



Department of Justice

STATEMENT

OF

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BEFORE THE

**COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

ENTITLED

“FULFILLING OUR COMMITMENT TO SUPPORT VICTIMS OF CRIME”

PRESENTED ON

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**Testimony of
Mary Lou Leary
Principal Deputy Assistant Attorney General
Office of Justice Programs
U.S. Department Of Justice**

**Before the
Committee on the Judiciary
United States Senate**

**Regarding
“Fulfilling Our Commitment to Support Victims of Crime”
April 13, 2011**

Chairman Leahy, Ranking Member Grassley, and distinguished Members of the Committee, thank you for the opportunity to discuss new strategies and emerging challenges in serving crime victims. My name is Mary Lou Leary, the Principal Deputy Assistant Attorney General for the Department’s Office of Justice Programs (OJP). Our mission includes providing resources and leadership to support key services for crime victims.

My commitment to helping crime victims goes well beyond my work at OJP, both my current service and my time as OJP’s Acting Assistant Attorney General from 1999 to 2001. It was a staple of my work as a United States Attorney, Deputy United States Attorney, and as a local prosecutor. I am also very proud to have served for four years as the Executive Director of the National Center for Victims of Crime (NCVC).

It is very fitting that the Committee has convened the hearing now. As the Committee is aware, this is National Crime Victims’ Rights Week. As part of the Department’s National Crime Victims’ Rights Week activities, the Attorney General honored men and women from across the nation who devoted their lives to serving crime victims. Some of those honored were

victims themselves and used that experience to help others. Their stories remind us that crime victims must never be forgotten, and that justice for victims is justice for us all.

There's no better example of this commitment than what we have seen in Arizona, and I am proud to be on the same panel with Kent Burbank, who has done so much to help Pima County, and the state, recover.

This year also marks the 30th anniversary of the first National Crime Victims' Rights Week, proclaimed by President Reagan in 1981. During this Reagan Centennial year, we should honor this lesser known but critical part of his legacy: helping crime victims. Thirty years ago crime victims were generally overlooked by the criminal justice system. They had no rights and little support. Victim assistance programs were few and far between. Those programs were usually run solely by volunteers, as victim assistance did not exist as a profession.

President Reagan did so much more than proclaim National Crime Victims' Rights Week. In 1982, he established the Task Force on Victims of Crime, which made 68 recommendations to improve treatment of crime victims. In 1983, the Department of Justice's Office for Victims of Crime was created. Then, in 1984, President Reagan signed into law the Victims of Crime Act (VOCA). As the Committee is aware, VOCA created the Crime Victims Fund, an innovative method to use fines and penalties collected from federal criminals to fund victim services and compensation.

Since VOCA's enactment, more than \$8 billion from the Crime Victims Fund has been distributed to states and communities to support victim assistance and compensation programs. In human terms, this means more than two million victims received direct compensation and more than 67 million victims received counseling, courtroom advocacy, temporary housing, and a host of other services. Funds also have been used to aid victims of terrorism, raise awareness

of victims' rights, support victims in Indian country, and train thousands of victim service providers and criminal justice and allied professionals. Not a penny of that money has come from taxpayers.

Perhaps it is at the local level where we can best understand VOCA's impact. In Vermont, Deaf Vermonters Advocacy Services (DVAS) staff worked with a victim of financial exploitation. The offender tried to avoid paying the money back. DVAS found a pro bono attorney, educated him about deaf culture, and taught him how to work with his deaf client effectively. Thankfully, the victim was able to get much of her money returned.

In Alabama, VOCA funds enabled the Southeast Alabama Child Advocacy Center to conduct over 360 forensic interviews for children with allegations of sexual abuse. The Center is a child friendly facility where forensic interviews, therapy, multidisciplinary team review, and support services are available to victims. While the Center originally served Henry and Houston Counties, its services expanded to include Dale and Geneva Counties.

VOCA funding in Alabama also supports the Montgomery Area Family Violence Program's Family Sunshine Center, which assists victims of domestic violence and sexual assault. Recently the Center helped an 84-year-old man who had been physically, emotionally, verbally, financially and sexually abused by his wife, 40 years his junior. With the Center's support, the victim testified against his abuser in court, resulting in a conviction. The Center provided the victim with counseling, advocacy, and other forms of support, and now is helping him to rebuild his life.

There are so many other examples. A VOCA-funded Sexual Assault Nurse Examiner (SANE) Program in South Carolina has assisted 98 sexual assault victims in a one-year period, including 63 victims under the age of 18. A legal aid program based in Arizona assists nearly

4,000 low income victims a year in portions of Arizona, Utah and New Mexico, including members of seven Native American Tribes. A domestic violence program in New York City launched a Workforce Initiative that teaches victims skills needed to gain meaningful employment.

Despite these achievements, we must also recognize the steep challenges that lie ahead. The economy has taken a toll on state and local victim assistance programs, many of which struggle to stay afloat. Many victim assistance providers are not paid professional-level salaries, which means the field struggles to recruit and retain highly qualified individuals. Victim compensation programs are stretched thin by increasing demand. Every year approximately 87 percent of the Crime Victims Fund allocations go directly to the states, and in these difficult times those resources are sorely needed.

In addition to the economic realities, there are still far too many victims that never get the help they need. This is particularly true for crimes such as financial fraud, human trafficking, child abuse, and domestic violence.

