

## Deliberative and Pre-decisional

### Chapter 2. Victim Services<sup>1</sup>

“Every year, millions of Americans suffer the shock and trauma of criminal victimization, affecting their well-being and sense of security and dignity. To these victims, we affirm our unwavering commitment to supporting them in their hour of need. We also commend the thousands of victim advocates and public safety professionals who labor tirelessly to secure victims’ rights and support survivors.”<sup>2</sup> - Attorney General William Barr, Department of Justice Commemorates National Crime Victims’ Rights Week.

While the mission of law enforcement is often conceived as protecting the “general public,” it is individual victims of crimes that law enforcement officers encounter and protect on a day-to-day basis.

The increased challenges of keeping America safe today has taken its toll not only on American law enforcement officers, but also the citizens they police. Law enforcement plays an important role in the experiences of crime victims, as officers are often a victim’s first point of contact with the criminal justice system. These initial interactions can play a pivotal role in helping victims access needed services and resources on their way to recovery. Victims who receive broad access to services and information can begin to address the trauma they experienced as a result of the crime committed against them.

The rule of law cannot exist where victims of crime do not trust that law enforcement will keep them safe or that the legal system will deliver justice. As victims often play a pivotal role in assisting law enforcement in investigating crime, it is important for officers to be trained on how to be sensitive and supportive of them in the process of their investigations. When victims trust the police, they are more likely to report to law enforcement and participate in the investigative process. A victim’s crime report and ultimately their participation in the investigative process is crucial to ensure that violent offenders are apprehended and taken off the streets, which in turn increases public safety.

To effectively respond to victims, many law enforcement agencies have strengthened their relationships with victim services organizations. Some agencies have embedded victim assistance units within their departments, as do many prosecutors’ offices.<sup>3</sup> Agencies have also begun establishing both formal and informal collaborations with victim service organizations in their communities. Additionally, other larger communities have established family justice centers (FJC) or children’s advocacy centers (CAC) to address these issues.

This trend to establish and improve victim services ensures that victims are connected to community services that provide the information and guidance needed to understand and navigate a criminal justice system that can be complex. Law enforcement also benefits from forming collaborative partnerships with victim services providers, by creating safer communities and bolstering individual and community trust.

The Commission recognizes the many types of victimization, the vast number of victims, the overwhelming need for services, and the complexities of service delivery from the field of stakeholders. Some types of victimization require specialized responses and law enforcement agencies should ensure that they have both the capability and competency to support these types of crime victims and know where to refer them for resources. These include crimes involving intimate-partner violence, human trafficking, hate crimes, age-based crimes, multiple casualty violence, and victims of motor vehicle crashes.

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<sup>1</sup> Under the Victims’ Rights and Restitution Act (VRRRA), 34 U.S.C. § 20141 (1990), a crime victim is a person who has suffered direct physical, emotional, or financial harm as a result of the commission of a crime.<sup>1</sup> Victims may include deceased individuals and their families; physically injured individuals; those injured while trying to escape harm; individuals presumed to have suffered emotional harm by being present during the commission of a crime, by being potential targets of the crime, or by witnessing a violent crime; or individuals or businesses who suffer financial harm.

<sup>2</sup> Office of Public Affairs, “Department of Justice Commemorates National Crime Victims’ Rights Week,” U.S. Department of Justice, April 20, 2020, <https://www.justice.gov/opa/pr/department-justice-commemorates-national-crime-victims-rights-week>.

<sup>3</sup> “Enhancing Law Enforcement Response to Victims (ELERV),” International Association of Chiefs of Police, accessed July 15, 2020, <https://www.theiacp.org/projects/enhancing-law-enforcement-response-to-victims-elerv>.

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Recommendations in this chapter offer ways to support local law enforcement in their efforts to enhance officers' training on approaching crime victims and connect victims to needed services and resources.

### 12.1 Trauma-Informed Approach to and Protection for Crime Victims

Law Enforcement must be able to recognize and address trauma since often victims of crime may be experiencing trauma when officers or deputies encounter them. Using a trauma-informed approach, law enforcement can have a greater awareness of a victim's needs, which leads to more successful investigations and being able to connect traumatized individuals to appropriate community services and supports.<sup>4</sup>

#### 12.1.1 Local and state law enforcement agencies should enhance their in-house victim assistance programs to improve services to crime victims and increase public safety.

It is vital to have specially trained staff or specific policies and procedures for assisting victims of crimes.

A recent study by the Bureau of Justice Statistics found that many law enforcement agencies are lacking in the area of victim assistance:

- Only 13 percent of U.S. law enforcement agencies reported having specialized units with full- or part-time personnel dedicated to victim assistance.
- Another 12 percent of agencies have some dedicated personnel for victim assistance.
- About 50 percent of agencies had no personnel dedicated to victim assistance, but had related policies, procedures, and training.
- The remaining 20 percent of police agencies did not formally address how to provide victim assistance.<sup>5</sup>

To help fill this void and sharpen the delivery of victim services within police agencies, the Department of Justice's (DOJ) Office for Victims of Crime (OVC) developed a unique funding opportunity in FY 2018, the Law Enforcement-Based Victim Services program, which has continued in subsequent years by using non-taxpayer dollars from the Crime Victims Fund.<sup>6</sup> To date, 76 large, medium, and small law enforcement agencies have been funded for a period of three years to take their in-house victim assistance programs to new levels.<sup>7</sup>

