

The Right to Heal and a New Approach to Public Safety

A NATIONAL CRIME VICTIMS' PLATFORM

**Survivor-Centered Policies to Prevent Crime,
Improve Accountability and Heal Communities**



CRIME SURVIVORS FOR
SAFETY AND JUSTICE

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SAFETY AND JUSTICE



One in three Americans has been a victim of violent crime in the last ten years, yet the vast majority receive no support to recover from the aftermath.

Failing to help victims recover causes devastating collateral consequences for families, communities – and for public safety.

Over the past decade, Crime Survivors for Safety and Justice has surveyed, interviewed, and convened over 15,000 crime victims and hundreds of victim-serving organizations from across the country to understand victims' needs and viewpoints. We developed the

National Crime Victims' Platform based on this extensive input. This platform represents the most comprehensive effort ever conducted to elevate the experiences of demographically representative crime victims in the US and define their public safety policy preferences.

Victims' voices are essential to shape responsive and effective public safety policy. As policymakers struggle with increased concerns about crime, while also facing the ongoing harm of excessive incarceration, the insights and leadership of survivors matter more than ever. Their public safety policy vision – captured in this platform – offers a set of transformative solutions that would effectively address both crises. Enacting victim-centered solutions can help resolve chronic public safety problems and the continued mass incarceration crisis at the same time.



Victim Voices Are Key to Effective Public Safety Policy

Despite the widespread impacts of violent crime in the United States, the majority of victims receive no support in the aftermath of harm. This lack of support leads to wide-ranging negative impacts. These range from loss of employment or housing to amassing insurmountable medical debt and developing debilitating depression, anxiety, or substance use disorder and other mental health challenges.

Without support, victims are also vulnerable to becoming repeat victims, leading to even deeper economic and social instability. **Victims of violent crime are three times as likely as non-victims to be repeat victims of four or more crimes.** Beyond increased vulnerability to additional victimization, when victims do not receive help to recover they are also vulnerable to later committing crime or harm themselves. **More than two in three people incarcerated in the justice system experienced trauma and victimization before ever committing a crime.** For many victims, gaps in access to trauma recovery and a lack of protection post-injury can lead to a victimization-to-incarceration pipeline.

Cycles of repeat victimization and trauma can be broken. **Presently, our public safety and criminal legal systems are not designed to stop trauma cycles.** Typically, policymakers respond to increased concerns about crime and victimization with policies that focus on expanding the criminal legal system and getting “tough on crime.”

Listening to victims’ voices and heeding their experiences would guide safety policy in a very different direction. Across the country, diverse victims of crime have long been advocating for safety policies that are less focused on tough incarceration and more focused on preventing crime and trauma recovery. **Most victims strongly prefer safety solutions that hone in on what’s needed to stop cycles of harm: healing and a new approach to public safety.**

A new national victims’ rights movement is growing. Over the last 40 years, many states and the federal government have enacted a range of laws to improve victims’ rights. However, the United States has yet to align public safety resources with the priorities that are most important to the majority of crime victims. **By listening to what victims want and need to heal, we can build a smarter and more effective approach to public safety.**

A Right to Heal and a New Approach to Public Safety

While traditional victims' rights advocacy succeeded at providing victims with procedural rights in the criminal legal process, establishing state-based compensation programs, and securing ongoing federal funding, too few victims have benefited from these reforms, and that is especially true for those most vulnerable to being repeat victims. The new victims' rights movement proposes an expanded framework that would provide a lifeline to many more survivors who have lacked access to help while delivering better results for public safety investments. We propose a **right to heal**, and a **new approach to public safety**. All survivors deserve these rights:

- 1** A right to have trusted and accessible help to heal from trauma
- 2** A right to emergency financial help, without red tape or discriminatory restrictions
- 3** A right to access safe housing in the wake of violence
- 4** A right to maintain job stability, including leave time and reasonable accommodations
- 5** A right to debt forgiveness and financial recovery when victimization caused debt
- 6** A right to support in schools and communities for children exposed to violence
- 7** A right to dignity, respect, and support for the victims of unsolved crimes
- 8** A right to protection from deportation arising from victimization to keep families together
- 9** A right to protection from arrest or conviction arising from victimization
- 10** A right to post-injury help, regardless of who caused the harm, including law enforcement
- 11** A right to accountability that works, including asking for restorative justice or alternative accountability processes
- 12** A right to communities where violence prevention and crisis assistance are considered essential safety services, not just more incarceration

Policy Solutions to Create a Right to Heal, and a New Approach to Public Safety

A range of policy and budget reforms can effectuate these rights at the local, state and national level. The following are key reforms in three main areas: **guaranteed care** for all survivors post-injury; **effective accountability** to reduce recidivism and excessive incarceration; and **universal crime prevention** so all communities, especially those most impacted by violence, can thrive and heal. A detailed policy white paper that accompanies this platform will be released in October 2024.

