**Arizona Voice for Crime Victims Profile**

**CAASE Profile**

**1.    What is the mission of your agency, and how does the RISE Project fit within that?**

CAASE addresses the culture, institutions, and individuals that perpetrate, profit from, or support sexual exploitation. Our work includes prevention, policy reform, community engagement, and legal services. We envision a community free from all forms of sexual exploitation, including sexual assault and the commercial sex trade.

Social and institutional systems do not adequately serve survivors of sexual violation. Sexual violation disproportionately harms people from marginalized communities, including girls and women, people of color, LGBTQ people, people with disabilities, people living in poverty, and immigrants and undocumented people.  To best support survivors, CAASE confronts the inequities that fuel or intersect with sexual harm.

The RISE project is critical to this work. In Chicago, the marginalized communities most impacted by sexual harm correspond to geography; the South side and south suburban neighborhoods in our city are the most vulnerable to sexual harm, and yet are the least resourced with quality services accessible to them in the wake of any victimization. The RISE project at CAASE not only funds a general expansion of victims’ rights work at CAASE, but also commits us to devoting staff resources to an expansion into these communities, to ensure that access to justice is available to all survivors of sexual harm in our city.

**2.    When and how did you first start working with NCVLI?**

Long before CAASE began working on the RISE Project, our agency has worked collaboratively with NCVLI to help advance victims’ rights in Illinois. Before CAASE even had a Legal department, our now-Executive Director collaborated with NCVLI frequently in her individual representation of crime victims. A particular standout from these early years of collaboration includes a case in which a judge had threatened to hold a survivor in contempt for refusing to watch a video of her assault as part of her testimony. NCVLI and Kaethe (CAASE’s now-Executive Director and then lead attorney in the case) collaborated overnight on a strategy for disrupting this very serious victims’ rights violation. NCVLI wrote an amazing brief that we were able to use successfully in conjunction with oral arguments to achieve success.  NCVLI basically functioned as behind the scenes “TA magicians” in this case and in others since. This example is especially noteworthy, given that this case took place before we even had enforceable Victims’ Right to Review (VRR) in Illinois.

**3.    Tell us about a recent success/deliverable of your RISE Clinic.**

On June 25, RISE-funded Staff Attorney Christine Crow held a training at the Cook County State’s Attorney’s Office (CCSAO). Plans for this training were laid by VRR Managing Attorney Elizabeth Payne, who had developed a list of case types that the CCSAO’s Sexual Assault/Domestic Violence Division might refer to CAASE. The CCSAO had agreed to host a training for CAASE in August on DNA, and in exchange CAASE agreed to do a victims’ rights training for them focused on education about the category of cases that are appropriate referrals to us. The training, held via Zoom, was an enormous success. Almost the entirety of the CCASAO SA/DV division was in attendance, as well as most of CAASE’s VRR team. The response during and after the presentation was extremely positive. Individual members of CAASE’s Legal team already have good relationships with individual Cook County Assistant State Attorneys (ASA’s), but our experience after this training was that other, new-to-us ASA’s reached out to many different members of CAASE’s team to follow up and discuss the training and ways our two entities could collaborate. Trainings like this give us great opportunities not only to share information, but to build new relationships with the CCSAO, and to show the ASAs what it looks like when there is a victim’s attorney on their side in a case.

**4.    What motivates you to do the work that you do with victims’ rights in your community?**

The criminal justice system is one of the primary ways through which the United States expresses its values.  It is imperative that victims of sex crimes be provided with legal representation, because there is a massive gap between the justice and attention that survivors of sexual harm get, including within the criminal justice system, and the justice and attention that they deserve. CAASE is dedicated to making justice real for survivors, whatever that looks like for them, by vindicating their rights as victims of crime.

**5.    Why should other individuals, clinics and/or organizations get involved with victims’ rights enforcement?**

We think that others should get involved with victims’ rights enforcement for the same reasons that CAASE is. One of the primary ways our culture expresses its priorities and intentions around justice for victims of crime is through our criminal justice system. It is imperative that our attorneys, and attorneys, clinics, and organizations nationwide advocate for sexually harmed people, in order to ensure that the criminal justice system lives up to its obligation to take seriously the rights of sexually harmed people, especially those in most vulnerable communities.

**6.    What would you most like for the victims’ rights movement to accomplish in the next five years?  How does your work to aid in that accomplishment?**

We would like for the victims’ rights movement to persuasively demonstrate that attending to victims’ rights and interests is an integral part of ensuring that we have a justice system that is fair, equitable and capable of fulfilling its purpose. People who are concerned with victims’ rights have many concerns in common with other critics of the criminal justice system status quo. We would like there to be a better merging of voices between criminal justice reform movements and other movements that are designed to empower and recognize the rights of crime victims.

**7.**    **Why should other individuals, clinics and/or organizations partner with NCVLI?**

NCVLI is simply the leading victims’ rights expert in our country! Their capacity to partner with individual attorneys, clinics and groups of attorneys is unparalleled, and their commitment to meeting lawyers where they are and helping them become even more powerful advocates than they’ve ever been before is unsurpassed.

