



POLICY AGENDA 2013-2014

Introduction

Tremendous progress has been made at the federal and state levels in securing rights, resources, and protections for victims of crime. However, much work remains to ensure the all crime victims receive justice and the support they need to rebuild their lives in the aftermath of crime. The 2013-2014 Policy Agenda of the National Center for Victims of Crime details our policy priorities to:

- Secure resources for victims of crime
- Strengthen and expand crime victims' rights
- Strengthen the response to violence against women
- Increase protections for youth victims
- Respond to victims of financial crimes
- Improve our response to vulnerable adult victims
- Promote policy conversations about emerging issues and underserved crime victims

SECURE RESOURCES FOR VICTIMS OF CRIME

Federal and state resources for victims of crime have been insufficient to meet the substantial and complex needs of crime victims. The National Center for Victims of Crime is committed to increasing federal funding for victims, including funding under the Victims of Crime Act (VOCA). The National Center will also work to ensure that state funding sources for victim services are protected and will work with states to identify additional sources of funding for victims and victim service programs.

VOCA Fund

Since the 1984 passage of the Victims of Crime Act, a separate funding stream has supported crime victim compensation and services. The VOCA Fund is comprised of all criminal fines at the federal level, along with certain other federal criminal penalties. Despite high collections into the fund, disbursements have not kept pace to meet the needs of victims. Additional VOCA Funds must be disbursed for the purpose for which they were collected.

STRENGTHEN AND EXPAND CRIME VICTIMS' RIGHTS

The National Center for Victims of Crime supports meaningful rights for crime victims in the criminal, juvenile, civil, and administrative justice system. Victims should be treated with dignity and respect and have specific rights throughout the justice process, including the rights to be informed, present, and heard. The National Center will promote laws and policies to:

Collect victim restitution

While victims of crime can seek orders of restitution from convicted offenders in every state, too often that restitution is never collected. This lack of accountability harms crime victims and weakens respect for our criminal justice system. The National Center will promote methods to increase the collection of crime victim restitution, including collection of delinquent restitution from federal tax refunds.

Enforce victims' rights

While victims' rights are guaranteed by law in every state and at the federal level, few systems provide any recourse to victims where those rights are violated. The National Center will work to promote legal standing of victims to assert their rights in court. The National Center will also support the creation of systems to receive and investigate complaints of the violation of victim rights.

Protect intimidated victims and witnesses

Victims and witnesses often have real safety concerns after reporting a crime or cooperating with the prosecutor. The lack of protection not only affects the victims and witnesses involved, but can cripple the justice response in some communities.

Expand victims' rights to new forums

Our nation's criminal justice system is expanding in ways that create new forums and new proceedings, including proceedings regarding cold cases, exoneration proceedings, reentry proceedings, and the creation of new problem-solving courts. The National Center will work to ensure that this evolution of criminal justice includes justice for victims.

Protect victim privacy

Victims should not be required to abandon their privacy interests as a condition of seeking justice. The National Center will work to promote the protection of victim privacy, including giving victims the right to be informed and heard when their personal records are subpoenaed and protecting the confidential information of at-risk victims.

Protect immigrant victims of crime

The National Center is concerned that current policies regarding enforcement of immigration laws threaten to create an underclass of persons susceptible to crime. Crime victims, and those who witness crimes, must be able to report crimes and cooperate in the investigation and prosecution of offenders without fear that they will face immigration inquiries. Access to justice also requires translators for those victims with limited English proficiency.

Expand victim access to civil justice

Civil court proceedings remain an important avenue to justice for victims of crime. The National Center will work to ensure that victims of crime are made aware of their civil justice remedies. We will also work to ensure that civil statutes of limitation continue to keep pace with our expanding ability to solve crimes and identify responsible parties.

STRENGTHEN THE RESPONSE TO VIOLENCE AGAINST WOMEN

Certain crimes disproportionately affect women, including stalking, sexual assault, domestic violence, and dating violence. The National Center will continue to prioritize work to address these crimes and promote victim safety and recovery. The National Center will work to:

Increase access and enforcement of protective orders

Protective orders are an important remedy for victims of stalking, sexual assault, dating violence, and domestic violence. The National Center will work to increase access to protective orders for victims of stalking, sexual assault, dating violence, and domestic violence, and promote greater enforcement of those orders.

Strengthen stalking laws

As the tools available to stalkers expand with new technology, the National Center will work to ensure that stalking statutes keep pace. Stalking laws must also reflect the seriousness of this offense.

Focus on forensic exams and DNA evidence

As our understanding of the importance of DNA evidence grows, the nation must increase victim access to forensic exams. Every sexual assault victim must have the ability to obtain a free and confidential exam that not only collects evidence of the crime but provides a sensitive medical response. When DNA evidence is gathered for testing, that evidence must be processed in a timely manner, and victims must be informed of the status of that testing on request. The National Center will continue to focus on forensic exam and DNA issues that affect victims of sexual assault and other crimes.

Expand resources and services

Victim recovery from crime depends on more than the criminal justice response. The National Center will work to ensure that victims have access to the assistance and resources that can help them rebuild their lives, including civil legal assistance, transitional housing, and employment protection and assistance.

