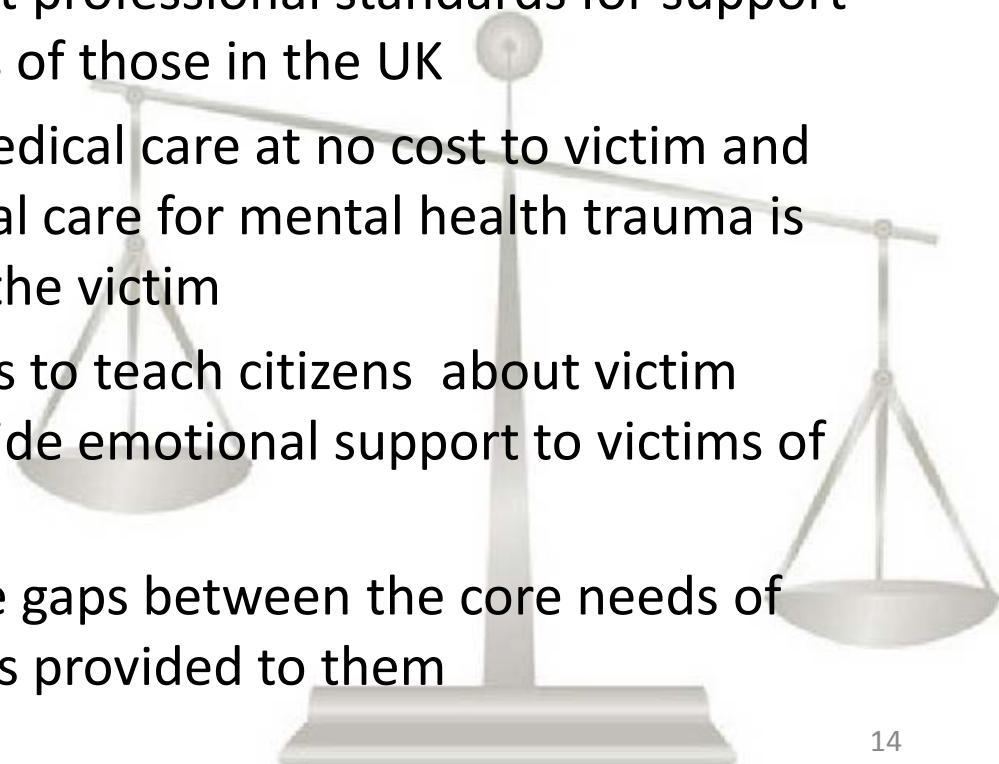
Percentage of victims reporting needs that did access services (ICVS)