Guaranteed Care: Strong Protections and Accessible Healing Services for All Survivors

End discrimination in victims' compensation eligibility and ensure equal access to needed victims' services

Violence can wreak havoc on survivors' financial stability, making recovery near impossible. Victims' compensation programs can serve as lifelines to crime survivors facing victimization debt and long-term physical and emotional consequences. But overwhelming red tape and discriminatory eligibility restrictions prevent too many survivors from getting help from these programs.

Survivors across the country are successfully advocating for long-overdue changes to make victims' compensation programs more accessible, fair, responsive and useful. And, the federal government has proposed transformative new rules that answer the calls of survivors who have been left out. But change is needed at the state level to fulfill the promise of these proposals and get help to survivors.

State policymakers should review and revise their laws to eliminate barriers to compensation access such as: discriminatory eligibility restrictions, including limitations on allowable forms of documentation; denials based on assessments of victim cooperativeness or allegations about the victim; policies that restrict help based on the victim's prior record or if the person who committed the harm is from law enforcement; and policies that limit the definition of who qualifies as a family member.

Provide sustainable funding for victim services and end reliance on fines and fees

Survivor-serving programs like victims' compensation and VOCA assistance have historically received funding from unstable revenue streams. Instability has prevented vital victim service programs from scaling up and lawmakers from adopting critical changes to truly meet the recovery needs of survivors. Without federal and state action, victim services providers across the country are currently facing devastating cuts that will mean even fewer survivors will be able to access care. State victims' compensation programs also largely rely on fines and fees primarily levied on low-income people in the criminal justice system. This unjust system fails to deliver stable victim services funding to survivors while also trapping people in the justice system in cycles of impossible criminal justice debt. State lawmakers must commit to fully funding victim services at the level of actual need, through stable funding sources, such as state general funds, that do not cause more harm. Federal lawmakers must also enact a sustainable fix to federal victim services funding to ensure stability for providers and to expand help for survivors.

Enact new legal protections to ensure survivors have access to safe and stable jobs, housing and education

Many survivors lack basic legal protections in the wake of violence to ensure they can remain safely housed, take time off work and access accommodations related to violence in their schools and workplaces. Some states have adopted trailblazing policies that allow victims of gender-based violence to end a lease early if they need to move, stay safe from eviction and take time off work to recover. Increasingly, legislators are considering policies that include victims of other violent victimization in these protections. Lawmakers must adopt and expand these protections, and fund comprehensive civil legal services to make protections real.

The range of policies that can be adopted to improve stability for survivors in the aftermath of violent victimization include: allowing survivors to take paid time off work post-injury and to have reasonable accommodations in the workplace; ensuring survivors and their loved ones can end a lease early without penalty; protecting survivors from eviction, and creating pathways to seal eviction records; ensuring housing and employment protections include everyone impacted by victimization; barring discriminatory ordinances which force landlords to evict victims and people with records; and ensuring children impacted by violence have reasonable accommodations and formal support in schools to address trauma.

Prevent victimization debt, cover actual costs and cut red tape to reach more victims faster

Victims and families affected by violence have urgent costs that can include funeral and burial expenses, moving costs, meals and other basic needs. Survivors need this help in the immediate aftermath of victimization, and they can't wait months or years for a victim compensation application to be approved. Restitution is also frequently ineffective and counterproductive – few people who owe restitution have the ability to pay, keeping them trapped in poverty, too. Even when restitution is paid, it rarely reaches victims. If it does, it comes far too late.

Local flexible financial victim assistance funds can provide real help quickly. The community-based organizations closest to survivors should have resources to provide flexible, fast and immediate emergency financial assistance. Survivors also need legal protections that offer relief from medical debt and the ability to repair damaged credit. Lawmakers should enact reforms and allocate resources to establish flexible assistance grant programs to reach victims in crisis quickly; provide ongoing financial help to caregivers of children who lost parents to homicide and caregivers of people recovering from long-term or debilitating injuries arising from violence; and, adopt post-victimization debt relief and credit repair pathways.