For example, according to the National Network to End Domestic Violence, in one 24-hour period, programs provided advocacy, support, and shelter for 43,650 adults and 26,998 children across the United States. In addition to providing in-person assistance, victim advocates at domestic violence programs answered 22,292 hotline calls and provided 1,240 community education sessions and trainings for more than 30,000 individuals. That's impressive, but in that same 24-hour period, despite helping more than 70,000 people, domestic violence programs were unable to meet 9,541 requests for services, largely due to a lack of resources.

So while we all like to assume victims will be taken care of, many of them simply aren't. Most crimes are still unreported to law enforcement due to such factors as a victim wanting to

protect the offender or fear of reprisal or adverse social consequences. Many victims have their cases dropped due to an unwillingness to testify, lack of evidence or other reasons.

Even more challenging, crime victimization itself is changing. Computer technology has made criminals more anonymous and victims harder to find. With crimes such as cyberstalking, human trafficking, identity theft, and other types of financial fraud the perpetrator can be in another state, country or continent than the victim.

OJP Co-Chairs the Victims' Rights Committee of the interdepartmental Financial Fraud Enforcement Task Force, which President Obama established in November 2009. The Committee has developed and delivered presentations on financial fraud at many victims' service conferences. In addition, it has worked with U.S. Attorneys on improving victim restitution and helped to develop the *StopFraud.gov* Web site.

Because victimization is changing, victim services must also change. Victim service professionals nationwide are already exploring ways the field can evolve. OVC has demonstrated federal leadership by launching the Vision 21 Initiative, the goal of which is to expand the vision and impact of the crime victim services field. Vision 21 is a collaborative effort engaging crime victims and representatives from federal, national, state, local, and tribal organizations and agencies.

Through OVC's Vision 21 initiative, five organizations (the National Crime Victim Law Institute; the National Center for Victims of Crime; the Vera Institute of Justice; the Office for Victims of Crime Training and Technical Assistance Center; and the Medical University of South Carolina) are collectively undertaking a comprehensive analysis of the current framework of the crime victims field in the United States. Each organization has convened a two-day forum of 30 – 40 stakeholders. Through these forums, a literature review, and other information

gathering such as interviews, surveys, and online feedback, these organizations will issue reports on the following four issue areas:

- The role of the crime victims field
- Building capacity
- Enduring challenges
- Emerging challenges

The final report, to be released next year, will be a synthesis of the four issue areas, setting forth a comprehensive set of recommendations for the field. While it's too early to address exactly the conclusions to be featured in the report, we have received preliminary feedback from the Vision 21 literature reviews and forums. This feedback provides a valuable window into the best ways forward in victim services.

One of their recommendations is likely to be improved data collection and research on victimization issues. Data collection challenges include improved statistics on crimes such as child abuse, drunk driving, human trafficking, or homicide. We also need reliable information on victims living in institutional settings such as psychiatric facilities, long-term care facilities and group homes.

Research challenges include a better understanding of underserved victim populations, including Native Americans, African-American males, and gay, lesbian, bisexual and transgendered individuals. We also need rigorous evaluations of victim service programs to learn what works and what doesn't. This reflects a priority of OJP's Assistant Attorney General, Laurie Robinson, who has launched OJP's Evidence Integration Initiative, or E2I, an effort to ensure that research is translated into practice, and that evidence is used to guide decision-making.

The Vision 21 feedback also emphasizes the need for more flexibility for victim service providers at the federal, state, tribal, and local level. Improved flexibility would allow for more cost-effective assistance. It would also entail strengthening confidentiality so that providers could help the victims while also keeping them safe from further harm.

Another emerging need spotlighted by Vision 21 is comprehensive, or “wrap-around” legal assistance for victims. This includes both reasonable legal assistance during criminal proceedings, and civil legal assistance, such as family, custody and dependency, tribal, employment, administrative and immigration matters. Assistance on immigration matters is particularly needed for human trafficking victims and for battered immigrant women. In addition, many victims of financial fraud experience severe and egregious consequences as a direct result of their victimization. Unfortunately, there are currently little to no legal services available for fraud victims.

Vision 21 is addressing a key challenge, how the latest technology could be leveraged to transform how we reach and serve victims. Suggested possibilities are: expanded use of smart phone technology, cell phone applications with services overseas, expanded use of text messaging and alerts to immigrant victims of human trafficking (who often have cell phones but not computers); enhanced use of Webinars, podcasts, and other mechanisms for conveying information; use of social media such as Facebook, Twitter, YouTube; and improving the use of technology for operational management in victim services.

As I noted previously, the overarching goal of Vision 21 is to expand the vision and reach of the crime victim services field. Victim service professionals and others in the field should not be limited to reacting at the point of victimization. They need to be engaged in all public safety efforts, beginning with prevention and continuing through the corrections system and beyond.

This means having a real stake in discussions about issues such as prevention efforts, grassroots interventions, indigent defense, restorative justice and reentry.

The Vision 21 recommendations will be fleshed out in the final report, which the Department will share with this Committee as soon as it is available. In the meantime, we are moving ahead and addressing emerging areas of crime victimization. Last year OVC clarified that the VOCA guidelines allow funds to be used for legal aid to victims, provided the aid is directly related to their victimization.

Please be assured the Department of Justice, OJP, and OVC will not waver in their dedication to improving the lives of crime victims, and we would welcome any discussion of how our efforts can be improved. This concludes my statement, Mr. Chairman. Thank you for the opportunity to testify today and I would be glad to answer any questions you or the Committee may have.