

# **Crime Victims' Rights Act**

**(a part of the Justice for All Act)**



**Partnerships for  
Safer Communities**

# Passage of the Justice for All Act (JFAA)

- Signed by President Bush on October 30, 2004.
- Contains 4 major sections related to crime victims and the criminal justice process.
- Purposes: protect crime victims' rights; eliminate backlog of DNA samples; and improve and expand the DNA testing capacity of federal, state, and local crime labs.

# Justice for All Act Provisions

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- Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act.
- Debbie Smith Act of 2004.
- DNA Sexual Assault Justice Act of 2004.
- Innocence Protection Act of 2004.

# Crime Victims' Rights Act (CVRA)

Authorizes program efforts to—

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- Help victims assert and encourage enforcement of victims' rights.
- Promote compliance with victims' rights laws.
- Fund grant programs and other activities to implement provisions.
- Provides an enforcement mechanism for rights delineated in the Act.

# Crime Victims' Rights Act Implementation

- *The Attorney General Guidelines for Victim and Witness Assistance (AG Guidelines)*, revised: The Department's public statement of the laws and Department policies that govern Department employees in their interaction with victims and witnesses.
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# Crime Victims' Rights Act

## Implementation (continued)

- Requires responsible officials to report on compliance to the AG through OVC.
- Requires responsible officials to ensure that all employees whose primary responsibilities include contact with crime victims and witnesses receive a copy of the *AG Guidelines* and no less than 1 hour of training within 60 days of assuming responsibilities.

# Crime Victims' Rights Act

## Implementation

(continued)

- Provides that disciplinary action such as suspension or termination of employment may result as a violation of rights.
- DOJ also established a Victims' Rights Ombudsman within the Department in the Executive Office for United States Attorneys (POC: Marie O'Rourke).
- DOJ issued final regulations to implement Title I of the Act (See 28 CFR Part 45.10) on November 17, 2005.

# Crime Victims' Rights Act Authorized Funding

<b>Authorized Activities</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
To support the U.S. Attorneys' Offices for Victim/Witness Assistance programs.	\$2M	\$5M	\$5M	\$5M	\$5M
To support enhancements to the Department of Justice Victim Notification System.	\$2M	\$5M	\$5M	\$5M	\$5M
To OVC for staff to administer the appropriation for the support of organizations receiving CVRA funding.	\$500K	\$500K	\$500K	\$500K	\$500K
To provide legal counsel and support services for victims in criminal cases for the enforcement of crime victims' rights in federal jurisdictions, and in states and tribal governments with substantially equivalent laws.	\$7M	\$11M	\$11M	\$11M	\$11M
To support training and technical assistance to states and tribal jurisdictions to craft state-of-the-art victims' rights laws; and training and technical assistance to state and tribal jurisdictions to design a variety of compliance systems, including evaluation component.	\$5M	\$7M	\$7M	\$7M	\$7M
To develop state-of-the-art systems for notifying victims of crime of important dates and developments relating to criminal proceedings at issue in a timely and efficient manner.	\$5M	\$5M	\$5M	\$5M	\$5M
<b>Total Amounts Authorized</b>	<b>\$21.5M</b>	<b>\$33.5M</b>	<b>\$33.5M</b>	<b>\$33.5M</b>	<b>\$33.5M</b>

# Crime Victims' Rights Act FY 2007 DOJ Funding Request

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- \$9,960,000 for DOJ Victim Notification System.
- \$5,000,000 for legal counsel and support services for crime victims.
- \$1,500,000 for OVC management and administration.

# Anecdotal Data on the Impact of the Crime Victims Rights Act

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- The number of identified victims in federal cases increased 90% in the year after passage of the Act.
- The number of notices sent to victims doubled, to more than 6 million notices sent in FY 05.

# Anecdotal Data on the Impact of the Crime Victims Rights Act (continued)

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- In FY 06, DOJ anticipates that Victim-Witness Coordinators in the U.S. Attorneys' Offices will attend 19,040 proceedings with victims and have 326,400 personal contacts with victims, excluding Victim Notification System notices.

# Crime Victims' Rights Act Current Funding

The conference agreement includes **\$2,000,000\*** for activities authorized by Section 103(b)(4) of the Justice for All Act, Public Law 108-405, for the support of the National Crime Victim Law Institute and its clinic organizations that provide legal counsel and support for victims in criminal cases for the enforcement of crime victims' rights in federal jurisdictions.

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\* (\$1,974,456 after rescission)

# National Crime Victim Law Institute's Crime Victims' Rights Enforcement Proposed Project Plan

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- Establish 3 pro bono legal clinics that will help victims assert and enforce their CVRA rights.
- Provide training to victim advocacy organizations and to participants in the criminal justice system regarding substantive rights provided in CVRA.

# National Crime Victims' Law Institute's Crime Victims' Rights Enforcement Proposed Project Plan (continued)

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- Advocate on behalf of crime victims in the federal justice system through direct representation.
- Provide courts with *amicus curiae* briefs and facilitate the sign-on as *co-amici* of other victim advocacy organizations.

# Crime Victims' Rights Act

## First Test Case

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- U.S. Court of Appeals for the Ninth Circuit, *Kenna v. U.S. District Court for the Central District of California*.
- At issue: whether the CVRA gave victims the right to speak at sentencing hearings.

# Crime Victims' Rights Act

## First Test Case (continued)

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- The Decision:
  - 1) The intent of Congress is to allow victims to speak at sentencing hearings, not just submit victim impact statements.
  - 2) Victims have a right to speak even if there is more than one criminal sentencing.

# Crime Victims' Rights Act

## First Test Case (continued)

- 2) The remedy for a crime victim denied the right to speak at a sentencing hearing is to have the sentence vacated and a new sentencing hearing held in which the victim is allowed to speak.\*

\* (The court remanded to the lower court to determine whether the sentence should be vacated.)

# Crime Victims' Rights Act Summary

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- Programs have been authorized, but funding has not been appropriated to implement all provisions of the Act.
- The Department has taken affirmative action to implement those provisions of the Act that do not require direct funding.
- The Department is in the process of awarding funding earmarked via appropriations for legal support grants.
- The Department has requested funding at a level in line with the other justice priorities.