OVC also has encouraged its state administering agencies, which receive millions in funding annually from the CVF, to consider funding similar programs within their states. As a result, Kentucky has developed a cutting-edge program to place victim assistance personnel in each of its 16 state police posts. In helping to launch the Kentucky Victim Advocate Support Services Program in September 2019, Katharine Sullivan, Principal Deputy Assistant Attorney General for DOJ's Office of Justice Programs, said, "We know that Kentucky State Troopers do everything in their power to help a victim in need, and we are grateful that they are so fiercely committed to protecting their fellow citizens. But as highly trained professionals themselves, they understand the value of having well-trained victim advocates on hand to meet victims and make quality referrals."<sup>8</sup> Kentucky officials explained that these skilled professionals also serve as liaisons between law enforcement and the

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<sup>4</sup> Altovise Love-Craighead, "Building Trust Through Trauma-Informed Policing," Vera Institute of Justice, *Think Justice* (blog), March 20, 2015, <https://www.vera.org/blog/police-perspectives/building-trust-through-trauma-informed-policing>.

<sup>5</sup> Heather Warnken, "What Does the Data Tell Us About Law Enforcement-Based Victim Services?," *Police Chief Magazine*, April 4, 2018, <https://www.policechiefmagazine.org/what-does-the-data-tell-us/>.

<sup>6</sup> Office of Victims of Crime, *OVC FY 2018 Law Enforcement-Based Direct Victim Services and Technical Assistance Program (LEV Program)* (Washington, DC: Office of Victims of Crime, 2018), <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/OVC-2018-14540.pdf>; and Lisa N. Sacco, *The Crime Victims Fund: Federal Support for Victims of Crime* (Washington, DC: Congressional Research Service, 2020), <https://crsreports.congress.gov/product/pdf/R/R42672>.

<sup>7</sup> "Law Enforcement-Based Victim Services (LEV): Site List," International Association of Chiefs of Police, accessed August 18, 2020, <https://www.theiacp.org/site-list>.

<sup>8</sup> Katharine Sullivan, Principal Deputy Assistant Attorney General, "Remarks as Prepared for Delivery," presented at the Kentucky Statewide Law Enforcement Victims' Coordinator Program, Elizabethtown, KY, September 12, 2019, <https://www.justice.gov/opa/speech/principal-deputy-assistant-attorney-general-office-justice-programs-katharine-6-agencies-t-sullivan>.

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victim, simultaneously helping victims navigate the system and allowing detectives to focus more efficiently on the details of the case.<sup>9</sup>

Many resources, financial or otherwise, exist from the Office for Victims of Crime to assist law enforcement agencies in developing effective victim service programs.

### **12.1.2 The Peace Officers Standards and Training agency in each state should require the state's basic academy curriculum and continuing education courses to include training on trauma-informed care, victim services, state's victims' rights laws, and the role of crime victim compensation.**

This training requirement will ensure that officers are educated about new approaches, interventions, and research on trauma, trauma-informed care, and individualized victims' needs, and ensure that officers better understand the physical, psychological, and social needs of victims and the role trauma plays in how victims respond after a violent crime. It should also provide information on the neurobiological impact of trauma, an understanding of perpetrator behavior, and how to conduct effective investigations.

A trauma-informed training program complemented by a mandatory retraining requirement strengthens law enforcement's capacity to respond effectively to victims of crime while simultaneously holding offenders accountable. It provides information on the neurobiological impact of trauma, the influence of societal myths and stereotypes, an understanding of perpetrator behavior, and conducting effective investigations.

### **12.1.3 All states should ensure that their Victims' Bill of Rights provides the same protection to victims of juvenile crime and adult crime. Victims of crime, regardless of the age of the offender, should have the same rights available to them.**

All states have some form of victim protection, ranging from being notified of court hearings to having the opportunity to be present and be heard in court. However, to secure those rights in an ever-changing juvenile environment, states should incorporate victims' rights into law that provides victims of juvenile crime legal protections that are similar to those of defendants in the juvenile justice system.<sup>10</sup>

## **12.3 Victims of Domestic and Intimate Partner Violence**

Domestic violence, also referred to as intimate partner violence, includes physical, sexual, or emotional abuse and sexual coercion and stalking. Each year, millions of people experience intimate partner violence in the United States. It occurs in every community and has an impact on all people regardless of race, gender, socioeconomic status, geography, religion, or sexual orientation.<sup>11</sup>

On average, nearly 20 people per minute are physically abused by an intimate partner in the United States.<sup>12</sup> Throughout the United States, 10 percent of women and 2 percent of men have reported being stalked by an intimate partner,<sup>13</sup> and 9.4 percent reported experiencing intimate partner sexual assault.<sup>14</sup> When a woman's abuser has access to a firearm, her risk of intimate partner homicide increases by 500 percent.<sup>15</sup>

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<sup>9</sup> "Gov. Bevin, KSP Announced Statewide Victims Assistance Program," Kentucky State Police, September 12, 2019, <https://kentuckystatepolice.org/hq-9-12-19/>.

<sup>10</sup> "New Jersey Crime Victims Bill of Rights," New Jersey Office of the Attorney General, accessed June 15, 2020, <https://www.nj.gov/oag/njvictims/rights.html>.

<sup>11</sup> "Domestic or Intimate Partner Violence," Office on Women's Health, accessed July 15, 2020, <https://www.womenshealth.gov/relationships-and-safety/domestic-violence>.

