can’t believe that nearly one year has passed since I joined the National Center for Victims of Crime as its new executive director. During this 20th anniversary year for the National Center, it’s truly been an honor to witness the vitality and dedication of the myriad professionals and volunteers who make up the victim services community throughout the United States.

Nowhere was the excitement and promise of our field more evident than this summer in Washington, DC, at our first National Conference. This event brought together a diverse group of leaders and practitioners who have helped shape the victims’ movement and are involved in a wide range of innovative endeavors to improve victims’ lives. I particularly enjoyed meeting National Center members, learning about their concerns, and being challenged on how the National Center can better serve their needs. One specific theme I heard was the importance of being active in the policy arena.

This view was underscored in your response to our recent membership survey. Many of you told us that one of the main reasons you belong to the National Center for Victims of Crime is because you believe this organization provides a unique and effective national voice for the field.

The National Center’s voice conveys a simple yet powerful message: every crime has a victim and every victim needs our help. We take that message to the White House, Congress, the U.S. Department of Justice and other federal agencies, state legislatures, and the media—wherever we believe our efforts can help secure legal rights, protections, and resources for those harmed by crime.

Our voice is strengthened by the National Center’s nationwide network of advocates and practitioners who are committed to rebuilding the lives of crime victims—individuals like you. Your membership helps ensure that the National Center continues its critical role in representing the field’s concerns when important policy and funding decisions that will affect your work and the lives of victims are being made.

The National Center’s voice was heard on four such critical occasions during the past year:
1. The National Center was one of only two national organizations that testified before the U.S. Senate to urge Congress to reauthorize the Violence Against Women Act—and ensure that victims of sexual assault, domestic violence, stalking, and dating violence get the services they desperately need. We also continue to play a key role in defeating efforts to rescind the Victims of Crime Act (VOCA) Fund.
2. The National Center filed a friend-of-the-court brief to the U.S. Supreme Court on behalf of Jessica Gonzales, whose ex-husband violated his protective order and then murdered their three children before killing himself. The National Center used this opportunity to educate the public about the importance of enforcing protective orders to prevent further violence and keep victims safe.
3. The National Center was a driving force behind passage of the Justice for All Act, which gave important rights to victims of federal crimes and provided critical funding to eliminate our nation’s DNA evidence backlog.
4. The National Center was instrumental in defeating legislation that would have significantly reduced the ability of victims in Florida to hold third parties accountable in court. The National Center’s voice was heard clearly by lawmakers and media representatives who learned how the proposed bill would hurt victims of crime.

These are critical times for our field. As we continue to work together to protect hard-won gains on behalf of victims, we at the National Center remain committed to doing all that we can to ensure victims receive the support they need to help put their lives back on track. We’re proud to be your partner in this important work.

Mary Lou Leary
Executive Director
The Mental Health Court: A Victim Perspective

BY CRESSIDA WASSERMAN

It looks like an ordinary court room. The public seating area is crowded with 25 or 30 people, mostly defendants waiting for their cases to be called, the majority African American, Latino, and Asian. There’s a quiet bustle as court officials, clerks, defense attorneys, and others mill around, putting papers in order and chatting with each other. Then the proceedings begin, and it soon becomes clear that this is no ordinary hall of justice.

Judge: How are things going? The report is good.
Defendant: Everything is good, Judge. Things are going well.
Judge: Is there anything special you’d like to tell me about?
Defendant: No, not really.
Judge: Are you sure? Well, come up here for a minute, anyway, and we’ll talk.

The defendant goes up to the bench, unaccompanied by any court officer or attorney, and converses with the judge—about a recent fishing trip, hobby, the new baby, the new part-time job. After a few minutes, the judge leans over the podium and shakes the defendant’s hand: “Keep it up. You’re doing well. I’ll see you in three weeks.”

As soon as the defendant steps down, the judge types notes on a computer concealed in his desk, reminders for the next encounter in a few weeks’ time. In the Brooklyn Mental Health Court in New York presided over by Judge Matthew D’Emic, this is the order of the day.1
A New Approach to Mentally Ill Offenders

Like other mental health courts that have sprung up across America in the last few years, the Brooklyn Court is a hybrid: it is a criminal court and diversion program rolled into one. It offers treatment, as an alternative to incarceration, to offenders with persistent and serious mental illnesses such as schizophrenia and bipolar disorder. Some offenders are “dual diagnosis” cases: that is, in addition to being mentally ill, the defendants are addicted to drugs or alcohol. But unlike most mental health courts, the Brooklyn Court is a felony court; while most of its cases do not involve violence, charges against defendants include such varied crimes as grand larceny, aggravated assault, robbery, and arson.

Not all defendants with persistent mental illness end up in the Brooklyn Court. First, their criminal behavior must be primarily attributable to their mental illness—true in some but not all cases. Second, the District Attorney’s Office screens out certain cases, such as those in which the offense is too serious and regarded as inappropriate for the Court, or when the defendant has a history of treatment failure or is judged more suitable for another diversion program. Finally, the Brooklyn Court will not accept defendants who are incompetent or unfit to plead or who plead insanity.

The Added Value of Therapeutic Jurisprudence

Eligible defendants who want their cases transferred to the Brooklyn Court are assessed by a court-appointed psychiatrist to make sure they are mentally fit to plead. Then, Judge D’Emic himself ascertains whether the defendant understands the implications of opting in to the mental health court: namely, pleading guilty and agreeing, upfront, to a specific prison sentence that will be imposed if he/she fails the treatment program. After the terms are settled, the Court’s clinical team identifies a suitable treatment program. Once in treatment, the defendant appears regularly before the Judge, at first weekly, then, provided progress is satisfactory, at less frequent intervals.

Active judicial monitoring is a critical element of the process and philosophy of the Brooklyn Court. Often referred to as “therapeutic jurisprudence,” in Judge D’Emic’s Court this means, above all, respectful relationships with defendants—listening to them, responding to them, reasoning with them, and when necessary, being firm with them. His manner is straightforward, patient, and non-adversarial. He encourages compliance by impressing upon defendants the importance of treatment and by reinforcing their sense of self-worth each time they appear before him. He focuses on the positive aspects of their lives—their interests, talents, and achievements. Since treatment typically lasts from 18 months to 2 years, there is time for the defendant and judge to get to know each other: they develop a rapport, and the defendants often bring in things they are pleased about—a piece of art, poems they have written, or family photographs.

If the Judge discovers that a defendant likes to sing, he will ask, “Do you have a song for me today?” At least one defendant regularly accepts the invitation, performing a little gospel or blues to enthusiastic applause. “There’s a man standing in the corner,” belts one defendant. “He has no good.… He’s searching for a father and a friend…. There’s a girl, begging to be free, with no cure for it. She looks up to her father. The sun will shine again….”

Judge D’Emic’s philosophy is straightforward and sets the tone for everyone involved in the Court: “The offender has pled guilty, but I have a human being in front of me. If I engage the defendant, it’s a natural response for the defendant to engage with me.” According to D’Emic, some defendants respond so positively to this approach that they have mixed emotions when they graduate: they are proud of their achievements but find it painful to let go of the relationships that got them through the process.
Preference for Positive Reinforcement

Another way Judge D’Emic rewards achievement and fosters self-esteem is by awarding “certificates” that mark successful completion of a phase of treatment. The defendants, often accompanied by proud family members, receive the Judge’s congratulations and shake hands with him. This ritual exemplifies the Court’s unorthodox approach that shocks some visitors with its startling mix of ceremony and informality. Yet, like other aspects of the process, its purpose is serious: to encourage adherence to treatment and reduce recidivism.

While it is too early to know whether the system works, or works better than other diversion programs, the rationale is clear: incarceration of offenders with serious mental illness provides few solutions and often results in a worsening of symptoms and behavior. Conscious of the high price of failure, Judge D’Emic is stern with recalcitrant offenders whose excuses ring hollow, occasionally using a night in jail to bring home the consequences of non-compliance before it is too late. In most cases, however, his approach is more like a kindly teacher, cajoling those in danger of failing while tempering scoldings with words of encouragement:

“What’s going on here? You can’t miss treatment appointments. Come back and see me next week.”

“What’s the big deal? What’s the rush? You know you have to complete the treatment. You are doing well. Just keep going.”

