

# NATIONAL CRIME VICTIM LAW INSTITUTE

## *Strategic Plan*

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## INTRODUCTION

The Board of Directors of the National Crime Victim Law Institute (NCVLI) is pleased to publish this strategic plan. In preparing this plan the Board is cognizant of the fact that NCVLI is the only national organization of its kind; the priorities established by this plan are designed to strengthen the foundation of NCVLI, and ensure that the national resource that is NCVLI is preserved and advanced.

NCVLI was established in 2000 as a nonprofit research and educational organization located at Lewis & Clark Law School in Portland, Oregon. NCVLI promotes crime victims' rights in criminal and civil justice systems. It is the only national organization in the country working to assert victims' rights in criminal trial and appellate courts. NCVLI promotes rights through a number of avenues.

- NCVLI conducts, supports, and promotes impact litigation through amicus curiae (friend of the court) participation, and legal technical assistance to others;
- NCVLI educates judges, lawyers, law students, victim advocates, victims, the law enforcement community, and the public about victims' rights; and
- NCVLI seeks to reform law through model laws and protocols, public policy advocacy, and advocacy assistance.

## I. BACKGROUND AND HISTORY

NCVLI was conceived in 1997 as a national resource for crime victim lawyers and victims to support the assertion and enforcement of victims' rights in criminal and civil processes. Since its inception, NCVLI has focused primarily on victims' rights in the criminal justice system. In 1998, United States Senators Jon Kyl, Dianne Feinstein, Ron Wyden and Gordon Smith supported the first appropriation of Congress to provide financial support for NCVLI. The next year, 1999, saw many significant accomplishments at NCVLI: the victim litigation legal clinic was established at Lewis & Clark Law School; Professor Doug Beloof's legal casebook, *Victims in Criminal Procedure*, was published and won an award from the National Organization of Victim Assistance; the first national meetings of victims' rights lawyers and violence against women lawyers took place in Portland, Oregon; and NCVLI's library of victims' legal materials was created.

In the next three year period NCVLI incorporated as a private nonprofit with a Board of Directors, achieved tax exempt status, and the Board adopted NCVLI's Mission Statement. On the programmatic side, in 2003, a five-year cooperative agreement between NCVLI and the United States Department of Justice, Office for Victims of Crime (OVC), was entered, launching the State & Federal Clinics and System Demonstration Project (Demonstration Project). Key elements of the Demonstration Project are: solicitation and oversight of pro bono legal clinics who receive subgrants from NCVLI, the annual Crime Victim Law & Litigation Conference (Conference), legal technical assistance to victim lawyers and advocates around the nation, the National Alliance of Victims' Rights Lawyers (NAVRA), a bi-annual newsletter, *NCVLI News*, and NCVLI amicus curiae participation nationwide.

In 2004, the pro bono legal clinics funded under the Demonstration Project were launched, and the federal Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771, was signed into law, providing the most comprehensive and enforceable victims' rights in the federal criminal justice system. NCVLI worked with Senators Kyl and Feinstein in drafting the CVRA, and is named in its legislative history as the exemplary model of legal services to crime victims.

The years 2005 and 2006 saw expansion of NCVLI. Programmatically: three (3) additional pro bono clinics were launched under the Demonstration Project, bringing the total number of clinics to eight (8) state clinics and one (1) federal clinic; membership in NAVRA surpassed 300 and its national teleconference trainings were launched; the Conference broke attendance records; and NCVLI received a new grant from OVC for the Victims' Rights Enforcement Project (Enforcement Project). Elements of the Enforcement Project include: three (3) federal victims' rights legal clinics to enforce the CVRA in the Fourth and Ninth Circuits, training and technical assistance to these clinics and other participants in the federal criminal justice system, and NCVLI amicus curiae (friend of the court) participation in federal courts nationwide. Administratively, NCVLI had its first independent audit, which was fully successful; entered an administrative services agreement with Lewis & Clark College; and became fully housed on the Lewis & Clark Law School campus. At the Board level, the Board adopted NCVLI's Purposes, and identified strategic issues to address during strategic planning scheduled for 2006-07. In Spring 2007 the Board adopted this strategic plan.

Presently, NCVLI continues to be predominately funded by the two federal grants mentioned above: the Demonstration Project and the Enforcement Project.

