



How Have States Improved Accountability to Victims through JRI?

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Victims and survivors of crime, victim advocates, and service providers offer a critical, though often overlooked, voice in justice system improvement efforts and have played an important role in the Justice Reinvestment Initiative (JRI) process. The JRI is a data-driven, consensus-based approach to improving criminal justice systems that provides a framework for managing corrections and supervision populations more effectively and cost-efficiently. Each state that engages in JRI convenes an interbranch workgroup, analyzes criminal justice data, and tailors a policy package to reduce recidivism, improve public safety and return on investment, and better align its justice system with research on best practice.¹ Through JRI, states are addressing challenges that victims face and strengthening services for people directly impacted by crime.

In this brief, we summarize how states have engaged victims, victim advocates, and service providers throughout the JRI process. Then, we outline some strategies states have used through JRI to improve accountability to victims of crime. Finally, we highlight creative, victim-centered policy and practice changes that states can consider to better serve victims.¹

¹ Although people who have experienced crime are often referred to as “victims” and their advocates are often referred to as “victim advocates,” we recognize that many people prefer the term “survivor” because they find it more empowering and reflective of recovery and healing. We also recognize that victim advocates may be victims and survivors as well as advocates. States engaged in JRI refer to people who have experienced crime as victims and survivors and often refer to people who advocate for victims and survivors as victim advocates. Though we use the term **victim** throughout this brief, we respect the preferences of people who identify as victims and/or survivors of crime.

BOX 1

Methodology

The Urban Institute conducted a document review of information from state JRI engagements to identify strategies for engaging victims, victim advocates, and service providers and improving accountability to people impacted by crime and those who serve them. The document review drew from policy briefs and memos from technical assistance providers; media reports from states engaged in JRI; JRI legislation; and state agency reports on the development, implementation, and impact of JRI policies.

Crime, Victimization, and Support for Improving Justice Systems

Victims are not a homogeneous group; they have a broad array of experiences, concerns, and opinions. People experience different physical, emotional, and economic consequences of crime, and trauma impacts them differently. Moreover, many people have multiple experiences of victimization of the same or different types (ASJ 2016). Researchers and policymakers should therefore avoid making assumptions about what victims may experience, need, or want, and ensure victims have a voice in conversations about improving justice systems.

Researchers have identified findings that are critical to strategizing to improve accountability to victims of crime. First, people of color are disproportionately impacted by crime. In 2018, Black people were 41 percent more likely to be victims of serious crime² than white people, and Hispanic people were 20 percent more likely than white people (Morgan and Oudekerk 2019). Moreover, victims are more likely to be young and living in low-income communities (ASJ 2016). Finally, although victims and people who commit crimes are often regarded as distinct groups, many people have committed crimes and been victimized (Farrell and Zimmerman 2018). In short, how victimization affects people depends on how many and which types of victimization they have experienced; whether they have also committed crimes; and their identities (e.g., their race, ethnicity, or socioeconomic background).

Most victims support a range of justice system improvements, including rehabilitation and investing in education, job creation, mental health treatment, and crime prevention rather than just in prisons and jails (ASJ 2016). According to a National Alliance for Safety and Justice study (2016), victims preferred, by a margin of three to one, holding people accountable through alternatives to prison, such as rehabilitation, mental health treatment, drug treatment, community supervision, or community service (ASJ 2016). Although victims' experiences and preferences vary widely, many victims support approaches and policy changes that address underlying drivers of crime.

Engaging Victims in JRI Policy Development

Addressing the drivers and complex effects of crime and victimization requires multifaceted strategies. Every state engaged in JRI has used a consensus-driven approach to engage victims and their advocates, working with them to identify challenges to and opportunities for improving accountability to victims. States have used various strategies to engage victims, victim advocates, and service providers during JRI policy development.

Each state that engages in JRI assembles an interbranch, bipartisan workgroup of policymakers and stakeholders from inside and outside the justice system. Supported by technical assistance providers, each workgroup develops a problem statement, a shared vision for justice system improvement, and either administrative policy changes or policy proposals to present to the state legislature. Many states formally include victims, victim advocates, and/or service providers in their workgroups, giving victims and their advocates a voice in the policy development process.

Most workgroups hold roundtables with victims, victim advocates, and service providers. These meetings are typically small (approximately 10 to 15 people) and held in one or several locations across the state. The goal for these roundtables is to share information about JRI; ensure the state's JRI task force has the information that victims, victim advocates, and service providers consider relevant to conversations about justice system improvement; and learn what they would prioritize in legislation aiming to improve the criminal justice system. Insights gleaned during roundtables are typically documented in a report or memo to the task force to inform policy development and, in some cases, state reinvestment strategies. Examples of how states have approached these roundtables include the following:

- **Oklahoma** held three roundtables with victims, victim advocates, and members of the Seminole and Cherokee Nations to understand priorities for victims and their advocates (Samuel and Robustelli 2018).
- **Pennsylvania** partnered with the Office of the Victim Advocate to host a regional meeting with victims, victim advocates, and victim witness staff from prosecutors' offices to solicit feedback on JRI policy options.³
- **West Virginia** convened roundtables and meetings with victims and victim advocates as well as with judges, prosecutors, defense attorneys, behavioral health and substance use treatment providers, and local government and community representatives (CSG 2013). Between June 2012 and January 2013, West Virginia and the Council of State Governments Justice Center conducted 84 in-person meetings that included several victims and victim advocates (CSG 2013).