“Look, we want you to stay with the program. Sometimes you just have to suck it up. We’re going to get there. Don’t get too upset. You give a little, they’ll give a little, and we’ll talk about it next week.”

Incarceration of offenders with serious mental illness provides few solutions and often results in a worsening of symptoms and behavior.

A New Kind of Problem-Solving Court

Mental health courts are a relatively new feature of the criminal justice landscape, having received a federal appropriation of $10 million a year for a period of four years in November 2000 under Senate bill S.1865. They belong to a growing family of specialized “problem-solving” courts such as drug courts, domestic violence courts, and community courts, described by the Department of Justice as “designed to treat offenders while, at the same time, considering the harm to victims and the community.”

According to the National Alliance for the Mentally Ill (NAMI), approximately 100 courts have been established across the country. Most focus on misdemeanor offenses; about one-quarter also accept some felony cases; and fewer than 10 percent focus exclusively or mainly on felonies. Their multidisciplinary teams (usually the judge, a prosecutor, and clinical staff) develop individualized plans that seek to reduce recidivism by securing appropriate treatment and support services for the offender in a coordinated manner.

Victim Rights?

In some states, victims of mentally ill offenders have certain rights, such as the right to be notified about key events and participate in the justice process under specific legislation. A few have extended their general victim rights bills to include this victim population. But, the extent to which any of these rights are exercised or have real meaning within the context of the mental health court process is unclear. In the Brooklyn Court, for example, even with the prosecutor’s encouragement few victims come to hear the defendant plead guilty unless they are family members.
Supporters and Detractors

Treated with skepticism and suspicion by some and welcomed enthusiastically by others, there is little consensus about the merits of the mental health court as a concept. Many dislike them in principle because they fail to decriminalize mental illness and involve coerced treatment where criminal behavior is attributable to mental illness. Advocates like Heather Barr believe “their efficacy will be limited and undermined by the deficits of the mental health system.” Similarly, for the National Mental Health Association (NMHA) “the danger is that in the hope of improving access to scarce treatment resources, mental health courts will, in the end, increase coercion and stigma…. At best, they may effectively determine individual needs and advocate for good individual treatment. At worst, they risk further criminalizing people with mental illnesses and fragmenting the mental health and criminal justice systems.”

Others see mental health courts as a promising strategy that can facilitate good treatment, protect mentally ill offenders from incarceration and help reduce recidivism. For example, advocacy organizations such as NAMI, in which family members of mentally ill persons are active, view mental health courts as “highly effective in reducing unnecessary incarceration of low level, non-violent offenders with mental illnesses whose involvement with criminal justice systems can be directly traced to [a] lack of appropriate treatment and services.”

While information on outcomes is scarce because mental health courts are so new, a report from King County Mental Health Court in Seattle, Washington, claimed a 76 percent reduction in offenses committed and a 90 percent reduction in jail days for program participants compared with the year prior to their involvement in the court. However, such statistics are unlikely to convince critics for whom the mental health court is “an entity with a very brief history, an unclear conceptual model, and unproven effectiveness.” For these detractors, there are simply too many variations among the courts, too many unanswered questions, and too little information about outcomes to make any intelligent judgments at this point. What is clear, however, is the scale and complexity of the problems confronting the criminal justice system.

Complex Challenges Beg New Solutions

Approximately 16 percent of the population in prison or jail has a mental illness. Furthermore, the risk of a mentally ill person being incarcerated is 4 to 6 times higher than that of someone who is not mentally ill: indeed, the Los Angeles County Jail, Cook County Jail in Chicago, and Rikers Island Jail in New York City are the three largest psychiatric institutions in the United States. Nearly three-quarters of inmates with mental illness also have a co-occurring substance abuse problem, and by the time offenders enter the criminal justice system, many face other challenges such as chronic physical ill-health, homelessness, and unemployment. Contrary to popular perception, serious violence by people with major mental disorders appears to be concentrated among a small minority, particularly those who use alcohol and other drugs. Only a small fraction of these defendants plead not guilty by reason of insanity or guilty but insane, and when a person with mental illness commits a violent crime, more than half the time the victim is a family member, a friend, or an acquaintance. One recent report suggested that “85 percent of those victimized by a person with a mental illness are either family or friends of the perpetrator.”
Amid Diversity, Some Common Features
The idea of the mental health court is based on drug court principles. But unlike the drug courts (which quickly gravitated toward a common model with technical assistance and support at the national level), there is no uniform model or common infrastructure for mental health courts. Indeed, one group of researchers concluded that “almost any special effort by the courts to better address the needs of persons with serious mental illness who engage with the criminal justice system can qualify as a mental health court by current standards.”

Yet, despite all their differences, there are some common features. For example:
- mental health courts are all voluntary: it is up to a defendant to opt in;
- eligibility depends on a link being established between mental illness and the offender’s criminal behavior;
- mental health courts seek to ensure access to appropriate community-based treatment and support for the offender to avoid incarceration (or, in some cases, secure the offender’s release from incarceration);
- public safety is given high priority; hence, most mental health courts exclude violent offenders;
- these courts aim at early intervention through prompt identification and treatment;
- they embrace a dedicated team approach and interagency collaboration, especially between the court and mental health providers/support systems;
- they involve more intensive supervision and monitoring compared to traditional criminal courts; and
- the judge plays a core role in the treatment and supervision process.

Addressing Victim Needs
Mental health courts constitute one of several criminal justice responses to the challenges posed by mentally ill offenders. A whole variety of community-based diversion and crisis intervention programs have emerged, including some that target specific groups of offenders, for example, those with a dual diagnosis. But, because mental health courts are experimental collaborations within the criminal justice system whose processes are still developing and open to change, they may be of special interest to victim advocates.

In the Brooklyn Court, according to Assistant District Attorney David Kelly, “The first thing we do when we are considering offering the defendant the option to go to the mental health court is find out what the victim feels. Strong opposition from the victim, while not decisive, will weigh very heavily as we screen and select cases for the mental health court. Interestingly,” says Kelly, “after discussions with the prosecutor, victims seldom oppose the transfer of the case to the mental health court and the idea of treatment rather than incarceration for the offender.”

Once a case is in the Court, the clinical team may become involved with two kinds of victims: family members who are actual victims of the offenses for which the defendant is charged; and, family members who, while not technically victims of crime, feel (and often are or have been) victimized by the defendant. “The clinical team tries to come up with a plan that will effectively keep the offender in treatment,” says Judge D’Emic, “but we don’t necessarily feel we have to keep a defendant away from the family or the community.”

Once the defendant is in treatment, the clinical team may continue to have contact with the victims/family members, especially if the defendant is young (18 to 21 years of age) and living at home. As one team member explained, “We do whatever is called for clinically. While we primarily
monitor the defendant’s progress through communication with the treatment provider, we will certainly take note of information from the victims/family members suggesting there may be a problem. Even if program reports say the defendant is meeting all requirements, we will investigate.”

In practice, clinical staff may end up providing significant support for certain victims. But it is contingent on their judgments relating to the needs of the defendant. This, after all, is their primary job: to help defendants adhere to treatment and avoid recidivism. While some victims benefit along the way, it is not equivalent to a system designed to address victim needs.

Victim Advocates

Where, then, do victim advocates fit in? According to Paula Calby, vice-president for Criminal Justice Programs at Safe Horizon, “In the mental health court, our advocates primarily become involved in cases of elder abuse or domestic violence.” The advocates make contact with victims at the grand jury stage or at the request of the court after transfer to the mental health court. But, without dedicated funding, Safe Horizon is unable to offer routine support for all the victims whose offenders end up in the Court. At the moment, it looks as if this reflects the broader picture. For example, the impression of Denise Tomasin of the Council for State Governments, who provides technical assistance for the mental health courts nationwide, is that “while some courts include restitution as part of the defendant’s graduation plan, it does not appear that any special procedures for the involvement of victim advocates have been developed. Generally, concerns about family members who are victims appear to be raised in an ad hoc fashion by the district attorney or the judge.”

The ad hoc involvement of victim service providers is hardly surprising given the absence of a preferred mental health court “model” and the fact that victims of mentally ill offenders are often viewed differently from other victims (because mentally ill defendants are viewed differently from other offenders). Mentally ill persons who commit crimes are commonly seen as a victimized population and referred to as “mental health consumers,” “clients,” or “patients.” But one unintended consequence of such efforts to decriminalize mental illness may be to marginalize the experience of their victims. Thus, victim advocacy and support for victims have not been treated as a critical component of the problem-solving approaches adopted by the mental health courts, as happened, for example, in the case of domestic violence courts.