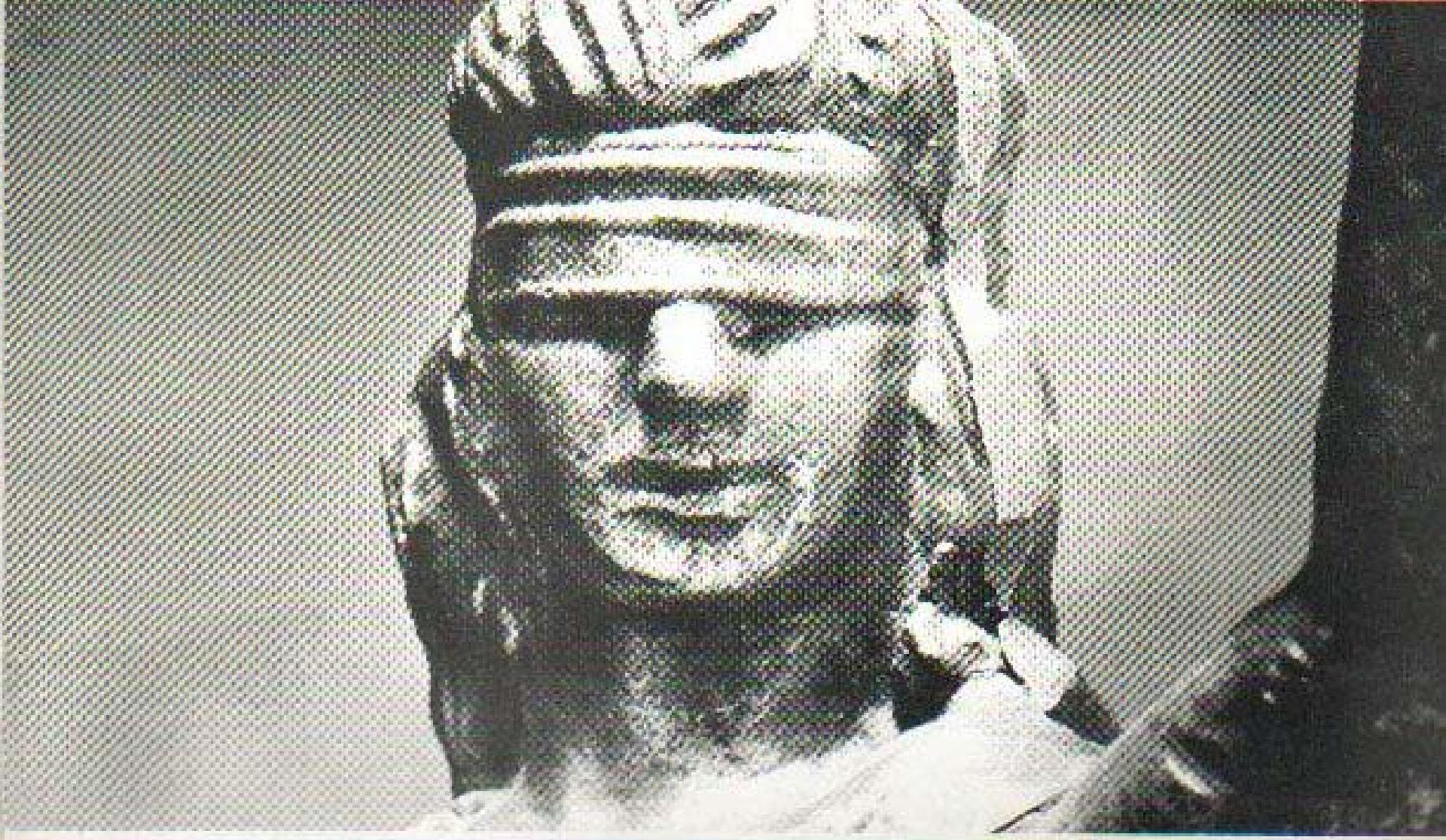


Needs for Services

(Chapter 4. *Caring for Victims: Support, Mental Health, and Assistance*)

