Crime Victim Assistance

BACKGROUND

During the 1970s the harmful effects of crime and the often insensitive treatment of crime victims and witnesses by police, prosecutors, and judges were acknowledged by individual crime victims, research studies, and advocacy groups. Crime victimization studies identified a large gap between the number of crimes reported to police and the number of self-identified crime victims (Kilpatrick, Saunders, Veronen, Best, & Von, 1987). A major reason for not reporting a crime is fear of involvement with the criminal justice system. Domestic violence, sexual assault, and hate crime survivors often described their encounters with the criminal justice system as a “revictimization.”

Crime victim assistance and advocacy programs are being developed to respond to the criminal justice system’s historic lack of concern for victims. The criminal justice system began to recognize that by addressing victims’ problems resulting from the crime, victims were more likely to work with police. This partnership hopes to increase the quality of evidence and lead to more convictions.

In 1984 Congress passed the Victims of Crime Act (P.L. 98-473), which established strong federal leadership in victim assistance. The act provided funding to qualified victim assistance and state compensation programs in all 50 states. Passed in 1994 and reauthorized in 2000, the Violence Against Women Act (P.L. 103-322) provides federal funding for shelters for battered women, sexual assault programs, and a variety of other measures to combat violence against women. All states have passed a “Victims’ Bill of Rights,” and 32 have enacted constitutional amendments requiring certain services for crime victims. The rights of crime victims vary from state to state. For example, elderly people may be compensated as a result of crimes that do not result in physical injury. In general crime victims’ rights include the following:

- the right to notification about the stages and proceedings in the criminal justice process, other legal remedies, parole proceedings, and the offender’s release
- the right to be heard through a victim impact statement and to provide information to the probation department conducting an investigation on the impact of the crime
- the right to attend and participate in the criminal justice proceedings
- the right to protection from intimidation and harassment, consideration of the safety of the victims and their families when bail is being set, and a safe waiting area before and during court proceedings
- the right to confidentiality of records and a speedy trial
- the right to general compensation and restitution for the crime, including prompt return of personal property seized as evidence
- the right to the offenders’ profits from the sale of stories of their crimes
- the right to have expenses for a sexual assault forensic examination and counseling about AIDS and HIV infection and testing paid for by a law enforcement agency.

Research has shown that in states with strong victims’ rights crime victims are more likely to participate in the criminal justice process, have better perceptions of the criminal justice system, and express better overall satisfaction with efforts taken on their behalf by agents of the system, including staff who assist victims and witnesses (Kilpatrick, Beatty, &
Howley, 1998). Victim assistance programs provide a full range of services that victims may need during the criminal justice process, from crime scene assistance to postsentencing help (Tomz & McGillis, 1997). Services for victims are provided by criminal justice institutions and by local community-based agencies. Criminal justice institutions may include local law enforcement agencies, prosecutors’ offices, probation departments, and state correctional institutions. Community-based agencies include domestic violence and sexual assault programs, as well as organizations that assist all victims of crime. Community support groups also may be available to assist victims and their families. Two examples of such support groups are Parents of Murdered Children and Mothers Against Drunk Driving.

The Office for Victims of Crime (OVC) in the U.S. Department of Justice administers two major formula grant programs: Crime Victims Compensation (CVC) and Victims of Crime Assistance (VOCA; U.S. Department of Justice, 1998). The CVC program provides monetary assistance directly to victims to reimburse them for expenses incurred as a result of the crime. Reimbursement may be for medical expenses, mental health, loss of wages, and funeral expenses. Other expenses that may be covered are eyeglasses and other corrective lenses, dental services and devices, and prosthetic devices. Laws governing compensation vary from state to state, with each state responsible for establishing limitations on awards and guidelines and procedures to apply for benefits. Victims must report the crime to the police, cooperate with law enforcement and prosecutors, and apply for compensation within the stated time frame to be eligible for compensation, whether or not the offender is caught or convicted of the crime. Victims also must show that they did not in any way contribute to the crime.

The VOCA program provides financial support to community-based programs that provide services to crime victims. VOCA funds are allocated to each state and then competitively granted to local organizations. Recipients of VOCA funds include domestic violence shelters, rape crisis centers, crime victim centers, and statewide advocacy groups.

One of the more empirically grounded, widespread, yet initially controversial victim services is that of victim–offender mediation (VOM). VOM is the oldest and most internationally developed expression of restorative justice, a movement that elevates the role of crime victims in the justice process, offers a broader range of services to empower and serve crime victims, holds offenders directly accountable to the people and communities they have violated, provides opportunities for offenders to repair the harm they have caused, and engages the community in the processes of serving crime victims and holding offenders accountable (Umbreit, 2001). Based on ancient values that are deeply rooted in most indigenous cultures and in Judeo–Christian culture, restorative justice polices and practices are being developed in virtually all states, numerous European countries, South Africa, Japan, the South Pacific, and Israel. Social workers, both practitioners and scholars, have played active leadership roles in this international movement since its inception in the early 1980s (Umbreit, Greenwood, Coates, & Bradshaw, 2000).

In the early years of the crime victim–offender mediation movement, many victim advocates were skeptical. Today, numerous national and local victim services coalitions and agencies, including the National Organization for Victim Assistance, are active stakeholders in the movement. The Center for Restorative Justice and Peacemaking at the School of Social Work, University of Minnesota, has developed new victim-sensitive training materials and videotapes and provides training and technical assistance.

The Texas chapter of NASW has developed materials to promote professional awareness and training for social workers on the impact of violent crime and on crime victims’ rights and services.