<sup>12</sup> "Statistics," National Coalition Against Domestic Violence, accessed June 26, 2020, <https://ncadv.org/statistics>.

<sup>13</sup> "Preventing Intimate Partner Violence," Centers for Disease Control and Prevention, October 3, 2019, <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/fastfact.html>.

<sup>14</sup> National Coalition Against Domestic Violence, *Domestic Violence* (Denver: National Coalition Against Domestic Violence, n.d.), 1, [https://assets.speakcdn.com/assets/2497/domestic\\_violence2.pdf](https://assets.speakcdn.com/assets/2497/domestic_violence2.pdf).

<sup>15</sup> *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime* (April 14, 2020) (written statement of Kim Garrett, Chief Executive Officer and Founder, Palomar, Oklahoma City Family Justice Center), <https://www.iustice.gov/ag/presidential-commission-law-enforcement-and-administration-iustice/hearings>.

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Intimate partners are also responsible for 72 percent of murder-suicides.<sup>16</sup> Gun-related domestic homicides increased by 26 percent from 2010 to 2017.<sup>17</sup> On a national level, the Centers for Disease Control and Prevention found that domestic violence costs the United States more than \$5.8 billion dollars annually, with 70 percent representing care and mental health expenses as a result of the crime.<sup>18</sup>

In addition, 75 percent of children who witness domestic violence will grow up to repeat the same behavior.<sup>19</sup> The Anxiety and Depression Association of America has found that intimate partner violence has long-lasting, serious effects on a woman's physical and mental health and that women are up to 10 times more likely to report depression and 17 times more likely to report anxiety if they are in violent relationships.<sup>20</sup>

Law enforcement professionals face significant challenges when encountering victims of intimate partner-related crimes who have multi-faceted needs for specific services. These services often extend in duration far beyond what the embedded law enforcement victim advocate can provide during the investigation, prosecution, and sentencing stages of an individual case, or exceed the expertise, capability, and training of embedded law enforcement victim services personnel. Many victims need a variety of services, including child and family, mental health, job, housing, legal aid, substance abuse, health and wellness, medical, therapy, or spiritual services. And small and rural law enforcement agencies and prosecutor's offices are often simply unable to provide and sustain such embedded victim services or advocacy personnel.

Social service providers face significant challenges in meeting the unique needs of victims of intimate partner-related crimes. OVW reports the most often-cited areas of need mentioned by OVW grantees are

- sustaining core services for victims, particularly safe transitional and permanent housing
- addressing victims' basic needs, including food, shelter, transportation, mental health services, and childcare
- providing culturally and linguistically competent services, outreach, and education, especially interpretation and translation
- providing services and support to immigrant and refugee victims and their communities and improving training for service providers on the particular needs of these populations
- improving offender accountability through monitoring, batterer intervention programs, and stricter enforcement of protective orders
- ensuring that services are accessible to people with disabilities and addressing the specific needs of older adult victims
- providing civil legal representation for low-income victims in cases involving divorce, custody, and visitation
- mitigating barriers to consistent and comprehensive services for victims in rural areas and tribal communities, such as challenges to maintaining confidentiality and lack of transportation<sup>21</sup>

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<sup>16</sup> National Coalition Against Domestic Violence, *Domestic Violence*.

<sup>17</sup> Laura M. Holson, "Murders by Intimate Partners Are on the Rise, Study Finds," *New York Times*, April 12, 2019, <https://www.nytimes.com/2019/04/12/us/domestic-violence-victims.html>.

<sup>18</sup> Garrett, *President's Commission on Law*, April 14, 2020.

<sup>19</sup> Kim Garrett, Chief Executive Officer and Founder, Palomar, Oklahoma City Family Justice Center (presentation to Victim Services Working Group, virtual meeting, April 16, 2020).

<sup>20</sup> Luana Marques, "Intimate Partner Violence – What Is It and What Does It Look Like?," Anxiety and Depression Association of America, accessed June 26, 2020, <https://adaa.org/learn-from-us/from-the-experts/blog-posts/consumer/intimate-partner-violence-what-it-and-what-does>.

<sup>21</sup> Laura Rogers, Acting Director, Office of Violence Against Women, in discussion with Victim Services Working Group, virtual meeting, April 7, 2020.

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Although many governmental and nongovernmental (NGO) entities provide specific services to victims, these services are often independent of each other and are siloed in multiple locations in the community. This leaves victims on their own to discover what services are available and to navigate how to access those services. This lack of coordination and co-location of services leaves victims confused and frustrated, resulting in many victims abandoning their pursuit of needed services and the case against their abuser.

In many areas, the family justice center (FJC) model has addressed this need and provided effective, collaborative victim services in a coordinated community response.<sup>22</sup> FJCs bring together multiple victim-centered service partners, each with their own area of expertise and specialized training, to work collaboratively under one roof. FJCs focus on reducing the number of times victims tell their story, reducing the number of places victims must go for help, and increasing access to services and support for victims and their children from the moments following the abuse to far beyond the prosecution and sentencing of the offender.<sup>23</sup> This type of coordination allows for regular high-risk team meetings, which—together with law enforcement—ensure a rapid collective response to cases with the highest lethality potential.