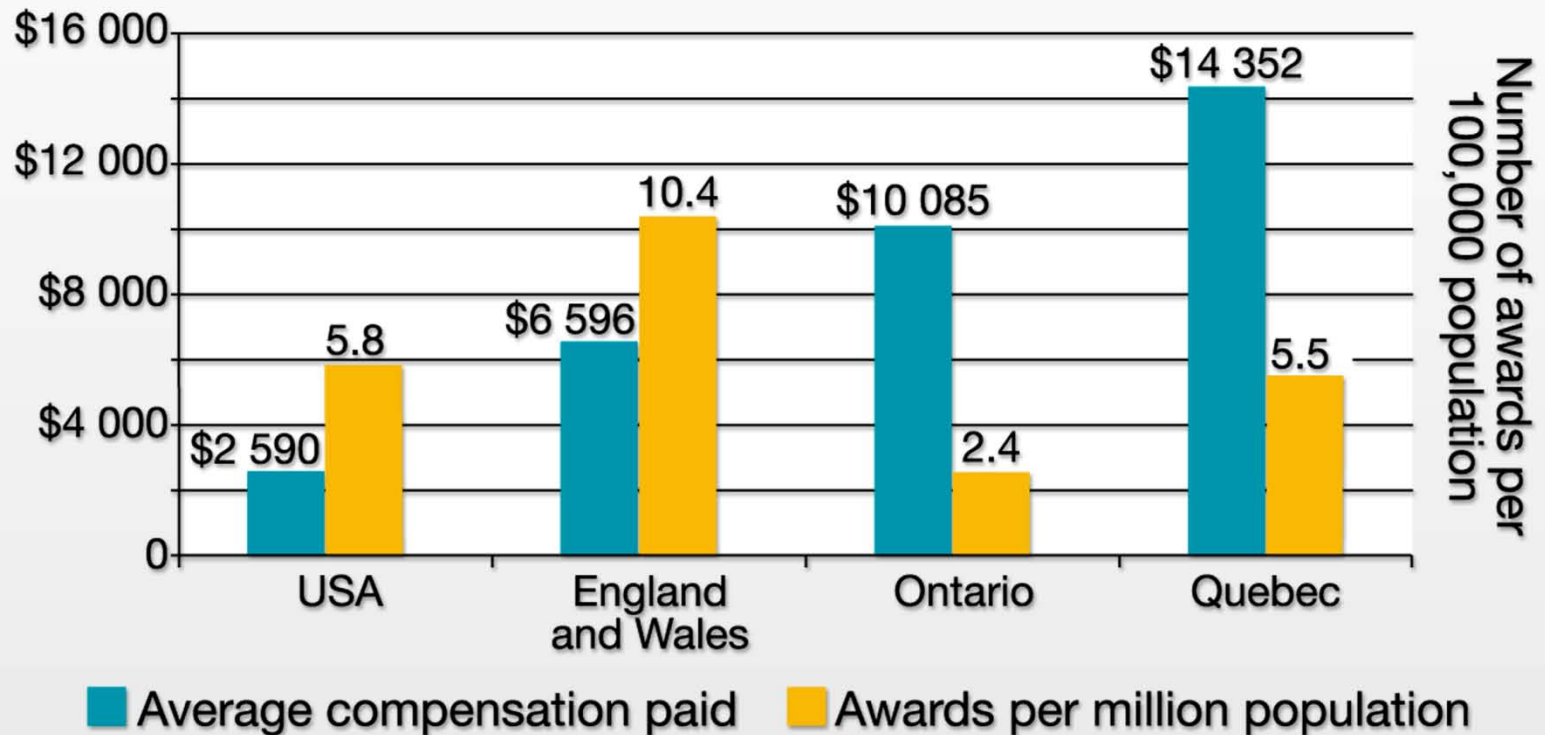
- 4.1 increase funding significantly, use general revenue, and pay professional salaries to ensure full range of victim support services, including sexual assault and domestic violence
- 4.2 develop and implement professional standards for support services along the lines of those in the UK
- 4.3 provide first aid and medical care at no cost to victim and ensure that professional care for mental health trauma is available at no cost to the victim
- 4.4 schools and universities to teach citizens about victim rights and how to provide emotional support to victims of crime
- 4.5 surveys to measure the gaps between the core needs of victims and the services provided to them





Justice is blind to the victims of crime

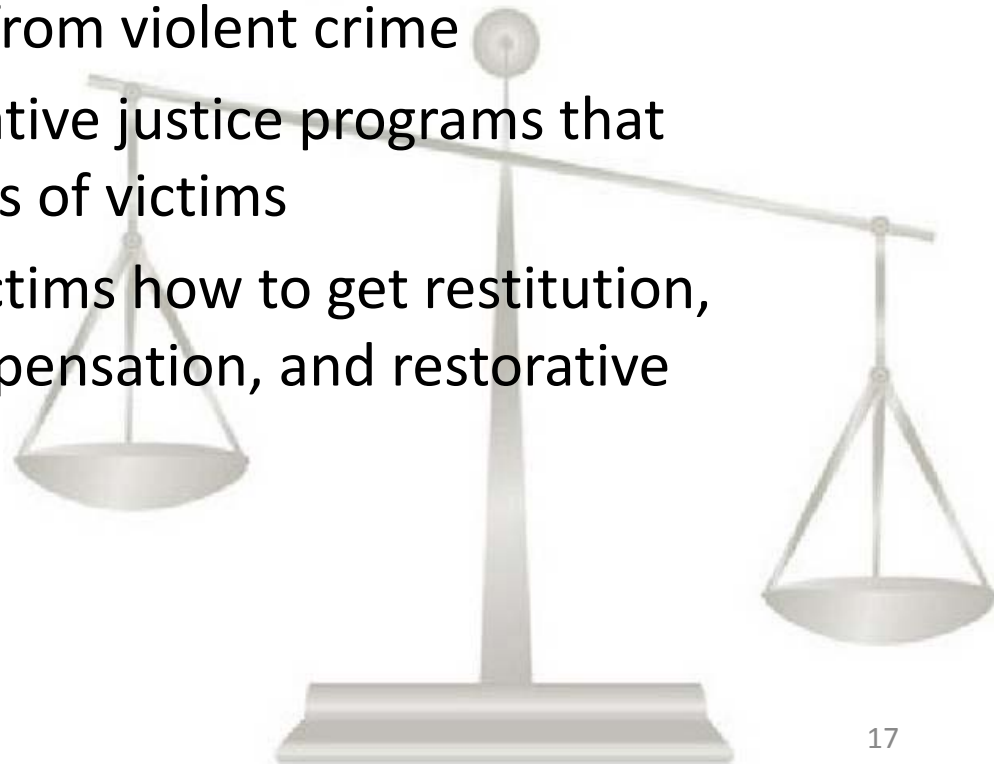
Average compensation payments from government contrasted to the number of awards per population