**Legal Aid Service of Broward County, Inc. (Florida), and its project partner, Coast to Coast Legal Aid of South Florida Profile**

[Legal Aid Service of Broward County, Inc.](http://www.browardlegalaid.org/) (LAS) and its project partner [Coast to Coast Legal Aid of South Florida](http://www.coasttocoastlegalaid.org/) (CCLA) are501(c) (3) non-profit organizations. Their missions are to provide high quality free civil legal services to the economically disadvantaged population in Broward County, to improve their living conditions, and to encourage self-sufficiency. Under the [RISE Project,](https://law.lclark.edu/centers/national_crime_victim_law_institute/projects/RISE/overview/) LAS and CCLA provide victims of crime in Broward County, Florida with access to legal representation to assert and seek enforcement of their rights in criminal cases. The assertion of these rights is pursuant to Section 16, Article 1 of the Florida Constitution which was enacted on January 8, 2019 and is also known as “Florida’s Marsy’s Law”. Some of these victims’ rights include:

* The right to due process and **to** **be treated with fairness and respect**
* The right **to be reasonably protected** from the accused and anyone acting on behalf of the accused
* The right **to have the safety and welfare of a victim** and the victim’s family considered when setting bail
* The right to **prevent disclosure of information** that could be used to locate or harass the victim or victim’s family

CCLA serves survivors of intimate partner violence and seniors age 60 and older and LAS serves all other survivors of crime. All victims served under the RISE Projecthave the benefit of working with a trauma-informed social worker who may assist victims with crisis intervention and accompaniment, and who provides community resources and warm referrals to other agencies and organizations.

In addition, under funding received from the Victims of Crime Act, both organizations are able to provide representation to these victims in collateral civil legal matters arising from the victimization.

In 2019, LAS and CCLA received a grant from OVC to represent victims of crime to assert their civil rights in criminal court proceedings. NCVLI provides the technical assistance under this grant and has been instrumental in leading us forward with their best practices and strategies to assert and enforce these rights on behalf of victims of crime.

This is a brand new project for LAS and CCLA, and it the first of its kind in Florida under the new Constitutional Amendment. LAS and CCLA are making small strides in enforcing victims’ rights, one case at a time. **Our RISE attorneys have been hard at work to protect our clients’ rights at every turn – from drafting powerful victim impact statements to successfully protecting child sexual assault victims by filing motions to oppose the Defendant’s release from jail. RISE attorneys have also been instrumental in helping victims obtaincivil restraining orders, thus empowering victims of crime ~~t~~o feel more protected during the criminal justice process.**

Notwithstanding these small victories, it is clear that rights enforcement is going to be difficult. Since the time that Florida’s Marsy’s Law was enacted, there has been push back by Defendants’ attorneys, some State Attorneys, and the courts. In the few cases that have actually reached the stage of a final ruling in Florida courts, the courts have interpreted the federal Crime Victims’ Rights Act and Florida’s “Marsy’s Law” under a very narrow lens, ignoring the language and spirit of the law, and depriving victims of their rights to be heard, confer with prosecutors[[1]](#footnote-1), and their rights to participate in the criminal proceedings[[2]](#footnote-2). .

It is for precisely this reason that all individuals, legal clinics, and legal aid organizations should get involved with victims’ rights enforcement. Without the efforts of all, victims will continue to be ignored in the criminal process, and their constitutional rights will continue to be infringed upon.

LAS and CCLA hope that, in the next five years, the victims’ rights movement in Florida will be able to enforce rights for victims that have been denied by the Courts. We will continue to showcase adverse rulings around Florida and the Nation. We will identify the issues which are ripe for appeal or writ and create favorable precedent for future victims who are denied rights by the Courts. We will continue to challenge rulings in writs and appeals in order to shine a light on the need for revisions in Florida’s “Marsy’s law” which will give greater force to implement the enumerated rights.

**Michigan Coalition to End Domestic & Sexual Violence Profile**

**Network for Victim Recovery of DC Profile**

**Ohio Crime Victim Justice Center Profile**

**What is the mission of your agency, and how does the RISE Project fit within that?**

Founded in 2000, Ohio Crime Victim Justice Center’s (OCVJC) mission is to ensure that Ohio state and federal crime victims are treated with fairness and respect for their safety, dignity, and privacy during the criminal justice process, they are informed of their rights, their voices heard, and the rights they choose to exercise are protected and enforced from the time of first report through post release control. The [RISE project](https://law.lclark.edu/centers/national_crime_victim_law_institute/projects/RISE/overview/) allows OCVJC to increase the number of victims served in the western region of Ohio, increase the number of victims’ rights attorneys in Ohio, and join a network of clinics across the country to collaborate on these important issues. These efforts perfectly align with OCVJC’s mission and OCVJC is proud to partner with Legal Aid of Western Ohio (LAWO) and NCVLI to ensure that all Ohio crime victims have access to no cost legal assistance to protect and enforce their rights.

