

New Directions from the Field:

Victims' Rights and Services for the 21st Century

Recommendations for the Judiciary

The recommendations below, which appear in the May 1998 *New Directions* Report, have been reformatted for replication and distribution.

Judges play a crucial role in the day-to-day implementation of victims' rights. Judges, after all, control the courtroom and make rulings that will affect the court's observance of victims' rights to be present, notified, and heard. As respected leaders, judges can and should be catalysts for coordinating the delivery of services to both victims and offenders. Judges are uniquely situated to bring together institutions within a community that can address the wide range of problems that bring offenders and the people they victimize to the justice system. As such, the following recommendations for the judiciary are set forth by the field:

1. The voices and concerns of crime victims should be recognized and institutionalized within the justice system. Judges should advise victims of their rights as routinely as they advise defendants of their rights.
2. Judges and all court personnel at all levels of the court system must receive initial and continuing education on the law concerning victims rights, the impact of crime on victims and their families, and how the judiciary can implement the spirit as well as the letter of these rights. This education must include training on the special needs of some victim populations such as victims with disabilities and non-English speaking individuals.
3. Judges should facilitate the rights of crime victims and their families to be present at court proceedings unless the defendant proves that their presence would interfere with the defendant's right to a fair trial.
4. Judges should consider victim and community safety in any prerelease or postrelease decision. As part of any pretrial release order, including bail, bond, or personal recognizance, judges should include a no-contact provision stating that the accused or defendant shall not harass, intimidate, threaten, or commit physical violence against the victim or victim's family.
5. Before imposing a sentence, judges should permit the victim, the victim's representative, or, when appropriate, representatives of the community to present a victim impact statement.
6. Judges should facilitate the input of crime victims into plea agreements and resulting sentences, and they should request that prosecuting attorneys demonstrate that reasonable efforts were made to confer with the victim.
7. As leaders within the justice system, judges must ensure that victims' rights legislation is fully implemented.
8. Judges should play a leadership role in ensuring that police, prosecutors, defense counsel, judges, and court administrators receive joint training so that all have a comprehensive picture of what happens to a victim as he or she navigates through the criminal justice system.
9. Judges have a responsibility to manage their cases and calendars to make victim involvement as feasible as possible. Modern technology should be used to give victims greater access to the justice system and should include multilingual services at no cost to victims.
10. Judges should order restitution from offenders to help compensate victims for the harm they have suffered. If extraordinary and compelling reasons make restitution impractical or inappropriate, judges should explain in writing and on the record why they did not order it.
11. Judges should play a leadership role in ensuring that separate and secure waiting areas are available in all courthouses for prosecution and defense witnesses to minimize the contact of victims with defendants, their relatives, and friends before, during, and after court proceedings.

12. Codes of Judicial Conduct should be amended to reflect the fact that crime victims play a pivotal role in the criminal justice system.
13. Judicial assignments to specialized courts or family law or juvenile courts should be based on experience and interest, not on lack of seniority or punishment.
14. Judges must take a leadership role in conceptualizing and advocating that the justice system encompass not only traditional adjudication and punishment but also holistic problem solving and treatment for victims as well as offenders. Principles of restorative community justice and therapeutic jurisprudence should be incorporated into court systems with due regard for differing cultures and ethnic groups.