

Victims' Rights Education Project

Introduction and Overview

**A
Component of the
Victims' Rights Education Project**

Prepared by:
National Victims' Constitutional Amendment Network

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The National Victim Constitutional Amendment Network (NVCAN) is a non-profit organization comprised of leaders in the victim rights movement from across the nation. NVCAN is dedicated to advancing and supporting the rights of crime victims at all levels.

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Introduction

Since the inception of the victim assistance field in 1972, over 32,000 statutes have been passed in states that define and protect the rights of crime victims. For many victims, these victims' rights laws become their "guide" to understand and navigate the criminal justice system, and give them a sense of control over their destiny after they have been harmed by crime. Victims' rights statutes are essential to our nation's ultimate goal of "justice for all."

The Victims' Rights Education Project has developed the Victims' Rights Education Project Toolkit to help victims, witnesses and the American public better understand victims' rights and how to exercise them. This Toolkit was designed with input from professionals and volunteers who include victims/survivors, victim assistance professionals, criminal justice professionals, and legal counsel. The Project conducted a series of group field interviews with crime victims/survivors, service providers, justice and other allied professionals in 12 states. The data resulting from this vital input from the field were collected and analyzed. In addition, a wide range of existing resources about victims' rights – including laws, brochures, handbooks, and web sites – were reviewed to contribute to the development of the Toolkit. The Tools include this *Introduction and Overview* and:

- The *Creating a Victims' Rights Public Education Strategy Guidebook* that helps victim service providers, and organizations and agencies that assist victims of crime, develop a strategy to educate crime victims and survivors, criminal justice officials and the rest of society about victims' rights, what they mean, and why they are important.
- A *Crime Victims' Rights Miranda Card* that includes the core rights of victims in a brief format that can be contained on a pocket-size "Miranda style" card to be handed to crime victims at the first point of contact with law enforcement.
- The *Victims' Rights Handbook* for use by victims of crime and the general public to increase awareness of victims' rights and how to exercise them, and their understanding of the criminal justice system.
- A *Victims' Rights Brochure Kit* that provides prototypes for victim service providers, and organizations and agencies that assist victims of crime to customize for their jurisdictions.
- A *Frequently Asked Questions (FAQ) Kit* that includes a model for victim service providers, and organizations and agencies that assist victims of crime, to customize a FAQ List of commonly asked questions and issues of concern to crime victims in their state and/or jurisdictions.
- A *Talking Points Kit* for victim service providers, and organizations and agencies that assist victims of crime, to enhance training, educational

materials and presentations that address the need for and value of victims' rights.

- *Promising Practices in the Compliance and Enforcement of Victims' Rights Kit*, which provides guidance for victims to exercise their rights.

The National Victims' Constitutional Amendment Network

NVCAN is a non-profit consortium of victims' rights and other organizations that was founded in 1987 to assess the status of victims' state and Federal rights, and provide educational materials to enhance victims' access to rights and services.

Overview of the Victims' Rights Education Project Resources

Introduction

The goal of the NVCAN Victims' Rights Education Project Resources is to provide basic information about victims' core rights that can be easily customized to states and jurisdictions across America.

Goal and Objectives

There are three objectives to reach this goal (once the resources have been customized to a specific state or jurisdiction):

1. Provide eight foundation-level documents (five of which are "open-architecture") that describe victims' core rights and measures to effectively exercise them.
2. Provide criminal justice, victim assistance and allied professionals with basic information relevant to implementing victims' core rights, in order to enhance their capacity to advise crime victims about their rights and to help implement them.
3. Provide crime victims and survivors with basic, easy to understand information about their rights and roles within the criminal justice system, and guidance in exercising these rights.

Customizing and Attribution

To make the materials most useful to you and the victims you seek to educate, you will need to adapt the models to reflect the actual laws in your jurisdiction and create your own customized Education Materials. NVCAN asks that authors customizing the models add the following attribution to NVCAN on the last page of each product, "*The prototype for the development of this (add name of product) was created by NVCAN, a non-profit organization comprised of leaders in the victim rights movement from across the nation.*"

Creating a Victims' Rights Public Education Strategy Guide

While each Tool in this Toolkit can be utilized as a “stand alone” document, there are advantages to combining all of the Tools that are adapted to a specific state or jurisdiction into an overall public education strategy. The time and effort required to develop and implement a strategy are well worth it, as the result will be an ongoing, organized and highly effective approach to educating crime victims, justice and allied professionals and the public about victims' rights and implementation.