A Rationale for Change

At present, victims and family members of mentally ill offenders may get the help they need, but there is no system to ensure this. There is every reason to believe, however, that such systematic support would benefit many defendants, as well as many victims. Family members (whether or not they are technically victims of the crime with which the offender has been charged) are, potentially, an important resource that can aid the defendant’s recovery. Enabling families to become a cushion of support to sustain defendants during and especially after graduation from the court’s program may prove significant to longer term success. But this will not happen if the needs of the family/victim are neglected and they feel victimized, afraid, or unable to cope.

Such reasoning is compelling, above all, in cases where the family itself is (or is perceived to be) “the problem,” and a negative family dynamic is seen to undermine the defendant’s recovery. As Judge D’Emic says, “Family members may still be victimized even if they are on bad terms with the defendant, and victims may have information [that] is important to bring to the Court’s attention. It’s a fabulous idea to have a victim advocate assigned to every case in the mental health court, as happens in the domestic violence court, to make sure victims get the support they need and help ensure that we make the
best decisions we can for the defendant.” Mental health courts are experimental, multidisciplinary entities. Victim advocates should be treated as full partners because of what they have to offer: they are trusted by victims and often receive information about the offender that is relevant to the court’s monitoring role; they are ideally placed to comment on the adequacy of treatment and supervision plans because they know about the relationship and interaction between victim and offender; and they can provide (or facilitate access to) services that will enable victims to cope better, which, in turn, can help many defendants stay healthier and out of trouble. As Juli Ana Grant, director of the Brooklyn Criminal and Supreme Court Program, pointed out, “with the same kind of designated funding we have in the domestic violence court, Safe Horizon could have an advocate exclusively dedicated to the mental health court to provide supportive and concrete services to victims and enhance court processes as well.”

Ultimately, mental health courts will be judged by their success in reducing recidivism and helping offenders adhere to treatment. What has been lacking thus far is full appreciation of how victim advocates might help achieve these goals. As the Consensus Project Report notes, addressing the needs of mentally ill offenders demands collaboration among agencies working in diverse systems, and “the failure of these systems to connect effectively endangers lives, wastes money, and threatens public safety, frustrating crime victims, consumers, family members, and communities in general.” As far as one mental health court is concerned, however, the news is encouraging. According to Kelly O’Keefe, senior research analyst at the Brooklyn Mental Health Court who is currently conducting an evaluation of the court, “the time is ripe for more interagency collaboration. Acknowledging the needs of victims and family members and developing a system of support that helps them sustain offenders is one way of moving to the next stage.”

Cressida Wasserman, a former senior research analyst at the National Center, works for the New York City Department of Youth and Community Development.

1. The Brooklyn Mental Health Court was developed as a joint project of the New York State Unified Court System, the New York State Office of Mental Health, and the Center for Court Innovation.

2. After careful consultation with the victim and the approval of the judge and the prosecutor, the Court has even accepted cases involving kidnapping and attempted murder, but this is unusual.


6. See, for example, Alaska’s “Coordinated Resources Project,” www.statb.ak.us/courts/mkhc.htm (accessed July 12, 2005).


10. Denckla and Berman, Rethinking the Revolving Door.

11. NAMI, “Support Funding for Mental Health Courts.”


19. Ditton, “Mental Health Treatment of Inmates and Probationers.”

20. Ibid.


23. For a more detailed account of the “common procedures and goals that typify the mental health court approach,” see Denckla and Berman, Rethinking the Revolving Door.

24. Accordin to information provided by the Court, approximately half its defendants/graduates live independently or with their families; the rest are in some form of special housing or programs such as residential drug treatment.

25. Denise Tomasi is responsible for providing technical assistance to the mental health courts under a grant provided to the Council for State Governments by the Bureau of Justice Assistance.

26. See for example, “Criminalization of People with Mental Illnesses,” Bazelon Center for Mental Health Law, and Heather Barr, “Mental Health Courts.”


28. The Brooklyn Domestic Violence Court is another specialist court in the Supreme Court.

Citizen Lobbying:
Building Relationships to Influence Policy

BY ILSE KNECHT

After the abduction and murder of their 11-year-old son Jacob, Patty and Jerry Wetterling successfully fought for the Jacob Wetterling Crimes Against Children and Sex Offender Registration Act, which mandated that each state create a sex offender registration program. Connie and Howard Cleary led the fight to ensure colleges and universities disclose certain information about campus crime and security policies after the rape and murder of their 19-year-old daughter, Jeanne Ann Clery, at Lehigh University. After Stephanie Roper’s murder in 1982, her parents, Roberta and Vince Roper, founded the Stephanie Roper Committee and Foundation, now known as the Maryland Crime Victims’ Resource Center, Inc. Their work has led to the passage of over sixty pieces of legislation in the state of Maryland.

Many legislative success stories have their roots in personal tragedy. None of these individuals were professional lobbyists, but each succeeded in passing some of the country’s most important victim-related laws. Their stories illustrate the importance of citizen lobbying and prove that each person can make a difference.

Many crime victim advocates want to participate in the legislative process, but don’t know where to begin. This article dispels some common misconceptions about lobbying and offers some tips and tools to help you become an effective citizen lobbyist.
What is lobbying & who can do it?
Generally speaking, lobbying involves asking a legislator to take a particular stand on an issue, or more specifically, to support or oppose a particular piece of legislation. The term lobbying evolved to describe those who would wait in lobbies of statehouses and Congress to talk to legislators before votes. Today, lobbying activities are much more formalized and typically start with calling an office to set up an appointment.

While it can be challenging to change laws and policies, success is possible and, in fact, is achieved every year by outstanding citizen lobbyists. Many people might think that lobbying is a skill that takes years to perfect, but the activity of lobbying itself is not difficult. Many victim advocates working for nonprofits can and do lobby on behalf of their members and those they serve with little or no training. After all, to be an effective lobbyist for crime victim issues, all you need is belief in your cause, dedication, facts, a few tools in your tool box, and some allies in the right places.

Why engage in the legislative process?
Laws and policies affect all of our lives. Decisions our legislators make have a real impact on individuals and communities. Our lawmakers must be knowledgeable about issues affecting their constituents so they can make informed and fair decisions. Specifically, in the criminal justice arena, legislators enact, and sometimes defeat, laws that create crimes, set penalties for offenders, establish rights for victims, and provide funding for victim services. And sometimes lawmakers enact legislation that has unintended negative consequences for crime victims or victim service providers. For example, a law requiring anyone who wants to obtain a driver’s license to provide a record of a principal residence will cause problems for victims who fear for their personal safety and, therefore, use a post office box as their primary address. Legislators may not understand the potential impact of every proposal on victims. A crime victim advocate’s work in the legislative arena is crucial and has the potential to greatly impact whole populations of crime victims.

Where to start?
First, decide if your issue warrants a response at the federal, state, or local level. Many changes sought by victim advocates are most appropriate for the state legislative arena. In fact, oftentimes the issue you are concerned about cannot be addressed by federal lawmakers. For example, if you want to add a victims’ right in your state’s criminal justice process, that is a matter of state law, to be addressed by your state legislature. Important changes for victims can also occur at the county or municipal level. Several years ago, New York City enacted a law to protect victims of domestic violence, sexual assault, and stalking from employment discrimination. For the purposes of this article, however, we will focus mainly on working with your state legislature (although the majority of our tips are also applicable to efforts at the federal level).

Educate yourself about how your government works. How does a bill progress through your legislature? For most crime victim advocates, the judiciary, criminal justice, or public safety committee will be the most important place to focus their energies. The jurisdiction of these committees includes criminal justice issues and is where most of the victim-related measures will be considered by the members of the committee before being considered by all legislators.

Advocates should also familiarize themselves with their state’s appropriations or budget process. Opportunities exist for organizations to obtain funding through their state budgets, so understanding this system is very important. The committees to watch for this type of activity generally include the budget, finance, or appropriations committees.

Of course the needs of crime victims may surface during the legislative work of other committees as well. For example, a committee that has jurisdiction over finance issues may consider legislation dealing with fraud, or the education committee may consider a bill relating to crime prevention in school. While these committees and others may all review legislation that contains victim-related provisions, crime and justice-related committees will generally be the most effective targets for crime victim advocates.

