What Constitutes Success?
Evaluating Legal Services for Victims of Crime
A Conceptual Model

Authors:
Kristina Lugo-Graulich, Principal Investigator
Susan S. Howley
Bradley T. Brick
Susannah N. Tapp
Karen Souza

Rev. October 2020

This report was supported by Grant No. 2018-ZD-CX-0005, awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice to the Justice Research and Statistics Association. The opinions, findings, and conclusions or recommendations expressed are those of the authors and do not necessarily represent the official positions or policies of the U.S. Department of Justice.
# Table of Contents

List of Tables and Figures .................................................................................................................. 3

I. Introduction ........................................................................................................................................ 4
   Why a Conceptual Model of Victim Legal Services? ........................................................................ 6

II. Literature Review and Background ............................................................................................. 8
   Development of Victims’ Rights and Remedies .................................................................................. 8
   Attorney Role in Promoting Victims’ Rights in Criminal Proceedings ............................................. 14
   Attorney Role in Civil Legal Systems .............................................................................................. 15
   Attorney Role in Administrative Proceedings .................................................................................. 21
   Theoretical Perspectives .................................................................................................................. 24
   Theoretical Summary ....................................................................................................................... 27
   Literature Review Summary ............................................................................................................. 28

III. The Conceptual Model .................................................................................................................. 29
   Method ............................................................................................................................................ 29
   The Conceptual Model .................................................................................................................... 32
   Theory of Change ............................................................................................................................. 56

IV. Recommendations for Use of Model ........................................................................................... 58
   Limitations ....................................................................................................................................... 59
   Future Research Directions .............................................................................................................. 59

References ............................................................................................................................................ 61
List of Tables and Figures

Table 1. Survey Respondent Reported Agency Demographics (N = 75) 31

Figure 1. Full Conceptual Model for Victim Legal Services 35
Figure 2. Program Activities 36
Figure 3. Program Outcomes (Short-Term) 43
Figure 4. Long-Term Objectives 49
Figure 5. Victim Legal Service Theory of Change 57
I. Introduction

Crime impacts millions of people each year. According to the 2018 National Crime Victimization Survey (NCVS), U.S. residents age 12 or older experienced 3.3 million violent crimes, and households experienced approximately 13.5 million property crimes such as burglaries, residential trespassing, and motor-vehicle thefts (Morgan & Oudekerk, 2019). Beyond measurable harms such as physical injury, mental health issues, emotional impacts, and financial loss, victimization often results in social harms that affect a victim’s quality of life by impacting their relationships, occupational and social functioning, and reducing general well-being (Hanson, Sawyer, Begle, & Hubel, 2010).

Unreported crime can result in a lack of available assistance for victims. Yet, underreporting of crime is a prevalent problem. Research indicates that less than half (43%) of all violent victimizations are reported to police (Morgan & Oudekerk, 2019). Victims’ reasons for not reporting may include fear of reprisal by the offender; believing that the crime is too trivial to warrant reporting; and believing that law enforcement will not, or will be unable to, help (Morgan & Oudekerk, 2019). Attrition rates before prosecutions are completed are also high, especially for victims who fear revictimization by the criminal justice system (Jordan, 2011). In some cases, victims may refuse or cease engagement with the criminal justice system because of past negative experiences (Bibas, 2006; Cattaneo & Goodman, 2010; Greeson & Campbell, 2011). Victims may also view the potential outcomes of the criminal justice process as undesirable. Some victims may not have the capacity to be as helpful as criminal justice professionals might desire, yet the system cannot be effective without victim participation.

Ultimately, underreporting and high rates of attrition hinder the justice system’s ability to achieve accountability for offenders and justice for victims. Moreover, many hurdles to victim recovery are legal in nature and may concern their participation in criminal and/or civil justice proceedings. Providing legal representation for victims can help to address barriers to victim participation, and support victims in making informed decisions about their participation throughout the legal process. However, more information is needed about what victims need over the course of their involvement with the criminal justice system and beyond, as well as how meeting those needs might impact their willingness to report crime (McCart, Smith, & Sawyer, 2010).

Victim legal services were introduced to ameliorate some of the harms resulting from crime victimization. Their work has been vital, for example, in promoting victim safety, helping victims access social services, assisting victims with financial recovery, securing stability in housing or legal status, protecting employment, and receiving justice (Johnson, 1997; Wright & Johnson, 2012). To this end, victim legal assistance can help with civil legal matters, immigration matters, civil tort claims, protective order proceedings, family law matters, and victims’ rights enforcement in criminal procedure (Jweied & Yang-Green, 2016; Office for Victims of Crime, 2013). Additional benefits may arise from enhancing victim agency in this way, including supporting the right and power of individuals to make fundamental decisions about their lives and their own recovery, and promoting their engagement with the legal system (Garvin & Beloof, 2015, Greeson & Campbell, 2011).
In light of the value and importance of legal assistance to victims, the Office for Victims of Crime (OVC)’s Vision 21 initiative called for more research to examine how victims’ rights provisions are implemented; whether victims actually receive the rights and services to which they are entitled under law; whether being provided with these rights and services actually increases victims’ well-being, cooperation, and satisfaction with the criminal justice system; and whether these services improve criminal justice system outcomes (Office for Victims of Crime, 2013). OVC’s report notes that the procedural justice concepts of transparency and respect may increase victims’ willingness to participate in the criminal justice system (Office for Victims of Crime 2013; see also Clark 2010, Hotaling & Buzawa 2003, and Laxminarayan, 2012, Laxminarayan & Pemberton 2012). There is some indication that empowering victims may also promote their well-being (Bennett Cattaneo & Goodman 2009; Elliott, Thomas & Ogloff, 2014; Erez, 1999). Moreover, a beneficial result from empowered victim interaction with the criminal justice system may help to build community trust of criminal justice actors (Holder, 2018).

Victims’ rights attorneys are a key to facilitating victim involvement in the justice process and promoting victim agency. However, given the relative newness of victims’ rights enforcement, the field of victim legal services has so far lacked a conceptual framework that articulates the ultimate goals of these services, and how the provision of these services is intended to promote those goals (see Jabareen, 2009 and Maxwell, 2012). The present research seeks to address this gap in the literature.

The National Institute of Justice (NIJ) previously funded a study of victims’ rights clinics. The study investigated whether the work of the clinics advanced general understanding of and support for crime victims’ rights. The key victim outcomes measured were whether victims served by a clinic were more likely to receive their legal rights, more likely to be referred to supportive services, and more likely to be satisfied with their treatment by the criminal justice system. The results showed that having a victims’ rights attorney led to greater upholding of certain victims’ rights, and a greater likelihood of referral to counseling, but not to other services.

Interestingly, however, the study also found that in comparison to victims who were not represented by an attorney, victims who were served by the clinics reported lower levels of satisfaction with the way they were treated by court officials, with the court process, and with the outcomes of their cases. It is unclear whether this finding was due to variations in the types of victims who were served by the clinics versus victims who did not receive that assistance, or due to some other factor such as clinic victims’ increased understanding of the rights and treatment they should have received, or the fact that the concept of victim standing to enforce rights was still being tested (Davis et al., 2009; Davis, Anderson, Howley, Dorris, & Whitman, 2012). However, a major limitation of this study is that it did not incorporate a clearly articulated theory of change regarding the impact of legal services on the victim (Davis et al., 2009; Davis et al., 2012). Clinics were also at an earlier stage in their development, so it was difficult to study the impacts they had in such a short time.

The present project endeavors to address these identified knowledge gaps. This project, undertaken by the Justice Research and Statistics Association and the National Crime Victim Law Institute, is guided by three research questions:

1. How is effectiveness for a legal services program for victims of crime defined?
2. How should these outcomes be operationalized to measure the effectiveness of a legal services program focused on victims’ rights enforcement? What are the pre-requisites for achieving these outcomes and their key measurable components?

3. What systems and data collection mechanisms must be in place to conduct an evaluation of the effectiveness of a legal services program focused on victims’ rights enforcement?

The research team collaborated with a group of victim legal service professionals and survivors to define a conceptual framework that delineates the types of services provided by legal service agencies, the desired short-term program outcomes and long-term objectives\(^1\), as well as a theory of change for why the services provided are expected to lead to the desired outcomes. This represents Stage 1 of this formative research. In Stage 2, the project team will use the model created to guide the conduct of evaluability assessments, development of pilot evaluation designs, fidelity measurement, and a pilot test of these evaluation design plans for three victims’ rights enforcement programs.

**Why a Conceptual Model of Victim Legal Services?**

The goal of this formulative work is to develop a conceptual model and theory of change for what constitutes “success” in the delivery of legal services to crime victims. A conceptual framework outlines how an outcome is achieved (Sullivan, 2016), and a theory of change establishes “the underlying beliefs and assumptions that guide the development and implementation of a strategy” (Hernandez & Hodges, 2006, p. 166). Importantly, the development of a conceptual framework of best practices for victim legal services can help practitioners to design and deliver more effective programs, and establish measurable guidelines to assess how well they help victims to access justice, exercise rights, and regain lost resources, as well as minimize additional trauma and revictimization, and improve victims’ wellbeing.

Rather than the traditional logic model format, which would be developed specific to a given program, the conceptual framework presented in this report is modeled on Sullivan’s (2018) conceptual model for domestic violence services. Program-specific logic models specify inputs (e.g. human and financial resources) and outputs such as counts of services delivered or activities conducted, but Sullivan’s model takes a more theoretical approach to specify general program activities, program outcomes, and long-term objectives or impacts. This approach is useful not only for guiding practice, but also generating new lines of inquiry for research and evaluation. Importantly, creating such a framework for victim legal services will lay the groundwork for establishing standards for services, best practices, and rigorous evaluation of these programs.

The framework presented in this report was developed from a collaborative and iterative process. It is intended to apply to all types of victim legal services, mostly for adults, although its applicability to victims’ rights enforcement programs is of particular interest. In recognizing that

---

\(^1\) Long-term objectives are the desired impacts of the work. This structure mirrors Cris Sullivan’s conceptual model for domestic violence services (Sullivan 2016; 2018) and is explained in greater detail as this report progresses.
Victims have diverse legal needs related to their victimization, and that service providers with a variety of specializations may play a role in providing legal assistance, the model is flexible enough to allow agencies that provide different suites of services the advantage of being able to utilize certain parts of the model that apply to their individual program for their program and evaluation designs, while retaining its overall logic.

It is important to note that no single agency is expected to provide all services described in the model, nor should they be held accountable for achieving outcomes that fall outside of their purview. In addition, the model is also generalized in its assignment of activities to different areas of legal services. For example, most jurisdictions address expungement of records through civil court, but in some jurisdictions, this activity occurs in criminal court. Agencies can, therefore, adapt the model to fit their particular situations.

Victim legal service providers have varying definitions of what success looks like for their agency, but little work has been done to operationalize these outcomes, identify appropriate data sources, and develop models to measure how well outcomes are achieved. The Justice Research and Statistics Association (JRSA) and the National Crime Victim Law Institute (NCVLI) worked together with a group of legal service providers and survivors to create a rigorous theory of change for victim legal services, including rights enforcement. Participants provided information for the conceptual model via an interview, survey, and roundtable discussion. Information obtained from the data collections and a literature review were used to develop the model. Legal and victim service providers and crime survivors on the advisory committee reviewed and provided comment throughout the model development. JRSA and NCVLI focused on the following specific questions with the advisory committee while developing the conceptual model:

- What does “success” in victim legal service programming mean, and what essential elements or characteristics define it?
- What client outcomes capture this success?
- What case outcomes capture this success?
- How is service delivery and organization designed to achieve these outcomes?

The subsequent conceptual model, discussed in detail below, can be used to design and conduct rigorous evaluations of victim legal services programs, as well as to design or revamp the delivery of such services once it has been field-tested, which will occur during the second stage of this project.

The rest of this report proceeds as follows. Part II contains a detailed review of the literature and background of victims’ rights in the United States. In Part III, the overall conceptual model is presented, followed by the research methods employed, the detailed expositions of each section, and how the interview, survey, roundtable discussion, literature, and advisory committee follow up contributed to its final form. This is followed by a refinement of the theory of change that has been woven throughout the model presentation. This report concludes, in Part IV, with implications for the appropriate uses of the model developed and future research directions.
II. Literature Review and Background

This literature review begins with the evolution of victims’ rights and victim legal services in the United States. This is followed by descriptions of the variety of victims’ legal needs and how legal service providers help to address them. The theoretical basis underlying legal service provision is then discussed, before delving into specific legal concerns and how the system presently addresses them. Following the literature review, the proposed conceptual model and theory of change are presented, supported by the literature, as well as the expert input collected via the interview, survey, and roundtable discussion described later.

Development of Victims’ Rights and Remedies

Victims’ recognized advocacy needs, formally established legal rights, and procedures to address both have been gradually recognized and incorporated into U.S. criminal law in the last forty years (Young & Stein, 2004). While interest in victims’ rights gained attention in the 1960s, alongside the civil and women’s rights movements (Young & Stein, 2004), the first statutory bill of rights for victims was passed nearly two decades later in 1980, in a bill which also provided funding for victim assistance programs (Office for Victims of Crime, 2019). Since then, victim service providers, including attorneys, social workers, advocates, and members of special interest groups, have led the development of victims’ rights legislation at the federal and state levels to promote victim recovery and their participation in the criminal justice process (Cassell, 2007). These laws vary by state and have application across legal systems and social services.

While victims’ advocates have worked to promote an increased role for victims through a variety of methods, the achievement of broadscale change is often credited to President Reagan’s Presidential Task Force on Victims of Crime in 1982 (Cassell, 2007; Davis et al., 2012; Davis & Mulford, 2008), which found that the criminal justice system was unfairly balanced in protecting defendants’ rights at the expense of victims’ rights (Cassell, 2007; Davis & Mulford, 2008). The task force made a total of 68 recommendations for establishing and enforcing victims’ rights, and for providing supportive services and victim compensation.

Furthermore, while several pieces of federal legislation have added to the body of national victims’ rights law, three specific acts initiated widescale change within the federal criminal justice system. The first was the Federal Victim and Witness Protection Act of 1982

---

2 For the purpose of this report, “victim service providers” refers to anyone working to assist victims, including social workers, healthcare providers, and special interest groups. “Legal service providers” is a subcategory of victim service provider that refers to attorneys, including victims’ rights attorneys, civil attorneys, and specialty attorneys, such as those working in family and immigration law, or otherwise representing the interests of victims in the criminal or civil legal systems. “Legal service providers” may also include advocates that provide accompaniment and other support services if these services are provided under the umbrella of an attorney-client relationship (i.e. the advocate works for and under the direction of an attorney on the case). Legal service providers may work with various types of victim service provider partners to assist victims with the legal process through services such as accompaniment, medical examinations and evidence, referrals, or through broader legislative advocacy.
WHAT CONSTITUTES SUCCESS? EVALUATING LEGAL SERVICES FOR VICTIMS OF CRIME: CONCEPTUAL MODEL INTERIM REPORT

(Public Law No: 97-291, 96 Stat. 1249). This act required victim impact information to be included in presentence reports, and directed the Attorney General to create federal guidelines for the fair treatment of victims and witnesses, to include notifying victims of proceedings and obtaining victims’ input in plea bargains and pretrial release decisions (Goldstein, 1984; Kolibash, 1984). It also created the criminal offenses of tampering with a witness and retaliating against a witness (Goldstein, 1984), and authorized the Attorney General to bring civil proceedings to restrain harassment of a victim or witness (Kolibash, 1984). The act further authorized courts to order defendants to pay restitution to victims for any financial harm caused by an offense, and if the courts do not order restitution, they are required to state the reason.

Second, as part of the Crime Control Act, Congress also passed the Victim Rights and Restitution Act of 1990 (Pub. L. No. 101-647, Title V, §§502-503, 104 Stat. 4820; Cassell, 2007). This bill of rights for victims requires federal officials to use their ‘best efforts’ to ensure that victims of federal crimes receive basic rights and services (Aaronson, 2007; Cassell, 2005). These include rights to: be treated with fairness and respect for the victim’s dignity and privacy; be reasonably protected from the accused; be notified of court proceedings; be present at public court proceedings unless the court determines otherwise; confer with the prosecutor; receive restitution; and receive information about the offender’s conviction, sentence, imprisonment, and release (Cassell, 2007, 2017).

The third landmark legislation was the Crime Victims’ Rights Act (CVRA), which was passed by Congress as part of the Justice for All Act of 2004 (Public Law 108-405, 118 Stat. 2260). This law strengthened the rights of federal crime victims and created enforcement mechanisms to remedy violations of rights, permitting victims to seek a writ of mandamus (i.e. order from a court to a lower-level government official) to remedy rights violations (Cassell, 2005, 2009). It also required federal prosecutors to notify victims that they could seek advice from an attorney regarding their legal rights (Aaronson, 2007; Cassell, 2005). Amendments to these laws, further additions, and regular updates of the Attorney General Guidelines for Victim and Witness Assistance, together have resulted in a system of rights and remedies for victims of federal crimes (Cassell, 2005).

During this same period, a similar evolution was underway in the states and the District of Columbia, with one important difference: along with statutory rights, more than 35 states amended their constitutions to include rights for victims of crime (Cassell, 2017). Tribes, too, have begun to amend their criminal codes to include rights for victims (Hallin, 2008) and strengthen the power of tribal authorities to prosecute crimes committed on tribal land (Griffith, 2014). The fiscal year 2014 National Defense Authorization Act (NDAA) also incorporated CVRA and other rights into the Uniform Code of Military Justice (Thompson, 2014).

