



POSITION PAPER VICTIMS AND RESTITUTION

Summary of the Issue

Historically the concerns of the criminal justice system have focused on offenders, while victims have received only minimal official attention. Untold effort has been invested in studying the offender while almost nothing has been done to ease the emotional, physical, social and economic impact of crime on the victim. In recent years this trend has been reversed by a greater emphasis on victims' needs and rights. In 1982 Californians approved the Victim's Bill of Rights (Proposition 8). This established the rights of restitution for crime victims and the Legislature has since passed laws enacting the mandates of this ballot measure. The majority of these new laws has focused on financial restitution and victim assistance programs.

An area of victim assistance which remains to be addressed involves the victim's role in the criminal justice system and the system's responsibility to the victim. Victims can feel intimidated and overwhelmed by the vast complexities of the criminal justice system. There is a clear need for victim education regarding the workings of the criminal justice system and the victim's role in the system. Justice agencies have a unique opportunity to aid victims with their involvement in the system by providing education. Such aid would involve explanations of the various components of the justice system, each agency's function regarding the victim's case and notification of the status of the case as it moves through the system. Further, victims need to be informed of their rights, obligations and role in the system. Victims also need to be informed of the indemnification process and available emergency funds and service.

It is appropriate that the agencies of the criminal justice system assume leadership in instituting the above mentioned victim services. The responsibility is properly assumed by criminal justice agencies because of the nature of their interaction with the victim after the crime has been committed. These agencies are therefore in a position to recognize and respond to the victim's immediate needs and to direct the victim to sources of assistance for his or her long-term needs. With the appropriate training, probation officers are the most logical officials to administer the long-term victims' assistance programs as they are empowered to determine the offender's responsibility to the victim, recommend special orders which accomplish victim restitution and enforce compliance on the part of the probationer.

Position

CPPCA supports legislation which advocates services to victims. CPPCA supports legislation pertaining to restitution measures for victims. CPPCA supports Legislation providing financial resources to enable criminal justice agencies to increase the above mentioned services.

Adopted 1984

Reviewed and Reaffirmed 1991

Reaffirmed September 2011