

New Directions from the Field:

Victims' Rights and Services for the 21st Century

Recommendations for Prosecution

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

One of the most important and basic rights of victims during the prosecution stage is the right to participate. Victims' satisfaction with prosecutors and the criminal or juvenile justice system increases dramatically if they are invited to participate in the decisionmaking process. Heightened sensitivity to the needs of crime victims by prosecutors and their staff has resulted in increased victim participation in criminal and juvenile justice processes. To ensure that victims continue to participate in the prosecution of cases, the following recommendations for prosecutors and their professional staff are set forth by the field:

1. Prosecutors' offices should notify victims in a timely manner of the date, time, and location of the following: charging of defendant, pretrial hearings, plea negotiations, the trial, all schedule changes, and the sentencing hearing. Timely notification, orally or in writing, of advanced scheduling should be provided in relevant languages. Statutes should require prosecutors to verify notifications with documentation in case files or through another mechanism.
2. Prosecutors should establish victim/witness assistance units to ensure that victims of crime receive at least a basic level of service, including information, notification, consultation, and participation. Prosecutors' offices should develop and incorporate into performance evaluations written definitions of the roles and responsibilities of prosecuting attorneys, victim/witness professionals, and other relevant staff and volunteers.
3. Prosecutors should use the full range of measures at their disposal to ensure that victims and witnesses are protected from intimidation and harassment. These measures include ensuring that victims are informed about safety precautions, advising the court of victims fears and concerns about safety prior to any bail or bond proceedings, automatically requesting no-contact orders and enforcing them if violated, and utilizing witness relocation programs and technology to help protect victims.
4. Prosecutors should address criminal and juvenile justice problems that afflict their communities by exploring the establishment of community prosecution programs as an adjunct to traditional prosecution. Prosecutors should recognize the important role that they can play in reducing crime and should use the authority of their office to support effective crime prevention strategies tailored to the cultures and language needs of their communities.
5. Prosecutors should play a central role in establishing multidisciplinary efforts to respond to crime.
6. Prosecutors should advocate for the rights of victims to have their views heard by judges on bail decisions, continuances, plea bargains, dismissals, sentencing, and restitution. Policies and procedures should be put into place in all prosecutors' offices to ensure that victims are informed in a timely manner of these crucial rights in forms of communication they understand.
7. Prosecutors should make every effort, if the victim has provided a current address or telephone number, to consult the victim on the terms of any negotiated plea, including the acceptance of a plea of guilty or *nolo contendere*.
8. In all cases, particularly those involving sexual assault, the prosecuting attorney should confer with the victim or survivors before deciding not to file charges or before deciding to seek dismissal of charges already filed.
9. Prosecutors should establish policies to fast track the prosecution of sexual assault, domestic violence, elderly and child abuse, and other particularly sensitive cases to shorten the length of time from arrest to disposition. Prosecutors should encourage judges to give top priority to these cases on the trial docket and should try to ensure that the case goes to trial when initially scheduled.

10. Prosecutors' offices should use technology to enhance the implementation of victims' rights.
11. Prosecutors should adopt vertical prosecution for domestic violence, sexual assault, and child abuse cases.
12. Prosecutors should work closely with victim service providers and victims of domestic violence to establish appropriate prosecution policies and support research to assess the effectiveness of proceeding without victim testimony in domestic violence cases.
13. Victims' rights and sensitivity education should be provided to all law students as part of their basic education in law school and to all prosecutors during their initial orientation and throughout their careers.
14. Prosecutors' offices should establish procedures to ensure the prompt return of victims' property, absent the need for it as actual evidence in court.