In addition to their workgroups and roundtables, several states have engaged victims, victim advocates, and service providers in conversations around specific victim-related policies. Examples include the following:

- The **Montana** Sentencing Commission, which served as the state’s JRI workgroup, invited victim advocates to present on restitution, crime victim compensation, victim notification, and other needs.⁴ As a result, the commission endorsed legislation to improve the Montana Crime Victim Compensation Program and to support guidelines and standards for the batterer intervention program (CSG 2017).
- **Nevada’s** Advisory Commission on the Administration of Justice engaged victims and victim advocates across the state to identify priorities for policy change (ACAJ 2019). The commission used their suggestions to inform policy recommendations in its final report. These recommendations included strengthening Nevada’s victim notification system, clarifying statutory definitions of a “crime victim,” and improving the process for educating victims about their rights and available services (ACAJ 2019). These recommendations informed A.B. 236, the 2019 bill resulting from Nevada’s JRI engagement.⁵
- **Rhode Island** engaged victim advocates in developing policy options to increase the use of risk assessments in courtroom supervision decisions.⁶ Victim advocates underscored the need to improve terms of pretrial supervision and accurately assess people’s risk of reoffending to help victims feel safe before trial.⁷

Though engaging victims, victim advocates, and service providers in policy development conversations is a promising start, including one or even several victims and victim advocates in workgroups and roundtables may be insufficient to adequately represent victims’ needs. Further, some of the most vulnerable victims—like young people of color living in low-income communities—are often excluded. Ultimately, these conversations should lead to substantive policy changes that consider the needs and experiences of *all* victims.

Strategies to Improve Accountability to Victims through JRI

Improving accountability to victims requires not only engaging victims and advocates in justice system improvement efforts, but also achieving victim-centered policy changes. Most JRI states have supported victims by investing in victim services, strengthening restitution collection and compensation payment, improving victim notification practices, and/or providing victim-related training.

Invest in Victim Services

One of the most common ways states have improved accountability to victims through JRI is by investing in services for people directly impacted by crime. For instance, **Oregon** dedicates at least 10 percent of its JRI savings annually to community-based victim services and programs. Its 2013 JRI bill required every county to allocate funding to nonprofit organizations that support victims in marginalized communities, seek to reduce cultural barriers to services, and expand access to trauma-informed practices. To be eligible for funding, organizations must increase access for victims who face

barriers to programming, such as those who speak a foreign language or have a disability.⁸ Between 2015 and 2019, Oregon reinvested more than \$9 million in such programs.⁹

Similarly, **Louisiana** prioritized reinvestment for victim services during its JRI engagement in 2017: 14 percent of its reinvestment dollars went to victim services in the first year, and 10 percent went to such services in subsequent years (DPS&C 2019). The Louisiana Commission on Law Enforcement has already allocated \$1.7 million in grants for 2020 (DPS&C 2019). This funding includes resources to establish a new Family Justice Center that partners with various service organizations to provide comprehensive support to victims.

Strengthen Restitution Collection and Compensation Payment

States have also improved restitution collection and increased compensation payments to victims. **Hawaii** is illustrative in this case. Facing many challenges with its restitution collection, which resulted in a significant backlog (CSG 2014a), the state created 22 new victim service positions focused on improving restitution payment collection (Watson 2018). It also received a \$100,000 grant from the Bureau of Justice Assistance to create a database for following restitution payments (DPS 2018). Hawaii created a Compensation and Restitution Management System to ensure restitution is efficiently processed. The system provides customized case management tools, streamlined payment processing, expanded data collection, and enhanced reporting capabilities to make restitution collection from people in prison and on parole more effective (Watson 2018). Moreover, the Hawaii Paroling Authority trained parole officers in restitution management, authorized officers to use sanctions and incentives to promote compliance with restitution plans, and reviewed trends in the state's restitution collection dashboard (Watson 2018). Through these changes, Hawaii increased victim restitution collection by 70 percent between 2013 and 2016 (Watson 2018).