Where FJCs are providing holistic, wrap-around services to the victim, law enforcement and prosecutors can more readily focus on the specific investigation and prosecution to ensure that the abuser is held accountable

### 12.3.3 State and local governments should adopt family justice center collaborative models.

The FJC model supports the coordination and co-location of multi-agency (governmental and NGO) and multidisciplinary services. This model provides victims easy access to services, reducing the number of times they must tell their story and the number of different places they must go to be served. Ideally, funding would support multi-agency teams within an FJC to create new positions including, but not limited to

- prosecutors (both cross deputized and local)
- therapists and counselors
- civil legal assistance
- detectives
- advocates<sup>24</sup>
- child and adult protective services assistance<sup>25</sup>

### 12.4 Age-Based Victims

The elderly and youth are both vulnerable populations who may be unintentionally overlooked when discussing victims of crime. Both are often unable to defend or protect themselves against a perpetrator, and they may be afraid to speak up for fear of additional harm. Moreover, they are often victims as the result of isolation, neglect, illness, or sheer opportunity. Despite the vigilant efforts of social service networks and law

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<sup>22</sup> Rogers, in discussion with Victim Services, April 7, 2020.

<sup>23</sup> *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reduction of Crime* (April 22, 2020) (written statement of Joyce Bilyeu, Survivor, Director of Client Services, Sacramento Regional Family Justice Center), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.<sup>24</sup> Garrett, *President's Commission on Law*, April 14, 2020.<sup>25</sup> Lisa Bourgoyne, Director of Forensic Services, Children's Assessment Center, in discussion with Victim Services Working Group, virtual meeting, May 7, 2020.<sup>26</sup> "Elder Justice Initiative (EJI)," U.S. Department of Justice, October 19, 2015, <https://www.justice.gov/elderjustice>.

<sup>24</sup> Garrett, *President's Commission on Law*, April 14, 2020.<sup>25</sup> Lisa Bourgoyne, Director of Forensic Services, Children's Assessment Center, in discussion with Victim Services Working Group, virtual meeting, May 7, 2020.<sup>26</sup> "Elder Justice Initiative (EJI)," U.S. Department of Justice, October 19, 2015, <https://www.justice.gov/elderjustice>.

<sup>25</sup> Lisa Bourgoyne, Director of Forensic Services, Children's Assessment Center, in discussion with Victim Services Working Group, virtual meeting, May 7, 2020.<sup>26</sup> "Elder Justice Initiative (EJI)," U.S. Department of Justice, October 19, 2015, <https://www.justice.gov/elderjustice>.

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enforcement-based systems to better identify crimes against the elderly and youth, many crimes remain unreported. The nation's aging and young populations are statistically underrepresented in the reporting of crime but increasingly experience victimization.

### Elderly Victims of Crime

Elder abuse is an intentional or negligent act by any person that causes harm or a serious risk of harm to an older adult.<sup>26</sup> It is a term used to describe six subtypes of elder abuse: physical abuse; financial fraud; caregiver neglect and abandonment; psychological abuse; sexual abuse, scams and exploitation. Elder abuse is a serious crime against some of the nation's most vulnerable citizens, affecting at least 10 percent of older Americans every year.<sup>27</sup> Together with federal, state, local, and tribal partners, the DOJ is committed to combatting all forms of elder abuse and financial exploitation through enforcement actions, training and resources, research, victim services, and public awareness.<sup>28</sup>

The DOJ Elder Justice Initiative provides several resources to combat elder abuse and fraud, in addition to tools for law enforcement to better serve seniors within their respective communities.

The Justice Initiative states,

The 10 DOJ regional Elder Justice Task Forces bring together federal, state, and local prosecutors; law enforcement; and agencies that provide services to the elderly. These teams coordinate and enhance efforts to pursue nursing homes that provide grossly substandard care to their residents. The Elder Justice Task Forces are led by representatives from the U.S. attorneys' offices, state Medicaid Fraud Control Units, state and local prosecutors' offices, the Department of Health and Human Services (HHS), state Adult Protective Services agencies, Long-Term Care Ombudsman programs, and law enforcement.<sup>29</sup>

The Elder Abuse Prevention and Prosecution Act, Pub. L. No. 115-69, 131 STAT. 1208 (2017), allowed for the creation of training and resources for elder justice professionals. Recognizing the importance of state, local, and tribal law enforcement officials in supporting the safety of the elder population, the Elder Justice Initiative collaborated with law enforcement agencies to create the Elder Abuse Guide for Law Enforcement (EAGLE). EAGLE is an online platform that provides law enforcement with "resources including a first responder checklist, evidence collection tips, information on how to recognize an abuser, a zip code locator for community resources, a list of state statutes and possible charges, and training activities such as law enforcement-tailored webinars."<sup>30</sup>

According to the National Council on Aging, "approximately one in 10 Americans age 60 or older have experienced some form of elder abuse. Some estimates range as high as five million elders who are abused each year."<sup>31</sup> Unfortunately, a disproportionately low number of cases are reported. Out of 14 cases, approximately one may be reported. Both men and women have been found to be abusers.<sup>32</sup> An alarming number of perpetrators are family members—two-thirds of offenders are older children or intimate partners.<sup>33</sup>

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<sup>26</sup> "Elder Justice Initiative (EJI)," U.S. Department of Justice, October 19, 2015, <https://www.justice.gov/elderjustice>.

<sup>27</sup> U.S. Department of Justice, "Elder Justice Initiative."

<sup>28</sup> U.S. Department of Justice, "Elder Justice Initiative."

<sup>29</sup> "Elder Justice Task Forces," U.S. Department of Justice, accessed July 15, 2020, <https://www.justice.gov/elderjustice/task-forces>.