## II. MISSION, PURPOSE AND VALUES

NCVLI's mission statement was adopted by the Board in January 2003, after opportunity for substantial input.

**MISSION: NCVLI actively promotes balance and fairness in the justice system through crime victim centered legal advocacy, education and resource sharing.**

While NCVLI's current strength is in legal advocacy, education and resource sharing in criminal justice system, its mission statement contemplates these same activities be undertaken in the civil justice system. Recognizing that the criminal justice system has focused on the state and defendant to the detriment of the respect, dignity, and privacy of the victim, a core principle of NCVLI's mission is "victim centered(ness)." The mission statement's language of "balance and fairness" is a recognition that victims are the forgotten, yet critical, participants in the justice system and that justice requires giving them enforceable rights

To clarify the organization's role in addressing this mission, the Board has adopted - five purposes of NCVLI, and identified two core values to guide the organization's work.

### **NCVLI PURPOSES**

- **To promote victims' rights, including those of underserved and marginalized victims, in the criminal and civil justice systems.**

The scope of the term "victims' rights" here is expansive; it is meant to include both civil

and criminal justice process rights, as well as targeted violence against women laws, such as rape shield and protective order laws.

- **To conduct, support, and promote impact litigation through NCVLI's independent participation.**

Impact litigation is primarily litigation in appellate courts. The goal is to achieve favorable outcomes in victims' rights cases in appellate courts to create positive precedent that will affect future victims. The prioritization of cases is based upon case evaluation to determine the greatest positive impact to the largest number of victims. This purpose contemplates both NCVLI conducting its own impact litigation, primarily as amicus curiae, and NCVLI support to other victims' rights litigants.

- **To provide support, and promote legal technical assistance to victims' attorneys and others serving victims.**

Few law students or attorneys are educated in victim law. Providing legal technical assistance to these individuals addresses a significant knowledge gap that ensures that those serving victims can identify when a victim's right is at issue, and thoughtfully advise the victim on legal enforcement of such right.

- **To educate primarily lawyers, judges, law students, victims, victims' advocates, the law enforcement community and the public.**

NCVLI is a legal advocacy organization, but this purpose recognizes the critical role that education plays in rights advancement and legal culture change.

- **To reform law through model laws and protocols, public policy advocacy, and advocacy assistance.**

Law reform is critical to changing the legal culture; experience has shown that it often requires legal mandates to move institutional players to respect fairness and dignity for crime victims.

## **CORE VALUES**

- **Enhancing fairness and justice for victims requires a process of social change, which is built on a balanced approach of three efforts: legislation, litigation and education.**

The process of social change is a cycle: it starts with passage of laws creating civil rights; next education regarding the existence and content of those laws is necessary for both the public and justice system professionals; then litigation testing these legislated rights must be undertaken to determine the efficacy and meaning of the rights. If such litigation is successful, then additional education of the public and justice system professionals is necessary to ensure full and uniform implementation of the rights. If litigation is unsuccessful, legislative remedies must be sought. A graphic of this value is found in Appendix A.

- **Building a system that supports victims' rights requires participation of crime victims in achieving NCVLI's mission.**

Although NCVLI mainly serves crime victim lawyers, crime victims are the ultimate customer of NCVLI's work. It is important that NCVLI seek participation of crime victims in achieving its mission to ensure it never loses sight of who it was established to ultimately serve .

### **III. VISION FOR THE FUTURE**

The Board adopted a vision for the future in spring 2007. The vision sets a clear target for organizational achievement, so that Board and staff efforts and funds can be targeted to the most effective strategies to accomplish this vision.

#### **VISION**

NCVLI seeks to promote a society in which:

- every crime victim has comprehensive and meaningful legal rights and can access a knowledgeable attorney for representation in the criminal justice system;
- every crime victim's attorney has access to education, training, and technical support from a community of experts;
- everyone in the criminal justice system is knowledgeable about and respects the legal rights of crime victims; and
- crime victims' rights are routinely enforced to facilitate meaningful participation in the criminal justice system.
- every right of every crime victim is honored in every case.