Who are your friends?
Legislative success is built on a foundation of relationships, both with your legislators and with their staffs.

Once you have determined what your legislative process entails, you can start to identify the legislators and staff members with whom you need to cultivate effective
working relationships. This “get-acquainted” list should include:

- Your senators and representatives. Because these elected officials represent you, they are the most likely to be concerned about an issue you bring to them, especially if the issue affects their community.
- The chairperson and ranking member of your identified key committees. Counting a chairperson or ranking member of one of these committees as an ally can be invaluable. These members are most likely to be interested in issues you bring them if you represent a large constituency, such as a statewide coalition of victim advocates. But don’t forget the other members of the committee. You may find you have a friend that is well-respected among the legislative leadership even if he or she is not in a “power position.”
- Legislators in other leadership roles, such as the speaker of the House or Senate leaders. Again, if you represent a large, statewide constituency, you are more likely to get the attention of these elected officials.
- Legislators with a history of supporting your issue. You may have allies that are not on the “right” committee or in leadership. Research past legislation and discover who has championed victim-related bills previously. Reviewing past news articles (found in your local newspaper’s on-line archives of articles) can also be helpful in this effort.
- Other potential allies. Has your governor been supportive of victim issues in the past? How about the attorney general?

It’s important to recognize that having bipartisan backing for your legislative efforts is key to your success. Fortunately, crime victim issues typically enjoy the support of lawmakers on both sides of the aisle. As you are determining who is on your list of potential allies, make sure you reach out to both Democrats and Republicans.

Making contact
A key ingredient to building a sustainable and strong relationship with your legislator is to make contact before you need something. The worst time to have to make your first contact is in the middle of a funding crisis.

First, it’s important to accept that you will generally have very little direct interaction with your senator or representative. Legislators face extremely demanding schedules and rely on their staff people to be specialists on certain issues. In fact, the most important person to have on your side is often the staff person, or “staffer,” in charge of your issue. Call your elected official’s office and ask which staffer handles crime victim issues. Then, once you know who you need to talk to, there are several ways of reaching out.

- Offer your organization’s support on a particular bill. You can also call and speak with the staff member in charge of an issue just to ask for information about a bill.
- Offer information about victims in your community. Call the lawmaker’s office and set up a meeting to come in and educate his or her staff about victimization in your state. What are the current pressing needs of victims? Is there a growing special population that needs targeted assistance? Has a new crime surfaced that is affecting your community? Legislators are always looking for the next critical issue so they can get out in front of it.
- Make an appointment to go in to the legislator’s office. If you are working at the federal level, you can either meet your elected official in his or her Washington, DC, office or the district office. Generally, your state elected officials will also have one office at the state capitol and one in the jurisdiction that they represent that is convenient for constituent meetings. Bring resource material (fact sheets, reports, etc.) about your issue that you can leave behind. Provide information about a hotline or other crucial victim services your agency may provide. Elected officials, especially at the state level, do receive calls from victims. The legislator’s staff will appreciate knowing where to send victims for assistance.

Keep in contact
Staying in touch with your legislator and his or her staff takes time, but it is time well spent. A few well-placed and timely e-mails and phone calls can nurture a developing relationship. Remember, relationships with staff are strengthened by being in contact when you are not asking for anything. Aim for one to four contacts every month.

- Bring them ideas for legislation. If you know of a glaring injustice that is just waiting to be righted, take this idea to your most important ally. This is a key opportunity for you to help your legisla-
to do something important for his or her constituents and establish yourself as a trusted ally in good policymaking.

- Send news from home. Articles about current events in your district will be appreciated by staffers who have a lot on their plate. If you held an event that was well-attended, send information about it. That will help show that the legislator’s constituents care about your issue.

- Invite your legislator and staff to your organization’s events. Have your legislator tour a rape crisis center or victim service agency so he or she can see the great work you do. If you can arrange media coverage, encourage your representative or senator to say a few remarks in front of the camera.

- E-mail or call to ask for any updates on the progress of legislation you are interested in or to offer your assistance. Always ask, “Is there anything I can do to help you?”

- Offer to help collect other letters of support from allied organizations and colleagues. By taking some of the workload off the staffer, you will be seen as an ally.

- Offer help on hearings related to your issue. You might offer to submit testimony or suggest experts to testify on the issue. If you know any celebrities or other high-profile witnesses who might be willing to testify about the issue and would bring media attention to the hearing, offer to make that contact.

- Suggest ideas for a public briefing on a particular bill or issue related to your cause. While briefings such as these typically are held at the federal level, advocates also organize similar events for state legislators. For example, during Crime Victims’ Rights Week, you might suggest a briefing on how the VOCA Fund (or your state’s victim fund) helps crime victims rebuild their lives. Make sure the legislator gets a chance to speak and gets credit for his or her support of the issue.

A few words about communication

In-person meetings. In-person meetings are an absolute necessity. Having a face to put with a name is very helpful for both sides and goes a long way toward building rapport.

Phone calls. Telephone conversations are also a good way to get to know someone. Of course, for the long-distance lobbyist, the phone can be your most important tool.

E-mail. Congressional offices are increasingly using e-mail to interact with constituents and lobbyists. However, e-mail is not the best way to make your first contact with a staff person. It is too impersonal. Also, keep in mind that it is very difficult to convey tone over e-mail, and the exact meaning of e-mail messages can be misinterpreted.

Final thoughts

Now that you have some tools in your tool box, you are ready to start lobbying for your cause. Before you jump in, a few last points to consider: Never give bad information to a legislator or staffer. If you don’t know the answer, say you’ll get back to them with it. Follow through on promises. If you say you will do something, do it and make sure the staffer or legislator knows you did it. Always be on time. You may end up waiting for the staffer, but you never want to make them wait on you. Always be polite, thoughtful, and rational in your interactions. The last thing you want to do is seem difficult to deal with. Building on that point, avoid making enemies. Many a lobbyist has learned the hard way that this year’s villain can become next year’s superhero. Be flexible and know what you are willing to compromise. Use personal stories to illustrate the need for legislation. If you can, bring someone with you that your bill would actually affect. Again, one person can make a difference. And, remember the golden rule of lobbying, even when you don’t achieve your objective, say “thank you.”

Ilse Knecht is deputy director of policy for the National Center for Victims of Crime and may be reached at iknecht@ncvc.org.
First National Conference
Building Alliances,

BY ELIZABETH JOYCE

“...we’re here not so much to celebrate what we have accomplished as to build on it,” said National Center for Victims of Crime Executive Director Mary Lou Leary, striking an enthusiastic opening chord for the organization’s first National Conference, June 20–22, in Washington, DC. The event, held on the 20th anniversary of the National Center’s founding, drew nearly 800 people from all 50 states to Washington, DC, for a vibrant gathering of professionals who serve victims of crime. Featuring an impressive array of national experts and a key policy address by U.S. Attorney General Alberto Gonzales, the conference captured widespread media attention and won enthusiastic praise from participants.

The goal of the conference—titled Forging Alliances, Building Leadership—was to build networks, knowledge, and leadership. Actually two concurrent events open to all registrants (the National Center’s first conference and the fifth annual conference of the National Crime Victim Bar Association), the conference drew a diverse group of professionals, including prosecutors, victim service providers, psychologists, law enforcement officers, psychiatrists, advocates, researchers, and community organizers. The program presented a panoramic view of the field, a deepened perspective on the context of victimization, and a powerful call to action for everyone in attendance.

Landscape of Victimization
The conference offered a three-day tour of the landscape of victimization. Experts focused on specific crimes (e.g., trafficking, murder, stalking, sex abuse, sexual assault, domestic violence, identity theft) and celebrated cases, (e.g., the DC Sniper, the O.J. Simpson case, and the “Boys Don’t Cry” litigation). Speakers analyzed violence against women, immigrants, and seniors—and by officers, intimate partners, and caregivers. Sessions explored in depth the trauma that follows violent acts.

Yet the conference focused most intensely on solutions—how advances in knowledge can help prevent crime, lead to effective investigations, hold offenders accountable, and serve victims, building a justice system that helps them rebuild their lives. Alliances and leadership based on such knowledge represent the best support for victims of crime.