<sup>30</sup> Office of the Attorney General, *Attorney General's Annual Report to Congress on Department of Justice Activities to Combat Elder Fraud and Abuse* (Washington, DC: U.S. Department of Justice, 2019), 15-16, <https://www.justice.gov/file/1211066/download>.

<sup>31</sup> "Elder Abuse Statistics and Facts," National Council on Aging, accessed June 26, 2020, <https://www.ncoa.org/public-policy-action/elder-justice/elder-abuse-facts/>

<sup>32</sup> National Council on Aging, "Elder Abuse Statistics and Facts."

<sup>33</sup> National Council on Aging, "Elder Abuse Statistics and Facts."

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The risk of death increases by 300 percent for elders who are maltreated.<sup>34</sup> Monetary loss resulting from financial abuse and fraud in the elderly population ranges from approximately \$2.9 billion to \$36.5 billion, but this loss may be underreported.<sup>35</sup> Financial abuse is reported at a higher rate than other forms of abuse or neglect by those affected.<sup>36</sup>

The commitment to eradicate elder scams, fraud, and exploitation is demonstrated in the establishment of the Transnational Elder Fraud Strike Force. The DOJ's 2018 and 2019 Elder Fraud Sweeps, in addition to the 2018 Rural and Tribal Elder Justice Summit, brought criminal and civil proceedings against more than 500 perpetrators of fraud. These perpetrators caused a total loss of \$1.5 billion from three million victims.<sup>37</sup>

### [CROSS REFERENCE REDUCTION OF CRIME]

#### Youth Victims of Crime

Every year, thousands of children are victims of crimes or maltreatment involving physical, sexual, or emotional abuse or neglect. Consequently, child victimization and abuse are associated with problem behaviors that may become apparent later in life. In addition, "abused and neglected children are 59 percent more likely to be arrested for juvenile crime [and] 28 percent more likely to be arrested as an adult."<sup>38</sup> Also, 93 percent of youth in detention reported exposure to previous adverse events, including physical and sexual abuse.<sup>39</sup>

### [CROSS REFERENCE JUVENILE JUSTICE]

Youth who have been victims of crime or who have experienced trauma may have even more difficulty cooperating with law enforcement. .<sup>40</sup> For most children, police and deputies are their first window into the justice system. These early interactions with law enforcement can color the views that young people hold about police and law enforcement throughout their adult lives. Further, when children witness a parent, guardian, or other family member being arrested, the child may experience long-term consequences. In 2014, IACP published a report indicating that most law enforcement agencies do not have specific policies for protecting children who are present during an arrest.<sup>41</sup> Officers should have the training and tools to mitigate the trauma to children who are present during the arrest of an adult.<sup>42</sup>

While not all child victims will engage in risky or delinquent conduct, almost all young people who end up in the juvenile justice system were also victims themselves. Approximately 70 percent of youth in the juvenile justice system have lived through prior victimization and trauma.<sup>43</sup>

Generally, the lack of law enforcement policies and training around youth development, and specifically trauma-related behaviors, is detrimental to both officers and youth. As Lisa Bourgoyne, the director of Forensic Services for the Children's Assessment Center in Houston, Texas, notes, "Sometimes victims don't

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<sup>34</sup> "Elder Abuse Statistics," Nursing Home Abuse Center, accessed June 26, 2020, <https://www.nursinghomeabusecenter.com/elder-abuse/statistics/><sup>35</sup> National Council on Aging, "Elder Abuse Statistics and Facts."

<sup>35</sup> National Council on Aging, "Elder Abuse Statistics and Facts."

<sup>36</sup> National Council on Aging, "Elder Abuse Statistics and Facts."

<sup>37</sup> U.S. Attorney's Office, Eastern District of New York, "Justice Department Announces Transnational Elder Fraud Strike Force," U.S. Department of Justice, June 13, 2019, <https://www.justice.gov/usao-edny/pr/justice-department-announces-transnational-elder-fraud-strike-force>.

<sup>38</sup> Bourgoyne, in discussion with Victim Services, May 7, 2020.

<sup>39</sup> Bourgoyne, in discussion with Victim Services, May 7, 2020.

<sup>40</sup> Rhonda McKitten, Youth Policy and Training Specialist, Philadelphia Police Department, PA, email communication with Victim Services Working Group, May 31, 2020.<sup>41</sup> International Association of Chiefs of Police, *Safeguarding Children of Arrested Parents Toolkit* (Alexandria, VA: International Association of Chiefs of Police, 2014), <https://www.theiacp.org/resources/safeguarding-children-of-arrested-parents-toolkit>.

<sup>41</sup> International Association of Chiefs of Police, *Safeguarding Children of Arrested Parents Toolkit* (Alexandria, VA: International Association of Chiefs of Police, 2014), <https://www.theiacp.org/resources/safeguarding-children-of-arrested-parents-toolkit>.

<sup>42</sup> McKitten, email communication with Victim Services, May 11, 2020.

<sup>43</sup> Renee VandenWallBake, "Considering Childhood Trauma in the Juvenile Justice System: Guidance for Attorneys and Judges," American Bar Association, accessed August 5, 2020, [https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol\\_32/november-2013/considering-childhood-trauma-in-the-juvenile-justice-system--gui/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol_32/november-2013/considering-childhood-trauma-in-the-juvenile-justice-system--gui/).