Needs for Reparation

(Chapter 5. *Making Good the Loss: Reparation from Offender, State, and Civil Suits*)

- 5.1. need to implement seven key steps to collect restitution from offenders and paid to victims
- 5.2. ensure compensation paid by state meets costs and "pain" of victims from violent crime
- 5.3. mediation and restorative justice programs that respect the core needs of victims
- 5.4. research informing victims how to get restitution, civil suits orders, compensation, and restorative justice



For 40 years, France has paid legal aid so that victims defend rights in criminal justice system – can be hybrid with adversarial system

Participation and representation in the International Criminal Court

Support

Victims protected and supported

Victims given response sensitive to gender, age and other issues

Justice

Victim participation and representation (grouped) paid by legal aid in adversarial trial and sentencing

Restitution paid to victims through trust fund fed by offenders and others

Good Government

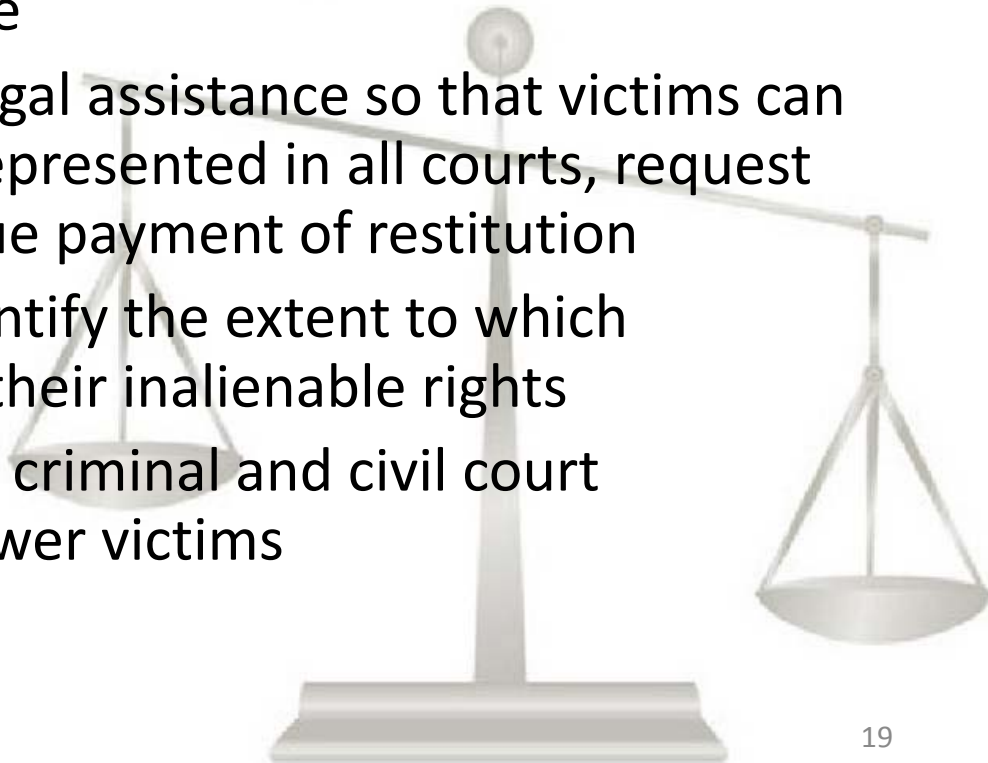
Trust Fund contributes to awareness and prevention

Permanent infrastructure paid by governments with performance assessments

Needs for Representation and Participation

(Chapter 6. *Staking Claims: Victims Represented and Heard*)