### **IV. HOW NCVLI WILL SHAPE THIS FUTURE: KEY STRATEGIC DECISIONS**

The Balanced Scorecard Model formed the basis of NCVLI's strategic planning process. NCVLI engaged a facilitator, Kamala Bremer, experienced in strategic planning with nonprofit organizations, to help guide the process. In fall 2006, the Board developed a list of 10 strategic issues to provide focus and a foundation for planning. Also in fall 2006, a number of strategic partners addressed related questions designed to inform the strategic planning. Throughout fall 2006 and early spring 2007, the Board, management, and staff discussed options related to these issues, and based on this input, the Board reached the following decisions which will guide NCVLI's work over the next five years.

#### **1. NCVLI's primary function is promoting victims' rights and strategies for victims' services.**

Promoting victims' rights and strategies for legal and educational victims' services is NCVLI's primary function. While direct legal services need to be provided for NCVLI to effectively promote victims' rights and strategies, and NCVLI needs to have a close connection with such providers, provision of direct legal or social services in-house from Portland at this juncture is not practical. Neither provision of, nor education on, social service needs of victims is a primary function of NCVLI in-house from Portland, although clinics funded by subgrants from

NCVLI should have a social service component, and NCVLI's website should be designed, in part, to identify other agencies that can assist with this aspect of victim need.

The present activities of NCVLI are in accord with these identified priorities. Specifically, NCVLI currently involves itself in the representation of crime victims in the criminal courts in three ways: the administration of pass-through money from the federal government to fund clinics where attorneys directly represent crime victims; the provision of technical assistance consisting of legal research, the production of legal educational products, and information sharing for attorneys that directly represent victims (Technical Assistance or TA); and the submission of amicus curiae (friend of the court) briefs to courts nationwide in cases involving the rights of crime victims.

For the next 5 years, NCVLI will continue to focus its activities on promoting victims' rights and strategies for legal and educational victims' services, and will not undertake provision of direct social services or legal services in-house from Portland.

## **2. NCVLI's priority activities are litigation and education.**

Litigation and education are the priority efforts of NCVLI; legislation will be pursued given greater resources.

The present activities of NCVLI are in accord with these identified priorities. Regarding education, NCVLI focuses primarily on current and future members of the bar, and secondarily on victims and other members of the public. This education manifests through the Conference, teleconference trainings, training by invitation or paper submission at victim conferences, maintaining a research and brief bank, and teaching the Victim Litigation Clinic at Lewis & Clark Law School.

Regarding litigation, NCVLI does not directly represent victims in-house from Portland, but supports these victims through its relationship with subgranted clinics, and through provision of technical assistance to others. NCVLI itself litigates as amicus curiae.

Regarding legislation, within the limited funding available for such activity, NCVLI focuses on opportunities that offer potential for significant gains and in which NCVLI can strive for excellence (e.g. the Federal Crime Victims' Rights Act, and standing in state constitutions). Drafting and distribution of model state legislation and comment on such proposed legislation has not yet been a significant part of NCVLI's efforts.

For the next 5 years, NCVLI will continue to focus on education and litigation support, and legislative efforts will be continued as allowable under current funding, focusing on model legislation in the states, consultation at the state level, and lobbying in the federal system. Expanded legislative efforts should be considered with additional resources. NCVLI's efforts to educate victims and the public will be more fully developed, but will continue as a secondary activity.

## **3. NCVLI's focus is to aid in strategic development of and advice to direct service providers, with its own litigation being as Amicus Curiae.**

The Board considered whether NCVLI should be operating as an "ownership" model (conduct litigation) or a "franchise model" (helping others conduct litigation).

The Board concluded that at this juncture it is premature in the development of the organization to commit to a particular model as there is not enough experience. The present activities of NCVLI demonstrate that it is not in the business of “operating” many trial level clinics; rather, NCVLI supports existing independent clinics through subgrant funding and technical assistance and then puts its imprimatur on litigation through amicus curiae briefs. Current funding limits have capped the number of clinics funded at 8 locations (3 of which provide representation in both state and federal). Thus, NCVLI is closest to a franchise model in that it presently evaluates clinic litigation models and advises others of how to effectively represent based on these models.

The culmination of the Demonstration Project will be a written report on these representation models. Following completion of this report, it is not expected that NCVLI will continue to be “modeling” in a demonstration model context of this kind, with the possible exception of special projects such as victim legal services for underserved populations. The current model is novel in that NCVLI does not seek its own duplication, but rather the duplication of effective direct legal services models, such as those represented by the clinics. This approach allows for a broad victims’ rights legal community, spreads NCVLI’s name, improves NCVLI’s reputation, assists lawyers directly representing victims, and provides high quality education and training.

