



Council on Crime and Justice



Minnesota Network for Legal Assistance to

Victims of Crime

Executive Summary of Needs Assessment

October 2014



research

demonstration

advocacy

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## **I. INTRODUCTION**

In Minnesota, attitudes toward, and resources for, crime victims have made remarkable progress since the days when:

- Victim impact statements were not allowed to be read in court.
- Victims' Rights were not codified by state statute or enumerated in constitutional amendments.
- County attorney offices had no dedicated personnel to assist victims through the legal process.
- Restitution for victims was not routinely ordered.
- Private service agencies had no specific programs to alleviate the physical, emotional, and/or economic impact of crime on victims.
- Governmental entities made no provision for reparations to victims, and
- Restorative Justice as a concept, much less as a practice, was treated with suspicion and active resistance by criminal justice professionals as well as victims and offenders.

However, even with the resources currently available, the reality persists that these resources are acutely in need of coordination, as well as expansion, to meet the essential legal needs of crime victims.

In 2012, the Council on Crime and Justice was awarded a grant from the Office for Victims of Crime (OVC). The primary purpose of the grant was to conduct a needs assessment within the state of Minnesota to better understand the legal needs of crime victims. The ultimate goal of the assessment is to develop a coordinated wraparound project to better meet these needs.

An essential element of the grant was the formation of an advisory committee whose members served as Project Partners. Members of the committee represented a broad range of

legal and supportive services from across the state. They provided vital input into the needs assessment design and met regularly during the assessment process. The committee also assisted with developing interview questions, data collection, and data analysis. An ongoing charge to the committee was to assist with developing a detailed plan for the implementation of the wraparound legal services project. They formed a steering committee sub-group to provide guidance and feedback for this crucial next step.

## **II. THE PROBLEM**

Professionals in the public and private sector who have worked with crime victims in Minnesota have been acutely aware of the many impediments that have prevented victims from accessing needed legal services. The overarching problem of a **lack of comprehensive and coordinated legal services** can be specifically related to these impediments:

- Lack of knowledge, or even awareness, of Victims' Rights legislation.
- Lack of available and/or effective mechanisms for enforcement of victims' rights.
- Lack of uniformity and sufficiency of resources state-wide.
- Lack of specific services based on demographic factors, e.g. race, ethnicity, education, income, disability, geographic location (urban/rural/tribal), or immigration status.
- Lack of trust by victims in the criminal justice system.
- Lack of self-reporting of crimes by victims.
- Lack of referral by law enforcement to available services or follow through by victims who are referred.

Awareness of these deficits, however, has been basically experiential. A 2010 Minnesota Crime Victim Survey by the Office of Justice Programs and the United Way provided some helpful data about the difficulty in meeting the legal needs of crime victims. It is important

to note, however, that the report only captured victimization reported to law enforcement. The data reflected a statewide survey of crime statistics gathered in 2010.

- Of those victimized, fewer than half (50%) reported the crime to the police.
- Of the 2,191 self-reported victims of crime in Minnesota, over 50% lived in Hennepin, Ramsey, Dakota, Anoka, and Washington counties, the urban counties surrounding Minneapolis and St. Paul.
- Of the individuals who self-reported being a victim of crime in 2010, only 3.6% sought services.
- Of those who called the police but did not seek services, 79% reported that law enforcement personnel did not tell them that services were available.

Being the victim of a crime may not end with the need for assistance to deal with the criminal process. It may also engender the need for aid with civil legal proceedings. For example, a victim of domestic abuse may experience a rupture of the relationship and a subsequent foreclosure of the home, the inability to secure alternative housing, or bankruptcy. This ripple effect may create an entire second tier of legal needs for crime victims.

More extensive empirical data was needed before a fact-based and all-inclusive approach to the problem could be engaged. It was the goal of this needs assessment project to provide such data and forge a new model of service delivery. The model would provide for a holistic approach that will comprehensively address the legal needs of crime victims.

### **III. THE NEEDS ASSESSMENT PROCESS**

The target populations for the needs assessment were those most intimately involved in the criminal justice process – crime victims, service providers, attorneys, and judges. Using qualitative interviews with the identified groups, the thrust of the needs assessment was to

determine the types of legal assistance needed by crime victims, if their needs varied by the type of crime, how these needs are currently being met, and how deficiencies could be addressed.

The interviews used a question by question as well as a thematic format.

To structure the types of questions the individuals in these groups would be asked, a review of the literature was conducted. The policies and procedures of organizations that provide legal services to victims were analyzed. A statewide online survey was disseminated to organizations that work with victims of crime. Additionally, several meetings and individual contacts were held with the Project Partners to formulate the questions included in the interview guide. This background material helped to frame the questions for the target populations with regard to: (1) The legal needs, both criminal and civil, that crime victims face as a result of their victimization, (2) The availability and effectiveness of existing services, (3) Knowledge of Victims' Rights legislation and its mandates, and (4) How demographics affect service delivery.

An ancillary goal of the assessment was to encourage legal professionals and service providers to think about the legal needs of victims within a comprehensive framework. Not surprisingly, many of them had not.