Increase protections for victims

Victims of stalking, domestic violence, dating violence, and sexual assault often remain at risk from the defendant after an arrest or the granting of a protective order. The National Center will support efforts to monitor dangerous defendants on pretrial release or probation. The National Center will also support firearms restrictions for those under protective orders.

INCREASE PROTECTIONS FOR YOUTH VICTIMS

Teens are at the highest rate of risk for many crimes, yet too often have no recourse to services or justice. The National Center will promote laws and policies that protect teen victims of crime, advance their rights, and ensure that teen voices are heard as we work to:

Strengthen bullying/harassment laws.

Research has shown the long-term affects of bullying and harassment, and states have responded by passing laws that require school systems to address these crimes. However, many laws are weak or poorly implemented. There is also a need to ensure that lesbian, gay, bisexual, and transgender youth are specifically protected from bullying and harassment. The National Center will work to promote strong, inclusive bullying and harassment laws and policies.

Improve the response to sexually exploited minors.

Young domestic victims of sexual trafficking have traditionally been viewed as offenders. Even as the nation's understanding of the dynamics of sex trafficking has grown, young domestic victims have largely fallen outside of our response system. Similarly, our understanding of the scope of child pornography and our increasing ability to identify the victims have created an opportunity to expand justice to those victims. The National Center will support efforts to change our response to sexually exploited children and youth.

Increase our response to children and teens who witness violence.

We know that children and teens who witness violence, whether in the home or in their communities, are significantly affected. The National Center will support efforts to view these "witnesses" as victims, and to ensure that laws and policies are in place to protect their interests and meet their needs.

Give teens the right to consent to services and seek protective orders.

We must improve current protection systems for crime victims by removing barriers that keep teens from seeking or receiving age-appropriate services. For instance, teens may not be able to seek a protective order for dating violence, abuse by a family or household member, or sexual assault unless their parent or guardian files the petition. Similarly, shelter services available to adult victims may not be available to teens. The National Center will work to increase the ability of youth crime victims to consent to services and seek protection.

Modify mandatory reporting laws as they relate to teen victims.

The child protective system and laws written to protect children may prevent teens from reaching out for help or information. Laws requiring the mandatory reporting of suspected child maltreatment—which in many states apply to any adult that suspects a minor has been a victim of a crime—may effectively deny teens access to confidential safety planning and options counseling with a trusted adult. In addition, many child protective systems, to whom reports must be made, are ill-prepared to serve older youth. The National Center will advocate for modified mandatory reporting laws that improve safety and response to youth victims.

RESPOND TO VICTIMS OF FINANCIAL CRIMES

Victims of financial crime are too often forgotten. Whether identity theft, securities fraud, embezzlement, mortgage fraud, or other white collar crime, the loss to victims can be devastating. The National Center will work to:

Provide for early preservation of defendant assets in high-dollar fraud cases.

Too often, defendants who have significant assets at the time of indictment have little money for restitution by the time of sentencing. The National Center will advocate for the ability of prosecutors to seek pre-conviction preservation of assets in high-dollar fraud cases to avert this problem.

Ensure that victims of financial crime are entitled to crime victim compensation for counseling.

Victims of serious financial crime often suffer significant psychological distress, which can affect their physical health as well. Furthermore, many victims who have suffered a drastic change in their financial situation as a result of fraud need financial counseling in order to reorder their financial lives. Victims of financial crime should be eligible for reimbursement for mental health and financial counseling through crime victim compensation programs.

IMPROVE OUR RESPONSE TO VULNERABLE ADULT VICTIMS

Vulnerable adults, including those who are elderly or have disabilities, are often targets of abuse, neglect, and financial exploitation. The National Center is committed to passing and strengthening laws to protect vulnerable adult victims of crime and to mobilizing the resources to help such victims recover.

Background checks

Many states still lack computerized registries to identify abusive caregivers, or fail to make information about caregivers available to potential clients and their family members. The National Center supports laws and policies that subject licensed

caregivers to background checks and make that information available to individuals and family members.

Increased oversight of guardians

Legal guardianship can become a tool for financial exploitation. The National Center supports laws and policies that strengthen standards for the appointment of guardians and improve the monitoring of legal guardians.

PROMOTE POLICY CONVERSATIONS ABOUT EMERGING ISSUES AND UNDERSERVED CRIME VICTIMS

In addition to our continued advocacy on clearly defined victim policy issues, the National Center is committed to promoting national policy conversations about emerging issues and underserved crime victims. Our areas of focus include:

- Bringing justice to victims of environmental crimes.
- Advocating for the rights of tribal victims.
- Increasing transparency in the criminal justice process, including greater openness in prosecutor decision-making and the sentencing process.
- Addressing the disproportionate victimization and exposure to violence among African Americans.
- Promoting victims' rights and safety at the pretrial stage.
- Improving our response to lesbian, gay, bisexual, and transgender victims; victims with disabilities; incarcerated victims; and homeless victims.
- Identifying and addressing issues surrounding crime and mental illness.