**ISSUE STATEMENT**

The social work profession has long been concerned with issues of crime and violence. Social workers’ efforts often have targeted prevention and rehabilitation of offenders, but it is only recently that the profession and society as
a whole have turned their attention to the effect of violent crime on victims and their families and communities.

The number of people affected by violent crime each year is significant. An estimated five of six people will become victims of either completed or attempted crimes at least once in their lives (Koppel, 1987). In 1998 an estimated one in seven U.S. residents age 12 and older were victims of crime (Rennison, 1999). On average, in each year between 1992 and 1998, 2.6 million of the 10.2 million victims of violent crime in the United States were injured in the victimization (Bureau of Justice Statistics, 2001). The National Violence Against Women Survey estimated that 5.9 million incidents of physical assault against women occur annually, with approximately 76 percent of those incidents perpetrated by current or former husbands, cohabiting partners, or dates. In contrast, men are more likely to be assaulted by strangers (Tjaden & Thoennes, 1998).

Each statistic represents a story of how violence changed the life of the victim, along with his or her family and friends. Victims of violent crimes suffer serious biopsychosocial, social, and economic injuries that may continue long after their physical injuries have healed. For example, the link between violent crime and posttraumatic stress disorder has been well established (Ochberg, 1988).

In their quest to transform themselves from crime victims to crime survivors, individuals may need a variety of social and mental health services at various times in their lives. Therefore, the likelihood of victims’ contact with professional social workers is extremely high, whatever the practice setting.

To better assist these clients, all social workers should have basic knowledge of the effect of crime on individuals, the rights of crime victims, and the services and resources available to help them through the criminal justice system and to help them heal from the effects of the crime. Victims’ reactions to violent crimes may vary by the type of crime committed; the crime scene; the perpetrator; and individual victim characteristics such as racial and ethnic background, age, gender, sexual orientation, immigration status, and disability. It is essential for social workers to be aware of cultural considerations when working with crime victims.

The crime victim assistance field has undergone rapid growth in the past 30 years. Policies and services for crime victims have emerged as an important and growing field of human services practice. Once considered radical, laws against domestic violence, sexual assault, and driving while under the influence of drugs or alcohol are now institutionalized in public policy arenas, along with social services such as shelters for battered women, rape crisis centers, and support groups for victims of drunk driving.

Public funding has facilitated the expansion of private nonprofit agencies and encouraged local and state criminal justice institutions to maintain units of professional crime victim assistants or advocates. Social workers who wish to enter this field will find that their generalist social work competencies—skills, knowledge, values, and abilities—provide an excellent foundation for crime victim assistance work (Danis, 2002).

Social workers who choose to practice in this setting may be at risk of secondary trauma. Listening to the stories of traumatized clients may cause vicarious trauma symptoms or compassion fatigue (Figley, 1995), which may lead to burnout, high agency turnover rates, and inconsistent services to clients.

**POLICY STATEMENT**

- NASW encourages all professional social workers to practice universal screening for clients of all ages to determine whether the client has been victimized, or is currently being victimized, to provide better services and support.
- NASW supports policy advocacy on local, state, and national levels to promote assistance for victims of crime and to ensure their safety and recovery from the crime.
- NASW supports social work advocacy for individual victims of crime in overcoming the government obstacles, barriers, and loopholes that may complicate victims’ efforts to obtain needed services or prevent them from obtaining services.
• NASW supports increased funding to assist crime victims, particularly underserved populations and historically oppressed groups that may be targets of hate crimes.

• NASW encourages all social workers to become familiar with the rights of crime victims and the services available to victims and their families.

• NASW supports continuing education about the field of crime victim assistance through activities such as workshops at conferences and information disseminated through the NASW News and chapter newsletters.

• NASW encourages schools of social work to develop curricula to prepare students to identify victims of crime in their chosen field of practice, understand the biopsychosocial effects of victimization, and acquire knowledge of services available to crime victims in their particular state. Furthermore, NASW supports the development of field placements for students to gain experience in this area.

• NASW supports research on the effects of crime on victims, including the psychological and financial consequences and the effects on secondary victims such as family, friends, and social services providers. NASW also supports research on the effectiveness of interventions to help victims heal from their trauma.

• NASW encourages social workers who offer victim services and referrals to be sensitive to differences in age; family supports; race and ethnicity; cultural, religious, or spiritual issues; immigrant status; sexual orientation and gender roles; disabling conditions; and attitudes toward trauma resolution, death and grieving, and the criminal justice system.

• NASW supports restorative justice practices as a preferable alternative to retributive justice. Providing opportunities for victims to share the impact of crime allows others to gain an understanding of the human consequences of crime. This process may reduce crime and achieve greater peace in communities. NASW encourages social workers to exercise extreme caution in responding to requests for mediation for crimes of severe violence.

• NASW strongly discourages routine use of mediation in domestic violence cases, by either family mediation or victim-offender mediation practitioners.

• NASW supports agency policies that are sensitive to the risk of secondary trauma for social workers and other advocates who work with victims of crime.

• NASW supports efforts to gain recognition for all same-sex and heterosexual domestic partners of crime victims by compensation and other assistance programs. All domestic partners should be entitled to the same benefits as married heterosexual partners.

REFERENCES


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Policy statement approved by the NASW Delegate Assembly, August 2002. For further information, contact the National Association of Social Workers, 750 First Street, NE, Suite 700, Washington, DC 20002-4241. Telephone: 202-408-8600; e-mail: press@naswdc.org

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