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look the way [officers] think they should look, sometimes the stories don't always sound creditable to [them], and sometimes officers don't know or understand victimization."<sup>44</sup> Officers need the training to recognize behaviors that are common responses to trauma in youth to de-escalate situations and accurately assess behaviors.<sup>45</sup>

Despite being victimized more often than other age groups, adolescents are the least likely to report their victimization.<sup>46</sup> BJS's National Crime Victimization Survey (NCVS) asks victims of crime whether the crimes were reported to the authorities. The 2018 NCVS report states, "The rate of violent victimizations not reported to police rose from 9.5 per 1,000 persons age 12 or older in 2015 to 12.9 per 1,000 in 2018, while the rate of violent victimizations reported to police showed no statistically significant change."<sup>47</sup>

According to the Adverse Childhood Experiences study, one in 10 children will be sexually abused before they turn 18, but most sexual assaults are never reported.<sup>48</sup> BJS reports that only a third of sexual assaults against youth were reported to police.<sup>49</sup> Often, it is difficult for victims of crime to come to terms with their experience. The shock and stigma surrounding victimization can deter victims from reporting the crime. This is no different for teens who may have to contend with additional concerns, such as difficulty processing the fact that they were victimized and fearing retribution. Teens may also find it difficult to trust adults, and they may not have sufficient access to or knowledge about the appropriate services.<sup>50</sup> In addition, "legal issues involved in working with minors, such as parental consent and mandatory reporting, make some victim service providers reluctant to reach out to them. As a result of these factors, needed services are not reaching many teen victims."<sup>51</sup>

Child Advocacy Centers (CACs) provide a comprehensive model for tending to the needs of children. Their primary mission is to improve how cases of abuse and neglect are handled, increase the number of offenders that are brought to justice, and provide cost-effective integrated treatment services. At a CAC, a collaborative team of multiple service providers, including local government agencies, conduct interviews together and manage and investigate cases as a team. Some CACs have a designated team focused primarily on child fatalities resulting from abuse or neglect. These designated teams work towards preventing child abuse fatalities. In a span of 10 years, CACs have been implemented in approximately 300 communities.<sup>52</sup>

Most states mandate courses for basic training, in-service training for officers, and special training for police chiefs. The recommended training should be included in all three of these training programs. Chief Ken Walker of the West University Place Police Department in Texas states, "The training won't be standalone, but rolled into trainings that are already mandated. This will cut travel expenses."<sup>53</sup> Chief Walker also notes that rural law enforcement agencies may not have the funds to constantly send officers to training.<sup>54</sup> Approaching training in the aforementioned manner would not add hours to the programs. Therefore, no

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<sup>44</sup> Bourgoyne, in discussion with Victim Services, May 7, 2020.

<sup>45</sup> McKitten, email communication with Victim Services, May 11, 2020.

<sup>46</sup> Morgan and Oudekerk, *Criminal Victimization*, 2018.

<sup>47</sup> Morgan and Oudekerk, *Criminal Victimization*, 2018.

<sup>48</sup> Bourgoyne, in discussion with Victim Services, May 7, 2020; and Catherine Townsend and Alyssa A. Rheingold, *Estimating a Child Sexual Abuse Prevalence Rate for Practitioners: A Review of Child Sexual Abuse Prevalence Studies* (Charleston, SC: Darkness to Light, 2013), <https://www.d2l.org/wp-content/uploads/2017/02/PREVALENCE-RATE-WHITE-PAPER-D2L.pdf>.

<sup>49</sup> Lawrence A. Greenfeld, *Sex Offenses and Offenders: An Analysis of Data on Rape and Sexual Assault* (Washington, DC: Bureau of Justice Statistics, 1997), <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=3963>.

<sup>50</sup> Julie Whitman and Elizabeth Joyce, *Reaching and Serving Teen Victims: A Practical Handbook* (Washington, DC: National Crime Prevention Council, 2005), 1-2, <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/ncj211701.pdf>.

<sup>51</sup> Whitman and Joyce, *Reaching and Serving Teen Victims*, 1-2.

<sup>52</sup> Office of Juvenile Justice and Delinquency Prevention, *Combating Violence and Delinquency: The National Juvenile Justice Action Plan* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 1996), 65, <https://www.ncjrs.gov/pdffiles/jjplanfr.pdf>.<sup>53</sup> Ken Walker, Chief of Police, West University Place Police Department, TX, in discussion with Victim Services Working Group, virtual meeting, May 28, 2020.

<sup>53</sup> Ken Walker, Chief of Police, West University Place Police Department, TX, in discussion with Victim Services Working Group, virtual meeting, May 28, 2020.

<sup>54</sup> Walker, in discussion with Victim Services, May 28, 2020.



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additional costs would be passed on to agencies that may not be able to afford separate training. Training should also have a virtual option that includes audio, video, and examples rather than using slide presentations as the primary option for training.<sup>55</sup> This will ensure accessibility and consistency of training across the board.

### **12.4.2 Local governments should implement ongoing elder abuse training opportunities for first responders, prosecutors, judges, and advocates.**

As the elderly population increases, law enforcement should have the necessary training and resources to handle crimes against the elderly. To address these needs, the IACP worked with the Pacific Architects and Engineers (PAE) and DOJ's Elder Justice Initiative to create a video series to educate law enforcement on recognizing signs of abuse and a resource to help track areas of potential criminal activity.<sup>56</sup>

### **12.4.4 Congress should increase funding to support children's advocacy centers and system-based victim advocates trained to work with young victims.**

CACs should be prioritized for long-term federal funding to support the coordination and co-location of multiagency (i.e., governmental and NGO) and multidisciplinary services. This model provides victims easy access to services, which reduces the number of times they need to tell their story and the number of different places they need to go to be served. Funding should support multiagency teams within a CAC. System-based victim advocates provide a crucial service to youth by focusing on "supporting victims through the criminal justice system; providing information, education, and notification about what is occurring with their case; and [ensuring] that their rights are upheld."<sup>57</sup> The delicate issues concerning the abuse of youth require the use of qualified advocates who can support youth through traumatic times in their lives.