The specific contents of victims’ rights vary across the different legal systems, in terms of which victims are entitled to rights (e.g. victims of felony or misdemeanor offenses), the strength of those rights, the proceedings that are encompassed (e.g. adult or juvenile), the officials who bear responsibility for implementation of victims’ rights, and avenues for recourse if the rights are violated (Aaronson, 2007; Tobolowsky, 1999). In some cases, victims are automatically granted rights, whereas some rights are only granted to victims by request (e.g.
ongoing custody information post-conviction). The application of victims’ rights in cases involving juveniles also varies, with some states limiting them to cases involving older juveniles or juveniles who are tried as adults, and certain felony offenses (Henning, 2009). The definitions of several common rights across most jurisdictions, however, follow below.

**Right to information and notification**

Being notified of proceedings can help victims to prepare as their case progresses through the system (Young, 1987). It can also increase a victim’s feelings of safety to know the status of the accused or convicted defendant (Davis & Mulford, 2008). Together, these outcomes of notification may have a significant impact on victims’ overall satisfaction with the legal process (Carr, Logio, & Maier, 2003).

Victims have a right to information about steps in the criminal justice process, available services, and who to contact for more information. They also typically have the right to be informed of their rights and precisely what those rights are (Tobolowsky, 1999). Victims also have the right to be notified of case proceedings and certain events (Aaronson, 2007; Cassell, 2017; Davis & Mulford, 2008)from arrest to bail and parole hearings, and post-conviction release(Aaronson, 2007; Kyl, Twist, & Higgins, 2005; Shephard, 2014).

The exact agency responsible for rights enforcement representation differs across jurisdictions (Globokar, Erez, & Gregory, 2016; Tobolowsky, 1999). For example, victims’ rights advocacy may be carried out by advocates within law enforcement or the prosecutor’s office, or by an outside advocacy group or other nonprofit agency (Tobolowsky, 1999). Nevertheless, qualified victim attorneys will be knowledgeable about victims’ rights and requests. They can also advocate on behalf of the victim formally, in the court setting, or informally with individual criminal justice system actors if a victim’s requests for notice or information are not met (Englebrecht, 2011; Epstein, 1999).

**Right to attend proceedings**

The right to be present during the criminal justice process is important to many victims (Englebrecht, 2011). The Final Report of the President’s Task Force on Victims of Crime also recognized that “the crime is often one of the most significant events in the lives of victims and their families” and that “they, no less than the defendant, have a legitimate interest in the fair adjudication of the case, and should therefore be permitted to be present for the entire trial” (Laufer, 2017, p. 80). Similarly, the federal Crime Victims’ Rights Act of 2004, (18 U.S.C. §3771(b)) states that, before excluding a victim, “the court shall make every effort to permit the fullest attendance possible by the victim and shall consider reasonable alternatives to the exclusion of the victim from the criminal proceeding” (United States Department of Justice, 2016).

Over 40 state constitutions or statutes and federal law now grant victims the right to be present at trial (Beloof & Cassell, 2005), and many give victims the explicit right to be present at any public proceedings related to the case. In cases where in-person presence is not possible (e.g. victim’s dual status as a witness) or would increase victim trauma, legal representatives can seek alternative participation options such as closed-circuit television or live video feed (Beloof &
Cassell, 2005; Englebrecht, 2011). Victim attorneys can also promote compliance with the victim’s right to be present, for example, by arguing for alternative dates for hearings or alternative means of presence.

**Right to confer with the prosecutor**

Another common victim right is the right to confer with the prosecutor (e.g., 18 U.S.C. §3771(a)(5)). The quality of victims’ interactions with prosecutors has been found to be an important determinant of victims’ overall views of the criminal justice system (Carr et al., 2003). However, because the prosecutor represents the government and not the victim, prosecutors may not always confer with victims about their case, especially if they are not needed as a witness. Yet victims may have important information to share regarding the defendant or the court, or may want an opportunity to consult with the prosecutor (Boateng & Abess, 2017; Pugach & Tamir, 2017).

Prosecutors are often required to consult with the victim prior to amending or dismissing a charge, or agreeing to a negotiated plea or pretrial diversion, although the exact requirements differ by jurisdiction. The prosecutor does not have to accede to the victim’s wishes and is not obligated to act in the best interest of the victim (Pokorak, 2007) but he/she does have to make the victim aware of the status of the case. An opportunity to confer with the prosecutor can help victims understand the weight of the evidence which in turn, helps them to determine whether to oppose the dismissal of a charge or acceptance of a plea agreement. They may also have the opportunity to discuss whether a reduction of a charge limits their status as a victim, affects their right to restitution, or has implications for their ability to seek various forms of relief. An attorney can help a victim think through what he or she would like to say to the prosecutor, and ensure the victim understands the benefits and limits of the right to confer.

**Right to be heard**

Victims have an interest in being heard by the court. The Task Force noted that, “Victims, no less than defendants, are entitled to have their views considered. A judge cannot evaluate the seriousness of the defendant’s conduct without knowing how the crime has burdened the victim… [or] the danger posed by the defendant without hearing from the person he has victimized,” (Laufer, 2017, p. 76).

Under state and federal law, victims typically have a right to be heard during the criminal justice process (Englebrecht, 2011), such as at the defendant’s plea or pretrial release hearings (National Center for Victims of Crime, 2008). They also commonly have the right to make a victim impact statement (VIS) at sentencing and parole hearings (Giannini, 2007). The statement is addressed to the judge or parole board and details the physical, emotional, and/or monetary harms suffered as a result of their victimization (Butler, 2008; Lens et al., 2015; Walberg-Hegan, 1997). It may also include the victim’s views regarding the defendant, or the desired outcome of proceedings, depending on the wording of the statute or constitutional provision. Victims’ rights attorneys know when the court is required to give victims a voice in the legal proceedings and can ensure that victims are given their right to speak. Attorneys and advocates can also help victims with crafting appropriate and effective statements (Epstein, 1999).
Right to restitution

State studies show that many victims are unaware of their right to restitution or are not awarded restitution by the courts, even in restitution eligible cases. For example, one study found that 37 percent of eligible victims did not receive restitution awards (Ruback, Ruth, & Shaffer, 2005). When ordered, it may not be paid for a number of reasons, such as the indigency of the offender. Another study found that of those awarded restitution, only 25 percent had received any of those funds a year later (Sawa & Allen, 2018).

The right to claim restitution for harms caused by crime has been established in all states and at the federal level, and most courts at both levels are required to order restitution in serious cases, or state the reasons if they fail to order it. Restitution often covers medical and mental health-related costs, lost or damaged property, costs associated with attending trial such as transportation, and other expenses caused directly by the victimization (Office of Justice Programs, n.d.-a). A representative of the victim can be awarded restitution on behalf of the victim in cases where the victim is a minor, incapacitated, or deceased (U.S. Sentencing Commission, 2019).

States differ on restitution laws and can limit which victims are eligible for restitution, and whether restitution will be full or partial. Some states only provide restitution in felony cases, and other states only offer restitution to victims of violent crimes. Victims must provide information about their out-of-pocket or future losses, which may be part of their victim impact statement, or a separate request for restitution (Shephard, 2014). Once ordered, restitution is part of the sentence and may be enforced through conditions of probation or parole (Haynes, Cares, & Ruback, 2015; U.S. Sentencing Commission, 2019), paid out of prison wages, or collected through other mechanisms (Deaver, 2010).

While offenders owe restitution, victims are often allowed access to information on the offender’s financial situation and to be notified if the offender’s economic situation changes (U.S. Sentencing Commission, 2019). In some jurisdictions, restitution orders may be collectible by the victim in the same manner as a civil judgment, either immediately after being ordered, or after the order is converted to a civil judgment when restitution remains unpaid at the time of a defendant’s final release from custody and/or supervision (National Center for Victims of Crime, 2004).

Victims’ attorneys know state specific statutes on restitution, can identify all losses, including those that are “unusual or uncommon,” and know the relevant case law and common practices for their jurisdiction (National Crime Victim Law Institute, 2011b). After sentencing and restitution imposition, attorneys can follow up with the court and work with the court or other supervising authority to ensure that restitution requirements are abided by. Attorneys may also be able to identify costs related to victimization that a victim is unaware of and be able to follow-up with the courts post-sentencing to ensure that victims are able to recover as much of their losses as possible.
Right to proceedings free from unreasonable delay

The criminal justice process often moves slowly, with repeated continuances, which prevents victims from being able to move forward and increases the strain on them (Aaronson, 2007; Ricke, 2013). Therefore, many states and the federal law give victims a right to a speedy trial or to “proceedings free from unreasonable delay” (see 18 U.S.C. §3771 (a)(7)).

The right to proceedings free from unreasonable delay may apply to victims generally, or to specific victims, such as children or elders (Ricke, 2013). Vulnerable victims such as children or elders may have the right to have their cases be given priority on the court docket. For other victims, the law may state that, in ruling on a continuance requested by a party, the court must also consider the impact of the delay on the victim. The victim’s right to and interest in speedy proceedings can conflict with the scheduling interests of the attorneys and the court. The victim’s attorney can inform victims of what can realistically be expected in terms of the length of time it takes for a case to make its way through the criminal justice system and what delays are reasonable, and can raise objections or file motions on the victim’s behalf if the defense or prosecution attempts to delay the trial with motions for continuance.

Right to fairness, dignity, and respect

Under federal law and the laws of most states, victims have the right to be treated with fairness, dignity, and respect (or some variation of this wording) by actors in the criminal justice system (National Crime Victim Law Institute, 2011a). At the 108th Congress in October of 2004, Senator Jon Kyl noted the importance of this right when the Crime Victims’ Rights Act was on the Senate floor:

The broad rights articulated in this section are meant to be rights themselves and are not intended to just be aspirational. One of these rights is the right to be treated with fairness. Of course, fairness includes the notion of due process. Too often victims of crime experience a secondary victimization at the hands of the criminal justice system. This provision is intended to direct government agencies and employees, whether they are in executive or judicial branches, to treat victims of crime with the respect they deserve and to afford them due process. (National Crime Victim Law Institute, 2011a)

The process of interacting with the legal system comes with high potential for revictimization, which can be as traumatizing to the victim as the initial event itself. Being acknowledged as a person with dignity, as more than just a tool or witness for the prosecution can be beneficial for victims. This requires that people be treated with respect for their inherent value and worth, that they not be demeaned, and that their physical integrity is respected and supported (Grant, 2007). Victimization is a violation of that dignity.

The criminal justice system sometimes fails to treat victims with dignity. Yet dignity was frequently cited by members of the Roberts court in decisions and is viewed as an important component of U.S. constitutional law (Henry, 2011). Similarly, the right to dignity has been used to advance the victims’ rights movement (Giannini, 2016). Thus, attorneys can advocate for respectful treatment of victims and ensure fair treatment for both the victim and the defendant.
Right to privacy

In addition to dignity, some states grant victims the right to privacy (United States Department of Justice, 2009). While this is not universal, privacy is considered a fundamental component of human dignity (Floridi, 2016). Nevertheless, the terms “privacy” and “dignity” are nebulous and open to interpretation, so it can be challenging to seek enforcement of these rights in court (Giannini, 2016). Attorneys work to provide definitions to court actors and others for how these terms apply to victims of crime during the legal process, and protect victims’ personal records from being obtained by the defense counsel, such as school records, counseling records, and medical records.

Victims’ rights attorneys can advocate for preserving victims’ privacy by arguing that victims “have federal and state constitutional and often statutory rights protecting their interests in nondisclosure; and that immaterial, sweeping, or harassing ‘discovery’ requests are outside the scope of intended pretrial practice” (National Crime Victim Law Institute, 2014b). Some states have also extended the right to confidentiality to cover counselor-patient relationships in addition to psychiatrist-patient relationships, preventing counselors from being forced to testify in court (Office of Justice Programs, n.d.-a).

One form of revictimization caused by the legal process is unwanted publicity. Being publicly identified means that victims can be researched and publicly judged, for example, on the internet and other public forums. But, while the right to privacy is becoming increasingly important with technological advances, the issue for victims has always been important. Dating back to the 1960s, the Kaufman report prepared by the Federal Judicial Conference suggested limiting the use of sketch artists in “widely publicized and sensational cases” (Burnell, 1975, p. 27). Utah has also limited the use of sketch artists in high profile cases since 1969 (Burnell, 1975). Victims’ rights attorneys can protect the privacy of victims by asking the court to use pseudonyms or prevent the release of 911 audio or body-worn camera video (National Crime Victim Law Institute, 2014a).

Attorney Role in Promoting Victims’ Rights in Criminal Proceedings

Legal counsel for victims serves several functions. Victims are often unfamiliar with the criminal or juvenile justice process. They may not fully understand their rights, including how and when to exercise them. They may have difficulty completing forms to request rights or restitution. A violation of victims’ rights early in the legal process can lead to further violations. For example, if prosecutors do not consult the victim before agreeing not to prosecute the case, the victim never gets the chance to exercise his or her right to be present and heard (Cassell, Mitchell, & Edwards, 2014). Attorneys can help explain legal rights to victims and facilitate the victim’s ability to exercise those rights.

Without representation, victims’ rights may be violated. Judges may fail to follow victims’ rights to be notified, present, heard, and to receive an order of restitution. Even where a victim has a clear right to restitution, for example, a judge may be reluctant to order it, assuming that the defendant will not have the ability to pay or believing payment for harms is best left to civil court (Peters, 2018). Similarly, prosecutors may be reluctant to argue strenuously for the
rights of a victim in one case when they know that they will have to regularly appear before the same judge. They may not oppose a motion for continuance that is convenient for the lawyers and court, despite the victim’s right to proceedings free from unreasonable delay. They may not press for a restitution order when the judge is reluctant to issue it. When a victim has separate legal representation, the victim’s attorney can argue for compliance with the victims’ rights and seek a remedy if those rights are violated.

Attorneys may also represent the victim by seeking an interpretation of obligations under victims’ rights laws. A recent example in Arizona, in the case of State v. Patel, the victim of a criminal car crash challenged a statutory cap on restitution of $10,000 in cases of car crashes, arguing that the cap conflicted with the victim’s constitutional right to restitution. The victim’s attorney argued that the cap was unconstitutional, and that argument was echoed in an amicus brief filed by the Arizona Crime Victim Rights Law Group and National Crime Victim Law Institute. The Arizona Court of Appeals agreed and voided the law creating the cap.\(^3\) When victims’ rights have been violated, attorneys can also seek a remedy through actions such as seeking a writ of mandamus\(^4\) or, in some jurisdictions, filing an appeal.

The lack of precedent over newly emerging issues in victims’ rights is a challenge for attorneys. Legal representation of victims to assert their rights in criminal proceedings is smoother if the law explicitly provides victims legal standing to assert their rights so that attorneys need not spend time litigating standing but can instead litigate the merits of an issue. Standing can be implied by rights, such as the victim’s right to safety and the right to equal protection (Park, 2015), or can be explicit in the constitutional or statutory rights of victims.

**Attorney Role in Civil Legal Systems**

Victims who participate in the civil justice system as plaintiffs have the same rights as other civil parties. Other aspects of the civil court setting have seen an evolution in the recognition of victim interests and the adoption of rights and procedures.

**Civil tort actions**

A civil case enables a victim to hold third parties accountable for an offender’s actions. For example, if a school shows deliberate indifference to sexual harassment, they can be held liable for violating the Title IX requirements to which their campus proceedings must adhere (Bublick & Mindlin, 2009). This was established by Davis v. Monroe County Board of Education (1999), where the U.S. Supreme Court ruled that students could sue their schools if they were sexually assaulted by another student (Rollini, 2002). This type of case law can motivate schools to put prevention and education measures in place to avoid potential liability (Bolan, 2018).

---


\(^4\) A writ of mandamus orders a government official to fulfill their official duties or to correct an abuse ([https://www.law.cornell.edu/wex/mandamus](https://www.law.cornell.edu/wex/mandamus)).
Holding third parties accountable can lead to preventative measures to reduce victimization (Sharkey, 2018). Shopping malls, for example, can be held liable for negligence for crimes that occur on their grounds if they provide insufficient security, staff, or safety measures. This has led to shopping malls employing additional personnel to avoid potential lawsuits (Twerski & Shane, 2018). By pursuing civil cases against third parties, victims’ attorneys can advance broader, systemic change and awareness.

To further illustrate, civil suits may create a safer society by holding entities such as businesses accountable for unsafe products (Rubin, 2011), unsafe environments, and negligent practices. From an economic perspective, the offender has caused the victim to incur costs and the offender should have to repay these costs. This aligns with the goal of victim restoration that victim legal service providers seek to achieve today. Through the civil legal system, victims have the opportunity to use the civil justice process to obtain accountability and financial redress from the crimes they have suffered, typically through tort actions for damages (Karmen, 2012).

Restitution ordered by criminal courts often does not cover all of the costs that a victim incurs as a result of victimization. Furthermore, restitution generally does not cover pain and suffering costs, and awards made can be affected by the defendant’s ability to pay (Office of Justice Programs, n.d.-a). Civil courts can award compensatory damages (Bjorklund, 2016; Swedloff, 2012); these can cover pain and suffering as well as punitive damages not covered by restitution orders (Bjorklund, 2016; Ruback, Knoth, Gladfelter, & Lantz, 2018).