For the next 5 years, NCVLI will continue to develop and advise others in their direct representation and will not engage in direct clinical work itself due to current legal, financial and logistical concerns.

#### **4. NCVLI is a unique blend of advocacy and think tank approaches to expanding crime victims’ rights.**

There is some inherent tension between an advocacy role and an academic or “think tank” role. Academics/think tanks are supposed to be free of the constraints of the ideology that drives movements; and while in reality, few academics or think tanks actually are free from these constraints, the appearance of such freedom can be important to credibility.

The next 5 years will include exploration and evaluation of models of the separation vs. integration of advocacy and academia.

#### **5. All victim populations are underserved and marginalized and deserve services.**

The Board reviewed whether some populations of crime victims are underserved by NCVLI, the network of clinics funded through NCVLI, or the justice system in general. Populations considered as possibly underserved were protected classes (such as race or age), types of crime, economic status, or geographic location. During this initial review, the Board concluded that it is early in the development of crime victims’ rights, and that the main issue over the next few years is that few crime victims of *any* group have access to adequate services to assert and protect their rights. Thus, all crime victims are underserved and marginalized in the current justice systems.

During the next 5 years NCVLI will continue to serve all victims, and will examine data regarding whether particular subgroups are in need of improved access to NCVLI services.



**6. NCVLI values input from a broad audience, such as attorneys, advocates, policy-makers, victims, and the community at large.**

NCVLI's partners are many, and NCVLI needs methods of seeking input on an "issue by issue" or "challenge by challenge" basis, while simultaneously ensuring that channels for regular and ongoing input exist.

The present activities of NCVLI are generally in accord with these priorities. Specifically, NCVLI receives significant and ongoing, yet informal, input from the legal clinics served, focusing on what topics to have on quarterly trainings, what topics to cover at cluster meetings, and legal issues that need NCVLI's research. In addition, the Conference and all trainings provided include satisfaction surveys designed to evaluate the training and trainer, and to elicit recommendations for the future. NAVRA has an Advisory Board comprised of attorneys to help guide its effort. NCVLI receives periodic input from grant funders about efforts and projects. All management and staff performance evaluations allow feedback on individual efforts from NCVLI, Lewis and Clark College & Law School and College personnel, and external persons and organizations. Finally, NCVLI's website has multiple places that allow input from users.

During the next 5 years, NCVLI will identify, develop, and implement new intake points for regular feedback, weighing the benefit of input to be gained from these intake points against personnel time required to ensure implementation of input received. In addition, each NCVLI project, service or activity launched, will be analyzed for community input possibilities, and consideration will be given to establishing an advisory board. NCVLI will work to implement recommendations identified through feedback from these new intake points.

**7. NCVLI operates predominately in federal and state forums.**

NCVLI operates predominately in federal and state forums, while not ignoring local forums where relevant. Education and litigation take place in all three forums; but legislation is primarily at federal level, with some state involvement.

NCVLI's present activities are in line with this prioritization. NCVLI and its clinics train at all levels. In litigation, NCVLI's clinics act locally and at the state level in trial and appellate courts, as these forums are where many of critical legal issues originate. NCVLI's amicus participation is predominately at appellate levels in state and federal jurisdictions, although sometimes at the trial level; and, NCVLI's technical assistance covers all levels of all jurisdictions.

During the next 5 years, NCVLI will continue to deploy its education and litigation efforts in all three forums, and, to the extent possible, legislation will occur in state and federal forums.

**8. NCVLI must be adequately sized to fulfill its Core Services.**

NCVLI should be big enough to fulfill its core services:

- Big enough to provide legal technical assistance, education, and amicus support to every victim lawyer, victim and policymaker who makes inquiries, and to do so in a timely and expert fashion;
- Big enough to advocate on key state and federal issues;



- Big enough to educate attorneys, judges, victims advocates and the public alike;
- Big enough to continue the casebook, academic articles, and white papers on victims' rights;
- Big enough to have an effective and credible national presence; and
- Big enough to pursue advancement of victims' rights in the civil and criminal justice systems.
- Over the next 5 years, NCVLI will seek resources to maintain a staffing level adequate to achieve these goals.