To facilitate this process, the *Creating a Victims' Rights Public Education Strategy Guidebook* contains useful tips to:

- Create a public education strategy team.
- Create strategy goals and objectives.
- Determine target audiences.
- Adapt and format the Tools to a specific jurisdiction.
- Effectively reach diverse populations.
- Enhance public policy and agency policy development.
- Disseminate victims' rights information through paper-based, electronic, and training and public education venues.
- Utilize the news media for dissemination of victims' rights information.

Crime Victims' Miranda Card

The goal of the *Crime Victims' Rights "Miranda Card"* is to describe crime victims' basic rights in a manner that is easily adaptable to specific states and jurisdictions, and that can be published on a credit card-sized document for “first responders” to provide to victims at the scene of a crime.

Victims' Rights Handbook

When someone has been victimized by crime, it is important to understand what is going to happen, how you will be affected, and any role you have in the criminal justice process. The *Victims' Rights Handbook* is designed to:

- Provide a broad overview of the criminal justice system, and the rights and roles of crime victims within the justice process.
- Provide victims with information they need to know in order to ask informed questions about their rights, available services, and the criminal justice system.
- Provide victim service providers, criminal justice professionals, and allied professionals with a foundation document that can be easily adapted to reflect the laws and practices of their jurisdictions and agencies.

The Handbook is written generically to be applicable to as many states and jurisdictions as possible. It includes an overview of victims' core rights; a detailed overview of the criminal justice system (law enforcement, prosecution, defense counsel, judiciary and the courts, probation, institutional corrections, and parole), and a "glossary of terms" used frequently throughout the justice system. Within each component of the criminal justice system, the Handbook explains victims' rights, as well as information victims need to know, and questions they need to ask about their rights, at this particular juncture.

The Handbook can easily be adapted to reflect the laws, policies, procedures and practices of different jurisdictions and agencies. It is a useful document for victims and survivors of crime, but also for professionals and volunteers who assist victims, and community members who are interested in obtaining a better understanding of justice processes and victims' rights.

Victims' Rights Brochure Kit

In most states, victims have eight core rights that are identified through state laws and constitutional amendments:

- Right to notification.
- Right to reasonable protection.
- Right to be heard.
- Right to participation/attendance.
- Right to restitution.
- Right to receive information about and referrals to victim services.
- Right to apply for victim compensation (in violent crime cases).
- Right to compliance with victims' rights.

The first seven of these core rights are addressed in the Victims' Rights Brochure Kit. The eighth core right to compliance is addressed in the "Promising Practices in the Compliance and Enforcement of Victims' Rights" Kit (described below).

The range of victims' rights, what they mean, and how they are exercised can be confusing to victims/survivors, and even to those responsible for their implementation. Each of the brochures is designed to provide a foundation to create either "stand-alone" brochures, or a collective series of brochures that address victims' core rights in simple, easy-to-understand language. Each brochure includes:

- An overview of the right.
- Why the right is important.
- A description of what the right includes.

- A description of the victim's role in exercising the right.
- A section that highlights resources for additional information.

Each brochure also contains notations about the victim information that needs to be tailored to a specific state, jurisdiction or agency that is developing informational brochures for victims, with clear guidelines on how to make it relevant and accurate.

Frequently Asked Questions (FAQs) Kit

Throughout the Victims' Rights Education Project Group Field Interviews conducted in conjunction with this Project, it became clear that many victims share common issues and concerns, and often have similar questions about their rights and the criminal justice process. In criminal justice and victim assistance agencies, significant time is spent repeatedly answering similar questions posed by victims of crime.

The *Frequently Asked Questions (FAQs) Kit* was created to identify the most common questions and concerns victims have about their rights, the criminal justice process, and their role in the process. It is designed to provide easy-to-understand information to victims, and provide a way for victim assistance and justice professionals to make this important information available in written or web-based formats to the widest possible audience.

The FAQs Kit includes detailed "editor's notes" to ease and enhance the process of customizing the Kit to specific states or jurisdictions. The notes include:

- Information about alternative legislative approaches that are state-specific.
- Information about additional statutory, constitutional and/or case law that expand upon the right addressed by the question.
- Additional questions to help editors expand the scope of the FAQs Kit while providing more useful details to its ultimate target audience: victims and survivors of crime.

Talking Points Kit

Public education about victims' rights, needs and concerns is one of the most important goals of our nation's victim assistance field. Crime victims and those who serve them are often called upon to discuss victims' rights, appear in media venues, give public presentations, and write about the wide range of issues relevant to victims' rights and victim assistance.