The civil justice process offers different remedies and participation than available in the criminal justice system. First, if a victim initiates a civil action, they have more control over how a civil case is conducted than in the criminal justice system (although a counter- or cross-claim mitigates this control), and more control over what information they must turn over compared to a criminal case (Bublick & Mindlin, 2009). The victim, not the state, brings the claims. Unlike in criminal cases, the defendant can be forced to testify (Suber, 2003). Secondly, the burden of proof is lower: to prevail, the plaintiff must make their case by a preponderance of the evidence, rather than the criminal standard of proof beyond a reasonable doubt (Bjorklund, 2016). Civil cases may be pursued instead of, or along with, a criminal case (Golding, Lynch, & Wasarhaley, 2016), or if criminal charges are unsuccessful (Bublick & Mindlin, 2009). Victims may also obtain more information about the circumstances surrounding the crime through discovery procedures permitted in civil actions, such as requesting documents or deposing witnesses. Additionally, the victim has the option of appealing the verdict (Suber, 2003).

Victims may be unaware of their option to pursue restitution in civil court, or they may believe that they are limited to criminal restitution judgements. Civil attorneys who are familiar with tort laws can advise victims on what civil damages they may be able to recover. Victims also need representation when civil cases go to trial and through subsequent appeals. This requires a level of knowledge of the law that average people do not possess, which makes attorneys essential to success. Victims and attorneys may pursue civil actions not only to recover damages, but to promote broader change on the part of third-party actors and, potentially, prevent the future victimization of others.
Protective order proceedings

Protective orders are a legal tool to protect victims from further violence and harassment (Benitez, McNiell, & Binder, 2010). Petitioning for a civil protective order is an option for victims who want protection, in addition to a criminal protective order. It is also useful for victims whose victimization may not be recognized under any criminal statute, or who do not want to use the criminal justice system but still want an official intervention to protect them from harm.

Protective order legislation first appeared in the 1970s, and by 1994, all 50 states and the District of Columbia had some legislation on the issuance of protective orders (Ko, 2001). Today, all states have created civil protective order laws for domestic violence (American Bar Association, 2016), a majority have protective orders for sexual assault victims (American Bar Association, 2015), most have protective order provisions that apply to various forms of elder abuse (American Bar Association, State, 2014), and at least half have protective order provisions for stalking (National Center for Victims of Crime, 2016). The orders are issued in civil court and violations of such orders are generally a criminal offense.

As with most legal processes, filing for a protective order may not be intuitive. Victims are often unable to successfully obtain protective orders without representation. Some victims (e.g. those in rural areas or less educated) may be unaware of elements, such as needing to return to court for a permanent order to be enacted (Logan, Shannon, & Walker, 2005). Lawyers not only provide expertise on how to best write a request, but can anticipate and prepare for many of the issues victims frequently encounter that victims may not be able to fully prepare for on their own (Durfee, 2009).

In addition, protective order requests must contain certain elements to prove that the threat experienced by the victim justifies the order. A narrative statement is required for most protective order requests, which are written by the victim explaining why the order is needed. What needs to be included in a narrative and what a victim thinks is important to include may differ and can lead to an order not being granted (Durfee, 2015). For example, in Kentucky the most common reason for the denial of a protective order is evidentiary or statutory issues (Logan et al., 2005).

Stalking victims have additional challenges when seeking protective orders because they generally have to prove that they are in imminent, physical danger, and that they actually fear this danger. Due to the ongoing nature of the crime and the fact that some stalking behaviors, such as sending gifts or showing up unexpectedly, when seen in isolation, may appear benign and acceptable (Logan & Walker, 2017; Owens, 2016), a stalking victim may not be able to show their need for protection without legal assistance. Almost all legal definitions of stalking require the victim to experience fear, but additional elements differ (Logan & Walker, 2017; Owens, 2016). Trained victim attorneys are well-versed on the laws on stalking and how to demonstrate that the victim needs, and is entitled to, protection.

An attorney is important when a case is being filed on behalf of an older or incapacitated adult who cannot prepare a petition for a protective order for themselves (Abramson, Mansfield,
What Constitutes Success? Evaluating Legal Services for Victims of Crime: Conceptual Model Interim Report

& Raymond, 2010). Judges make decisions about whether to grant orders of protection based on the anticipated risk to the petitioner and threat posed by the defendant, however, they must make their decisions based on the information that they are given (Agnew-Brune, Moracco, Person, & Bowling, 2015). This danger is not always apparent in cases of elder financial exploitation. Attorneys are able to show why elder financial abuse poses an immediate threat, whereas a person without specialized knowledge might not be able to do this effectively (Abramson et al., 2010).

Similarly, attorneys provide specialized knowledge in cases where child victims are involved. Protective orders for children can contain restrictions that are broader than those against offenders who victimized an adult. They can add prohibitions on forms of indirect contact with the child, such as communication over social media. In cases of child pornography, they can also prohibit all internet use, use of friends or families to relay messages to the child, and association with those promoting negative behaviors (National Crime Victim Law Institute, 2012). Other cases with complex legal issues, such as involving multiple jurisdictions, require a specialized knowledge of the law (National Crime Victim Law Institute, 2018).

The presence of an attorney becomes acute when protective orders are challenged. In Florida, for example, pro se victims are often able to obtain an order of protection. However, if the order is challenged, victims must file papers and respond to a legal brief to prevent the order from being reversed on appeal. This is especially likely if the offender retains an attorney to fight the order (Shield Waksler, 2019). An attorney can prevent a protective order from being denied because of a technicality, such as the victim not submitting the proper documentation or information (Durfee, 2009). When legal issues become increasingly complex, resulting in victims having to respond to challenges and additional issues, specialized legal knowledge becomes vital to the success of the case (Abramson et al., 2010; National Crime Victim Law Institute, 2018; Shield Waksler, 2019). Victim attorneys can ensure that victims’ rights to protection are not limited by their lack of knowledge of the legal process.

Family court proceedings

Victims of domestic violence, and nonoffending parents of child abuse victims, often turn to family court for issues related to divorce and child custody. In 1970, the Uniform Marriage and Divorce Act established that the courts should determine custody based on the best interest of the child (Baker, Asayan, & LaCheen-Baker, 2016). In 1994, the National Council of Juvenile and Family Court Judges released a Model Code on Domestic and Family Violence, which argued that being with a parent who commits domestic violence is not in the best interest of the child (Kernic, Monary-Ernsdorff, Koepsell, & Holt, 2005).

Today, most states have adopted laws in line with the above stated model code. However, barriers remain for domestic violence victims seeking child custody. Male victims, for example, report being afraid to leave their partners because they believe that they will not get custody of their children (Tsui, 2014). To this end, domestic violence is still seen as a women’s issue by many, and some behaviors are still seen as abusive when committed by a male, but not by a female (Dutton, 2015). In general, victims may be concerned about being charged with “failure to protect” their children from the abuser. “Failure to protect” laws were developed based on the
belief that it is the parent’s responsibility to protect their children from abuse (King, 2018). “Failure to protect” charges can result in the victim losing custody of their children on top of the abuse they have already suffered (Ballou, 2017; Fugate, 2001).

Custody proceedings can also be subject to “litigation abuse” (Campbell, 2017, p. 53), which refers to the manipulation of family court and custody proceedings to continue patterns of abuse and control (Przekop, 2011). Victims may, therefore, need legal assistance to prove that they are fit parents and to counter charges of failing to protect the child, or to guard against misuse of custody proceedings as a form of harassment and abuse.

Restitution collection

As discussed above, even when restitution is ordered as part of a criminal case, it is not always collected during criminal proceedings (Ruback, Cares, & Haynes, 2008). Most states permit restitution orders to be enforced in the same manner as a civil judgment, through such means as garnishing wages and seizing assets. Attorneys who are experienced with civil recovery can provide valuable assistance to victims in recovering restitution and other resources owed to them. This role is discussed in more detail below under ‘Civil Tort.’

Credit repair, identity theft, and fraud remediation

Identity theft occurs when a person obtains and uses another person’s personal information without permission (Holtfreter & Holtfreter, 2006). Identity theft can be financial, where an offender uses a victim’s identity to open credit cards or take out loans, for example. Criminal identity theft occurs when a person commits illegal activities using someone else’s name (Shoudt, 2002). Medical identity theft occurs when a person uses another person’s insurance or information to obtain healthcare (Sharma & Baweja, 2017). Identity theft can be part of a larger fraud or committed within the context of other ongoing crime such as domestic violence (Littwin, 2012; Postmus, 2010) and stalking (Bustamante, 2017). Children are commonly targeted victims of identity theft because of their clean credit histories (Betz, 2012). It is also common in cases of elder financial exploitation. This issue becomes especially complicated when an incapacitated adult is involved (Gibson & Qualls, 2012). While identity theft and fraud may lead to criminal charges and proceed in criminal court and/or tort action, the unique nature of these crimes also presents other legal challenges.

Financial identity theft is covered under several federal laws: the Fair Credit Reporting Act, the Fair and Accurate Credit Transactions Act, and the Fair Debt Collection Practices Act. Under these laws, victims of financial identity theft have a number of rights relating to notification and the ability to protect or restore their credit (Federal Trade Commission, n.d.). States may also have mechanisms to assist victims of financial identity theft. While effort has been made to streamline procedures, credit is not easily restored (Wu, 2010). The Federal Trade Commission’s most recent survey found that while 42 percent of victims resolved their issues in under three days, 10 percent of victims spent at least 130 working days to restore their credit and some cases took over a year to resolve (Ricks & Irvin-Erickson, 2019).

Victims of criminal identity theft, medical identity theft, taxpayer identity theft, or other special forms of identity theft may have specific procedural recourse. Victims of criminal
identity theft may not be aware that their identities have been stolen until a warrant is issued for their arrest because of the crimes the identity thief has committed. They can end up arrested and in jail (Wang, Chen, & Atabakhsh, 2004), possibly requiring legal services to defend them. Such victims may need a court order to prove that they are victims and not offenders (Perl, 2003). Victims who find out that there are criminal charges against them due to identity theft are required to report to the court where the crime occurred and may need legal counsel to repair their criminal history records, including seeking vacaturs for crimes committed by the offender in their name (Smyth Jr., 2009).

Specialized legal assistance can help victims clear their name or their credit and repair other aspects of their legal identity. Due to the many and complex factors involved in fraud cases, specialized knowledge and a continued knowledge of changing laws and statutes is needed for a timely and effective case resolution (Office for Victims of Crime, 2010).

**Housing law**

The 2005 and 2013 reauthorizations of the Violence Against Women Reauthorization Act significantly expanded housing protections for victims of domestic violence, dating violence, sexual assault, and stalking (Bowen, 2018). These protections applied to public housing authorities, landlords accepting Section 8 housing funds, and others offering federally subsidized housing. They prohibited discrimination in leasing and eviction of victims in certain circumstances, and permitted victims to break leases under certain conditions or obtain a confidential transfer of housing (Marty-Nelson, 2013; Saber, 2018).

Many states also created similar laws prohibiting discrimination against victims or offering protections (Saber, 2018). Protections are also extended to the parents of child victims in many states (Legal Momentum, 2013). A recent compilation of state housing laws relating to domestic violence victims found that in 2017:

- 24 states and localities have eviction defense laws for survivors;
- 27 states have early lease termination laws for survivors;
- 7 states allow for lease bifurcation (splitting the lease between the abuser and survivors); and
- 15 states have laws protecting survivor-tenants’ right to call police, law enforcement, or for emergency assistance (National Housing Law Project, 2017).

While state housing laws most commonly apply to victims of domestic violence, stalking, dating violence, or sexual violence, some states extend them to victims of other crimes. In California, laws apply to victims of abuse who are elderly or vulnerable adults (Bent, 2019) and to all victims of family violence in Indiana and Washington DC. Laws cover victims of burglary in Utah (Legal Momentum, 2013), and victims of human trafficking in Kansas (Kansas Office of the Governor, 2019) and California (National Housing Law Project, n.d.).

Although states differ in requirements and protections, victims are often required to provide some form of proof of victimization, such as an order of protection, police report, or letter from a social worker certifying that the tenant is a victim (Legal Momentum, 2013;
National Housing Law Project, n.d.). The victim may still be required to pay some fees. In California, for example, the victim must give 14 days’ notice of terminating the lease and pay rent during that time (National Housing Law Project, n.d.).

In addition to protection from discrimination, some states require landlords to provide additional housing safety procedures. If a victim remains in the unit, the landlord is required to change the locks in some states if a victim has a protective order or other documented threat (e.g. Oregon; see Legal Aid Services of Oregon and the Oregon Law Center, 2016), although the victim may be required to pay to have the locks changed (Legal Momentum, 2013). The landlord is usually prevented from disclosing information contained in the protective order or other documentation unless the victim gives permission or is required to give information by the courts (National Housing Law Project, n.d.).

Landlord/tenant laws can be esoteric, and victims cannot be expected to fully understand the protections they have to prevent eviction or permit the breaking of a lease (Johnson, 2006; Saber, 2018; Sullivan, López-Zerón, Bomsta, & Menard, 2019). And yet housing protections can be vital to a victim’s well-being (Marty-Nelson, 2013). Stable housing is a correlate with better physical health (Baxter, Tweed, Katikireddi, & Thomson, 2019) and overall wellbeing (Johnstone, Parsell, Jetten, Dingle, & Walter, 2016). Victim attorneys can help keep victims from losing this crucial resource.

**Attorney Role in Administrative Proceedings**

Along with criminal and civil court, victims may have rights and interests in various administrative settings for which legal counsel can be beneficial.

**Victim compensation**

Crime victim compensation programs reimburse victims of violent crime for certain out-of-pocket expenses. States first began to create victim compensation programs in the 1960s. However, the passage of the Victims of Crime Act of 1984, which created the Crime Victims’ Fund and provided significant funding to state compensation programs, promoted the growth and a degree of standardization of such programs (Livingston & Reback, 2016; Newmark, Bonderman, Smith, & Liner, 2003). While no amount of money can take back the impact of victimization, the financial aspect of crime is relevant to victim outcomes:

Although financial stability and reimbursement for incurred costs or losses do not eliminate all adverse consequences of victimization, they do mitigate problems caused by a lack of material resources and financial strain, which can impair psychological recovery from criminal victimization and prevent a return to previctimization functioning. In fact, this financial peritrauma tends to be a stronger predictor of the development of posttraumatic stress disorder (PTSD) than are features of the victimization itself. (Alvidrez, Shumway, & Boccellari, 2008, pp. 882).

Today, victims of violent crime are entitled to compensation to reimburse them for certain harms resulting from the crime, if they meet certain conditions: typically reporting the crime within a certain timeframe, cooperating in the investigation and prosecution, and filing a
claim. Every state has a victim compensation program, and those programs cover victims of federal crimes as well. Each is governed by a set of statutes and regulations, with authority to make decisions on victim eligibility and payment (Davis & Mulford, 2008; Newmark et al., 2003).

Compensation programs provide reimbursement up to a specific amount for medical care, counseling, lost wages, funeral or burial expenses, and for various other expenses (Haynes et al., 2015). Expenses that qualify for reimbursement by compensation vary by state and are determined by the state laws that govern each state’s compensation program (Livingston & Reback, 2016; Newmark et al., 2003).

The complexity of the claim form, and the supplemental materials required to be provided, also vary (Davis & Mulford, 2008). In addition, all states have procedural requirements for filing claims and to appeal a denial or partial denial of a claim. The assistance of an attorney can be helpful in seeking compensation, particularly when appealing the denial of a claim. Several states recognize this and expressly allow the payment of compensation for legal assistance in appealing a denial of a compensation claim.

Campus proceedings

Various federal laws and regulations, including Title IX of the Education Amendments of 1972, the Campus Security Act of 1990 (also called the Clery Act), the Campus Sexual Assault Victims’ Bill of Rights passed in 1991 (Richards & Kafonek, 2016), and the Campus Sexual Violence Elimination Act of 2013 (Dunn, 2013; Wood, Sulley, Kammer-Kerwick, Follingstad, & Busch-Armendariz, 2017), led to the creation of victims’ rights in campus disciplinary proceedings, rights to confidentiality, and avenues for accommodation and services on campus (Behre, 2017; Reardon, 2004; Wood, Sulley, Kammer-Kerwick, Follingstad, & Busch-Armendariz, 2017). Victims may have rights to accommodations relating to their academic work, living arrangements, and/or scholarships (Reardon, 2004). Attorneys may represent victims in campus disciplinary proceedings, or help them advocate for accommodations, such as transferring classes to limit additional harm (Behre, 2017).

Immigration proceedings

Immigrants have long experienced additional vulnerabilities when they become victims of crime, and these vulnerabilities can also be exploited as part of the victimization committed against them (Wright, 2016). Research indicates that immigrants experience victimization at higher rates than U.S. citizens (Kapur, Zajicek, & Gaber, 2017; Reina & Lohman, 2015). Undocumented status can make immigrants vulnerable to abuse and afraid to report victimization (Alvidrez et al., 2008; Zadnik, Sabina, & Cuevas, 2016). They may also be vulnerable to additional victimization, such as “immigration abuse,” which involves threats to report the

---

5 Campus proceedings are actually quasi-administrative, or sui generis. Black’s Law Dictionary defines sui generis [Latin “of its own kind”] as of its own kind or class; unique or peculiar. The term is used to describe a regime designed to protect rights that fall outside the traditional categories.
victim’s immigration or work status, destroy papers, or otherwise exploit their fear of deportation (Kapur et al., 2017; Reina & Lohman, 2015).