## **V. STRATEGIC INITIATIVES TO IMPLEMENT PLAN**

While there are many ideas for expansion and adding more work to the plate of NCVLI, what is needed during the next 5 years is to solidify the financial base of the organization to ensure provision of NCVLI's core services. Thus, the overarching Strategic Initiative is creation of a solid foundation for core services. There are four components of this initiative: (A) Identify the core services; (B) Strengthen and diversify the skill set of leadership to create a foundation for these core services; (C) Engage in fundraising to achieve the solid foundation; and, (D) Determine programmatic initiatives that enhance the core services.

### **(A) Identify the Core Services.**

Based upon the experience of NCVLI, the Board's work on the Mission Statement, Primary Purposes and Core Values, and the input of management, staff and partners, the core activities that NCVLI will conduct each year within each Core Services are:

#### **1. Education**

- a. Holding an annual national conference in conjunction with an annual in-person Board meeting, obtaining private funding for the conference, and providing substantive legal trainings throughout the year;
- b. Educating law students, lawyers, judges, victim advocates, and the public;
- c. Publishing substantive legal information through newsletter and Crime Victim Law Updates;

#### **2. Litigation**

- a. Providing legal technical assistance to attorneys and advocates nationwide;
- b. Submitting independent amicus curiae briefs nationwide;
- c. Maintaining the National Alliance of Victims' Rights Attorneys;

#### **3. Legislation**

- a. Participating in Public Policy on victims' rights at federal and state levels;
- b. Promoting crime victims' rights in civil and criminal justice system

**(B) Strengthen and Diversify the Skill Set of Leadership to Create a Foundation for Core Services.**

There are multiple levels to fulfilling this component of the strategic initiative. First, NCVLI must strengthen and diversify skills that are on the Board. Specific steps to be undertaken during the next 5 years include adding to the Board: one or more members strongly interested in fundraising, including one located locally in Oregon; one or more members whose fundraising experience is based in nonprofits, again preferably located locally in Oregon; one or more members who are a present or former judge so that more of the criminal justice system is represented; and one or more members who are experienced in public relations. Second, NCVLI must develop the capacity of the Executive Director to focus on fundraising.

**(C) Fundraise to Achieve a Solid Foundation; Specifically, Diversify and Increase Funding Sources and Amounts.**

Fiscal year 2007-2008 Objectives:

- Create a robust development department.
  - Develop a capacity building grant proposal, and seek private donations for a development program by September 2007. Hire development staff by March 2008.
- Apply to at least four private foundations by fall 2007.
- Implement a direct mail fund raising campaign with web links by September 2007, targeting the 2007 holiday giving season.
- Pursue individuals personally who may be interested in contributing.
- Implement a rigorous and regular prospect monitoring review system that includes: individuals, foundations, and government grant opportunities.
- Pursue Endowment for Core Services through individual and foundation prospects identified through implemented prospect monitoring review system.
- Begin to build a three month reserve.
- By October 2007, raise half of the necessary funds for 2008 Conference.
- By January 2008 obtain funding for in-person Board Meeting.

The Executive Director will report to the Board on progress towards these fundraising objectives quarterly. In or about March 2008, Board to reconvene for half a day to review progress and make any strategic adjustments to fundraising objectives.

**(D) Programmatic Strategic Initiatives for Further Development of Core Services.**

Four programmatic initiatives will be investigated and mapped for possible launch during the next 5 years:

1. **Civil Justice Project.** This Project would identify and address the needs of crime victims in the civil process.
2. **Underserved and Marginalized Victims Project.** This Project will initially be capturing data on demographics of victims served by NCVLI. Then after investigation and identification of underserved and marginalized victims, a

project to identify and address the needs of such victims.

3. **Assure crime victim involvement in NCVLI.** It is important that NCVLI seek participation of crime victims in achieving its mission to ensure it never loses sight of who it was established to ultimately serve.
4. **Explore and evaluate models of advocacy and academia, and clarify NCVLI's model.**

## CONCLUSION

The Board of NCVLI is pleased to share this strategic plan with NCVLI's partners, funders, and the many supporters interested in our work. We are excited about the future of NCVLI and victims' rights. We hope this plan provides insight into NCVLI's direction, both the long term vision and the immediate five-year plan to advance that vision.

Your input is valuable. Please continue to let us know your thoughts and suggestions as we move forward in this important work. You can reach us at:

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