- 6.1. establish remedies for victims who do not receive rights consistent with standards from law enforcement to parole
- 6.2. provide funding for legal assistance so that victims can have their interests represented in all courts, request reparations and pursue payment of restitution
- 6.3. pay for surveys to identify the extent to which victims get to realize their inalienable rights
- 6.4. experiment with joint criminal and civil court proceedings to empower victims



Return on investment with proven and promising victimization prevention

Investing in proven success

- Reducing street violence
- Reducing violence against women
- Reducing child abuse
- Reducing property crime

Comprehensive crime reduction

- Preventing repeat and imminent victimization
- Smart partnerships between law enforcement, youth outreach workers, and families
- Smart ways to reduce incarceration

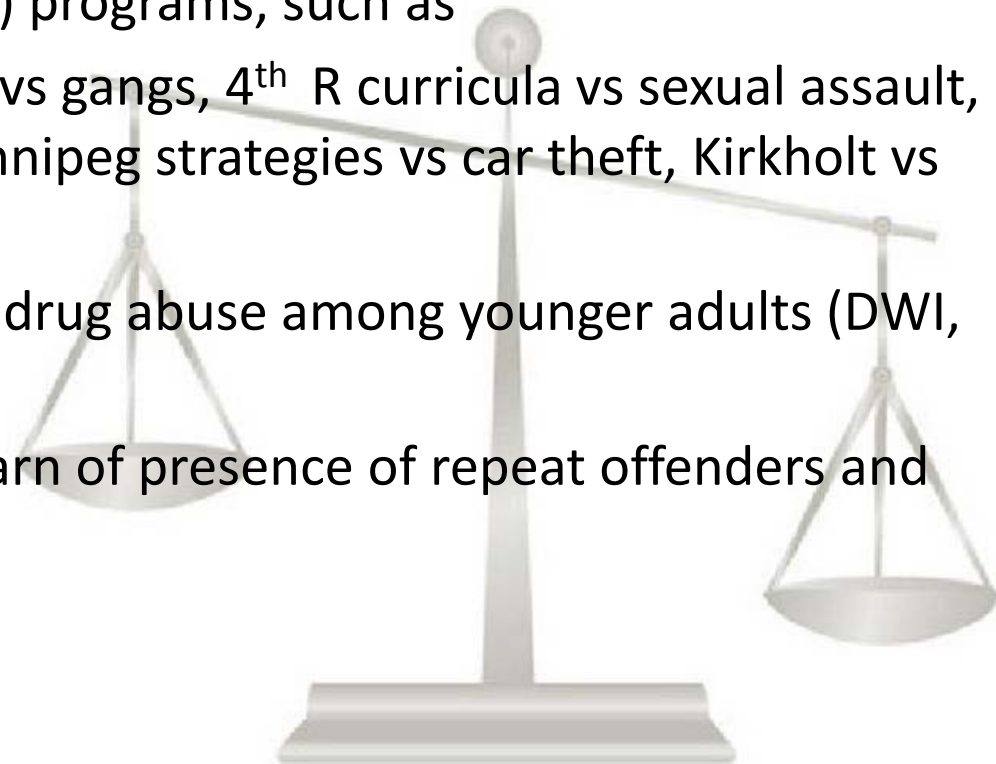
Alberta strategy to reduce crime and prevent victimization

- A three pronged approach that is acceptable to public
 - Combination of enforcement, treatment and prevention
 - Funds to be invested in a broad range of areas from early childhood, youth, aboriginal, family violence, data, municipalities and more
- A strategic plan to coordinate different ministries
 - a secretariat with senior full time participation from 9 key ministries to ensure a cross government focus on crime reduction and community safety
 - Invest in what is proven to work and evaluate results
- Increased funding for prevention to match enforcement
 - \$40 per person (\$160 million for population 3.7 million)
 - Needs to match increases in expenditures on law enforcement and corrections with investments in prevention.