Over time, various immigration-related protections for victims of crime have been created, particularly through the Violence Against Women Act of 1994 and its reauthorizations (Singh, 2014; Warren, 2016) and the Trafficking Victims Protection Act of 2000 and its reauthorization (Crocker, 2017; Gonzalez, 2015; Ryf, 2002). Today, protections include the ability to self-petition for a legal status that allows victims of certain crimes to remain legally in the United States on a temporary or permanent basis if they cooperate with the prosecution of their offenders. Mechanisms can include U visas that can lead to permanent residency for victims of violent crime (Cade & Flanagan, 2017; Warren, 2016), T visas that provide the same protection specifically for victims of human trafficking (Ryf, 2002), “Continued Presence” status that provides temporary immigration relief for trafficking victims who may need to appear as a witness in a criminal case or who have filed a civil case (Davy, 2015), and asylum for victims of persecution.

Although there are legal protections in place for undocumented victims, victim attorneys specializing in immigration law are needed to work with these victims to inform them of their rights and options to remain in the United States and access benefits, to assist them in pursuing these options, or to help them return to a home country if they so choose. For example, attorneys can help with the application process for U and T visas, which also requires proof of experiencing serious harm (Lee, Quinones, Ammar, & Orloff, 2013) and proof of cooperation with the prosecution (Lee et al., 2013; Warren, 2016). All of these would be difficult for a victim to know how to provide on their own, especially if he/she does not speak English or understand the law.

**Vacatur**

Victims may sometimes end up charged with criminal offenses that are related to their victimizations. This is because police are not always able to classify offenders from victims right away, especially in cases of sex trafficking and intimate partner violence. Such victims may have committed offenses out of survival, self-defense or because they were forced to commit them (Barnard, 2014; Crocker, 2017). Differentiating, for example, between a victim of sex trafficking and a person who voluntarily engaged in prostitution can be difficult. Police may arrest or misidentify victims and rely on the courts to determine who should be charged (Villacampa & Torres, 2017).

Vacatur, where legislatively allowed, can help victims clear or expunge past criminal charges (Marsh, Anthony, Emerson, & Mogulescu, 2019). Vacatur or expungement of criminal records can be an important part of victim recovery, as convictions can prevent victims from gaining employment, housing, and/or public benefits needed to survive independently of their abusers or traffickers (Barnard, 2014; Byrne, 2017; Mutter, 2017). Depending on the jurisdiction, these proceedings may be criminal, civil, or administrative. Legal representation can help victims navigate this process successfully, to clear their records and promote their recovery.
The aforementioned legal interventions in the criminal, civil, and administrative systems demonstrate some of the ways that legal service providers can assist victims. The next section presents some theoretical perspectives behind the practice of victim law and how it should lead to positive benefits for survivor recovery.

Theoretical Perspectives

After tracing the history of victims’ rights and related issues, the next step in the literature review was the identification of theories of change that could explain how and why the provision of effective legal representation should produce improved victim outcomes. This section summarizes three possible theoretical explanations for victims’ experiences, their responses to these experiences, and how victim legal services might be enhanced to generate positive recovery outcomes for victims. The three theories or perspectives of focus are: trauma-informed care, conservation of resources, and procedural justice.

Trauma-informed care

Victimization-related trauma can begin as soon as the event occurs. (Kessler, Sonnega, Bromet, Hughes, & Nelson, 1995). The impact of a trauma is determined by how the victim experiences the event (SAMHSA, 2014). For example, two individuals can experience the same trauma but only one develops post-traumatic stress disorder (PTSD). Many factors impact a person’s response to trauma, including past trauma history (Briere, Agee, & Dietrich, 2016).

Trauma informed care (TIC) is a holistic perspective related to the physiological and psychological effects of trauma. The perspective encompasses the effects of victimization and how to respond to individuals experiencing it. Herman (1992) defines traumatic events as those that “overwhelm the ordinary human adaptations to life” and “generally involve threats to life or bodily integrity, or a close personal encounter with violence and death” (p. 33). Others have defined trauma more broadly. For example, the American Psychiatric Association defines trauma as a sudden and forceful event that overwhelms a person’s ability to respond; their definition recognizes that trauma need not involve actual physical harm to the person experiencing it (Horowitz, 1989). In other words, a traumatic event includes perceived threats that overpower one’s ability to cope. To this end, many types of events have been recognized as traumatic, including a life-threatening accident or assault, witnessing someone else being killed or severely injured, and other types of personal assault or victimization. In addition, specific recognition is given to the trauma of childhood abuse or witnessing violence as a child, sexual assault, and domestic violence (Kessler, Sonnega, Bromet, Hughes, & Nelson, 1995; Lee, Brook, Finch, & Brook, 2016; SAMHSA, n.d.).

If trauma is not addressed appropriately and in a timely manner, the effects can last much longer after the initial event than they might have otherwise (Briere et al., 2016; SAMHSA, 2014). Such effects include feelings of loss of control, changing perceptions of how the world works, distortions of memory about what happened, loss of self-efficacy, increased cynicism, loss of purpose, and hopelessness (SAMHSA, 2014). Experiencing prolonged or repeated traumas, especially in childhood and adolescence (referred to as “complex trauma”), can lead to impairment in mental and behavioral functioning (Arnault & Sinko, 2019). Moreover, long-term
mental and physical health problems, substance abuse, and early mortality are ongoing consequences of trauma (Lee et al., 2016). Posttraumatic stress is also a common consequence of trauma and is associated with hypervigilance, sleep disturbances, depression, intrusive thoughts, and disengagement from “life events that provide meaning and fulfillment,” (Benight & Bandura, 2004, p. 1130).

The Substance Abuse and Mental Health Services Administration (SAMHSA, 2014) identifies four key assumptions of trauma informed care: an understanding of trauma and the ways that trauma can affect individuals, families, and communities; recognition of the signs of trauma so that it can be appropriately treated; responding to clients with sensitivity to the trauma that they have experienced; and lastly, that trauma informed care providers resist re-traumatization.

Most victims seeking services have experienced some form of trauma (Browne & Finkelhor, 1986; Elliott, Bjelajac, Fallot, Markoff, & Reed, 2005; Finkelhor, 1986; Kessler et al., 1995; Leitch, 2017; Najavits, Weiss, & Shaw, 1997; Neumann, Houskamp, Pollock, & Briere, 1996; Polusny & Follette, 1995; SAMHSA, 2014). However, service providers have no easy way to distinguish those who have experienced trauma from those who have not. As such, it is recommended that all service providers be trained on the unique needs and challenges of trauma survivors (Strand, Hansen, & Courtney, 2013), using procedures most likely to promote growth and least likely to cause additional distress (Elliott et al., 2005; Leitch, 2017).

However, more empirical research is needed regarding the delivery and effectiveness of services using TIC practices (Hanson & Lang, 2016; Lang, Campbell, Shanley, Crusto, & Connell, 2016). There is also serious concern regarding the lack of available TIC training across disciplines (Palfrey et al., 2019), and the resulting potential risk to victims of additional trauma caused by participating in the legal process without adequate TIC-trained assistance.

Conservation of resources

Closely related to TIC, conservation of resources theory (COR) posits that trauma and victimization can lead to losses of valuable resources for the victim that need to be mitigated to prevent further loss (Bath, 2008) and promote future success (Littleton, Axsom, & Grills-Taqueuechel, 2009). Resources lost may include tangible items (e.g. money or possessions), intangible sources of strength (e.g. self-esteem, confidence in one’s ability care for oneself or one’s family), or specific conditions (e.g. a safe home) (Littleton, Kumpula, & Orcutt, 2014). Restoring resources to the individual experiencing the trauma is an important aspect of their healing (Littleton et al., 2014).

Of course, not all victims respond in the same way to the same loss of resources. This is explained by the four corollaries of the theory. The first corollary is that individuals with more resources at the outset are better able to handle resource loss than those who had fewer resources to begin with (Littleton et al., 2009). For example, victims who can afford to replace stolen goods may be less impacted by the loss than those who cannot. The second corollary is that loss of one resource predicts future resource loss, resembling a ‘domino effect’ (Halbesleben, Neveu, Paustian-Underdahl, & Westman, 2014, p. 1336). This is demonstrated by the substantive
material and psychosocial resource loss that often follows the initial traumatic event. The third corollary proposes that resource gain leads to further resource gain (Perez, Johnson, & Wright, 2012). And finally, the last corollary states that a loss of resources leads to an increased desire to protect remaining resources, and to gain additional resources to provide a cushion against further loss (Halbesleben et al., 2014). Within this context, legal service providers can help victims navigate the legal system to maintain and protect personal resources and recover lost goods. This, in turn, helps to rebuild victims’ security and restore personal agency and power that is often lost post-victimization (Logan & Walker, 2017).

Almost all victim services programs provide resources that can help victims rebuild their security. They provide intangible resources such as safety, support, and information on navigating the legal system and obtaining protection. Legal assistance can help a victim recover compensation or restitution to pay for out of pocket expenses, recover certain losses or prevent continued losses due to fraud or identity theft, protect employment or housing status, minimize disruption or losses related to schooling, or achieve an equitable ruling in family court related to divorce or child support. In turn, victim legal service providers help restore victims to their lives before victimization and prevent losses leading to further decline.

Provision of legal assistance in a way that promotes victim empowerment may also promote conservation of resources. Victimization can cause a loss of a sense of safety, personal agency and power (Logan & Walker, 2017). An attorney’s actions in supporting victim understanding of options and exercise of choice may restore or protect against further loss of agency and power.

TIC and COR are closely related concepts. Part of being trauma informed is knowing how to meet the needs of victims. Trauma and victimization lead to losses of resources for the victim and need to be minimized to prevent further losses (Bath, 2008) and promote future success (Littleton et al., 2009). By restoring or minimizing the loss of resources from trauma, victim chances of success are improved, and negative consequences minimized (Bath, 2008).

**Procedural justice**

Sometimes referred to as ‘procedural fairness’, the theory of *procedural justice* posits that giving victims a voice, and treating them with dignity, fairness, and respect, influences how they feel about their experiences with the legal system, regardless of the case outcome (Wemmers, van der Leeden, & Steensma, 1995; Wood, Lepanjuuri, Paskell, Thompson, Adams, & Coburn, 2015).

Tyler (2007) identified four elements that encompass procedural justice in the courts. The first is *participation*, which is fulfilled by giving victims a chance to speak and tell their side of the story. The second principle is *neutrality*. Here, judges serve as the neutral decision makers of the court who preserve the fairness of trials and treatment of those involved (Tyler, 2007). By ensuring victims’ understanding of court processes, even if the case outcome may not be in their favor, they understand that the same rules apply to everyone (Tyler, 2007). The third principle of procedural justice in court is *respect*: here, simply providing victims and family members with information and status updates about their case conveys respect (Carr, Logio, & Maier, 2003).
The final principle is trust, which posits that if people are going to utilize the criminal justice system, they must trust and believe that the system works fairly for all people (Tyler, 2007).

One contributor to trust is when the system’s processes and proceedings are transparent and open. Transparency refers to the degree to which information about organizational decisions is visible and that society can evaluate them and understand the rationale behind them (Schafer, 2013). Organizational procedures must be clear so that individuals know what to do to effectively meet their goals (Hresko, 2006). By honoring victims’ rights to be informed and present, legal procedures become more transparent and trust in the legal system should increase. Transparency can be promoted when the victims’ rights to be informed and to be present are honored.

Procedural justice has been found to matter more to many victims in terms of overall satisfaction with their experience than distributive justice (i.e., whether they got the outcome they desired). Being treated with fairness, respect, and dignity influences how victims feel about their experiences with the legal system, regardless of outcome (Wemmers et al., 1995; Wood et al., 2015). Given that victims’ cases rarely proceed all the way to conviction, the treatment victims receive from criminal justice actors and service providers can largely impact their overall healing and recovery, as well as their willingness to engage in the legal system in the future (Stretesky, Cope, Shelley, Hogan, & Unnithan, 2016).

**Theoretical Summary**

This section began with an introduction to the principles of TIC, which is a perspective related to understanding the physiological and psychological effects of trauma, and that prescribes techniques for how to respond to persons experiencing them (Bath, 2008) which victim service providers should try to adhere to. TIC involves increasing a victim’s sense of safety, helping them to make connections with people who they can turn to for help, and helping them to manage emotions and impulses that may be off-balance as a result of the physiological, mental, and/or emotional effects of the trauma of victimization (Bath, 2008).

The TIC perspective underlies the goals articulated in COR and procedural justice; that is, to reduce the level of trauma experienced by participating in legal systems. Practitioners inspired by conservation of resources theory seek to help victims alleviate the fears they develop when tangible, financial, emotional, physical, or psychological resources are threatened or lost as a result of victimization (Halbesleben et al., 2014; Hobfoll, Tirone, Holmgreen, & Gerhart, 2016). They seek to help fill some of these needs, to alleviate victims’ fears of further losses, and to help victims rebuild their stores of resources. Practitioners operating with the theory of procedural justice in mind similarly seek to create a system and processes that are fair (Office for Victims of Crime, 2013), so that victims can trust the system to treat them fairly, even if they do not receive the legal outcome they desired.

To understand victims’ needs and work effectively with them using either theoretical basis, legal service providers need to be knowledgeable about trauma informed care. Successful victim interaction with the legal system begins with being treated by trauma informed
professionals. Working from a TIC perspective, victim legal service providers do their best to ensure that victims are treated with respect and dignity after what they have gone through, to reestablish or restore their agency in decision making about their case and about what steps they wish to take, and work to help the legal system operate in a fair and procedurally just manner. Proper treatment by the legal system allows victims to keep the resources they have and lower the risk of further resource loss. In addition, the treatment the victim receives from system actors and legal representatives may further promote recovery, by reducing additional trauma and promoting recovery from the trauma of the crime. Taken together, these theoretical ideas can be used to guide the actions of legal service providers to provide the most effective services to victims. Therefore, they underlie the conceptual model and theory of change that are the focus of this report.

Literature Review Summary

This literature review covered a brief history of the development of victims’ rights and the recognition of victim interests, the reasons behind victim legal service providers’ work, and underlying theoretical principles that inform the work that is done. While victims are granted rights and procedural options at the federal and state levels, the rights are not always honored and the procedures not always easy to navigate. Additionally, these provisions may not be enough to protect victims from further harm, and interactions with the legal system can still lead to additional trauma and revictimization (Bath, 2008). Victim legal service providers use trauma informed practices to perform the legal work needed to ensure that victims receive procedural justice, maintain or restore resources, and that they are granted the rights to which they are entitled. They can also advocate for clarifying, advancing, and improving policies, laws and services related to victims.

Despite the potential for revictimization from the legal system, experiences can be positive and lead to feelings of empowerment, through making decisions and regaining agency (Fraser, 2016; Garvin & Beloof, 2015). Victims have diverse legal needs related to their victimization, so service providers with a variety of specializations may play a role in victim legal service provision. These include, but are not limited to: criminal and civil legal assistance, immigration assistance, civil tort claims, protective order proceedings, family law matters, victims’ rights enforcement, and protections for special populations (Jweied & Yang-Green, 2016; Office for Victims of Crime, 2014).

These services can mitigate many of the harms related to victimization. Through working with legal service providers, victims can increase feelings of safety, recover financial losses, and avoid losing housing, custody of children, and much more (Johnson, 1997; Wright & Johnson 2012). While limited evidence does exist that the use of victim legal services leads to positive outcomes, including empowerment and improved wellbeing (Bennett, Riger, Schewe, Howard, & Wasco, 2004; Elliott et al., 2014; Erez, 1999), there is a lack of formal program evaluation in this area. A conceptual model of legal services can be used to create standards for services, best practices, and a framework for evaluation (Office for Victims of Crime, 2013), much like the proposed model for best practices in domestic violence services (Sullivan, 2016, 2018). The next
substantive section of this report details the development of our conceptual model, guided by the information contained in the literature review, as well as consultations with practitioners and survivors in the field.

III. The Conceptual Model

Method

This conceptual model was developed based on four key sources of information: 1) a review of the literature on victim legal services (briefly discussed above) and victimization (discussed in the next section); 2) intensive interviews with service providers and survivors who also comprised the Advisory Committee for the project; 3) a survey of an extended sample of victim legal services providers; and 4) a roundtable discussion of an early stage of the model with the Advisory Committee. While the literature review was an ongoing endeavor, steps 2, 3, and 4 occurred sequentially with each step building on the previous one.

Each data source or collaboration opportunity informed the project team’s decisions about what should be included in the model and how to organize the model’s components accurately. The literature review provided a general overview of the current state of victim legal service research and uncovered core areas of practice for inclusion in the model. Interviews with service providers and survivors, which was the first data collection activity, allowed the research team to drill down on key topics, refine the general categories, and identify specific activities, outcomes, and objectives for the model from the first iteration. After the first draft of the model was completed, a larger sample of victim service providers was asked to respond to a web survey that asked them to review the early draft and provide feedback. Upon review of the survey responses, the research team revised the model again in advance of the third information gathering activity, which was the roundtable discussion with advisory committee practitioners and survivors. The methodologies for each of these data collections are discussed in more detail below. Institutional Review Board (IRB) approval for all data collection instruments, informed consent procedures, and recruitment language was obtained on January 31, 2019, prior to commencement of any of the below activities.