Conference Highlights
VIOLENCE AS A PUBLIC HEALTH PROBLEM
Opening Plenary—Day 1
When Deborah Prothrow-Stith, MD, MPH, was a medical student, she discovered there was no “protocol” to heal the epidemic of violence in our society. For patients who were ill or even suicidal, she knew what to do. But for victims of violence, her only option was to stitch them up and send them back out onto the street. This discovery, she told the opening plenary audience, made her feel inadequate.

Yet in the last twenty-five years, the public health profession has tackled the problem, and we know far more about the sources of violence, said Prothrow-Stith. We know that poverty, guns, alcohol, and witnessing violence are risk factors for youth. And we know that violence comes in waves—first among poor urban youths; second in suburban, rural, and small-town youths; and third among girls and young women—who are starting to “feminize” our culture’s love affair with violence.

According to Prothrow-Stith, society can head off these waves by teaching children alternatives to violence. In Boston, for example, the PeaceZone project—a community partnership based at the Harvard School of Public Health—is teaching inner-city elementary-school children self-control, self-respect, cooperation, and problem solving. They learn to try their best, accept mistakes, and (despite the pain they bring to school) feel good by helping others. Such life-saving projects, which challenge all our institutions to move beyond “business as usual,” confront the notion that violence is inevitable.

COURAGEOUS VICTIMS AND COUNSEL: ACCOUNTABILITY AND POSITIVE CHANGE THROUGH CIVIL JUSTICE
Luncheon Plenary—Day 1
When Kim Goldman was preparing for the trial of O.J. Simpson for the murder of her brother Ron and Simpson’s wife Nicole, she quickly learned to trust the victim advocate who was advising her. “I didn’t understand… I wasn’t prepared,” she told the captivated audience, for what would happen in the criminal justice process. Her family “had no voice,” she said, in the criminal trial that ended in Simpson’s acquittal. They even had to fight for the right to be present in court. Yet supported by the advocate, the Goldmans absorbed...
the shock of the not-guilty verdict and pursued a civil lawsuit, another “path to justice” for their family.

The decision to take that path proved unimaginably wise. “I can’t tell you the feeling I had,” said Goldman, “when I first saw ‘Goldman v. Orenthal James Simpson’ on the civil court documents. In one instant, I’d graduated from being ‘the people’ to a person in the eyes of the court…. This is about us now,” she said. “The process helped me rebuild my sense that we were doing the right thing by my brother.” The verdict (that Simpson was liable for the murder) empowered and sustained her family. “It counts to us,” said Goldman, “and it counts to so many people for whom this [civil action] is the only option to get their voice heard, to get their message out, and to regain some confidence in the system that we all put in place.”

The civil attorneys and victim advocates who helped her family, said Goldman, helped restore her family’s life. “People who serve victims,” she told the conferees, “who ‘take on my tragedy and…live it like I do make it possible for us to get back a little bit of dignity…. What you do sets the stage for the way I will be the rest of my life, and saying you make a difference just doesn’t seem enough.”

**TRAUMA AND ITS CONSEQUENCES FOR VICTIMS OF CRIME**

**Morning Plenary—Day Two**

“Human beings are a species that hurts one another,” said Frank M. Ochberg, MD. “Violence is all too common.” The cruelty inflicted on victims of crime, Dr. Ochberg and his panelists agreed, requires a sophisticated response from practitioners and society. Intimate partner violence and sexual assault, in particular, said Carol Jordan, director of the University of Kentucky Center for Research on Violence against Women,

---

**What Participants Said**

**“The Best Conference in Many Years…”**

“By far, it’s the best conference I’ve been to in many, many years—maybe ever…. If you put into perspective every option you had, every day…. It’s rare when your whole day, you’re happy with all your choices.”

Barry Bryant, Criminal Justice Planner
North Carolina

“What I remember most about the conference is being put in the shoes of victims of crime and trying to imagine how they felt. In trying to create that feeling, I reminded myself that I must do my best to bring justice to everyone I can.”

Crystal Yeatts, Senior Police Officer
South Boston, Virginia

“I found the Center’s conference to be excellent—very educational, informative, and presented in a manner I can easily use.”

Dragon London, Executive Director
Women in Safe Homes
Ketchikan, Alaska

“I remember the quality of training and the depth of the instructors. I’ve taught for years, and anytime you can go to a conference and walk away with pages of notes and new information, that’s a plus, and I did here.”

Tim Tompkins, Chief of Police
Brookings, South Dakota

87% of conference survey respondents would likely (or very likely) attend future National Center conferences. September 2005. Survey Monkey survey

---

Photos (top to bottom): Attorney General Alberto Gonzales addresses the conference; Attorney General Alberto Gonzales with National Center Board members (from left) Richard Condon, Laurie Robinson, executive director Mary Lou Leary, Arnold Burns, and Frank Ochberg; David Lisak, PhD, fields questions after his workshop, “Repeat Offending by Undetected Rapists.”

---

**Leadership**

NATIONAL CENTER FOR VICTIMS OF CRIME NETWORKS SUMMER/FALL 2005
have terrorizing effects, which often take far longer to heal than physical injuries. Victims of such violence may face numbing pain that merits, but too seldom receives, a sympathetic response. Such a woman may need therapy, said Jordan, “not because of who she is but because of what has been done to her.”

Abused children and adolescents, too, said Angela Diaz, MD, MPH, of Mt. Sinai Medical School, need understanding, attention, and care. Almost 20 percent of the girls in the 1997 Commonwealth Fund Adolescent Health Survey reported physical or sexual abuse, or both. Such abuse, which girls are unlikely to disclose to adults, is associated with moderate-to-high depressive symptoms and higher levels of risk for common health-risk behaviors (e.g., smoking, drinking, drug use, eating disorders). Healthcare providers should routinely take histories of all types of abuse, said Diaz, because adolescents who disclose abuse in a healthcare setting are more likely to accept counseling services.

ATTORNEY GENERAL GONZALEZ
Luncheon Plenary—Day 2
Attorney General Alberto Gonzales made a surprise appearance at the National Center’s conference to deliver his first major policy address on sentencing since becoming attorney general. Citing the plight of victims, he argued that the Supreme Court’s January decision to ease sentencing guidelines had led to lighter sentences for some criminals. “This trend is troubling to me and should be troubling to all victims of crime,” he said. Since the Supreme Court’s decision, added Gonzales, judges are imposing sentences that depart from the range developed by the U.S. Sentencing Commission and create disparities from one state to another. Those who seek justice for victims, he argued, should be concerned. The attorney general’s speech, followed by an impromptu reception where he greeted a long line of conferees, generated much excitement and coast-to-coast media coverage.

VICTIMS, VIOLENCE, AND THE MEDIA
Morning Plenary—Day 3
“It took a tremendous amount of trust,” said former Marine Sally Griffiths, to be interviewed by The Denver Post about being raped by a fellow Marine ten years earlier. Her assailant confessed but was not prosecuted, she was intimidated into silence, and she quietly left the Marines with her nightmares and her scars. But her choice to help reporters investigating the military’s sex abuse scandals became the catalyst for her own “personal healing journey” and for a groundbreaking newspaper series on sexual assault and domestic violence in the military.

Denver Post reporters Amy Herder and Miles Moffett treated Griffiths with “sensitivity, compassion, and the desire to investi-
gate and expose the truth and to confront the other parties involved.” They kept their promise not to publish her name, checked the accuracy of their account with her, and honored all their commitments to the other military women they interviewed. Such coverage, said Griffiths, became a “collective voice for the victims,” a compelling source of empowerment. Herdy’s and Moffett’s series, “Betrayal in the Ranks,” helped pass national legislation to prevent such abuses and proved that treating victims of crime with honesty, dignity, and respect can also produce great journalism.

WORKING TO ADVANCE THE CAUSE OF VICTIMS
Workshops
The plenary sessions represented only a sample of the conference offerings. The scope and depth of the program, in fact, amazed many conferees. “What stood out to me,” said Tim Tompkins, chief of the City of Brookings, South Dakota, police department, “was not only that there were so many selections, but there were classes within each block geared toward law enforcement, advocacy, or prosecution.... We need broad-based training, and that was probably the most appealing to me.”