### **Selection of target populations for needs assessment:**

**Victims (52)** – To secure participants for the needs assessment, flyers were posted in communities across the state, radio ads were broadcast in some areas, ads were placed in local newspapers, and postings were put on social media sites. The criteria for selection included being at least 18 years old and a victim of a crime committed in Minnesota in 2011 or 2012. In this manner, 52 victims were identified for a qualitative interview.

**Victim Services Providers (50)** – To attain a measure of diversity among providers, interviews were conducted with individual Project Partners (see Appendix), providers that represented culturally specific groups, as well as other victim service organizations that offer advocacy and assistance. Responses were collected from 50 of these participants.

**Attorneys (25)** – To enlist attorneys to participate in the needs assessment, interviews were conducted initially with attorneys from the Project Partners and victim service providers. These attorneys were, in turn, asked to refer colleagues who might be interested in the project. Statewide directories were used to ensure that urban and rural areas were represented across the state, as well as prosecutors and public defenders. 25 attorneys were ultimately selected by the project’s principal investigator based on legal specialty and geographic location.

**Judges (25)** – There are 10 judicial districts in Minnesota. A goal of the needs assessment was to interview two or three judges from each district. The chief judge of each district was contacted by letter requesting them to nominate their colleagues to participate in this process. After the nominations were received, the judges were contacted to set up an interview. In the few cases where nominations were not received, judges were randomly selected to be interviewed. Interviews were conducted in person if possible or by phone due to time and travel constraints. In total, 25 district court judges participated.

**Tribal Judges (4)** – There are 11 tribal reservation jurisdictions in Minnesota. Their structure is complex due to federal and state intersections. The prosecutorial process is often dependent on the type of crime. A total of four tribal judges were interviewed who represented three different reservations in the state. These reservations were not identified to ensure confidentiality.

## IV. FINDINGS

There were significant recurring themes in all of the dialogues that validated what professionals in the field have long experienced. The findings also supported many of the assertions articulated in the review of the literature and provided meaningful data to support the construction of a model for improved service delivery. These findings included:

### 1. Legal needs of crime victims:

- Most of the participants in the assessment, including the victims, began with the assumption that crime victims had no specific legal needs during the criminal justice process. Victims were asked to describe the specific crime, whether they needed help with that crime, and what help they actually received. Questions were designed to lead them to discuss legal issues. As the interviews progressed, it became evident that victims needed information, advice, and advocacy at every stage along the justice system continuum. **Example:** The preferences of the victim were often divergent from the objectives of the prosecution.
- Victims who sought legal remedies without an attorney, such as securing an Order for Protection, were at a distinct disadvantage. **Example:** Without representation, filling out the requisite forms proved too daunting and many simply gave up.
- The courts frequently have little awareness of a victim's legal needs in a criminal case. **Example:** Of the judges interviewed, 92% said they rarely see a victim represented by an attorney and this made it difficult to understand the legal needs of crime victims.



- Victims need assistance with legal situations arising out of the original victimization.

**Example:** Victims reported difficulty in getting legal help with issues resulting from their victimization such as housing, medical care, transportation, or employment.

**Key finding: Victims may have multiple legal needs in order to assert their rights and ensure their safety during the criminal process and potentially cope with civil litigation.**

**There was consensus that all crime victims would benefit from the opportunity to talk with an attorney.**

## **2. Availability and effectiveness of existing services:**

- How the criminal justice system responded was critical to the victim's legal needs being met. Information from law enforcement at the time of victimization was inconsistent or non-existent. **Example:** Of the 52 victims interviewed, only 16 had received "blue cards" or referrals from law enforcement to connect them to victim services.
- Assistance from victim/witness programs was also uneven. These programs, where they exist, are understaffed and underfunded and the role of this resource is little understood. **Example:** Victim/witness personnel only work with cases reported to the police that are being prosecuted. As they are not attorneys, they are usually not involved in the pre-charging and post-conviction stage of the process when a victim's rights need to be asserted.
- Many victims felt re-victimized by the difficulty in securing assistance, which can discourage them from engaging with the system in the future. **Example:** All judges agreed that there is an imbalance of representation with the justice system, which

focuses almost exclusively on the offender and leads to a lack of understanding of the needs of victims.

- Recent cuts to pro bono legal service programs have had a direct impact on assistance for victims. **Example:** Attorneys in these programs cited overwhelming caseloads and strict case priorities as limiting their ability to help.

**Key finding: There was broad agreement from all groups interviewed that legal assistance to crime victims suffers from a lack of consistent information, referral, funding, and coordination.**

### **3. Knowledge of Victims' Rights**

- Many victims were unaware of their rights under the law. **Example:** Several victims did not know they could request restitution or seek reparations for financial losses.
- There is a lack of consistent protection or enforcement of victims' rights as no part of the system is held responsible. **Example:** Over 1/3 of the victims reported that they were never notified of the progress of the case during the legal proceedings. Three were never notified that a violent offender was released from incarceration.
- For attorneys, there was a general misunderstanding of the rights of a victim in a criminal case. **Example:** One-half of the attorneys interviewed said that a victim had no need for legal assistance in a criminal case.