Interviews

Between March 18 and March 29, 2019, JRSA staff conducted telephone interviews with legal service providers and survivors about their experiences providing or receiving legal services, respectively. These members of our advisory committee were recruited by JRSA and NCVLI as a convenience sample intended to ensure broad representation of different types of legal services providers. Four crime survivors who had received legal services and who were interested in research were also members of the committee. JRSA emailed written consent forms to subjects in advance of the interview for review and signature prior to the interviews themselves. The consent form provided a synopsis of the research project and detailed the interviewee’s rights. In the event that interviewees were unable to review, sign, and return the consent form, the interviewer read the consent form to them and obtained their verbal consent prior to the interview. Regardless of how consent was obtained, interviewees were given the
opportunity to ask questions about their participation, the survey, and the project before and at the completion of the interview. Interviews lasted between 45 and 90 minutes and included the interviewer, a note taker, and the interviewee. In addition to taking detailed written notes, JRSA recorded the interviews with the permission of each subject.

Seventeen advisory committee members were interviewed. The sample included three survivors who received legal services and 14 legal services subject matter experts (two service provider representatives identified themselves also as survivors). Each interviewee’s role determined which topics and questions were asked from the semi-structured interview instrument. For example, legal service providers were asked about the types of services offered, how they provided services, and goals for the service provided. Survivors were asked similar questions, but the focus was on their experiences with legal services, services received, and whether their goals were addressed. Information gleaned from subject matter experts and survivors was used to develop the first draft of the conceptual model and theory of change.

Survey of experts

At the completion of each interview, JRSA requested contact information for four to six additional colleagues who would be qualified and interested in responding to a survey on the draft conceptual model. In addition to the identified survey respondents, interviewees were invited to participate in the survey themselves. A snowball sampling frame of 104 individuals from various legal and victim services providers across the United States were invited to participate in the survey. JRSA sent each eligible survey participant an email invitation on May 10, 2019, that gave a brief overview of the project, introduced the conceptual model, and provided a link to the survey. Follow up emails were sent to participants on May 17 and May 21. The survey closed on May 22, 2019.

Of the 104 subjects invited to respond to survey questions, 77 answered at least one question, resulting in a 74 percent survey response rate. Response rates for individual survey questions out of the 77 respondents ranged from 99% (76 of 77 respondents) to 45% (35 of 77 respondents). Respondents also provided basic demographic information about their agency, as shown in Table 1.

Respondents came from a variety of legal and social service provider agency types. Thirty-two percent (24 of 75) of respondents represent civil law practices and an additional 32 percent of respondents are from agencies that specialize in victims’ rights enforcement specifically. A majority (57 percent of respondents) of respondents indicated their agencies employed 16 or more people. Respondents were spread across all geographic regions of the country. Nearly one-third of respondents reported that their agency was located in the Southwest (30.7 percent), 29.3 percent in the Northeast, 24 percent were located in the Midwest, and 12 percent were in the Northwest.

The substantive survey questions about the model were open-ended and asked about respondents’ general perceptions of the total conceptual model and then about the items in each
section of the model. Questions asked about strengths and weaknesses, and whether the overall model and items in each section were applicable to the work in each respondent’s agency. Survey data were analyzed using both qualitative and quantitative analytical techniques. General themes across responses to each question were identified and combined, and narrative responses to each item were used to provide specific examples to illustrate these themes throughout this report. Survey responses from the 77 service providers across the U.S. were used to inform, revise, and refine the conceptual model so that it represents amalgamation of input from a broad range of victim legal service providers.

**Roundtable collaboration**

The roundtable discussion of the next iteration of the conceptual model among the advisory committee and research team members took place at the National Crime Victim Law Institute’s annual Crime Victim Law Conference in Portland, Oregon on June 5th, 2019. The purpose of the roundtable was to assess the most recent draft of the conceptual model, which had been circulated just prior to the meeting. Four researchers from JRSA were present, along with 12 of the victim legal service providers and two of the survivors who had participated in the interview phase of the project. One provider present was also a survivor. Absent from the advisory committee were one victim legal services provider and one provider who was also a survivor that were contacted via phone for their feedback after the conference. Also, one survivor who had participated in the initial interviews had to drop out of the project.

Table 2. *Survey Respondent Reported Agency Demographics (N = 75)*

<table>
<thead>
<tr>
<th>Agency Type</th>
<th>n</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Law</td>
<td>24</td>
<td>32.0</td>
</tr>
<tr>
<td>Victim Rights Enforcement</td>
<td>24</td>
<td>32.0</td>
</tr>
<tr>
<td>Victim Service Provider (Nonprofit or Government)</td>
<td>15</td>
<td>20.0</td>
</tr>
<tr>
<td>Criminal Law</td>
<td>1</td>
<td>1.3</td>
</tr>
<tr>
<td>Other</td>
<td>11</td>
<td>14.7</td>
</tr>
<tr>
<td><strong>Agency Size</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 to 5</td>
<td>6</td>
<td>8.0</td>
</tr>
<tr>
<td>6 to 10</td>
<td>20</td>
<td>26.7</td>
</tr>
<tr>
<td>11 to 15</td>
<td>6</td>
<td>8.0</td>
</tr>
<tr>
<td>16 or more</td>
<td>43</td>
<td>57.3</td>
</tr>
<tr>
<td><strong>Agency Region</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Southwest</td>
<td>23</td>
<td>30.7</td>
</tr>
<tr>
<td>Northeast</td>
<td>22</td>
<td>29.3</td>
</tr>
<tr>
<td>Midwest</td>
<td>18</td>
<td>24.0</td>
</tr>
<tr>
<td>Northwest</td>
<td>9</td>
<td>12.0</td>
</tr>
<tr>
<td>Southeast</td>
<td>3</td>
<td>4.0</td>
</tr>
</tbody>
</table>
The results of the survey were reviewed with the advisory committee along with the status of the project and a review of the project’s objectives. Key points of the discussion focused on what parts of the model worked well, which were problematic, and issues associated with items that should be included and those that should not. Participants were asked about persistent gaps and inaccuracies. Finally, participants were asked for suggestions on how outcomes and objectives could be measured for the next phase of the project.

The Conceptual Model

A primary goal of Stage 1 of the current formative evaluation work was to develop a conceptual model of victim legal services that would then be used for designing the evaluations to be pilot tested during Stage 2. As discussed earlier, this broader conceptual model differs from a program-specific logic model that also specifies inputs (such as human and financial resources) and outputs (counts of services delivered, or activities conducted). Instead, it takes the more theoretical approach used by Sullivan (2016; 2018) of specifying general program activities, program outcomes, and long-term objectives for victim legal services more broadly.

After the above data collections and solicitations of feedback were completed, the project team developed a comprehensive model encompassing the breadth of legal services for victims that allows agencies to customize the supports they offer to victims. It is important to note that the scope and breadth of legal services offered vary between agencies and jurisdictions. The model therefore includes a menu of program activities, program outcomes, and long-term objectives, and service providers can choose those that apply to the services their agencies deliver when designing their own logic models for program evaluation.

Application and intent

The model is flexible for application in evaluation designs, in that agencies providing different suites of services may utilize the parts of the model that apply to their individual program. No single agency is expected to provide all services described in the model, nor should any agency be held accountable for outcomes that fall outside the scope of what their particular agency provides. The model is also generalized in its assignment of activities to different areas of legal services. For example, most jurisdictions address expungement of records through civil court, but in some jurisdictions, this activity occurs in criminal court. Agencies can, therefore, adjust the model to fit their particular situations.

The theory of change depicted in the model, described in detail below, suggests that the program activities carried out by legal service providers should lead to several possible short-term program outcomes for victims and survivors, for communities, and for improvements in how legal systems treat victims of crime. If these short-term outcomes are achieved, then theoretically, a number of long-term objectives for victims and survivors, communities, and legal systems will also follow. Ultimately, the conceptual model of victim legal services provides a framework for analyzing how effective provision of services should lead to improvements in victim and survivor wellbeing.
The remainder of this report presents the model along with an in-depth discussion of its elements, including the specific services or outcomes in each category and why they are included, and how the hypothesized program outcomes and long-term objectives for change might be measured. Further, the theory of change behind how and why these program activities are expected to produce these results is explained. Textual information gathered from the interviews, survey, and roundtable discussion is woven throughout the discussion of the model to illuminate how many of the final decisions for the scope and content of the model were made.

Scope of model

The program activities section pertains primarily to legal representation services offered to crime victims, according to a synthesis of the information from legal services providers who participated in the interviews, survey, and roundtable discussion. There was some concern among providers across data collections whether the broader spectrum of victim services should also be included in the model, and if so, how wide the model should cast its net. Before presenting the conceptual model, we first address the decision of the project team to exclude the broader world of victim social services from its scope.

A majority of service provider interviewees indicated that they provided some degree of social service support to victims in addition to legal services, either directly, or by providing referrals to other providers who can help. Furthermore, survey respondents and roundtable participants frequently discussed the need to include and expand coverage of social services in the conceptual model. Fifty-two percent of survey respondents (N = 40) reacting to an early version of the model believed that social services should be included:

“Social services seem to get short shrift. They are mentioned as an activity [in the model], but then barely revisited in outcomes or objectives. I would think there are both outcomes and objectives relevant to the various social services that work with crime victims.”

- Civil Legal Service Provider, Large Agency, Northeast

In addition, many survey respondents indicated that provision of social services becomes intertwined with provision of legal representation because victims’ recovery needs cannot truly be separated because they are interdependent. For example, assisting a domestic violence victim who has left his/her abuser to achieve safety via a protective order will not be fully effective if the victim cannot also secure new housing, which frequently involves a nonlegal advocate or a housing service provider. Nine survey respondents stated that if social services were going to be included in the model, the section needed to be equivalent to the legal services section. However, five participants felt that there was too much overlap between legal and social services and that the conceptual difference between them became confusing when both were included in full detail.

The roundtable discussion with the advisory committee ultimately helped the project team decide at what level to include social services in the final model. All discussants recognized the need to at least facilitate a variety of social services to help victims recover, but many agencies did not have the staff or financial resources to provide wraparound social services in
addition to their primary legal scope. Including social services as a full subsection of program activities in the model, with their own associated sets of outcomes, may imply to legal services agencies that they must provide these additional services “in house” in order to achieve success as defined by the model. Of the agencies that did not offer in-house social services, all indicated that they do maintain referral networks of providers that can deliver services that they cannot.

Based on these discussions, the final decision was made to indicate that thorough needs assessments should occur, and that victims should be provided social services either internally if resources are available, or by referral out to complementary providers when internal resources do not exist. However, inclusion of separate subsections for social services activities and outcomes would be outside the scope of this project. In addition, there are other models that provide standards of care for other types of services, and few legal services agencies have the resources and expertise to provide wraparound services. Thus, while this model acknowledges the importance of recognizing and providing for victims’ interrelated needs in house, for conceptual clarity, this model and its associated theory of change are limited to legal representation and advocacy services, with emphasis on victims’ rights enforcement.

Now that the scope of the model has been defined, the full conceptual model is presented below in Figure 1. Similar to Sullivan’s (2016; 2018) domestic violence model, of the model illustrates program activities, proceeds to short-term outcomes, and concludes with long-term objectives. Finally, the theory of change behind how activities are expected to produce those outcomes and objectives is then summarized.

Program Activities

The Program Activities section of the conceptual model is divided into four categories, representing the services available to victims with needs in different areas of law: criminal and juvenile legal systems, civil legal systems, administrative legal systems, and a section pertaining to services that cut across multiple legal systems. The program activities depicted in the model are not intended to be comprehensive, nor are they unique to one type of program. Rather, they are purposely broad and intended to be representative of the variety of victim legal services available. The activities within each legal system’s purview can also vary by state. Therefore, individual activity categorizations should be adapted based on the legal structure in a given jurisdiction.

Ideally, all program activities should be victim-led, regardless of which legal system victims are involved in (i.e. civil, criminal, and/or administrative). This means that victims should be empowered to make informed choices as their case proceeds, about which services and supports to pursue, based on their individual preferences and objectives. In fact, empowerment was a common theme that emerged from interviews with the Advisory Committee as a primary benefit of victim legal services. In a victim-led approach, it is incumbent upon service providers to have open and honest discussions with victims about the probability of different case outcomes occurring, and the realistic impact that the services they provide may or may not have on those outcomes. This way, victims/survivors can formulate realistic goals and expectations. This is consistent with the aforementioned theory of procedural justice in that it promotes
**Figure 1. Full Conceptual Model for Victim Legal Services**

<table>
<thead>
<tr>
<th>Legal Services Providers</th>
<th>Program Activities*</th>
<th>Program Outcomes (Short-Term)</th>
<th>Long-Term Objectives: Wellbeing for Victims/Survivors</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Criminal/Juvenile legal systems</strong></td>
<td>- Provide legal representation</td>
<td>- Victim reports understanding their rights</td>
<td>- Empowerment &amp; self-efficacy</td>
</tr>
<tr>
<td>- Promote victims’ interests &amp; desires</td>
<td>- Victim reports having/understanding available legal options</td>
<td>- Increased trust in legal system to operate fairly</td>
<td></td>
</tr>
<tr>
<td>- Protect/seek enforcement of victims’ legal rights</td>
<td>- Victim reports being informed about status of case</td>
<td>- Survivors &amp; families integrated into a supportive community</td>
<td></td>
</tr>
<tr>
<td>- Provide accompaniment &amp; support in court</td>
<td>- Victim reports being given clear expectations about processes &amp; possible outcomes</td>
<td>- Improved/Restored financial stability</td>
<td></td>
</tr>
<tr>
<td><strong>Civil legal systems</strong></td>
<td>- Seek relief, damages, &amp;/or protections for victims</td>
<td>- Victim reports feeling their views were represented</td>
<td>- Improved health and mental health</td>
</tr>
<tr>
<td>- Examples: protective orders, family law, housing &amp; benefits advocacy, employer advocacy, collecting restitution, securing civil damages, defense against counter suits or misuse of legal system against victim by the defendant</td>
<td>- Victim receives services tailored to their expressed needs</td>
<td>- Reduced vulnerability to crime</td>
<td></td>
</tr>
<tr>
<td><strong>Administrative legal systems</strong></td>
<td>- Seek expungement &amp; vacatur of records</td>
<td>- Victim has financial &amp; resource losses minimized</td>
<td></td>
</tr>
<tr>
<td>- Assist with victim compensation applications &amp; appeals</td>
<td>- Victim reports feeling protected from additional trauma due to legal participation</td>
<td>- Community Objectives</td>
<td></td>
</tr>
<tr>
<td>- Assist with Title IX enforcement/campus proceedings</td>
<td>- Victim receives outcomes they perceive as just</td>
<td>- Communities believe that the justice system recognizes and enforces victims’ rights</td>
<td></td>
</tr>
<tr>
<td>- Assist with immigration legal needs</td>
<td>- Community Outcomes</td>
<td>- More community members believe they will be treated well &amp; fairly if they report crime</td>
<td></td>
</tr>
<tr>
<td>- Public benefits assistance</td>
<td>- Communities are educated about victims’ rights</td>
<td>- Communities support use of resources/tax dollars to help victims &amp; prevent crime</td>
<td></td>
</tr>
<tr>
<td>- Re-entry assistance for victims who were incarcerated</td>
<td>- Communities are educated about victim options to seek legal &amp; social services assistance</td>
<td>- System Objectives</td>
<td></td>
</tr>
<tr>
<td><strong>All Legal Systems</strong></td>
<td>- Conduct comprehensive victim intake/needs assessments</td>
<td>- Communities understand harms of crime</td>
<td></td>
</tr>
<tr>
<td>- Keep victim informed throughout the case</td>
<td>- Community Outcomes</td>
<td>- Legal systems more responsive to victims’ needs, providing a holistic approach to service provision</td>
<td></td>
</tr>
<tr>
<td>- Refer victims to appropriate social or health/mental health services, to internal personnel or other providers.</td>
<td>- Attorneys</td>
<td>- Strong, multidisciplinary collaborations &amp; victim response procedures exist between all relevant legal &amp; social services providers</td>
<td></td>
</tr>
<tr>
<td>- Maintain active networks with complementary legal providers &amp; other victim service providers</td>
<td>- Courts</td>
<td>- All systems more trauma informed &amp; responsive</td>
<td></td>
</tr>
<tr>
<td>- File appeals, amicus briefs</td>
<td>- Case law developed</td>
<td>- Legal systems stronger overall &amp; all views (victim, defendant, state, and public) are represented &amp; heard</td>
<td></td>
</tr>
<tr>
<td>- Conduct public outreach &amp; education on victims’ rights/remedies</td>
<td>- Courts are informed about victim rights</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Document issues with implementation of victims’ rights</td>
<td>- Victim rights enforced &amp; victim rights violations reduced</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Attorneys</td>
<td>- Legal actors in all sectors informed about victims’ rights</td>
<td></td>
</tr>
<tr>
<td>- Legal actors accountable for upholding victims’ rights</td>
<td>- Policy/practice in place for victim support referrals</td>
<td>- Legal actors accountable for upholding victims’ rights</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Law Enforcement</td>
<td>- Law enforcement is informed about victims’ rights</td>
<td>- Networks established/MOU: in place between legal sectors</td>
</tr>
<tr>
<td>- Law enforcement is informed about victims’ rights</td>
<td>- Law enforcement violations of victims’ rights are reduced</td>
<td>- Education and outreach materials readily available</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Networks established/MOU: in place between legal sectors</td>
<td>- Education and outreach materials readily available</td>
<td></td>
</tr>
</tbody>
</table>

*Legal system in which each activity occurs can vary by state. All services are trauma-informed and culturally competent. Barriers are removed that would prevent access based on race/ethnicity, gender, disability, age, or English-speaking ability. Approach is victim-led. Victim decides what they want from available options at every step while expectations are managed.