**When and how did you first start working with NCVLI?**

OCVJC began working with NCVLI in 2003 after attending NCVLI’s 2003 Crime Victim Law Conference. Since that time, NCVLI has provided invaluable training to all OCVJC victims’ rights attorneys and advocates through their annual conferences. NCVLI has also provided technical assistance and amicus support on critical cases to support and advance crime victims’ rights. In 2014, NCVLI honored OCVJC’s Executive Director with the Gail Burns-Smith Excellence in Victims’ Service Award.

**Tell us about a recent success/deliverable of your RISE Clinic**.

OCVJC recently hosted a four-hour webinar that reached over 150 people including judges, prosecutors, advocates, and law enforcement. This webinar is expected to generate a lot of interest in victims’ rights and increase protection of victims’ rights. This is in addition to the numerous outreach meetings OCVJC and LAWO have conducted to increase awareness of the RISE project.

In a recent case, a victim learned that her offender was released when her friend saw him at a local grocery store. After contacting the prosecutor, the victim learned that the court had released the offender due to COVID-19 without holding a hearing, notifying the victim, or notifying the prosecutor. OCVJC filed a motion to assert the victims’ rights. At a subsequent hearing, the judge apologized for violating the victims’ rights and provided her an opportunity to be heard. The judge promised to consider enforcing the remainder of the offender’s sentence as soon as COVID-19 allowed. The victim was very satisfied with the outcome.

In a recent appellate case, an elderly woman was a victim of theft and breaking and entering after allowing a member of her church to use her office space. The trial court heard restitution evidence post-Marsy’s Law, but did not grant the victim any restitution. OCVJC filed a writ of mandamus to ask the Eighth District Court of Appeals to compel the trial court to hold a restitution hearing. The Eighth District granted the writ of mandamus and ordered the trial court to hold a hearing to determine the amount of restitution.

**What motivates you to do the work that you do with victims’ rights in your community?**

OCVJC attorneys and advocates have seen the profound effect that protecting and enforcing victims’ rights can have for those victims whose rights were violated. Ensuring crime victims are provided the ability to exercise their rights is often crucial to a victim’s recovery and sense of justice. In one case, a human trafficking survivor said: “It was empowering to have an attorney fighting to protect my rights. For the first time since this all started, I mattered. Thank you!” This is one example of hundreds of positive outcomes OCVJC has been able to achieve for crime victims across the state. Every crime victim deserves to feel like they matter, and achieving these outcomes for our clients motivates OCVJC staff to do this work.

**Why should other individuals, clinics and/or organizations get involved with victims’ rights enforcement?**

Too many victims experience additional trauma when their rights are violated during the criminal justice process. This process often leaves victims feeling as if they do not matter and are merely “pieces of evidence.” Subsequently, they tell their friends and families about their experience and the crime reporting rate drops. This is particularly true for crimes involving sexual violence. We know that enforcing victims’ rights leads to a better experience for crime victims and can aid in their healing and recovery. If victims’ rights are enforced uniformly, we can help minimize additional trauma and increase victim trust in the criminal justice process. When victims are treated with respect and have the ability to enforce their rights, crime reporting increases. Lastly, every state provides statutory rights for crime victims. Many state constitutions provide meaningful enforceable rights for crime victims and others are working to amend their constitutions to provide clearly defined avenues for enforcement. However, only approximately eleven states have organizations that provide no cost legal assistance to crime victims to protect and enforce their rights. In addition, the Crime Victims’ Rights Act provides meaningful enforceable rights to victims of federal crimes. There is an opportunity to become involved in victims’ rights enforcement in every state and the NCVLI can provide invaluable training and technical assistance as you begin this remarkable and historical journey.

**What would you most like for the victims’ rights movement to accomplish in the next five years? How does your work to aid in that accomplishment?**

OCVJC would like to see the establishment of case law surrounding Marsy’s Law that supports the uniform enforcement of the constitutional amendment. The passage of Marsy’s Law gave Ohio victims the ability to enforce their rights through appellate action for the first time. OCVJC is leading the way to litigate these cases involving victims’ rights to privacy, rights to safety, and rights to restitution, amongst many others. The establishment of robust case law will ensure that more victims’ rights are protected and there is precedent for courts to follow for years to come.

**Why should other individuals, clinics and/or organizations partner with NCVLI?**

NCVLI is the national leader in crime victims’ rights enforcement. Their team has a wealth of knowledge on victims’ rights litigation and training that is an amazing resource for any partner to rely on. In addition to their expertise in victims’ rights, NCVLI’s team is a fun group that loves dogs and is always enjoyable to talk to. OCVJC would encourage any organization to partner with NCVLI and join the movement to protect and enforce crime victims’ rights.

1. In Re: Courtney Wild, United States Court of Appeals for the Eleventh Circuit, Case No. 19 13843, April 14, 2020 [↑](#footnote-ref-1)
2. L.T. vs. State of Florida and J.T, First District Court of Appeals, Case No. 1D 19 3032, April 17, 2020 [↑](#footnote-ref-2)