The Talking Points Kit is designed to provide a variety of resources – including comments about victims' rights, explanations of their value to victims and our nation, and quotations that personalize the experience of victims and professionals who assist them – to enhance victim and public outreach efforts that promote victims' rights and services.

Promising Practices in the Compliance and Enforcement of Victims' Rights Kit

While countless victims' rights are provided for in state statutes and 32 states' constitutions, they are not always enforced. It is critical that crime victims become aware of how victims' rights can be most effectively implemented, as well as their vital role in ensuring that their rights under law are observed.

The "Promising Practices in the Compliance and Enforcement of Victims' Rights" Kit offers simple, concrete suggestions that can enhance the implementation of victims' rights by describing:

- Whom is responsible for implementation.
- Guidelines for victims to know and implement their rights.
- Suggestions for communicating with justice officials.
- What victims can do if they think their rights have been violated.
- Promising practices available in some states that enhance compliance efforts to ensure the implementation of victims' rights.

General Considerations for the Development of Education Strategies

Victims' rights across the nation vary considerably in both their language and application. While it is impossible to develop educational resources that adequately address the specifics and nuances of each state's laws and rights, this Project sought to provide a *foundation of victims' rights education and information* that is generic, and easily adaptable.

It is important to note that five components of the Victims' Rights Education Project are written as a "prototype" – that is, each is designed to be *adapted* to specific states, jurisdictions and agencies. Each component provides clear guidelines for the issues contained within that require further consideration or actions for adaptation. Please carefully review the "Introduction" to each component prior to reviewing the document in its entirety, as this will provide you with guidelines for adaptation.

In adapting specific resources, it is helpful to consider:

- State laws, constitutional amendments, and case law that affect the implementation of victims' rights.
- Criminal justice agency policy and inter-agency policies that often more clearly define *who is responsible* for the implementation of victims' rights.
- Rights that are relevant to a *specific type of victimization*, i.e. domestic violence, sexual assault, child abuse, homicide, etc.

- The implementation of rights that is relevant to a *specific juncture* within the criminal justice process, i.e., law enforcement, prosecution, courts, community and institutional corrections, and/or those that cross agency jurisdictions and require collaboration.

It is also helpful to consider the following when adapting victims' rights educational resources:

- A Committee to review the NVCAN resources and guide their adaptation should be formed, with representation that includes victims/survivors, victim service professionals, justice and allied professionals, and legal counsel who are diverse by gender, age, culture, and geography.
- The language and context of the materials must be simple, clear and easy-to-understand.
- Since all victims/survivors do not have access to the Internet, consideration should be given to developing victims' rights educational materials in both paper-base and electronic formats.
- Resources should be developed in multiple languages that reflect the population of the state or jurisdiction.
- Access by victims with disabilities.
- All materials should be created with or reviewed by legal experts with specialized knowledge of victim-related statutes, amendments, and court decisions related to both.

Funding Considerations

Some of the strategies highlighted in the Kits do require at least some resources. While an exhaustive discussion of funding options is beyond the scope of this Kit, the end products suggested in the Kits do offer unique opportunities to secure at least the production cost involved in development and distribution.

Because the focus of virtually all the Kits' products relies on educating victims of their fundamental rights, it would seem a natural fit for those in the criminal justice system who are charged with the duty to carry out such rights under the laws of the state to lead or assist in the production of the Kits' products. As such, one obvious strategy might be to approach the local law enforcement agencies, prosecutor's office, court, probation or corrections agency with the idea of developing the Kit's victims' rights education products as a joint undertaking. Obviously, state agencies such as the Attorney General's or Governor's Offices might be convinced to sponsor the development of such educational materials.

Educational materials that address statewide victims' rights lend themselves well to development by statewide networks and coalitions. The expenses involved could be greatly reduced for any one individual program, office, agency, or

organization if the costs of production and distribution are shared on a statewide basis. In some states, the Department of Corrections provided printing services through inmate work programs at a reduced cost, or on a pro bono basis.

Given the educational nature of the products proposed, even private funders may be particularly interested in sponsoring one or more of these educational approaches. Private foundations and charitable entities might also be convinced to form a partnership with nonprofit, or even governmental agencies in a public-private collaboration, to jointly provide the resources necessary to carry out your strategy.

For More Information

For additional information about the NVCAN Victims' Rights Education Project, please visit the NVCAN web site at: www.nvcn.org.