Violence against Women: A glimpse at the workshops suggests the breadth and substance of the conference program. Anyone interested in violence against women, for example, could explore the problem from many different perspectives: FBI Supervisory Special Agent Eugene Rugala on the Lethality of Violence Against Women; Carol Jordan, director of the University of Kentucky Center for Research on Violence against Women, on intimate partner violence; Stalking Resource Center director Tracy Bahm on stalking; Safe Horizon’s Florrie Burke, senior director of international programs, on the modern-day slavery of human trafficking; and National Center public policy director Susan Howley on reauthorizing the Violence Against Women Act.

Research and Forensic Science:
Sessions on applying forensic research to understand victims and prosecute criminals also captured a broad audience. “Repeat Rape and Multiple Offending among Undetected Rapists” by David Lisak, PhD, of the University of Massachusetts showed why the serial rapist is often not the masked stranger in the alley but the handsome professional next door. Dr. Lisak’s “Neurobiology of Trauma” presentation dramatized how unconscious traumatic memories “etched into the amygdala” of the brain can bypass conscious thought and trigger inexplicable behavior in victims of rape and other
crimes. And the multidisciplinary “DNA, CODIS, and You” presented the prosecutor’s, scientist’s, and law enforcement perspectives on the exciting progress of forensic DNA.

**Civil Litigation:** Another key attraction, the National Crime Victim Bar Association sessions by successful litigators, showcase the growing promise of the civil option for victims of crime. “Suing the Sponsors of International Terrorism” by Steven R. Perles, “Civil Remedies for Identity Theft and Other Financial Crimes” by Patrick E. Knie, and the “DC Sniper Case: Holding Gun Makers and Sellers Liable” by Daniel Vice typified the field’s recent successes. Herbert J. Friedman, recipient of the 2005 Frank Carrington Champion of Civil Justice Award from the National Crime Victim Bar Association, shared the story behind his victory in *Brandon v. County of Richardson*, the “Boys Don’t Cry” case of murder victim Teena Brandon (made famous in the film starring Hilary Swank).

**No Victim Left Behind:** Many conference sessions helped alert the multidisciplinary audience to the concerns and needs of specific victim groups: Lesbian, Gay, Bi-sexual, and Transgender Victims; Supporting Immigrant Crime Victims; Youth Caught in the Crossfire: Providing Mentoring, Preventing Retaliation; Addressing Violence in Girls’ Lives; Peer-led Prevention of Sexual Assault for Youth; Advancing Services for Senior Victims of Crime; Communicating with the Deaf or Hard of Hearing; Urban, Suburban, and Rural Homicide Outreach; and Sexual Abuse in Institutions, which presented a model for institutions to compassionately address the needs of child abuse victims.

**“This Is Why We Do What We Do”**

Those who attended the conference gained more than information and insight. For many conferees, the chance to step back, talk with colleagues, and assess the impact of their work in a new light produced surprising benefits: “A conference about victimization,” said victim advocate Ami Lilley of Carbondale, Illinois, “is not what you might think of as a ‘feel good’ experience. But this one was energizing.

... I walked away feeling ‘this is why we do what we do. There is a reason to press on—these are the victories that we are having, these are the challenges we still have to overcome.’”

By showcasing two decades of progress and surveying the road ahead, the first National Conference of the National Center for Victims of Crime generated energy, direction, confidence, and hope. It produced both a solid foundation for the next twenty years and powerful reasons to celebrate.

Elizabeth Joyce, senior writer at the National Center for Victims of Crime, may be reached at ejoyce@ncvc.org.
Membership in the National Center for Victims of Crime gives you a national voice and a ready resource base. Join at either the Membership or Membership PlusCivilJustice level:

Membership

$75 annually. Benefits of membership include:

NETWORKS
National Center’s flagship magazine provides forum for emerging issues, innovative programs, key court decisions, and new resources. Federal and state policy developments also featured.

Electronic Alerts
E-mails on breaking news about critical legislation, upcoming conferences, and funding opportunities. Bi-weekly.

Members-Only Web Page
Current and archived publications, public policy updates, job postings, events calendar, and much more at www.ncvc.org.

Valuable Discounts on National Center publications including groundbreaking reports, training manuals, and award-winning posters. Also reduced registration fees for the National Center Training Institute!

For more information, call the National Center membership desk at 202-467-8700 or visit our Web site at www.ncvc.org.

Membership PlusCivilJustice

$150 annually. In addition to regular membership benefits, you’ll receive:

Victim Advocate
Groundbreaking legal journal with articles by national experts, case studies, and practical tips relating to civil remedies for crime victims.

Crime Liability Reporter
Informative digest of important civil cases involving victims of crime.

Did you know?
Membership in the National Center can be paid with VAWA and VOCA Funds. You may use either your existing budget to pay for a membership in the National Center for Victims of Crime or apply for additional funding through your VAWA or VOCA state administrator.

Membership gives you priority access to individualized technical assistance. As a National Center member, you can turn to us for information about best practices, model programs, public policy strategies, and resources. Our team of staff experts stands ready to help, whatever your particular need.

Referring member:

*Not valid with on-line store orders. Not valid until new membership is processed.

98% OF MEMBERS WOULD RECOMMEND MEMBERSHIP IN THE NATIONAL CENTER TO THEIR COLLEAGUES

I want to join the National Center for Victims of Crime

Join on-line at www.ncvc.org/membership

- Membership $75.00
- Membership PlusCivilJustice $150.00

Outside the U.S., please add $10.00 for additional postage costs.

Constituent/Organization Name

Contact Name, if representing organization

Street Address/PO. Box

City State Zip

Phone Fax

E-mail

Method of Payment:

- Check/money order enclosed
- Visa
- MasterCard
- American Express
- Discover

Account #

Name as it appears on card

Expiration Date

Signature

Please make check or money order payable to the National Center for Victims of Crime and mail to: 2000 M Street, NW, Suite 480, Washington, DC 20036
Video Voyeurism Act of 2004: Impact on State Legislative Agendas

The federal Video Voyeurism Act of 2004—passed late last December—continues to have ramifications across the country. The Act criminalized, at the federal level, the recording of images of an individual’s private areas, without their consent, under circumstances in which that individual has a reasonable expectation of privacy. Importantly, the Act acknowledged the increasingly common offense of “upskirting,” the recording of an image of an individual’s body under or through that person’s clothing. The Act addresses the problem by recognizing that individuals have privacy expectations in public locations, as well as private.

Since Representative Michael G. Oxley (R-OH) and Senator Mike DeWine (R-OH) brought national attention to the issue when they introduced the Act into their respective houses of Congress in June of 2003, a number of state legislatures have also examined and addressed the problem. During 2004, while the Video Voyeurism Act was being debated in Congress, six states—Colorado, Florida, Idaho, Massachusetts, Rhode Island, and South Dakota—enacted statutes prohibiting the photography or video recording of individuals’ intimate parts without their consent. In the first half of 2005, Vermont and Wyoming passed laws concerning video voyeurism. Seven of these eight new statutes echo the federal language that criminalizes recording voyeuristic behavior whenever an individual has a reasonable expectation of privacy, not limited to situations in which an individual believes one could disrobe without being viewed or recorded.

The federal legislation has also inspired several states to amend existing laws prohibiting video voyeurism. In 2005, Virginia added language to address upskirting, and Indiana increased penalties for video voyeurism offenders. Currently, there is pending legislation in Pennsylvania to increase penalties for offenders. Upskirting continues to grow as recording devices, such as those on camera phones, become more widely available and affordable.

The language used in many of these new state provisions can be traced to the Video Voyeurism Act of 2004. The definitions adopted by Vermont and Idaho come partially from those laid out in the federal legislation. The statute adopted by Rhode Island mirrors the federal prohibition in substantive language, without the accompanying definitions. A bill introduced in Nevada, which failed to be passed by the end of the legislative session, tracked the federal language closely.

The state and federal legislatures responsible for criminalizing this behavior should be lauded for presenting a unified front against video voyeurism. When Congress passed the Video Voyeurism Act of 2004, it demonstrated a commitment to protecting the privacy of all citizens. That commitment is now being taken up by states.

*The federal Video Voyeurism law is available at http://thomas.loc.gov/cgi-bin/query/z?c108:s.1301.enr:* . If you would like to work to pass a video voyeurism law in your state, please contact Ilse Knecht, Deputy Director, Public Policy, at iknecht@ncvc.org or (202) 467-8723.
State Legislatures Continue to Stand Up to Bullies

Since NETWORKS examined state bullying legislation (see “State Legislatures Take On Bullies,” Fall 2003/Winter 2004), another six states have passed anti-bullying statutes. Arizona, Indiana, Maine, Maryland, Tennessee, and Texas all adopted legislation this year, bringing the total number of states with such laws to 22.