35
dignity and respect for victims, and ways to encourage victims’ participation in the legal process (Wemmers et al., 1995; Wood et al., 2015).

The next section provides an in-depth discussion of the program activities section of the model, using information gleaned from the literature review, interview, survey, and roundtable discussion to contextualize the model decisions. For easy reference, only the program activities section from Figure 1 is shown in Figure 2 below.

**Criminal Legal Systems**

The role of legal service providers who assist victims with matters in the criminal legal system (which can sometimes include the juvenile system if the offender is a minor) is to provide legal representation to victims and survivors throughout the case process, and to accompany victims during court proceedings. They also inform survivors about their participation options so that they can decide whether or how much they wish to participate at each stage of the prosecutorial process. Victim legal service providers promote the victim’s interests and desires in court and with the prosecutor and advocate for the victim’s rights to be enforced during the case. Ultimately, victim legal service providers strive to ensure that victims and considerations regarding their needs and wishes are treated as an important part of criminal proceedings.

Victims have specific rights available to them within the criminal and juvenile legal systems, as described earlier in the literature review. This subsection of the program activities includes services offered to victims by legal service providers to help them exercise these rights as their case progresses through the criminal or juvenile legal systems, should the individual victim choose to pursue them. Program activities that occur in the criminal legal system fit into one of
three categories: 1) formal legal representation and rights enforcement, 2) legal information/advice, and 3) victim support and accompaniment. As previously discussed, choices about services to receive and actions to take should be victim-led: the victim should be able to make informed choices based on their legal assistance provider’s thorough presentation of the options and potential outcomes at every stage of the case.

A core activity is to formally represent victims’ and survivors’ interests throughout their cases. Legal representation is offered to enhance victims’ safety and reduce barriers to their abilities to seek assistance and be heard in case-related matters of importance to them. A core component of this service is the enforcement of victims’ rights. The advisory committee members confirmed that activities supporting rights enforcement in the criminal legal system can include the rights to be informed of legal proceedings, as well as the rights to privacy, seek restitution, and participate in the justice process at whatever level they desire.

“We represent victims in criminal cases to assert and ensure their legal rights as victims are enforced. This often means right to refuse defense discovery where the defense will try to subpoena medical or school records and the victim doesn’t want them turned over and we will try to quash the subpoena. We also represent victims to ensure that their rights are protected: right to notice, to be heard, to participation.”

- Director, Legal Service Provider

All three of the survivors on the advisory committee who were interviewed had previously received some form of victim legal services. One survivor shared how their legal team helped block access to their private personal and military records. A second survivor who received similar services indicated that services provided by one agency early in their case were not victim-led nor trauma informed. They reported that once they found an agency that specialized in victims’ rights, they received services that were more focused on their actual needs. As mentioned in the literature review, victim-led legal service provision allows victims to retain control over their participation in the case and increases their satisfaction. The conceptual model incorporates this idea by including the promotion of victims’ interests and desires during the case as a key activity. Activities in this category can include seeking victim input on how to proceed with the case, seeking offender accountability, or even honoring their wishes to decline to participate in prosecution.

“The [Victim Service Provider] was there to provide me with all of my legal representation: giving me direction, and updates on the case, and my rights as a victim, and knowing how to proceed from a legal standpoint. They came to the court hearings on a few occasions and spoke on my behalf and had multiple informational sessions with me to help me prepare for the court days and to help me understand what was happening.”

- Survivor and Legal Services Recipient

Based on the interview, survey, and roundtable responses, the research team focused the
conceptual model on legal representation services and de-emphasized less formal support services that can be provided by individuals other than an attorney. This was done to draw a clear line around services that, if provided by someone other than an attorney, could amount to the unauthorized practice of law. The statement below from a roundtable participant represents these concerns and points out the dangers of overburdened agencies that may allow non-attorney advocates to deliver services they may not be qualified to carry out:

“We can touch on all of these [services], but this is already overwhelming. There need to be boundaries put in place and referrals and partnerships. We regularly have legal advocates who have already taken steps in the legal system [on behalf of a victim] before they are referred to an attorney. The person helping doesn’t realize that they don’t have the authority, and something was screwed up. They try to counsel their client, but they don’t know enough so there is a certain amount of if we talk about legal services, if we broaden it to too many people, if we are telling too many people that they can provide services. We had to roll things back that advocates did because they were told they had more authority than they do. Coordinated circle of service. This is the role of each person and try to do that as a circle of service around the victim. Advocates, you cannot create legal services. We need to have boundaries.”

- Roundtable Participant; Director, Legal Services Provider

Support services that do not require an attorney, however, can include conducting outreach about available services via brochures, making phone calls, conducting initial intake processes; and notifying the victim of court proceedings, among other auxiliary tasks. However, all legal representation services are assumed to be provided by a qualified attorney for the purposes of this model.

In this model, legal representation includes both representing victims in legal proceedings and facilitating enforcement of their legal rights. Legal service providers help to exercise victims’ rights, as defined by federal or state laws, by providing services that help victims to have their voices heard and needs, desires, and rights considered. This includes filing motions, preparing victims for court, and assisting with victim impact statements. Criminal and juvenile legal activities also include providing information about rights and available options so that victims can make informed decisions about which actions to pursue, such as choices about how to participate in the prosecution of their offender, to pursue other options like restorative justice, or to decline to prosecute altogether if that is the victim’s preference. The program activities listed for the criminal and juvenile legal systems were conceptualized to pertain to victims of all types of crime.

The last series of program activities included in the criminal legal system are best categorized as accompaniment and support. Accompaniment and support in our model refer to the services victims receive that are not categorized as legal representation. These activities include accompaniment and support during court proceedings, timely communication about case status changes, and keeping victims informed as the prosecution proceeds.
Most survey respondents and roundtable discussants expressed appreciation for the inclusion of the criminal and juvenile legal system subsection of the conceptual model; however, four survey respondents felt that earlier versions of the model focused too heavily on the criminal justice system. Roundtable participants expressed similar concerns. Other survey respondents additionally mentioned that the victims service field in general is shifting its primary focus from criminal justice solutions toward more civil legal, community, and social services remedies for victimization harms.

“The focus here [in the early model] seems to skew toward criminal system interventions over civil or community-based; we know that the field is moving toward the latter and away from the former...”

- Training and Technical Assistance Provider, Medium Sized Agency, Southeast

Based on the feedback provided, we expanded the program activities subsections for civil and administrative legal systems and emphasized services that may apply to two or more of these systems.

**Civil Legal Systems**

Many members of the advisory committee indicated that they offered services within the civil system. The civil legal system provides an avenue for dispute resolution and aids victims in gaining monetary compensation or other forms of recompense for their suffering. Within this context, service providers pursue various forms of relief, damages, and protections on behalf of victims. In contrast to victim support services offered in criminal proceedings, in which the victim is not a recognized party with standing, victims are recognized as key players with standing in the civil system.

The specific services provided will depend on the area(s) of civil law with which the victim needs assistance. While the conceptual model does not provide an exhaustive list of possible civil legal services, it presents the most common categories, which are:

- tort matters;
- family law issues such as assistance with custody disputes, child or elderly guardianship/protective services, adoption, separation/divorce, visitation, protections needed as a result of intimate partner or family violence, and family reunification;
- enforcement of restitution orders;
- securing protective orders;
- protecting victim privacy, such as by quashing requests for victims’ medical, military, or employment records during civil matters;
- landlord/tenant issues, such as when a victim must break a lease and move as a result of victimization or is threatened with eviction due to the crime;
- recovery from identity theft and fraud, such as help to secure documents and accounts;
- recovery from financial exploitation, such as helping with credit repair and recovery of lost resources; and
• employment discrimination and hourly wage recovery, should issues occur as a result of victims missing work time to participate in legal proceedings or secure services.  

Providers that assist crime victims with civil matters may provide some, or all, of these services, but most agencies will not have specialized attorneys in every area. For areas that an agency does not cover, providers can refer victims to external partners who are qualified to handle those matters.

**Administrative Legal Systems**

Administrative law refers to the branch of law that governs the creation and operation of local, state, and federal administrative agencies (Coglianese and Yoo, 2016). These agencies have powers to interpret, enforce, and adjudicate federal and state laws, and oversee legal relationships between agencies, other government bodies, and the public at large.

The conceptual model includes a number of legal assistance activities that help victims navigate various administrative and governmental agencies where they may need to solve victimization-related problems, and where enforcing victims’ rights may also be necessary. For example, service providers may assist victims with seeking expungement or vacatur of records (e.g. trafficking victims who were charged with prostitution), applying for public benefits, victim compensation appeals, and immigration matters (e.g. family reunification). Their work also includes quasi-administrative proceedings related to enforcement of Title IX protections in education, and reentry assistance for victims who are incarcerated.

Therefore, the final conceptual model includes activities that pertain to the following areas of administrative legal assistance:

• immigration assistance;
• education/Title IX claims assistance;
• obtaining documents;
• correcting legal records;
• public benefits application assistance; and
• assisting victims to recover fee waivers and victim compensation.

Under this category, providers might help survivors obtain social security cards and birth certificates that were taken or compromised during victimizations such as domestic abuse, identity theft, elder abuse, stalking, and fraud. Assistance with name changes necessitated by the victimization experience would also be included here. Title IX enforcement and representation in campus legal proceedings is contained in this category. Seeking expungement or vacatur of records is included for victims that may have been charged with a crime committed under duress, such as trafficking victims who were charged with prostitution. For legal service providers who specialize in immigration, assistance with legal needs such as obtaining T or U visas, continued presence, and family reunification are included. Lastly, we include services geared toward securing financial recompense legally available to victims, such as assistance with public benefits applications, victim compensation applications, and appeals.

---

6 Some of these services may fall under the criminal or administrative legal systems in some states or jurisdictions.
Multiple Legal Systems

Although the majority of program activities are system specific, there is some state variation in terms of which system handles certain issues. Furthermore, there are some processes that impact victim outcomes that occur in multiple legal environments. This is reflected in the final category of program activities, which comprises services that cut across two or more legal systems. These activities can be categorized into four key areas: 1) victim intake, 2) social services advocacy and referrals, 3) education and outreach, and 4) advancing case law. Some of these services are geared toward victims’ needs at the individual level, whereas others pertain to systemic changes that serve to benefit all victims.

First, victim intake is carried out by service providers with victims to identify what services the victim initially needs, wants, and qualifies for. Interviewees fell in one of two categories: providers who screen at intake for all legal and social needs (n = 9) and those who only screen for needs that their agency can provide services for (n = 5). Three advisory committee members explained that their intake procedures are dictated by the requirements of the grants that they receive. All interviewees acknowledged that victims often need additional services that are not offered by their agency, necessitating them to have networks in place with other types of service providers that can fill those gaps.

Related to victim intake, the second category of activities includes thorough assessments for social service needs, provision of access to social services (internally or by referral), and maintenance of networks with other legal and social service providers. A majority of service providers who participated in the interviews and roundtable discussion reported that they did not directly provide social services. Those who worked at agencies that provided wraparound services stated that there are advocates, social workers, or others hired to provide certain services, but that it is not feasible for all agencies to offer all the services listed, particularly social services that fall outside of an agency’s scope. Therefore, twelve survey respondents generally voiced the need for the development and maintenance of referral systems as an important activity to be included in the conceptual model. Roundtable participants also voiced the opinion that making referrals or handoffs be included as an activity in the model.

Based on the information gathered from interviewees and roundtable discussants, we included the conduct of thorough assessments for social service needs, provision of access to social services internally or by referral, and keeping up-to-date networks with other legal and social service providers as activities in the model. This framing acknowledges the interdependence of social and legal services in victim restoration but reflects the decision about the scope of this model discussed earlier. It also recognizes that not all agencies have the resources to offer wraparound social services in-house.

The ability to advance case law was mentioned as an important task that was performed across legal systems. Case law often helps determine the cases an agency takes on. Other attorneys mentioned that advancing case law will also serve to educate the legal community of new developments in victims’ rights.

Outreach and education on victims’ rights were mentioned as part of service provision during discussions on multiple legal systems. Education includes training and technical
assistance for local agencies and the training of *pro bono* victim attorneys. Some respondents indicated that training and technical assistance was a core component of their agency’s mission, whereas others identified this as a secondary activity to providing legal representation. One roundtable participant who provides training and technical assistance emphasized the need for education to help providers improve their treatment of victims from different communities:

“*Their outreach makes them inaccessible through subtle signals that this is not a safe place and the goal of extensive community training is to shift the initial stuff. They see the flags or there are no gender markers in the intake and those small changes of the organizational level to signal to the community that this provider is familiar with this issue so an invisible community becomes visible and can get services. Similar with language access. The provider signals this is not a place for you.*”

- *Training and Technical Assistance Provider*

Five interviewees indicated the need to educate members of law enforcement, legal communities, and the criminal justice system about victims’ rights as cases proceed, or by delivering trainings to legal actors. The objective of these activities is to reduce violations of victims’ rights.

Legal services agencies undertake outreach to reach victims of crimes in the communities they serve. However, a common gap identified by interviewees and roundtable participants was that many communities are unaware that crime victims have rights and that legal assistance is available to them. One service provider told interviewers that his agency provides pamphlets to District Attorney’s (DA) offices in the region so that they can refer victims for dedicated legal services. Others indicated that their agencies have working relationships with DA offices in their state, while others either operate outreach centers or place staff in shelters and hospitals where victims may enter the system.

There are a number of data sources and methods that should be explored to measure these activities for purposes of evaluating effectiveness. Methods include notation of whether the activity occurred (yes/no), frequency (how often and how many times a service was delivered), dosage (amount or level of service delivered), and qualitative dimensions (e.g. information about how the services were delivered and differences in approach). Data sources could include case management systems, paper files, data collected for grant reporting purposes, narrative descriptions within case files, and direct observation of service delivery by providers with clients when possible.

**Program Outcomes (Short-Term)**

The second substantive section of the model, Program Outcomes, is presented in Figure 3. This section represents the expected short-term changes theorized to result from effectively implemented program activities in all legal systems. These were derived from an amalgamation of the literature review and input from the Advisory Committee about common survivor goals, victims’ desires for restoration, and how legal representation and support services can aid victims.
in their recovery. Outcomes are categorized into three levels: 1) victim and survivor outcomes, 2) community outcomes, and 3) legal system outcomes. Similar to the program activities, service providers designing programs or evaluations can identify and use the program outcomes that are most applicable to the services that their agency provides and leave out those that do not apply.

**Victim/Survivor Outcomes**

Victim and survivor outcomes in the conceptual model are focused on victims’ perceptions about the legal system and their personal status shortly after receiving legal services. These outcomes may occur on completion of receiving legal representation, or at several interim points during case proceedings. The model proposes that adhering to the principles of TIC, COR, and procedural justice, which are aimed at sensitivity to victims’ trauma, restoration of resources, and transparency and fairness in justice proceedings, respectively, will result in measurable outcomes such as victims reporting that they: understood their rights and legal options; were informed about their case and given clear expectations about processes and possible outcomes; felt their views were represented; had financial and/or resource losses minimized; felt protected from additional trauma; and lastly, they perceived that the justice outcome was fair. Legal service providers often collect these data through exit interviews or client satisfaction surveys that allow victims and survivors the opportunity to share their feedback and opinions.

According to the service providers interviewed, once victims know they have rights, they are interested in better understanding them. Three providers mentioned that their agencies try to directly assess whether victims understand their rights, either through a survey or personal interactions. The three survivors interviewed disclosed that victims who understand their rights are more likely to feel empowered to make the best decisions about their case. Ultimately, victims who are well-informed of their legal rights and aware of their options at every step can decide their level of involvement in the case and what actions they want their legal representative to pursue.
“Victims feel that they have a better understanding of rights and they are able to meaningfully participate. We ask them after we close the case... if they better understand [their] rights. They do have the right to participate, and they are part of the system, not just a state witness—they have a meaningful role.”

- Executive Director, Legal Service Provider

Roundtable participants also discussed the importance of victims understanding their legal rights. As explained by a survivor roundtable participant:

“This needs to be discussed, but there’s so many things that will happen to a victim that we need to define the basic services and what we need to pinpoint to empower a person. I have been empowered to understand [my] rights. Before I had no clue. I was like everyone else until it happened to me and then I was put in the situation of “what do I do...”

- Victim, Roundtable Participant

In addition to explaining rights, legal providers interviewed explained that they honestly discuss the legal process with victims and survivors to prepare them for the realities of how the justice systems work. By ensuring that victims’ expectations align with the probabilities of certain outcomes, it allows victims to decide how they want to achieve justice. This contributes to the survivors’ sense of empowerment, which is an important long-term objective which will be discussed later. As one interviewee stated:

“By telling them myself or through someone more experienced what we think the likelihood a judge or jury will order what they want... we use jury verdicts and settlements based on similar cases and say this is what they look at and this is what you should analyze for what would be done. The key is to let the victim make the decision. That’s very important, even if it’s a bad decision from a business standpoint. If you force a victim into a settlement that they’re not comfortable in, it’s the worst thing you can do because you’re putting them back into a powerless situation.”