### **12.4.6 Congress should increase funding to support local coordinated community response teams.**

Coordinated community response teams address systems change, advancing both victim safety and offender accountability. They also support programs to prevent crimes against youth through multidisciplinary efforts, such as case coordination teams and other models of collaboration, including forensic centers and child fatality review teams.

## **12.5 Victims of Human Trafficking, Hate Crime, Mass Casualty Violence, and Traffic Crashes**

Certain types of crimes create a distinct kind of victim who then requires a tailored response from law enforcement and tailored services to respond to their needs resulting from the crime. Domestic and intimate-partner violence is one such prominent crime that creates specific victim needs, as highlighted above. The Commission also considered victims of four other specific crimes: human trafficking, hate crime, mass casualty violence, and traffic crashes.

### Human Trafficking

Human trafficking is a unique crime, requiring a specific investigative process and with a victimology considerably different from other crimes. The trauma caused to the victims can be so harmful that many may not identify themselves as victims or ask for help. Law enforcement should adopt a victim-centered approach to human trafficking by embedding victim advocates within their investigative units. Interviewing and reporting by law enforcement are integral parts of gathering data and building relationships with human trafficking victims. The recovery and restoration of the victims over the long term enhances the ability for a successful prosecution, as the victim is more trusting of law enforcement and is better able to testify.

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<sup>55</sup> Carol Watkins and Erin Stark, *Learning About Victims of Crime: A Training Model for Victim Service Providers and Allied Professionals* (Washington, DC: Office for Victims of Crime, 2003), [https://www.ncjrs.gov/ovc\\_archives/bulletins/VS2000trainingmodel/ncj199934.pdf](https://www.ncjrs.gov/ovc_archives/bulletins/VS2000trainingmodel/ncj199934.pdf).

<sup>56</sup> "Identifying and Responding to Elder Abuse: An Officer's Role," International Association of Chiefs of Police, accessed August 5, 2020, <https://www.theiacp.org/elder-abuse>.<sup>57</sup> Maureen Baker, Erica King, and Tara Wheeler, "Section 5: Building Partnerships," National Institute of Corrections, 2016, <https://info.nicic.gov/wwwvc/node/9>.

<sup>57</sup> Maureen Baker, Erica King, and Tara Wheeler, "Section 5: Building Partnerships," National Institute of Corrections, 2016, <https://info.nicic.gov/wwwvc/node/9>.

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Funding or grants should be provided for victim advocates to be embedded with law enforcement, and funding for training law enforcement on a victim-centered approach to human trafficking investigations is beneficial.

### Hate Crime

The FBI defines hate crime as “a criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.”<sup>58</sup> The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, 18 U.S.C. § 249 (2009) gives DOJ “the power to investigate and prosecute defendants who selected their crime victim based on race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.”<sup>59</sup> While hate crimes are most commonly directed towards individuals, businesses and other organizations can also be victims. Some victims of hate crime feel that their experience is not worthy of law enforcement’s time or that it will not be taken seriously, which prevents them from reporting the crime. Similarly, police officers may be hesitant to make a hate crimes arrest in these instances because of their own lack of awareness and education.<sup>60</sup> The key to understanding when a crime is a hate crime is to discern whether or not the victim was targeted based on the factors outlined in the Hate Crimes Prevention Act. Effective training will help law enforcement officers understand and correctly assess, report, and document hate crimes. It will also help them provide informed victim services.

### Mass Casualty Violence

This type of violence is usually defined as “an intentional violent criminal act that results in physical, emotional, or psychological injury to a large number of people.”<sup>61</sup> Schools, churches, and other areas such as offices, restaurants, and stores are often prime targets for mass attacks. While some communities have plans and resources in place to address the law enforcement, fire, and emergency medical services response to a mass casualty event, few are equipped to manage the challenging response of meeting the needs of the victims and their survivors.

By their very nature, mass casualty events are chaotic and disorganized. Therefore, each jurisdiction’s emergency response plan should take into account the unique victimology faced during the response to this type of crime including: providing victim service workers; designating a temporary reception or notification center; establishing a suitable place for a victim or family assistance center; enacting protocols for building an official list of survivors and victims; issuing death notifications; handling victims’ personal effects; and providing timely and informative updates to all victims and survivors.

Local governments can turn to the FBI’s Victim Services Division for an effective model that integrates victim services into an emergency response plan. The FBI has a strong Victim Services Response Team (VSRT), which is one of the most requested FBI assets in the aftermath of a mass casualty event and the VSRT will assist local governments that are underprepared to respond to such events. Furthermore, each local plan should proactively identify and engage with additional partners that can bring extensive experience and resources to a mass casualty response. Law enforcement can engage the American Red Cross and others in the non-profit community. Partner organizations should regularly meet and review victim service response plans prior to an

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<sup>58</sup> “Hate Crimes,” Federal Bureau of Investigation, accessed June 29, 2020, <https://www.fbi.gov/investigate/civil-rights/hate-crimes>.