Most of these laws require school districts to adopt policies that prohibit bullying and provide for the receipt and investigation of complaints. They also typically require the state board of education or superintendent of schools to develop training materials for teachers and staff on preventing, recognizing, and responding to bullying. Most anti-bullying laws encompass bullying on school grounds, and several include bullying on a school bus or at any official school bus stop.

The Tennessee law is notable for its strong statement of purpose:

1. A safe and civil environment is necessary for students to learn and achieve high academic standards.
2. Harassment, intimidation, or bullying, like other disruptive or violent behavior, is conduct that disrupts a student’s ability to learn and a school’s ability to educate its students in a safe environment.
3. Students learn by example. School administrators, faculty, staff, and volunteers who demonstrate appropriate behavior, treating others with civility and respect and refusing to tolerate harassment, intimidation, or bullying, encourage others to do so as well.

While a number of states require schools to submit reports of bullying to state authorities, Maryland’s new law requires schools to include in each report the number of days a student is absent from school as a result of the incident.

Texas’s legislation is noteworthy in that it allows parents of bullied students to request a transfer to another classroom or another school. The law also requires school districts to prohibit the making of hit lists, as well as bullying or harassment.

Continued legislative attention to the issue of bullying is a credit to youth advocates across the country who have raised public awareness of the harmful and long-lasting effects of this form of victimization.

1 Tenn. Code § 49-6-1014.
2 House Bill 407.
3 House Bill 283.

First-of-a-Kind Resource on Helping Teen Victims

Reaching and Serving Teen Victims: A Practical Handbook is a content-rich guide to help adults better understand and respond to adolescents who have been victimized by crime.

According to the U.S. Department of Justice, young people ages 12 to 19 are the most likely to become victims of crime, but the least likely to report their victimization to police. Teen crime victims are also at significantly heightened risk for depression, anxiety, eating disorders, and substance abuse.

Reaching and Serving Teen Victims—written for victim advocates, law enforcement officers, educators, counselors, youth workers, and other professionals who have regular contact with teenagers—presents 10 information-filled chapters of insights and ideas on a wide range of topics: unique barriers facing teen victims, adolescent development, impact of victimization on teenagers, community assessments, education and outreach strategies, teen-specific interventions, teen-friendly service environments, family involvement, and mandatory reporting.

Reaching and Serving Teen Victims was produced by the National Center for Victims of Crime and the National Crime Prevention Council as part of the Youth Outreach for Victim Assistance (YOVA) project, an innovative youth leadership and peer education initiative funded by the Office for Victims of Crime, U.S. Department of Justice. The handbook is available for free download at www.ncvc.org/tvp, and limited hard copies may be ordered through the National Crime Prevention Council at 1-800-NCPC-911 or on-line at www.mcgruff.org (shipping charges apply).
CIVIL JUSTICE AT WORK

Protecting Crime Victims’ Access to Civil Justice

This spring, the National Center for Victims of Crime led the charge to defeat Florida legislation that would have forced juries in civil lawsuits to apportion fault between criminals and negligent businesses. The legislation was part of a package of “tort reform” measures designed to curtail the legal liability of businesses.

The bill’s defeat was notable for the bi-partisan coalition of prosecutors, law enforcement practitioners, trial lawyers, victims, and victim advocates who opposed the measure.

Business interests sought the legislation to overturn a pro-victim ruling by the Florida Supreme Court. In the case of Merrill Crossings Associates v. McDonald, the court ruled that a business that negligently fails to provide adequate security on its property and is subsequently sued by the victim of a crime cannot shift responsibility to the perpetrator because criminal violence is precisely the threat from which the business had a duty to protect the victim. The bill would have required juries to allocate a percentage of the damages to the perpetrator, regardless of the business’s failure to address repeated crime on the property and even if the criminal was unidentified.

Civil lawsuits by crime victims offer businesses economic incentives to employ common sense crime prevention and security measures because failing to take basic precautions could cost the businesses significantly if they are sued by a crime victim. Every dollar that can be apportioned against criminals who often have little or no money is a dollar that a business does not have to pay and that a victim will not receive. Florida business interests argued that businesses should only pay their “fair share,” anticipating that juries would assign an overwhelming portion of the liability to the criminal.

If the legislation had passed, businesses would have questioned whether they needed to spend money on security measures because they could simply blame the criminal if they were sued. The legislation’s passage seemed imminent after it was approved by the House by a lopsided vote of 87-30.

Jeff Dion, deputy director of the National Center’s National Crime Victim Bar Association, testified before the Florida legislature in Tallahassee about the anticipated impact of the legislation. “This bill as passed by the House would not make anyone safer and would actually increase the risk of harm to crime victims,” said Dion. “Communities are safer when public policies increase rather than decrease incentives for crime prevention and security measures.”

Dion’s on-the-ground efforts were also instrumental in organizing the grassroots opposition to the legislation, which included the involvement of the Florida Association of Prosecuting Attorneys and a leading police union. The participation of these groups allowed the National Center for Victims of Crime to transform the debate from a “tort reform” conflict between business interests and trial lawyers to an issue...
of public safety and protecting victims.

In the final days of the legislative session, the bill’s outcome remained in doubt. On the day of the Senate vote, the National Center for Victims of Crime held a news conference at the state capitol to highlight the story of four families who had loved ones murdered by the same serial killer in the 1980s. Each homicide involved the absence of security measures and surveillance cameras that could have led to the killer’s capture and prevented the subsequent murders. The families included:

Jackson County, Florida Sheriff John MacDonald whose father was murdered; John Walsh, host of America’s Most Wanted, whose son, Adam, was killed; Jeff Dion whose sister, Paulette, was murdered; and Martha Johnson whose daughter, Ada, was killed. Each family urged the Senate to maintain incentives for crime prevention by rejecting the House version of the bill.

When the bill was debated on the floor of the Senate, Senator Rod Smith, a former prosecutor, made an impassioned plea on behalf of victims. He read a letter from John Walsh urging the Senate to keep Floridians safe and resist efforts to shift the blame from negligent businesses to violent criminals. Smith’s argument that public safety was a higher public priority than corporate profits helped secure the bipartisan support to defeat repeated attempts to amend the bill to force juries to apportion fault to perpetrators.

The defeat of legislation that would have severely limited crime victims’ civil justice rights illustrates victims’ ability to build bipartisan support for their issues and underscores the importance of victims’ involvement in the legislative process. The National Center will continue to monitor public policy developments and speak out on behalf of victims’ interests.

If you need assistance protecting crime victims’ access to the civil justice system in your state, please contact Jim Ferguson, director of the National Crime Victim Bar Association, at (202) 467-8753 or jferguson@ncvc.org.

Homicide survivors Martha Johnson (left) and Jeff Dion, deputy director of the National Crime Victim Bar Association, speak to reporters after testifying before the Florida legislature. The Academy of Florida Trial Lawyers honored Jeff Dion with the “Allies for Justice Award” in recognition of his “steadfast advocacy on behalf of the rights and safety of Floridians during the 2005 legislative session.”
New Jersey Reentry Project

Offenders are being released from prison in record numbers and the majority are returning to their communities burdened by multiple and complex problems such as substance abuse, lack of job skills and employment opportunities, lack of affordable housing, and poor health and/or mental health. In response to these daunting challenges, fresh approaches to reentry have begun to emerge—most notably, multi-agency, multidisciplinary partnerships. In some jurisdictions, victims and victim service providers are among a wide range of public and private agencies invited to take on an active role in these collaborations.

“Bringing Victims and Victim Service Providers into Reentry Planning in New Jersey” reports on a unique first-hand examination of the potential of victim service providers to contribute to reentry initiatives. Conducted by the National Center for Victims of Crime and funded by the Fund for New Jersey, the New Jersey State Parole Board, and the New Jersey Institute for Social Justice (NJISJ), the New Jersey project consisted of a series of focus groups with practitioners (victim advocates and other service providers) and victims (homicide survivors and domestic violence victims).

