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TECHNICAL REPORT

No More Rights Without Remedies

An Impact Evaluation of the National Crime Victim Law Institute's Victims' Rights Clinics

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Sponsored by the National Institute of Justice



Safety and Justice Program

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Summary

The National Crime Victim Law Institute (NCVLI) victims' rights clinics are an effort to remedy what many perceived as a serious deficit in victims' rights legislation. Although all states have laws protecting victims' rights and many have constitutional amendments establishing rights for victims, the rights of many victims still are not honored or observed. In large measure, this may be because there are no remedies enforceable when victims are denied their rights. The NCVLI clinics were intended to promote awareness, education, and enforcement of crime victims' rights in the criminal justice system. The victims' rights clinics sought to protect and enforce rights for victims in the court process through filing motions in criminal cases in which victims' rights were denied and by seeking appellate decisions that interpreted and reinforced victims' rights statutes. By providing direct representation to individual victims in criminal court, NCVLI hoped not only to increase the observance of rights in those particular cases but also to increase awareness of victims' rights by prosecutors, judges, and police officers in general.

Assessing the impact of the NCVLI clinics is a difficult task in part because the clinics have two distinct foci: to alter the "legal landscape" with respect to victims' rights and to promote the rights of victims in individual cases. To try to capture the scope of clinic activities, the impact evaluation employed multiple methods. We sought to determine how clinic representation affected the exercise of rights in individual cases in several ways. First, we compared prosecutor case files in which victims were represented by clinic attorneys and similar cases in which victims did not have representation, for indications of how victims' rights were addressed. Second, we surveyed victims in the two samples of cases to elicit their perspectives on whether their rights were observed and on their satisfaction with the justice process. We surveyed prosecutors, judges, victim advocates, and defense attorneys to ascertain their opinions about victims' rights and about the NCVLI clinics. We examined legislation and court rules pertaining to victims' rights before and after the start of the clinics. We also examined appellate decisions relating to victims' rights pre- and postclinic. We examined the treatment of victims' rights in the print media pre- and postclinic. Finally, we interviewed victims' rights clinic directors to obtain and synthesize their thoughts on sustainability of the clinics.

Key findings from the evaluation include the following:

- Survey results indicated a shift toward more-favorable attitudes toward victims' rights and greater compliance with victims' rights by court officials after establishment of the clinics. The changes were small with respect to attitudes toward victims' rights but larger with respect to perceptions of compliance with victims' rights.

- In our analysis of prosecutor case files, we found differences in compliance on some measures in some jurisdictions between cases in which victims were represented by attorneys and those in which they were not. In the aggregate, however, the analysis of prosecutor files did not suggest an increase in compliance as a result of having a victims' rights attorney.
- According to our surveys of victims from the prosecutor case-file sample, victims represented by clinic attorneys more often reported that they were notified of defendants' release from jail, that they had made a victim-impact statement, that they were notified of the case disposition, and that they were referred to counseling services. However, victims represented by clinic attorneys were also *less* satisfied with the way they were treated by court officials, *less* satisfied with the court process, and *less* satisfied with the outcomes of their cases.
- We found some, but inconsistent, evidence that clinics made a difference in the expansion of victims' rights both in terms of legislation related to victims' rights and in terms of appellate decisions.
- We did not find a consistent increase in the number of articles in the print media about victims' rights, nor did we observe a change in the proportion of articles sympathetic to victims' rights.

The results of the impact evaluation indicate that victims' rights clinics can make a difference in promoting the rights of victims in individual cases; they may help more generally to promote a more sympathetic view of victims' rights among court officials; and they have had some influence in expanding the rights of victims in the states where they reside through their involvement in influential appellate decisions and legislative efforts. After assessing the information we gathered during the course of the process evaluation, we believe that the victims' rights clinics have been somewhat successful in achieving their key goals. However, funding remains a problem for the clinics, and the current economic climate makes it unlikely that the demonstration clinics can be replicated on a large scale, using the current model.