Missouri expanded victims' access to compensation by allowing hospitals and other health care providers to send official documents and medical information on behalf of victims, extending the period when victims can report to law enforcement to be eligible for compensation, and eliminating the requirement that paperwork be notarized.¹⁰ As a result of these changes, victim advocates have reported that barriers to compensation have decreased (particularly among victims of domestic violence), as has the time it takes to complete an application.¹¹

As part of its JRI engagement, **New Mexico** conducted outreach to victim service organizations and statewide domestic violence and sexual assault coalitions.¹² The state used their feedback to inform legislation that expanded eligibility requirements for compensation and created exceptions to the requirement that victims engage with law enforcement (CSG 2014b).

BOX 2

Restitution and Compensation

Though many policy and practice changes to compensation and restitution have succeeded, a complex process underlies these payments. The two forms of payment have important distinctions, and barriers to access remain for many victims.

Restitution is a court-ordered payment from the person convicted of a crime to the victim of that crime. For a victim to receive restitution, someone must be arrested, charged, and adjudicated.^a In many cases, prosecutors are not required to ask for restitution^b and judges do not always award it (OVC 1997). Moreover, when restitution is ordered, people who are convicted often lack the resources to pay.^c For people on community supervision, failure to pay restitution can have compounding consequences that can result in returns to prison.

In contrast, *crime victim compensation* is funded by state and federal governments and does not require that the person suspected of committing a crime be convicted for a victim to be paid for costs incurred as a result of their victimization. However, these funds have unique eligibility restrictions. To access compensation funds, the victim must report the crime to the police and participate in an investigation.^d Because violent crime is often underreported, this means many victims do not access compensation (Morgan and Oudekerk 2019). Victims decide not to report for a variety of reasons, including fear of retaliation, fear that law enforcement cannot help, or preference to deal with the crime in another way.^e Moreover, seven states ban access to compensation for victims with criminal records.^f This prevents many victims from accessing compensation because of the notable overlap between victims and people who commit crimes.

Notes:

^a Sherilyn Streicker, "Restitution Law for Victims of Crime," Nolo, accessed March 18, 2020, <https://www.nolo.com/legal-encyclopedia/restitution-law-victims-crime.html>.

^b "Ordering Restitution to the Crime Victim, Legal Series Bulletin #6," Office for Victims of Crime, accessed March 20, 2020, https://www.ncjrs.gov/ovc_archives/bulletins/legalseries/bulletin6/3.html.

^c "Ordering Restitution to the Crime Victim, Legal Series Bulletin #6," Office for Victims of Crime.

^d "Crime Victim Compensation: An Overview," National Association of Crime Victim Compensation Boards, accessed March 18, 2020, <http://www.nacvcb.org/index.asp?bid=14>.

^e "Nearly 3.4 Million Violent Crimes Per Year Went Unreported to Police from 2006 to 2010," Bureau of Justice Statistics, accessed March 18, 2020, <https://www.bjs.gov/content/pub/press/vnrp0610pr.cfm>.

^f Alysia Santo, "'The Victims Who Don't Count,'" The Marshall Project, September 13, 2018, <https://www.themarshallproject.org/2018/09/13/the-victims-who-don-t-count>.

Improve Victim Notification Practices

Several states have used JRI to better notify victims as the people suspected of committing crimes against them move through the justice process. For example, in 2015, **Alabama's** automated notification system was not functioning properly, resulting in some victims receiving no notice when the person convicted of committing a crime against them was released from prison (CSG 2015). In response, Alabama invested \$600,000 and enhanced its electronic notification database.¹³

Similarly, **South Dakota** committed to reinvesting \$800,000 the first year after its JRI bill passed and \$100,000 a year for the next nine years to create a statewide automated victim information and

notification system (Pew 2013). A functioning notification system can provide victims security in knowing exactly when the person who committed the crime against them is arrested, has court appearances and parole hearings, and is released from prison.

Provide Victim-Related Training

Oklahoma and Nevada have taken innovative approaches to JRI legislation to improve accountability to victims. Both states included legislative language that improved training for people working with victims to increase protection, address trauma, and improve domestic violence intervention. In **Oklahoma**, H.B. 2284 required the District Attorneys Council and the Administrative Office of the Courts to adopt trainings on domestic violence and victim trauma.¹⁴ Senate Bill 604, the other Oklahoma JRI bill, required the Council on Law Enforcement Education and Training to train law enforcement on personal safety planning for victims before their cases go to trial.¹⁵

Nevada mandated similar training in its JRI legislation. Assembly Bill 236 required people convicted of domestic violence to take a program certified by the Nevada Department of Health and Human Services with a module specific to victim safety. In addition, the Department of Corrections director and the chief parole and probation officer must train their staff on interacting with victims of domestic violence and trauma.¹⁶

Expanding Efforts to Improve Accountability to Victims

Although states have substantially improved accountability to victims through JRI, more can be done. In fact, the list of innovative policies and practices they can use to engage victims in justice system improvement efforts and address their diverse needs continues to grow. To address the needs of people directly impacted by crime, states can consider doing the following:

- **Periodically study trends in victimization and services through needs assessments.** Supporting victim-focused needs assessments is critical to accurately capture state victimization trends and rates, assess how victim service funding is distributed, identify underreporting and gaps in services, and assess whether funding is actually improving uptake of victim services.
- **Ask victims what they need and support a range of services**, including prevention, recovery, healing, and restorative justice programs. The Alliance for Safety and Justice found that in California, less than 20 percent of victims reported receiving financial assistance, counseling, medical assistance, or other types of healing services (CSJ 2019). Many victims said they never received but would have wanted healing services, and 41 percent would have wanted mental health support (CSJ 2019).
- **Target services and funds to victims who face the greatest barriers to access** or who have historically lacked services, such as people of color, young people, and people living in low-income communities.

- **Reduce barriers to restitution and compensation.** States should recognize the complex nature of victimization and the importance of serving and compensating all victims. Moreover, they should compensate victims regardless of whether and how they report crimes, the extent of financial harm they experience, and their past justice involvement. Notably, in a recent survey 59 percent of victims reported that they wanted financial assistance to help with damaged property or monetary losses but did not receive it (CSJ 2019).

Conclusion

States engaged in JRI have made progress improving accountability to victims, victim advocates, and service providers and making sound changes to policy and practice. States have engaged victims and their advocates early in the JRI process during workgroup meetings, allowing them to highlight their concerns and needs. States have also held roundtables with victims, victim advocates, and service providers to guide policy recommendations and understand the impacts of policy changes on victims and their communities. Many states have also improved accountability to victims through legislation, and many have invested to expand victim services, strengthen restitution collection and compensation payment, improve victim notification, and provide victim-related training.

Despite these accomplishments, states can do more to engage victims, solicit their input on policy changes, and improve accountability. Whether states are engaging in JRI, are considering doing so, or are pursuing other justice system improvement and reinvestment efforts, it is important to ensure that victims, victim advocates, and service providers have the opportunity to participate, identify challenges, and brainstorm solutions. Conversations with victims and their advocates should lead to substantive policy changes that consider the needs and experiences of *all* victims. Justice demands that decisionmakers do everything possible to mitigate the harms that people impacted by crime experience and help restore them to wellness.

Notes

- ¹ *The Justice Reinvestment Initiative: A Guide for States* (Washington, DC: Urban Institute, forthcoming).
- ² The Bureau of Justice Statistics defines serious crimes as crimes generally prosecuted as felonies. Per Morgan and Oudekerk, “These include most completed or attempted violent crimes apart from simple assault, and completed burglaries and motor-vehicle thefts” (2019, 2).
- ³ Council of State Governments Justice Center, “Justice Reinvestment: Monthly Activity Report, Pennsylvania Phase I March 2016,” communication with the authors, March 2020.
- ⁴ Council of State Governments Justice Center, “Justice Reinvestment: Monthly Activity Report, Montana Phase I March 2016,” communication with the authors, March 2020.
- ⁵ An Act Relating to Crimes 2019, Nevada A.B. 236.
- ⁶ “Rhode Island Justice Reinvestment Working Group: Third Meeting,” Council of State Governments Justice Center, 2015.

- ⁷ “Rhode Island Justice Reinvestment Working Group: Third Meeting,” Council of State Governments Justice Center, 2015.
- ⁸ “Information about the JRI Grant and Related Programs: Victims 10%,” State of Oregon Criminal Justice Commission, accessed December 13, 2019, <https://www.oregon.gov/cjc/jri/Pages/Victims-10.aspx>.
- ⁹ “2017–2019 Justice Reinvestment Grant Funding by County,” State of Oregon, accessed December 13, 2019.
- ¹⁰ 2018, Missouri H.B. 1355.
- ¹¹ Associated Press, “Advocates: Missouri Crime Victim Aid Law Changes Are Working,” *St. Louis Post-Dispatch*, November 24, 2018, https://www.stltoday.com/news/local/crime-and-courts/advocates-missouri-crime-victim-aid-law-changes-are-working/article_7795b2c0-2faf-542e-93bb-1e8fc41b205a.html.
- ¹² Communication with the Council of State Governments Justice Center, March 2020.
- ¹³ CSG Justice Center Staff, “Alabama Allocates \$26.5 Million for Justice Reinvestment in FY2019,” Council of State Governments Justice Center, April 18, 2018, <https://csgjusticecenter.org/alabama-allocates-26-5-million-for-justice-reinvestment-in-fy2019/>.
- ¹⁴ An Act Relating to Legal Practitioner Training 2017, Oklahoma H.B. 2284.
- ¹⁵ An Act Relating to Law Enforcement Training 2017, Oklahoma S.B. 604.
- ¹⁶ An Act Relating to Crimes 2019, Nevada A.B. 236.

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