Needs for Prevention

(Chapter 7. Stopping Crime: Victimization Prevention as Return on Investment)

1. shift crime policies to pre-emptive strategies
 - orchestrated by a small secretariat to diagnose problem and mobilise key sectors such as schools, housing and policing
2. invest in effective (what works) programs, such as
 - Boston-Chicago strategies vs gangs, 4th R curricula vs sexual assault, triple P vs child abuse, Winnipeg strategies vs car theft, Kirkholt vs burglary
3. continue to tackle alcohol and drug abuse among younger adults (DWI, violence, sexual assault)
4. require law enforcement to warn of presence of repeat offenders and avoiding repeat victimization





What have you done for justice today?

In America, you can *hope* for justice, or *expect* justice, or *assume* that justice will occur. Or you can get *involved* to help ensure that justice truly happens.

Justice occurs only when crime victims and survivors are informed of their rights, involved in criminal and juvenile justice processes, and offered supportive services to help them cope with the aftermath of crime.

Answer the call to *justice for all*. Volunteer for crime victims.

For more information about how you can help,
please contact:

**Justice
Isn't Served
Until Crime
Victims Are**

U.S. Department of Justice
Office of Justice Programs
Office for Victims of Crime
OVC
"Putting Victims First"



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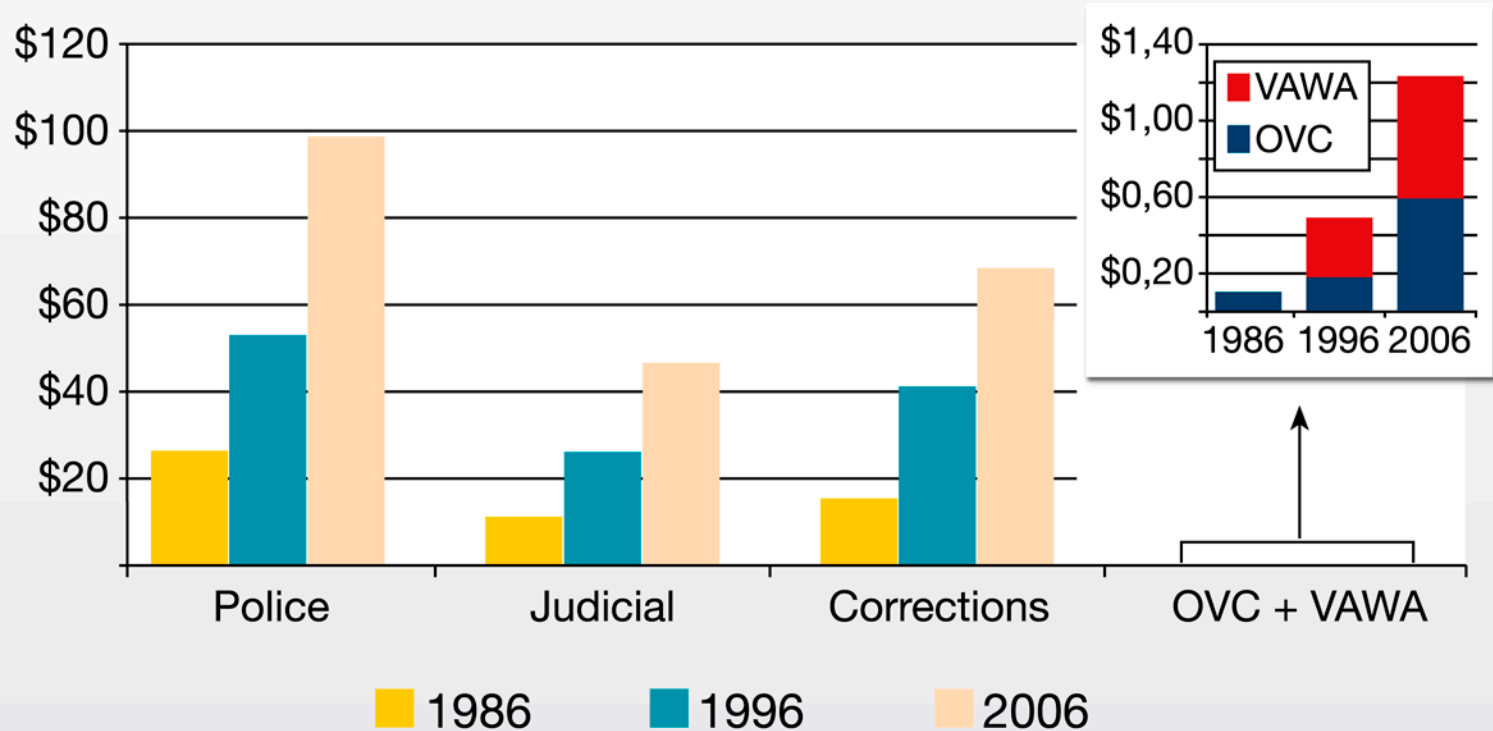
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Comparison of expenditures on police, judicial and correctional items with VOCA and VAWA