<sup>59</sup> Legal Information Institute, “Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act,” Cornell Law School, accessed June 29, 2020, [https://www.law.cornell.edu/wex/matthew\\_shepard\\_and\\_james\\_byrd\\_jr\\_hate\\_crimes\\_prevention\\_act](https://www.law.cornell.edu/wex/matthew_shepard_and_james_byrd_jr_hate_crimes_prevention_act); and The Legacies of James Byrd Jr. and Matthew Shepard: Two Decades Later, *Police Chief Magazine*, March 6, 2019, <https://www.policechiefmagazine.org/legacies-byrd-and-shepard/>.

<sup>60</sup> Brittany E. Hayes, Assistant Professor, University of Cincinnati, “Evidence-Based Best Practices for Victims of Hate Crimes” (PowerPoint presentation, Victim Services Working Group, virtual meeting, May 19, 2020).

<sup>61</sup> “Mass Violence,” Victim Connect Resource Center, accessed June 29, 2020, <https://victimconnect.org/learn/types-of-crime/mass-violence/>.

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incident to identify gaps and ensure synchronization among them.<sup>62</sup> When necessary, the FBI's Victim Services Division can assist through the Excellence in Law Enforcement-based Victim Assistance Training and Enrichment (ELEVATE) program, which teaches communities how to build, grow, or sustain a law enforcement victim assistance program and it offers mentoring and specialized training for crisis intervention and mass casualty response.<sup>63</sup>

### Motor Vehicle Crashes

In 2018, approximately 4.5 million motor vehicle crashes resulted in injuries that required medical care<sup>64</sup> and according to the Department of Transportation's National Highway Traffic Safety Administration, approximately 36,120 deaths resulted from crashes involving motor vehicles in 2019.<sup>65</sup> Motor vehicle crashes involving severe injuries, such as paralysis, have significant and lasting effects on a victim in the same manner that the traumatic experience of a violent crime can have on a victim.<sup>66</sup>

According to Dolores Poeppel, director of Colorado State Patrol's Victims' Assistance Unit, motor vehicle crash victims in Colorado are considered to be victims of crime, yet they receive very little assistance in the aftermath of crashes where individuals are either seriously injured or killed.<sup>67</sup> Often, these motor vehicle crashes are the result of a violation of law and sometimes they are a result of a felony violation. When there are no victim services available, the families may be left on their own to navigate a complex court process and they may never be made aware of their rights as victims. In those cases, they may have no one other than the law enforcement investigator to answer their questions.<sup>68</sup> Commissioner Craig Price, the Secretary of the South Dakota Department of Public Safety, states, "It's imperative to have victim services assigned to crash victims so officers can concentrate on patrolling and responding to other calls for service. Having a crash assistance program embedded into a law enforcement agency has proven to be successful—motor vehicle crash victims are better served, and law enforcement resources aren't taken off the streets."<sup>69</sup>

Agencies that adopt a crash assistance program similar to Colorado's are able to have victim advocates provide immediate crisis intervention and support the victim until family arrives. The victim advocate can arrange any travel to bring family members to the victim, provide factual details about the crash to help the healing process, and serve as a point of contact for the law enforcement agency until the officer is available to meet with the victim's family.<sup>70</sup> Victim advocates don't always have to be paid staff and instead agencies can develop a victim advocate volunteer program, which allows members of the department to give back to the community. Additionally, the creation of a national policy on crash assistance programs by the Department of Transportation would help law enforcement, victim service providers, and advocates clearly delineate the necessary components of crash assistance programs.

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<sup>62</sup> Office for Victims of Crime, "Helping Victims of Mass Violence."

<sup>63</sup> "ELEVATE: A Focus on Victim Services," Federal Bureau of Investigation Law Enforcement Bulletin, accessed July 16, 2020, <https://leb.fbi.gov/bulletin-highlights/additional-highlights/elevate-a-focus-on-victim-services>.

<sup>64</sup> National Safety Council, "Overview: Motor Vehicle Injury Facts," Injury Facts, accessed August 5, 2020, <https://injuryfacts.nsc.org/motor-vehicle/overview/introduction/>.<sup>36</sup>

<sup>65</sup> "Early Estimates of 2019 Motor Vehicle Traffic Data Show Reduced Fatalities for Third Consecutive Year," National Highway Traffic Safety Administration, May 5, 2020, <https://www.nhtsa.gov/press-releases/early-estimates-traffic-fatalities-2019>.

<sup>66</sup> Bessel van der Kolk, "Posttraumatic Stress Disorder and the Nature of Trauma," Abstract, *Dialogues in Clinical Neuroscience* 2, no.1 (2000), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3181584/>; and Richard Mayou, Sally Tydnel, and Bridget Bryant, "Long-Term Outcome of Motor Vehicle Accident Injury," Abstract, *Psychosomatic Medicine* 59, no.6 (1997), <https://pubmed.ncbi.nlm.nih.gov/9407575/>.

<sup>67</sup> Dolores Poeppel, Director, Victims' Assistance Unit, Colorado State Patrol (presentation, Victim Services Working Group, virtual meeting, May 14, 2020).

<sup>68</sup> Craig Price, Secretary, South Dakota Department of Public Safety, email communication with Josephine Debrah, Report Writer, Victim Services Working Group, May 21, 2020.

<sup>69</sup> Price, email communication with Josephine Debrah, May 21, 2020.

<sup>70</sup> Poeppel, presentation to Victim Services, May 14, 2020.