- Private Attorney, Legal Service Provider

Victim service providers and survivors were further asked about managing victims’ expectations for privacy. Often victims experience a loss of privacy during prosecution as their victimization experiences are openly discussed which results in revictimization. Each of the three victims interviewed provided details about how they felt their privacy was violated during their criminal cases. In one victim’s case, the defense attempted to share the victim’s personal records during the trial. However, their legal representative was able to block this. Another victim shared details of how needing to provide personal information about their victimization during the investigation and in preparation for trial interrupted their daily life.

The service providers interviewed unanimously stated that they discuss with victims their practices for maintaining confidentiality and privacy. However, there are instances in which
victim confidentiality or privacy cannot be maintained, and service providers do their best to prepare victims when specific information may be made public. One private attorney interviewee tells clients to refrain from posting anything about their case on social media, warning that such information is likely to end up with an attorney. Ultimately, interviewees stated that they do their best to prepare clients for the reality of the case and to protect the aspects of privacy most important to victims. The survey respondents also agreed with this. The desired result is for victims to feel that they have been protected from additional trauma.

While survey respondents were not directly asked about how they manage other victim expectations, their comments were in line with those of the advisory committee. Survey respondents and roundtable participants discussed the need for victims to understand that there are limits to what the legal system can provide. Honest discussions with victims about this help to manage their expectations about the legal process and the most probable outcomes. Furthermore, victims may experience a better sense that their views were adequately represented, and their needs met, when they know what to expect in advance, which is an important component of procedural justice. Also related to procedural justice is whether the victim felt they were treated with dignity and respect, which victim representation during proceedings can promote.

Other outcomes included in the short-term category for victims include feeling they were informed and updated about the status of their case, feeling that the services they received were tailored to their needs, and feeling that their financial and other resource losses were minimized (including school or employment status). Services tailored to a victim’s unique, expressed needs should consider their situational, cultural, language, and ability-related needs. Effective victim representation across a variety of concerns should also result in an increased sense of safety for victims and their families. These increased feelings of safety might occur because they received a protective order, because they knew what to expect during the justice process, because their perpetrator was held accountable, and/or because an employer or landlord that allowed an unsafe environment was held accountable. While legal providers may not be able to fulfill the victims’ desired outcomes in every case, they should identify which outcomes are most important to each victim and prioritize the associated legal services for delivery.

Measurement ideas for different aspects of victim/survivor program outcomes can include victim satisfaction surveys, case file notes, and case outcome data. Regarding victims’ knowledge about their rights or trust in legal systems, it might also be fruitful to insert questions into the intake questionnaire that could later be used to compare a victim’s knowledge or trust before and after receiving representation services as gleaned from exit/satisfaction surveys. Adherence to service delivery protocols and best practices across different program staff should also be measured.

**Community Outcomes**

Community outcomes represent outcomes that impact larger neighboring or otherwise associated groups of individuals, regardless of each person’s personal involvement with legal services. In general, the model suggests that effective education and outreach activities, as well as the establishment of publicized case law, will lead to increased community knowledge about
victims’ rights and options to seek legal services assistance if they suffer a crime. Communities would also gain a better understanding of the harms of crime to victims and communities as a result of this outreach and education, depending on the level of outreach the agency has the resources to undertake. Nine interviewees mentioned lack of public awareness as a barrier to reaching more victims.

Currently, most communities in states with active victims’ rights agencies are often still unaware, first, that they have rights if they are victims of crime, and second, that there are services available to them. Therefore, the main measurable program outcome for communities is increased awareness of victims’ rights, victim legal services available (both generally, and culturally competent services for specific communities), and increased knowledge about how to seek services if needed. If these outcomes are achieved, victims of crime should more easily be able to seek help. Community members can also share information with others who may be impacted by crime directly or indirectly. Program outcomes for communities are not expected to occur quickly and could take months or years to be observed, although increases in levels of knowledge before or after a specific campaign or training might be initially observed in the short term via pre-post training assessments or online community engagement surveys, for example.

Because victim legal services and representation are only one part of the legal community, members of the public may have limited knowledge of the services available to them if they are victimized and the rights they have as victims. One factor that may account for this is that there are few attorneys adequately trained in victims’ rights, as mentioned by two interview respondents, and represented by the comment below:

“The only victims who have attorneys are those who get a referral to us and if we have the resources to take their case. Most victims don’t have legal representation especially because those who have trouble accessing justice. Having an attorney reduces barriers but there’s not enough and victims don’t know that they can have an attorney.”

- Executive Director, Legal Services Provider Interviewee

One roundtable participant echoed this sentiment and shared the assumption that many community members believe the prosecution is responsible for upholding victims’ rights and that the prosecution represents the interests of the victim. Respondents made the point that it is the job of victim service agencies and other justice actors to make it known that there are other attorneys available whose job it is to represent victims during cases.

“People assume victim rights are a part [of the justice system] and don’t understand that prosecutors don’t represent the victim. Public needs to understand the prosecutor does not represent the victim, but there are victim rights [attorneys].”

- Victim Service Provider, Roundtable Participant
Two service provider interviewees mentioned that few legal actors are adequately trained on the scope or availability of victim legal services. If victims end up having negative experiences because of receiving inaccurate information about services available, or poor service from their attorney, they may be less likely to recommend legal services or involvement with the justice system to the community. Ultimately, the more that qualified attorneys represent victims within the justice system, the more educated other actors will be about the rights of victims and services available, and the better their response to victims is likely to be. Furthermore, when victims receive a better response and are more satisfied with the system, their communities will begin to hold a higher opinion of the system.

Initial data sources suggested for exploration in measuring these knowledge increases in community outcomes include: (1) administrative and program records from service providers about their activities, referrals received, intake rates, and participation in community events; (2) administrative data from law enforcement about their activities conducted, complaints received/resolved, crime reporting rates, and case clearances with reasons; and (3) community surveys, or surveys of community leaders such as ministers, school leaders, and other leaders to whom people turn for help, by which attitudes and levels of knowledge might be measured before and after an outreach campaign.

**System Outcomes**

A barrier to successful outcomes at the victim and community levels is the reality that knowledge of victims’ rights and the range of legal services more broadly is not universally possessed by all components of the legal system. Interviewees discussed the challenges of victim representation within this legal climate. They reported that over the course of a typical case, providers could advocate for their clients, but they were largely dependent on courts and other attorneys for desired outcomes, especially holding offenders accountable. Other outcomes depend on more general recognition of victims’ legal rights and concerns not only in the criminal system, but also in family court, immigration court, and other fora with which victims interact so that their actions comply with the law. The need for systemic change to more widely consider crime victims’ needs and rights was a common theme throughout the interviews and discussions.

The legal system program outcomes in the conceptual model represent quicker, or interim changes that should occur as a result of successfully implemented program activities at all levels of the legal system (i.e. courts, attorneys, and law enforcement). Many of these outcomes correspond to the roles different legal actors play in informing victims of, enforcing, or upholding victims’ rights during a case. Other systems outcomes represent levels of knowledge gained by law enforcement and legal actors, and outcomes of broader trainings given by victim legal service providers to members of the law enforcement and legal communities.

Program outcomes for courts focus on developing case law precedent, increased knowledge about victims’ rights across different court actors, increased enforcement of victims’ rights, and reduced violations of victims’ rights. More examples include whether there is a colloquy on record to check whether the victim is present and wants to assert their rights as a normative act (and that the colloquy is used regularly); increased numbers of bench books on rights available in courts and are regularly used; increased numbers of plea and sentencing forms
modified to include compliance with victims’ rights are regularly used; and increased resources to facilitate compliance with victims’ rights law and standards that are regularly used.

Attorney outcomes are applicable to legal actors across all areas of law and emphasize improvements in protecting and upholding victims’ rights so that victims’ rights enforcement is seen as part of attorneys’ standards of care, including among prosecutors. These outcomes include increased knowledge across sectors after trainings, increases in numbers of attorneys trained in and practicing victim law, and policies in place for victim referrals. Further outcomes of interest for attorneys might include increased numbers of attorneys able to sensitively and appropriately represent victims in other contexts, such as credit repair, property return, or getting out of a lease, and that more attorneys are involved in a network of specialist attorneys and victim service providers in a variety of areas. Similar to community outcomes, legal systems outcomes may not occur quickly, but some initial increases or decreases in various areas may be possible.

Law enforcement system outcomes in the model refer to law enforcement as being informed about victims’ rights and reductions in law enforcement violations of victims’ rights. This includes increased numbers of officers trained and retaining knowledge on victims’ rights, and increased numbers of officers held accountable for upholding victims’ rights and making first referrals to victim attorneys. Alternatively, they might make referrals to a broader victim-witness specialist that coordinates all victim services, including victim attorney representation, when victims report a crime.

Two program outcomes that reach across all sectors of the legal system are also included in the model shown in Figure 3: networks are established or MOUs in place between legal sectors, and education and outreach materials are readily available to victims from members of all legal sectors. Other outcomes that were discussed by advisory committee members and survey respondents included the expansion of state victim compensation laws to pay for victim attorneys and a greater trauma-informed approach used across the board in delivering services that meet victim-expressed needs.

Other related system outcomes discussed, but that fell outside the scope of the final conceptual model, included outcomes for the educational system, law schools and professional development standards, and private or public employers. The desired outcomes for schools included increased numbers of students being educated that victims have rights during their civics lessons on criminal procedure at the Kto12 level, and regular and consistent enforcement of Title IX. Among law schools and continuing education courses, desired outcomes included bar exams containing more victims’ rights questions (and more test takers answer them correctly), and more coordination and training of attorneys on victims’ rights as standard practice. Respondents also advocated for increased enforcement of victims’ rights with employers when an employee suffers a crime, such as maintaining their employment status if they miss work to participate in the justice system or to receive other needed healing services.

Some ideas for data sources to measure system outcomes were discussed, such as (1) attitudinal and knowledge surveys of various system actors; (2) administrative and program
activity records from legal systems, criminal justice and other legal system training programs, victim service providers, schools, and other government agencies; and (3) direct observations of activities throughout systems before and after training, outreach, and education initiatives.

**Long-Term Objectives**

Figure 4 shows the third and final substantive section of the model, Long-Term Objectives. Like the short-term program outcomes, the long-term objectives are also categorized by those impacting victims/survivors, communities, and legal systems. The conceptual model illustrates that consistent achievement of the short-term outcomes should lead to achievement of the long-term objectives over time. Furthermore, this aspirational model theorizes that achievement of outcomes for victims and survivors not only leads to the eventual achievement of victim and survivor objectives, it also has ripple effects that impact achievement of community objectives when victims share their experiences with other members of society. However, as the Advisory Committee pointed out, victims may disclose their negative experiences with others as well, which also has ripple effects on trust in the system. As such, there is added incentive to work for the restoration of victims that goes beyond their individual wellbeing.

**Figure 4. Long-Term Objectives**

While the ultimate goal of victim legal services is to promote wellbeing in victims’ lives, objectives at the community and system levels are included because they are also theorized to contribute to wellbeing at those levels. Objectives for victims and survivors include empowerment and self-efficacy, increased trust in the legal system, feeling supported and integrated into a community, and restoration of financial stability. Community objectives are concerned with community member perceptions that the justice system will enforce victims’ rights, that members will be treated fairly if they report crime which will result in increased support for the use of resources to help victims and prevent crime. System
objectives are concerned with creating a system that is more responsive to and supportive of victims’ rights and needs.

**Victim and Survivor Objectives**

Drawing on the extant research on victim services and related fields, the victim and survivor objectives proposed in the model are premised on victim/survivor wellbeing (Hobfoll, 2001; Sullivan, 2018). Specifically, the model depicts the activities and program outcomes that contribute to victims’/survivors’ sense of control over their lives and their increased safety, stabilization, and trust in the legal system. These survivor objectives represent the desired changes in victim wellbeing that can be said to be core motivations behind providing victims with legal representation (Sullivan, 2018). The conceptual model endeavors to articulate this logic, and to provide a framework for evaluating their achievement.

The first two victim/survivor objectives for legal services are *empowerment* and *self-efficacy*. Self-efficacy refers to one’s belief in his or her own abilities to exercise control over events that affect his/her life (Bandura, 1997), and empowerment is the process of increasing a person’s power and strength to achieve this (Barker, 2003). The delivery of victim legal services is designed to help victims navigate the complex legal system and provide victims the opportunity to make their own decisions about which case options to pursue at every stage to help foster this process. In turn, this should lead to increased satisfaction with legal system outcomes overall, or at least with the fairness of the process.

Other long-term survivor objectives include increasing victims’ trust in, and perceived fairness of, the legal system; helping survivors and non-offending family members feel reintegrated back into their community (or into a new, supportive community); and increasing financial stability via victim restitution or compensation, recovery of lost wages, credit restoration, vacatur of criminal charges that can impede employment or housing, and other resolutions.

Interviewees often stated that the primary benefits of victim legal services were that victims were given a voice in legal proceedings, a sense of control over how they wanted the case to proceed, and assistance with healing. Violent victimization, especially, often results in victims feeling as though they have lost control over their lives. Moreover, victims often feel as though the legal system does not consider their best interests or respect their wishes. Legal representation specifically for victims was created, in part, to help victims navigate what can be an unfriendly legal system and to reduce harms that the system can cause. Victim attorneys are also careful to not make promises and to provide honest assessments of what outcomes are most likely. Sometimes attorneys are unsuccessful or cannot act on the victim’s stated wishes because they are not feasible, but providers indicated that it is important to give victims a “voice, not a veto” on how the case proceeds.

In the end, most victims and service providers interviewed agreed that legal services help to minimize the negative impacts of legal proceedings and revictimization of victims and survivors. Attorneys pointed out that they may not win their cases, or get the results that victims desire, but victims may still feel a sense of accomplishment because someone believed them and stood up for them when it counted:
“We like to win, but the impact a trained crime victim lawyer has is most deeply felt by those who lost. We lose and lose, and people ask, how do you feel losing and losing, but this is the first time she has had someone to stand by her to lose. She’s already lost and lost but this time she’s not alone. There was not a conviction, but we kept her records private. We lost, but she knew it wasn’t because of her and if she hadn’t had a lawyer, she would have thought it was because of her. I want to look at how we define winning. It’s not the judge ruled in my favor. That’s not it in CV work. Advocates help with that but having a lawyer when the defendant has a lawyer and state have a lawyer and for the victim to have a lawyer is critical for the victim because it at least equalizes the playing field.”

- Attorney, Victim Service Provider

Reducing the harm caused to victims by participating in the justice system is a goal mentioned repeatedly by advisory committee members at all stages of conceptual model development. Victim legal services can help to reduce the level of harm experienced following victimization and promote victims’ senses of empowerment and self-efficacy, foster improvements in a survivor’s health and mental health, and reduce their vulnerability to future victimization. Furthermore, victims may feel greater trust in the legal system because they know there are legal representatives looking out for them. Eleven out of 14 service provider interviewees believed that the victims they served had a more positive view of the legal system after receiving services. In particular, providers shared that victims they worked with directly expressed positive perceptions about the legal system in general, and victim legal providers specifically. All three victims interviewed stated that the victim legal services they received improved their views of the justice system. However, one victim expressed mixed feelings:

“I think the people specifically made me trust it more and less just because I saw that they cared but I also saw how much they had to do and how thin they were spread. And, I really understood a lot of this was possible because we had the finances to travel up to [state where the trial was occurring] to stay present at the hearings... I only now found out that the first attorney didn’t want to take the case because he didn’t think we were going to win it. So, I was lucky to have another... attorney take my case but it’s just a grueling, grueling process and I don’t know how [victims] younger than me go through something like this.”

- Survivor, Advisory Board Member

Overall, it can be surmised from the interviews that legal services often lead to positive results for victims, even if specific motions or actions do not result in a win. There are several proposed ideas for how these might be measured, although some are subjective and require follow-up with the survivor months after their case concludes. This can include asking victims directly whether and how the experience of having an advocate or legal representative increased their trust in the system. Empowerment might also be measured by looking at victim engagement, as reflected in activities such as becoming a victim advocate or volunteer, actively
engaging in religious or community activities, returning to work, or resuming the activities of daily living. Victims might also be asked whether they feel comfortable and safe at home again. Alternatively, reductions in scores on trauma scales might be used to measure whether the survivor’s level of trauma has reduced after receiving legal representation. Finally, victims might be asked directly about their feelings of financial security some months after their case has concluded, and if legal services helped them to recover some losses.

**Community Objectives**

Community objectives represent the impacts desired for communities at large as a result of successful delivery of legal assistance to crime victims in those communities. Like the short-term community outcomes, in the long-term, community members are expected to benefit from effective provision of victim legal services, regardless of whether specific members directly receive them. Such long-term objectives for communities include increased belief that the justice system recognizes and enforces victims’ rights, which can result from outreach campaigns or from seeing a community member receive better treatment, as well as increases in the number of community members that believe they will be treated well and fairly if they report a crime. Additionally, the model proposes that support will increase among communities for allocating resources to victim services via taxes or other public support due to seeing victims’ rights and wishes advocated for and fairly represented. In short, community objectives involve increased support and trust in the legal system because those systems have materially improved to better serve their members.

Victim legal services not only aim to improve the wellbeing of individual victims, but to improve perceptions of the legal system and victims’ rights enforcement in communities. As mentioned earlier, if victim legal assistance is delivered successfully and in a trauma-informed, culturally competent manner, then theoretically victims will reintegrate into their communities more successfully and share their experiences with victim legal representation with others.