Lessons from Practitioners and Victims of Crime

The New Jersey project was designed to draw on the creativity of individuals with differing perspectives and experience to (1) elicit their views about key victim concerns relating to the return of offenders from incarceration; (2) raise awareness about ways in which victim service providers can contribute to the development and implementation of reentry policies; and (3) brainstorm about specific opportunities in New Jersey to increase the involvement of victim advocates in reentry initiatives.

Facilitated by the National Center, the focus group discussions were memorable and instructive, spiked with energy and
passion. The contributions of both the victims and practitioners were candid and forthright, often moving, and sometimes surprising. They suggested there may be important opportunities for victim service providers to become involved in an area that has thus far been taboo for many advocates.

**PROJECT CONCLUSIONS**

The focus group discussions touched on many topics, but a number of clear themes emerged. While there were some sharp criticisms of the status quo, a striking consensus also emerged regarding the benefits of meaningful dialogue and closer relationships between those working with victims of crime and those working with offenders. Notable conclusions included the following:

**Many victim service providers want to be involved in the prisoner reentry issue.**

Many victim advocates believe they should be involved in the development of reentry policies to ensure that victim needs are not overlooked. Victim service providers can strengthen programs by contributing to reentry goals in positive ways: for example, by participating in “impact of crime” education classes or providing counseling for offenders with histories of victimization.

**The victim notification system has troubling weaknesses.**

Weaknesses in the system for notifying victims about events in their case mean victims sometimes learn of their offender’s release from prison informally, after the event—for example, through someone in the community or as a result of an unexpected encounter with the offender. The failure of the system to ensure that victims know about their offender’s release in advance undermines efforts of victim advocates to help them both emotionally prepare for their offender’s return and stay safe in circumstances where the offender’s return puts the victim at risk.

**Victims do not receive reliable information about reentry processes.**

Many victims do not know where to turn for help when they have concerns relating to their offender’s release from prison. They do not know whether a parole officer will accept a call from a family member or what information officers are allowed to give them. They are confused about their rights and find it difficult to understand the release process. Sometimes, even victim service providers cannot answer their questions or provide correct information about reentry processes and their rights versus the rights of their offenders.

**Parole officers need a better understanding of victim-related reentry issues.**

Parole officers need a general grasp of victim-related reentry issues and a specific understanding of the dynamics of domestic violence. It is vital, for example, that they appreciate the risks that any prisoner with a history of domestic abuse poses to a victim on his release, whether or not he was incarcerated for a domestic violence offense or another crime.

**Victim service providers can help educate parole officers about victim needs.**

Victim service providers can help parole officers acquire a better understanding of victim needs because of their first-hand experience with victims and their knowledge of the kinds of responses that help victims stay safe and recover from the impact of crime. They can help educate parole officers formally, through training sessions, and informally, through closer working relationships.

**Victim service providers must become better informed about reentry processes.**

Victim service providers are often ill-informed about reentry processes, hampering their ability to serve clients effectively. Their lack of knowledge and understanding of the system also tends to undermine their credibility as potential partners within multidisciplinary reentry initiatives.

**Lasting change demands a victim-centered vision and leadership from the top.**

Individual victim service providers sometimes make an impact at the margin, but to achieve meaningful and enduring change on a statewide basis, there must be leadership from the top. This means that all relevant elected and appointed leaders must embrace victim-centered policies. To promote successful reentry collaborations, all those in senior leadership roles need to share a common vision and actively play their part.

The National Center for Victims of Crime was one of two organizations invited by the Senate Judiciary Committee to speak at the July 19, 2005, hearing on the reauthorization of the Violence Against Women Act (VAWA). Authorization for this legislation has expired, putting at risk thousands of programs that provide direct services to victims. Executive Director Mary Lou Leary—joined by activist and film actor Salma Hayek, former coach and NBA champion M. L. Carr, director of the Office on Violence Against Women Diane Stuart, and the National Network to End Domestic Violence Executive Director Lynn Rosenthal—addressed members of the Senate about how VAWA has revolutionized the nation’s response to victims of domestic violence, sexual assault, stalking, dating violence, and trafficking.

Under VAWA, crucial services—including emergency shelters, sexual assault nurse examiner programs, child advocacy centers, and hotlines—have become a lifeline for tens of thousands of victims across the country. The National Center played a key role in shaping the Sexual Assault Services Act (SASA), an important addition to VAWA that would establish a critically needed funding stream for direct services for sexual assault victims, providing relief for constant funding shortages, long waiting lists for victim counseling, closed satellite offices, and significantly reduced services.

Leary highlighted the needs of sexual assault and stalking victims in particular, applauding STOP grants, Sexual Assault Response Teams, and Rape Prevention and Education grants while urging lawmakers to fully fund and expand these programs: “We must make sure that when victims of sexual assault reach out, they find the help they need.”

To learn more about VAWA 2005 and its SASA program, read Mary Lou Leary’s full testimony at www.ncvc.org.

RESILIENCE PROJECT

The National Center has recently launched the Virginia Resilience Project Post-9/11, a strength-based public health initiative to promote the resilience of September 11 victims, their families, and first responders by helping them cope with the ongoing trauma of the 2001 terrorist attack. Through a public awareness and outreach campaign, self-help resources, community-based forums, links to services, and other support efforts, the project will help Virginia victims mobilize their own strengths, identify and share strategies to cope with adversity, and strengthen bonds to others affected by the attack.

The National Center plans to incorporate the work of this project in its support of all victims of crime. “We are hoping that those struggling with any crime-related trauma or stress will be better able to strengthen and mobilize these characteristics and skills in their own lives,” said Dr. Kevin O’Brien, the National Center’s director of training and project director of the resilience initiative.

The power to cope with adversity and adapt to challenges or change, resilience is a process of drawing on beliefs, behaviors, skills, and attitudes to move beyond stress, trauma, or tragedy. Although naturally stronger in some personalities, it can also be learned.

To learn more about resilience and to download project materials, including a self-assessment test, brochure, and fact sheets on characteristics of resilience, visit www.ncvc.org/resilience.

New Resilience brochure available for download at www.ncvc.org/resilience (click on “About the Project”).
NEWS FROM THE NATIONAL CENTER

NEW VIDEOS AVAILABLE ON STALKING, TEEN VICTIMS

The National Center has produced new educational video programs designed to help improve community responses to two largely neglected groups of victims: stalking victims and teenage victims of crime.

Links in the Chain: Two Communities Respond to Stalking and Because Things Happen Every Day: Responding to Teenage Victims of Crime are designed to build awareness about and motivate communities to take steps to address the growing problems of stalking and teenage victimization. Produced in a compelling documentary, story-telling style, the videos profile collaborative community-based programs through “day-in-the-life” scenes of practitioners from multiple disciplines, and interviews with victims who describe the impact of their victimization, the kind of support they received, and how that support helped rebuild their lives. The videos also feature interviews with national experts.

“We are certain that these top-quality products will be highly effective in helping local communities respond more effectively to stalking victims and teenage victims of crime,” said Carl Peed, director of the Office of Community Oriented Policing Services, which provided funding for the programs.

Each video, approximately 20 minutes in length, comes with an accompanying discussion guide for facilitators and trainers to help ensure viewers understand core concepts. The discussion guide includes additional information and statistics about the issue; suggestions on ways to use the video; and a series of thought-provoking questions (and suggested responses) that can be used with audiences after viewing the video.

“We are very excited about being able to make these new videos available to the field,” said Mary Lou Leary, executive director of the National Center. “These programs are ideal for conference presentations, in-service trainings, introductory meetings with local law enforcement agencies and school systems—virtually any type of educational setting.”

For more information about the videos or to place a VHS or DVD order, visit www.ncvc.org/store.

What Members Are Saying

98% of members would recommend National Center membership to their colleagues.

Highly ranked membership benefits:

- Electronic alerts on federal and state policy developments
- Voice for the field in Washington, DC
- Professional affiliation

* From SurveyMonkey survey of all National Center members with e-mail addresses (95%) conducted in August 2005; results reflect a 22% response rate.
The National Center's Wall of Honor is dedicated to victims of crime and those who support them.

Honor a victim of crime or someone who has helped victims and support the work of the National Center.

To make a donation and submit a name to the wall of honor, please contact Jany Keat at jkeat@ncvc.org.

To view the Wall of Honor, please visit www.ncvc.org and go to “Donate Now.”

For federal agencies, we encourage you to give through the Combined Federal Campaign, CFC #1219.