Stop the victimization-to-incarceration pipeline and protect survivors whose victimization response led to arrests and convictions

Experiencing recurring trauma without protection - such as domestic violence, trafficking, or chronic violent victimization in one's home or community - can lead to devastating consequences, including committing criminal acts in direct response to being victimized and in an attempt to escape harm. Lawmakers must adopt and strengthen critical protections to prevent survivors from being criminalized when they attempt to escape violence or protect themselves. These include policies that articulate defenses to prosecution that consider immediate and directly-related trauma histories, ensure courts take recurring trauma into account in sentencing, and create pathways for resentencing and record clearance for survivors whose convictions stemmed from victimization. Incarceration itself is also inherently violent and contributes to cycles of trauma and harm. Legislators must act to prevent more trauma and victimization by reducing incarceration and pursuing safety solutions that counter, rather than cause more violence.

Protect immigrant victims

In the aftermath of victimization, immigrant survivors can face deportation threats from perpetrators or others. There are some existing pathways to help immigrant victims stabilize and receive protection from deportation, including U-Visas and T-Visas. But determinations are inconsistent, and red tape in the application processes and long waiting lists leave too many survivors without any protection. Eligibility also depends on inconsistent law enforcement agency decisions about whether to support survivors' applications, fueling inequitable access to relief. Survivors seeking asylum as a direct result of victimization also face unjust and bureaucratic hurdles. Lawmakers must take action to strengthen relief for immigrant victims, including ensuring survivors have consistent and fair access to documentation required for immigration relief, and increasing access to supportive services for immigrant survivors.

Ensure dignity, respect and support for the victims of unsolved crimes – especially loved ones of homicide victims

The majority of crime goes unsolved. Too often, the only survivors who obtain information or help from the justice system are those with cases in which an arrest or prosecution is underway or has occurred. Families often lack basic information about who to contact regarding their case, or the status of precious items law enforcement may be holding that belonged to a deceased loved one. Victims and surviving family members of unsolved crimes can often suffer extreme stress and chronic trauma, exacerbated by not having information about the crime or knowing what happened or why it happened. The criminal justice system should ensure dignity and support when engaging with any victim of crime. Justice system officials should ensure responsiveness to survivors whose cases have been reported but not solved, treat these victims with respect and ensure they are connected to the appropriate recovery services and support. Policymakers should take action to assess the rate of unsolved crimes in their jurisdictions, the barriers to solving those crimes, and the experiences of victims of unsolved crimes in their jurisdictions. Lawmakers must also ensure family members of homicide victims have access to clear and consistent information about the investigation and who to contact in their case, and ensure formal mechanisms exist to connect families in unsolved homicide cases and victims of other unsolved crime with ongoing information and recovery support.

Effective Accountability: Alternatives to Traditional Legal Processes and Incarceration

Provide effective accountability options beyond traditional prosecution and incarceration, such as restorative justice or other alternatives to incarceration

Despite popular tropes of vengeful victims always preferring the toughest punishments available, survivors consistently report more nuanced and diverse perspectives. The most common aim is to prevent what happened to them from happening again. For most survivors, the traditional sentencing option of incarceration alone is woefully inadequate to achieve that. Survivors more often support a range of options beyond imprisonment to ensure accountability, repair and an end to the cycle of harm. Options for accountability like community-based restorative justice are becoming increasingly available. Studies show survivors who choose restorative justice over traditional prosecution are overwhelmingly more satisfied and benefit from the process.

However, survivors are rarely even given a choice to pursue restorative justice, or to express support for other alternatives - including alternatives such as community service, diversion to treatment or cognitive behavioral therapy, trauma therapy, reduced imprisonment terms and others. Survivors deserve to know the options and the public safety impact of those options, and to have the choice to engage in alternative approaches to accountability instead of traditional prosecution or incarceration.

Lawmakers should enact reforms that provide survivors information about and opportunities to request alternative accountability options like restorative justice; protect confidentiality when survivors choose to engage in a restorative justice process or alternative accountability process; and fund community-based organizations leading restorative justice.