One survey respondent discussed how trust in victim legal service providers can also erode in a community. Victims often turn first to family and friends after a victimization; if these individuals have positive experiences with victim service providers, they may be more willing to tell others about available resources and encourage their participation. This was echoed by a roundtable participant as well. This process is described in the following comment from a survey respondent:

“...the reality is that most victims... will confide in family or friends or faith-based entity rather than go to victim services (or often rather than call the police). So, the outcome should reflect that the public is better able to support victims in making referrals and encouraging them to seek services. If the public has more trust in the system, then they are more likely to encourage a victim to move forward rather than discourage them [or] engaging in victim blaming.”

---

7 Of course, reduction in trauma symptoms can only be partially attributed to receipt of quality legal representation. Evaluation designs would have to control for the receipt of mental healthcare and other likely contributors as well.
Survey respondents saw the inclusion of community objectives as a strong point of the model. One survey respondent shared that they believe that legal system outcomes will impact victims, and that victims’ experiences will trickle down into the community, thus drawing a link between community and legal system objectives.

In the end, the research team identified community objectives that rely on successful victim integration into communities and victim support at all levels to indicate a level of success in the community. This is an assumption that should be tested in evaluation. The community objectives also assume that effective victim services will improve community perceptions of the legal system and increase community members’ likelihood of actively participating in legal proceedings and crime reduction strategies. This assumption should also be tested. Designing methods to capture information on the achievement of long-term objectives is often challenging, but initial ideas to capture those proposed in this conceptual model include:

- fielding community surveys or surveys of formal and informal community leaders that ask questions to gauge public opinion (or including some of these opinion questions in addition to the knowledge questions recommended under community program outcomes);
- including questions in the long-term follow up survey with survivors on whether they have spoken to family and friends about the services they received and what they said;
- tracking community votes on funding measures for local victim services and crime prevention measures; and
- tracking state legislature votes on crime reduction and victim assistance bills.

While surveys may be expensive to design and execute, tracking votes on crime remediation and prevention measures in the legislature might at least provide a less expensive proxy for some measures of change in public opinion alongside potential studies of media mentions and framing.

**System Objectives**

Long-term objectives for systems are improvements that should become established as standard practices if programmatic activities are impactful. These objectives are concerned with holistic, system-level changes. The model theorizes that the institutionalization of effective victim representation, accompaniment, and/or advocacy services should lead legal systems to become more responsive to, and mindful of, victims’ needs. Strong holistic responses would include things like strong multidisciplinary collaborations and interagency victim response procedures. Furthermore, victim-sensitive legal processes should become the norm, since effective victim legal representation and training of legal actors on victims’ rights should help to ensure that all parties’ views are heard during a case, including the victim, offender, state, and in civil and administrative processes, other affected parties with legal standing.

System objectives are directly impacted by legal system short-term outcomes described earlier and are interrelated with the other categories of outcomes and objectives. The system objectives listed in the model can improve victim wellbeing in the long-term by triggering improvements in the way victims’ rights are routinely upheld and enforced.
Many survey respondents in this study indicated that while they believe victim legal services need to be more victim-centered and trauma-informed, they recognized that it would take time to implement across legal systems. They also highlighted that, to provide holistic services, legal systems need to have strong, collaborative relationships with victim response agencies and legal and social services. These service networks would then yield more responsive legal systems in which the views of all parties involved or impacted can be represented. The Advisory Committee posited that this would help level the playing field between victims and offenders because, as it stands now, the offenders’ constitutional and statutory rights are more clearly and consistently enforced than the legal rights of victims. Increased levels of case law establishing more precedents may be beneficial in this regard.

A number of potential items are proposed in the model that could be used to measure long-term objectives for systems:

- victim assistance with legal and criminal justice processes is provided as standard practice, with victim sensitivity;
- immigration options, such as T and U visas or continued presence, are available, provided, and assistance with applications and appeals is victim sensitive;
- civil legal help of all kinds is available, provided directly or by referral, and is victim-sensitive;
- social service help of all kinds is provided, directly or by referral, and is victim-sensitive;
- schools are helpful to student victims and campus judicial proceedings are consistently conducted in a fair manner; and
- child and adult protective services are responsive and sensitive to victim needs.

Of particular interest is whether these systems are made more trauma-informed and responsive to victims’ needs due (at least in part) to the institutionalization of victim legal representation and legal assistance. While these questions cannot be answered by evaluations of single programs in isolation, evaluations of multidisciplinary teams (MDTs), and collaborations with clear measurements of the state of each of these items before the team was founded, and after it has matured, may provide a starting place, especially if compared with other MDTs or collaborations that do not include victim legal services as a component.

A word about prerequisites

While this conceptual model focuses on activities, program outcomes, and long-term objectives from a theoretical perspective, and is not intended as a full logic model due to program variation, advisory committee members and survey respondents provided much feedback about available resources (i.e. inputs). These resources are prerequisites for being able to deliver quality services to more victims, and scarcities can impact program implementation and fidelity.

The most common systemic challenge mentioned by service provider and victim interviewees was the lack of resources available to meet victim needs. Twelve interviewees indicated there were too few funding streams available, which impacts an agency’s abilities to
provide services to a greater proportion of victims and to hire and train knowledgeable attorneys and staff members to provide quality services. Furthermore, the lack of funding can also have a negative effect on the ability to educate other legal actors and victim service providers throughout the system about victims’ rights and available victim legal services of all kinds. Further, attorneys and legal actors are aware of their lack of adequate training on victims’ rights and are, therefore, hesitant to provide legal assistance to victims. One interviewee indicated that attorneys and advocates who are not trained on victims’ rights can face punishment for improper practice of law. However, adequate training may make legal actors more confident in their abilities to offer appropriate advice and services to victims. Lastly, certain funding agencies restrict the types of victims to whom services can be offered. Two interviewees noted that their agencies can only offer support for victims in one area of law, and even those services may not fully encompass all of a victim’s needs in that area.

In addition to the identified shortcomings associated with funding, seven interviewees also noted that the justice system relies on the opinions of a number of legal actors, each with their own experiences with and opinions about victims. While some legal actors have extensive training and knowledge on victims’ rights and needs, others receive less extensive training, and still others may hold personal opinions counter to the goals of victims’ attorneys. As one interviewee states:

“Every case is unique. You’ll have a judge, prosecutor, defendant, all have their own views so dealing with the human dynamic and people make mistakes. But you’re dealing with a lot of different variables and they include temperament. Attorneys have different views of the same thing; what is clear to one [is] not [clear] to all. A lot of factors with human beings being involved and there’s emotion.”

- Executive Director, Mid-Atlantic, Legal Services Provider

Regular training of legal actors could help to reconcile contrasting views on victims and victims’ rights with the goal of minimizing the number of violations during prosecution or other proceedings.

Six interviewees mentioned that the specific role prosecutors play can impact the quality and level of service victims receive. One survivor mentioned that he received a pamphlet outlining his rights along with contact information for service providers. However, a private attorney interviewee said that many victims do not contact the prosecutor to begin with, and therefore, remain unaware of available services. Another service provider voiced concern that legal service providers do not communicate or work closely enough with prosecutors, which could also result in less information forwarded to victims. The same interviewee also discussed that the relationships between legal service agencies and prosecutors vary:

“We have had requests for help, and they see us as a partner. Even though we block access to people, they see us as a partner in serving victims, and in other cases they see us as getting in their way... they can [still] be caught off guard
having someone watching the crime victims’ rights aspects. So hopefully it becomes the norm.”

- **Deputy Director, Midwest, Legal Service Provider**

Strong relationships with prosecutors and other legal system actors are important for seamless delivery of victim legal services. If members of the legal system all work under the same assumptions and have consistently comprehensive information about legal rights available to victims, they can ensure that there is continuity of care as victims encounter other members of the legal community.

“Prosecutors respect victim rights attorneys and [the] role they play. Prosecutors have policy and process to always refer victim to victims’ counsel PRIOR [emphasis in original] to complaint/indictment filed. Prosecutors have resources for other legal referrals as needed and refer when ID.”

- **Survey Respondent, Legal and Social Service Provider, Northeast**

**Theory of Change**

The progression of the conceptual model from activities to short-term outcomes to long-term objectives is based in theory. As presented in the literature review, the dominant theoretical perspectives selected based on previous research and discussions with advisory board members about their work were *conservation of resources theory* and *procedural justice*, both informed by *trauma theory* and *trauma-informed care principles*.

As alluded to throughout this report, the effective provision of legal services and representation to victims should lead to increased satisfaction with legal system processes, if not outcomes, achieved via participation in various justice systems. Enforcement of victims’ rights to be heard, present, and informed, lead to validation of a victims’ perspectives, needs, and wishes, as does the practice of providing victims with detailed information about their options and probabilities of success so they can make informed choices about how to proceed. Victim-led approaches to service delivery also increase a victim’s sense of procedural fairness and helps them conserve very important resources (e.g. control and self-efficacy) via empowerment.

Provision of adequate legal assistance for a variety of legal needs can also help victims to conserve, recover, or rebuild financial, safety-related, health, and other resources. Effective legal assistance can also give victims the opportunity, if they so choose, to push for offender accountability through participating in a prosecution, through a restorative justice process wherein the offender apologizes and takes responsibility for the harm they caused, and/or through securing damages or restitution. Further restoration and alleviation of trauma can occur when victims are able to resolve other issues related to a victimization, such as family law issues that may arise like divorce or child custody, immigration-related issues, securing public benefits that may be needed while they get back on their feet, maintaining employment or educational
what constitutes success? evaluating legal services for victims of crime: conceptual model interim report

statuses that may have been threatened, and more. Each of those reflect resources that may be easier for a victim to conserve if they have access to victim-sensitive legal representation and legal processes, and victim satisfaction is increased when they view their experiences of such processes as fair. Fair processes, adequate victim-sensitive, trauma-informed assistance and representation, and the stemming of resource losses can all aid a survivor in recovering from victimization harms, and in the achievement of better survivor wellbeing.

Figure 5. Victim Legal Service Theory of Change

This initial part of the theory of change ties legal services activities to victim outcomes and objectives. However, it can be seen above in Figure 5 that the achievement of victim outcomes and objectives not only helps the victims in each case, but also leads to important community outcomes. Seeing or hearing about victims that had good outcomes can increase community trust in the legal system, as can good education and outreach campaigns to increase general knowledge about victims’ rights and available services. Knowing about these rights and services, combined with hearing about community members’ better outcomes, can lead to increased trust in the legal system as well. However, not all communities feel equally supported by the system. Some communities may have different experiences depending on gender, ethnic
or racial backgrounds, disability, religion, or other characteristics that, if services are not trauma-informed and culturally competent, can leave them feeling left out or unwelcome to participate in these systems. Therefore, trauma-informed and culturally competent approaches are important to provide a sense of procedural fairness at the community level as well. Furthermore, these approaches and outreach to specific communities may also help them to feel safer coming forward for help (conservation of resources).

Program community outcomes result from outreach and education campaigns, the advancement and publicity of victims’ rights-related case law, and word of mouth and press about direct victim experiences as described above. These short-term community outcomes have long-term implications for both individual victim outcomes and for community outcomes. First, increased knowledge of victims’ rights and available legal services should, theoretically, increase trust in the legal system, as well as support for dedicating resources to continue helping victims and to prevent crime. Community opinions can also influence the decisions of individual crime victims to come forward and the decisions they make about participating in prosecutions or pursuing other legal options. Therefore, community and individual victim perceptions about system participation influence one another in a reciprocal way. One poorly handled case can result in increased trauma for both the victim and community, and one well-handled case approached in a truly victim-centered and trauma-sensitive way can result in healing for both the victim and community.

Lastly, systemic improvements in crime victim treatment and assistance have direct benefits for individuals that experience crime in the future. When better collaborative, multidisciplinary processes are in place, and communities are aware that this kind of response is to be expected in response to serious victimization, future victims will better trust the system, have a higher likelihood of being satisfied with the legal process, and be more likely to report that the experience aided in their recovery. In this aspirational model, those effects will spill over into the community, and related successes will reinforce themselves within systems. Increasing the sense of procedural fairness among individuals and communities, and within systems, along with providing victims the ability to conserve valuable tangible and intangible resources that they felt were threatened by their victimization experiences, should in theory lead to reduced long-term effects of trauma.

IV. Recommendations for Use of Model

Clearly, some of these objectives represent an ideal. Several advisory committee members and survey respondents expressed strongly that the ideal shown here will be challenging to achieve in a system in which they are often unable to “win” or achieve the victim’s desired outcome. Simply providing a victim with advocacy support is often the most valuable service legal representatives are able to provide at present. Legal service providers, particularly, were worried that adoption of this model would mean that they will be held accountable for achieving the impossible.

However, this model is aspirational. It describes the motivations behind the services
WHAT CONSTITUTES SUCCESS? EVALUATING LEGAL SERVICES FOR VICTIMS OF CRIME: CONCEPTUAL MODEL INTERIM REPORT

provided by victim legal representatives, why they deliver them, and why they deliver them in the manner that they do, such as reasons for using trauma-informed, victim-led approaches. It is meant to serve as a guide for designing programs and as a framework for constructing evaluations that can measure progress toward the explicated outcomes and objectives, whether or not all of them are achieved. It can also be used to course-correct victim legal services programs that may be producing effects opposite of those defined in the model.

Limitations

The development process for this model had some limitations. First, there is always the possibility that the advisory committee was not perfectly representative of the diversity that exists in victim legal services, though the research team did its best to recruit members from all parts of the country and from all sizes and types of programs. It might also have been beneficial to recruit legal system or victim social services actors in communities that do not have victim legal services available for victims. While the project team was intentional about including survivors on the advisory committee, it may have been beneficial to include more than we had to be more representative of survivors’ views and experiences. Additionally, while the response rate to the survey on an early draft of the conceptual model was good, our snowball sample of legal service providers could have been larger.

Despite these limitations, these data collections were intended for fact-finding and gathering input and feedback from experts, not for generating causal analysis. In addition to these data collections with practitioners and survivors, the conceptual model was also based on the current state of the victims’ rights field as a whole, as presented in the literature review.

The conceptual model presented here has also not yet been validated. Partial validation will occur during the second phase of this research, when the project team pilot-tests it in evaluation designs with the three sites recruited for this project (Oregon, Arizona, and Maryland) between November 2020 and May 2021. After that, other evaluators of legal services should also test the model in practice to contribute to its validation.

Future Research Directions

A number of directions for future research flow from the development of this model. First, while some suggestions were made for measures, methods, or data sources by which many of the activities, outcomes, and objectives might be measured, our investigation did not uncover as many existing measures for evaluation purposes as we had hoped to find. While the literature contains many measures of procedural justice, which were incorporated into the framing of the victim outcomes and objectives in the model, measurements for resource conservation-related outcomes and objectives were lacking. Furthermore, many trauma scales are lengthy and impractical for service providers to incorporate into victim satisfaction surveys that already receive low response rates, and other measures would be even more difficult to collect according to the service providers consulted. For example, victim legal service providers do not keep complete financial records on their clients, so measuring the total amount of financial loss prevented by securing a restitution award may be impractical.
Our pilot test work (in progress as of this writing) seeks to resolve some of these issues by working with pilot sites to design and test practical, valid, and meaningful measures for future use in evaluation. The goal is to identify practical, valid outcome measures that are relatively easy for practitioners and evaluators in the field to implement and track to measure success. Suggestions for explorations in evaluating the effectiveness of program activities include the influences of frequency, dosage, and qualitative dimensions of service delivery, such as information about how services are delivered and differences in approach. Potential sources for activity and outcome measures may include case management systems, case records, narrative descriptions within case files, and direct observation of service delivery by providers with clients. Designing methods to capture information on the achievement of long-term objectives can be challenging, but intermediate and long-term follow up surveys of survivors, communities, and its leaders may potentially be fruitful here.

In sum, the conceptual model presented in this report identifies the pathways through which victim legal services’ activities lead to desired short-term outcomes and long-term objectives for victims/survivors, communities, and systems. It is the first fully conceptualized model of best practices for victim legal services, and it can be adapted to a broad range of agencies that provide different suites of services to victims. This framework is useful for practitioners seeking to design and deliver more effective victim legal services programs, and to establish measurable guidelines to assess how well they are assisting victims with exercising their rights, gaining access to justice, and improving their broader wellbeing Therefore, this research has implications for the advancement of standards for services, best practices, and rigorous evaluation of these programs, which is currently lacking in the field.
References


WHAT CONSTITUTES SUCCESS? EVALUATING LEGAL SERVICES FOR VICTIMS OF CRIME: CONCEPTUAL MODEL INTERIM REPORT


WHAT CONSTITUTES SUCCESS? EVALUATING LEGAL SERVICES FOR VICTIMS OF CRIME: CONCEPTUAL MODEL INTERIM REPORT


WHAT CONSTITUTES SUCCESS? EVALUATING LEGAL SERVICES FOR VICTIMS OF CRIME: CONCEPTUAL MODEL INTERIM REPORT


WHAT CONSTITUTES SUCCESS? EVALUATING LEGAL SERVICES FOR VICTIMS OF CRIME: CONCEPTUAL MODEL INTERIM REPORT


66


What Constitutes Success? Evaluating Legal Services for Victims of Crime: Conceptual Model Interim Report


WHAT CONSTITUTES SUCCESS? EVALUATING LEGAL SERVICES FOR VICTIMS OF CRIME: CONCEPTUAL MODEL INTERIM REPORT


