

SUB-COMMITTEE TO CONSIDER ISSUES RELATED TO VICTIMS, INCLUDING THE RIGHTS OF VICTIMS, RELEVANT STATISTICS AND SOURCES OF FUNDING FOR VICTIMS OF CRIME IN NEVADA

Overview

The development of services and rights for victims of crime is a fairly recent development. Beginning in the late sixties two complementary but distinct movements were initiated. Studies' suggesting that one of the barriers to prosecution was the lack of cooperation of victims as witnesses launched Victim/Witness programs in prosecution and law enforcement agencies. Advocates, employed by these systems helped victims navigate the systems, provided referrals to local resources and assisted victims in having a voice in the process. At about the same time community based advocates began to organize around not only the justice system's indifference to the needs of victims but began developing a larger scope of services to meet the complex needs of victims. Both began advocating for changes in the way the justice system interacted with victims of crime.

These developments on the national stage were mirrored in Nevada, and today as this directory details, Nevada has a patchwork of victim services in most of the counties in Nevada. System and community based advocates are:

- Providing guidance for victims as they navigate very complicated and foreign systems
- Providing a broad range of services to meet complex needs of victims both within and outside the justice system.
- Supporting the right of victims to have a voice in the complicated decisions that will impact their lives far beyond the end of the case.
- Providing financial assistance to victims as they attempt to recover from their victimization.

Sub-committee Work

Over the last six months a small group of victims advocates, compensation officers and victims have met to identify challenges to victim's rights and services and to begin developing potential solutions to some of those challenges. This report is a work in progress and the sub-committee has agreed to continue meeting to clarify our description of the challenges facing victims of crimes and the recommendations we are making for addressing those challenges.

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Submitted by: Ab. Cortez-Mast

Challenges

1. Lack of Resources - speaks not only to limited funding but to the limited ability to provide the services even if the funding was available. Many advocates are concerned about the release of inmates on an already overburdened system. Victims of released perpetrators will begin accessing services again and advocates will be trying to keep up with past victims cases as well as current and new victims. Examples of resource shortages include:

- **Victim advocates** - Victim services agencies cover multi-jurisdictional areas. Advocates are in short supply whether in rural communities to cover large geographical areas with a small population base or in urban areas to serve a large population base in a condensed geographical area.
- **Transportation Services** – Lack of transportation services often stop victims from accessing services or participating in the justice system. For example, there are no, or very limited public or private transportation services available to communities along the I-80 corridor, as well as contiguous counties adjacent to I-50 and Highway 395. If public transit does service a community it is based on occupancy and if the public transit carrier is full with passengers, then the carrier will not stop for passengers. In these cases the victim is literally stranded.
- **Mental Health** – Mental health services are at a premium in rural and urban communities. Even with increased funding Rural Mental Health was unable to recruit qualified professionals to fill open positions. In Las Vegas access to affordable mental health services is at least a six months wait.
- **Legal Services** – Clark County Legal Services, Washoe County Legal Services, Nevada Legal Services and Volunteer Attorneys for Rural Nevada are at capacity. There are either waiting lists for these services or they are not able to take new clients. Most communities lack access to pro bono attorneys that provide services to victims.

2. Uneven Access – The geography and population distribution of the State of Nevada poses numerous challenges for victims in accessing the justice system and services. What services are available are not standardized, with each jurisdiction creating their own. This is true for communities within the state and when victims attempt to access the systems across state lines. In addition different categories of crime are often treated different in terms of accessing service.

- **Victims of Crime Compensation** - is not applied consistently to all victims in Nevada. Interpretation of regulations, vague guidelines and an inconsistent application by jurisdiction results in uneven access to compensation for crime victims. Due to limited crime victim compensation funding it appears hearing officers are forced to look for reasons not to provide funds rather than for reasons to approve funding. The 'innocent victim' regulation in particular presents problems when the interpretation overly penalizes victims of sexual and domestic violence.

- **Advocacy Services** – The distribution of advocacy services is uneven across the state, in particular the lack of system advocates in rural communities places rural victims at a distinct disadvantage. The enactment of recent funding cuts for domestic violence programs threatens to dismantle one of the few statewide victim services networks in Nevada. Other funding cuts threaten already overburdened and under-resourced victim services.
- **Inter-State Issues**- Nevada borders California, Arizona, Oregon and Utah. The interstate issues can make it very difficult to coordinate victim services. Advocates establish rapport with neighboring advocates and agencies in order to effectively assist crime victims. This often means addressing different statutes as well as interstate/tribal/federal crimes.

3. Systemic Barriers – The Justice System is like a foreign country to many victims, with a language and culture of its own. Navigating that system is often difficult without assistance and even then it is not completely without barriers. Communication and process are the two most common systemic barriers. The challenges described below are just the tip of the iceberg.

- **Communication**– Most systems in Nevada show a lack of communication either systems to systems, systems to victim, or systems to communities. Victims are not sure how to navigate the system and systems agents do not understand why victims do not understand their system. Examples of the lack of communication include:
 - **Victim Notification** – Victim Notification Network (VINE) exists in Clark County and Washoe County. VINE allows crime victims access to timely and reliable information about criminal cases and custody status of offenders 24 hours a day. VINE is not available in any other county.
 - **Victim Notification of Appeals Hearings** – Many victims throughout Nevada find out about their perpetrator’s upcoming appeal in the newspaper. There is no standardized process for notification although both Washoe and Clark County District Attorney’s office have recently developed forms for victims to complete that will trigger such notification.
- **Process** – The focus of the justice system – the dispensing of justice through the enforcement of a system of laws – can find itself in direct opposition to the needs and desires of a victim of crime. One egregious example is the arrest of victims as material witnesses. In an effort to address the issues that emerge with a recanting or reluctant victim; prosecutors are re-victimizing the victim by arresting and jailing them. California has recently passed legislation that exempts victims of sexual assault and domestic violence from material witness prosecution.

Recommendations

1. Increased prioritization of victim rights and services within the justice system including increased funding for services - system and community based advocacy services as well as transportation, mental health and other necessary assistance.
2. Review the Crime Victim Compensation program for regulations that result in uneven application of the program including ongoing training for compensation officers
3. Provide in statute for police reports to be accessed by Victims of Crime Compensation officers.
4. Establish an Office for Victims of Crime in the State of Nevada to coordinate resource development and monitor access.
5. Coordinate communication systems to insure that victims have access to information.
6. Expand/improve data collection and analysis across all systems to better understand how systems are working.
7. Providing consistent and formal training for all parts of the systems on victim issues.
8. Increase collaboration between systems to discuss and work through system failures and expand system success.
9. Continue sub-committee meetings to review access to services, compile additional information on current systems and develop more in-depth analysis of the challenges and solutions.