Preliminary sketch of possible additional investments needed (in millions of \$) to implement the demands in each chapter, showing their relation to sections in the model law

	Model Law (relevant section)	Law enforcement (chp. 3)	Assistance (chp. 4)	Restitution + Repayment (chp. 5)	Judicial + Courts (chp. 6)	Victimization prevention (chp. 7)	Assessment + Surveys (chp. 8)	Sub-total
Support								
1	Recognition of victims, co-victims, good samaritans	\$100		\$100			\$100	\$300
2	Information	\$100	\$100	\$100	\$100	\$100	\$100	\$600
	Assistance - referral by police	\$200					\$100	\$300
3	Assistance - short term		\$1 000				\$100	\$1 100
	Assistance - medium term		\$2 000				\$100	\$2 100
	Special assistance because of age, gender, disability, race		\$6 000				\$100	\$6 100
Justice								
4	Restitution from offender				\$100			
	Restorative justice - respecting victim rights			\$100			\$100	\$200
	Compensation from state			\$4 000			\$100	\$4 100
5	Protection of victims, witnesses and experts						\$100	\$100
6	Access to justice and fair treatment				\$2 000		\$100	\$2 100
Good Government								
7	Commitment to reduce victimization)					\$10 000	\$100	\$10 100
8	Implementation	\$100	\$100	\$100	\$100	\$100	\$100	\$600
	Subtotal	\$500	\$9 200	\$4 400	\$2 300	\$10 200	\$1 300	\$27 900
	Current budget (mid-point of estimates)	\$100 000	\$2 000	\$1 000	\$50 000	\$70 000	\$1 000	\$224 000
	Estimated percentage increase or re-allocation	1%	460%	440%	5%	15%	130%	12%

The amendment to balance the rights for victims of crime and offenders

- to have the rights of victims of crime to safety, reparation and justice respected
and
- balanced fairly, against rights of the accused or convicted offender,
and
- heard through participation and representation equal to that of the accused
- **in all judicial and administrative proceedings**



Needs for Reinvestment in Justice for Victims

(Chapter 8. *The Action Plan: Investment to Rebalance Justice for Crime Victims*)

1. **National Action Plan**, including standards

- Such as in the UK and the model law (see *Rights for Victims of Crime*);
- Applying to policing, services, restitution, compensation, prosecution and courts;
- Sensitive to special needs such as for women, children and aboriginal populations
- Offices for victims of crime to implement

2. **Victim Advocate/Ombudsperson** supported by **surveys** to provide better data and an **Institute** to focus on research and development (eg INTERVICT, TIVI)

3. **National, State and Municipal Prevention Strategies** to effectively reduce crime and promote community safety

4. **Permanent Funding** - equivalent to 10% of current expenditures on criminal justice - for prevention, victim services and rights

5. **Amendment** to Constitution with Remedies and Standing from investigation to parole.





IOVA

International
Organization for
Victim Assistance



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Principles**

**Inspiring Victim Justice
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Topical Issues

Victim Assistance

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**MAKING
A DIFFERENCE
AROUND THE
GLOBE.**

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IOVA *is making
a difference...*

In **promoting better public
policies** for victims

In **helping communities**
mitigate the aftereffects of
violence and disaster

In putting to wider service the
**experience of its founders
and their networks**

In **creating a better vision
for the future**

Did You Know?

In Lesotho, a micro-finance
and women empowerment
program cut assaults
against women in half.

**Statement of the IOVA Board
President**

**Proposals for the US
President and Congress**

Thank you for visiting the official International Organization for Victim Assistance website.

REBALANCING JUSTICE

RIGHTS FOR VICTIMS OF CRIME

Irvin Waller

RIGHTS FOR VICTIMS OF CRIME



WALLER

LESS LAW

MORE ORDER

PRAEGER



LESS LAW

IRVIN WALLER

MORE ORDER

The Truth about Reducing Crime