Importantly, aligning with the views and policy preferences of the majority of victims of violence means that policymakers must also advance policies that improve the public safety outcomes of sentencing decisions in cases that have been prosecuted in the criminal legal system. Reducing recidivism and harm means our justice system practices must reduce, instead of exacerbate, trauma for both victims and the people in the justice system. That requires policies that reduce excessive incarceration; ensure people working in public safety systems are trained in the impacts of trauma; strengthen incarceration release mechanisms for people completing rehabilitation; ensure sufficient access to rehabilitative programs in prisons and jails and for people on supervision, and pair programming with incentives for early release or termination; and, grow reentry programs for people coming home from incarceration to stabilize and

access jobs and housing. Lawmakers should also encourage and enact policy change to reduce reliance on incarceration and criminal justice system control and increase investments to strengthen communities.

Provide more pathways for people with old records to get them cleared

To prevent repeat crime, survivors want policies that hold people accountable – and allow them to return to work and care for their families. Old criminal records can create significant barriers to employment, stable housing, access to health care and the ability to care for one's families, all of which reduce the chances that they will return to the criminal justice system in the future. Lawmakers should ensure broad access to record change, and where possible, automate record change laws to maximize intended impact.

Universal Crime Prevention: Scale Up Proven Community Solutions that Stop Cycles of Harm

Promote community-level violence prevention, treatment, rehabilitation and reentry initiatives over more incarceration

Victims – across the political and demographic spectrum – overwhelmingly support violence prevention and community-based programs to keep crime from happening in the first place. They also support prioritizing rehabilitation over tough punishment to break cycles of harm. Lawmakers can advance these safety goals by funding local infrastructure for violence prevention, crisis assistance, mental health treatment, and reentry. Lawmakers must assess current levels of access to the most effective prevention programs, such as violence interruption, mental health crisis assistance, and reentry programs in all communities, especially those most impacted by chronic cycles of crime. It is crucial to embrace these programs, which are primarily resident-powered and community-based, as essential public safety services. They can no longer be considered auxiliary or supplemental, they are central to community capacity for safety. Once gaps in available programming are assessed, policymakers must provide stable, sustainable, and flexible public funding to build communities' prevention and care infrastructure to fill gaps and meet the needs of all communities. Violence can

be interrupted and cycles of harm can be stopped. It takes political will, unwavering commitment and sustainable resources.

Invest in and grow accessible survivor-led, survivor-serving organizations

Victims rarely rely on the justice system for help in crisis. More often, they turn to community-based, local support services familiar to them or their families and communities. Yet, these programs often struggle to stay afloat with inadequate financial backing. Community-serving programs, rooted in neighborhoods that experience concentrated violence, must be supported with multiyear flexible funding from local, state and federal government funding sources. Lawmakers must assess the barriers these organizations face to providing care at the level of community need and take action. Policymakers must also take action to fill gaps and reverse cuts in existing funding for victim services. Lawmakers can cut the red tape that makes grant funding inaccessible to frontline community-based organizations, and create additional funding streams for smaller frontline victim services providers rooted in communities most harmed by violence.

Trauma Recovery Centers (TRCs) for all

To provide support in the wake of violence, 54 trauma recovery centers have been established in the last decade in cities across the country. These accessible, holistic programs deliver a transformational model of care for survivors of violence. This innovative and evidence-based model includes assertive outreach, clinical case management and evidence-based mental healthcare. TRCs are a combination of emergency help to address real-time needs for stability and support as well as long-term therapeutic and community care for lifelong recovery. Despite their life-saving impact, most survivors live in communities without a TRC. All survivors deserve help, and local, state and federal policymakers must provide adequate funding to scale up access to Trauma Recovery Centers. States and local leaders can also use federal dollars (including Byrne-JAG and Community Violence Intervention and Prevention Initiative funds) to support Trauma Recovery Centers, and increase accessibility of these funds to local providers.



Crime Survivors for Safety and Justice (CSSJ) is a national network of crime survivors joining together to create healing communities and shape public safety policy. With over 200,000 crime survivor members nationwide and growing, including chapters and leaders across the country, Crime Survivors for Safety and Justice is building a movement to heal together and promote public safety policies that help the people and communities most harmed by crime and violence. In Pennsylvania, CSSJ has nearly 200,000 members.

CSSJ is a flagship project of Alliance for Safety and Justice, a multi-state organization that aims to implement safety solutions rooted in prevention, rehabilitation, and support for crime victims and people living with old records.