**Key finding: Victims, attorneys, and judges all expressed a limited knowledge of Victims' Rights legislation and its protections.**

### **4. How demographics affect service delivery**

- Victims in rural areas have greater difficulty accessing services. **Example:** Few county attorney offices in rural areas have victim/witness staff to assist or refer

victims and the number of available attorneys cannot meet the demand. Lack of transportation also prevented several victims from getting the help they needed or even participating in the criminal process.

- Language, literacy, immigration status, income, education, and race all limit access to resources. **Example:** Victim service providers all cited culture and language as major obstacles to many victims understanding their rights or seeking help.
- All interview groups agreed that legal needs vary by the characteristics of the victim and the type of crime. **Example:** Family court issues are particularly challenging and emotionally charged. Finding attorneys to work these cases pro bono was cited as a major barrier by victim services providers.
- Disparities were also widespread in the tribal system. Tribal justice presents a complex and confounding array of challenges with federal, state, and tribal involvement. **Example:** Tribal judges cited the factors to be considered in criminal cases: the race of the victim and the offender, where the offense occurred, who can or will apprehend the offender, and who can or will prosecute. This confluence of variables severely limits justice for victims in the tribal areas.

**Key finding: Barriers to effective service delivery for crime victims are many and pervasive.**

## V. RECOMMENDATIONS

The needs assessment process produced an extensive list of recommendations from the participants to address the systemic inequalities in meeting victims' legal needs. Listed here are some of the specific recommendations from all four interview groups that represented similar

concerns. They helped form the basis for the critical next step, the development of the implementation plan.

- **Increase state-wide funding to provide legal services for crime victims.**
- **Improve the notification to victims of their rights and available services at every access point in the criminal justice system.**
- **Provide more training opportunities to justice system personnel in order to increase awareness of Victims' Rights, the legal needs of victims, and available resources.**
- **Respond to differences between rural and metropolitan locations when implementing legal services.**
- **Lobby to strengthen legislation to make victims' rights enforceable.**
- **Improve the ability of the justice system to respond to the legal needs of diverse populations.**
- **Increase the number of pro-bono attorneys across the state to help victims with complex legal needs such as family law and immigration.**
- **Increase the number of available staff or volunteers to help victims having difficulty with such challenges as filling out legal forms or securing responses to legal questions.**
- **Decrease barriers associated with transportation in order to improve participation in the justice system process and access to legal services.**
- **Improve the understanding of the complexity of providing and meeting the legal needs in tribal areas and incorporate tribal regions into services.**

## VI. THE FUTURE

The implementation plan, the Minnesota Network for Legal Assistance to Victims of Crime, is an emerging concept that can provide wraparound, focused, and prioritized legal assistance to crime victims to meet their legal needs, both criminal and civil.

The model consists of three basic elements:

- (1) A **Lead Legal Navigator** will be on site at the Council on Crime and Justice and will focus on coordinating and documenting services and providing an ongoing review. The position will maintain a database of legal needs and whether or how they have been addressed and recommend modifications to the model as needed.
- (2) **Network Service Advisors** will be comprised of the Project Partners from the initial assessment phase who opt to continue with implementation of the model. They will provide a direct line to legal services within the network, make recommendations for refinement and improvement, and assist with identifying training and education needs, as well as opportunities in their area.
- (3) **Legal Service Providers** will be three staff attorneys housed at different locations that will provide legal advice, direct representation, and referral to services.

The following chart illustrates the duties and responsibilities of Network staff in greater detail.

### **Minnesota Network for Legal Assistance to Victims of Crime**

#### **Lead Legal Navigator**

Housed at Council on Crime and Justice and focused on the coordination of services, documentation and tracking, ongoing review, and modification of the service model.

- Connector and Liaison.
- Facilitate Network communication.
- Tracking and Documentation Management.
- Maintain a database of legal needs, whether or how they have been addressed by others in the Network, legal service providers.
- Identify public policy and legislative opportunities.
- Identify training opportunities and training needs.
- Work to identify appellate litigation opportunities.

### **Network Service Advisors**

Consists of all Project Partners involved in Phase I who would like to continue with Phase II.

- Direct line to legal services from within the Network provided by the Lead Legal Navigator and Legal Service Providers.
- Participate as advisors to Legal Services Network by providing recommendations for on-going model refinement and improvement.
- Assist Lead Legal Navigator with service intake, referral, and coordination.
- Assist Lead Legal Navigator with identifying training and education needs and opportunities and include legal needs of victims in their trainings to judges, law enforcement, prosecutors and others.

### **Legal Service Providers**

Consists of the 3 sites hosting FTE staff attorneys and the Council on Crime and Justice, as host of the Lead Legal Navigator.

- Agency commits to housing and supervising attorney.
  - Agency commits to utilizing the MMLA Intake.
  - Agency signs a Memorandum of Understanding with CCJ, grant administrator.
- Provide limited direct representation for(X) number of crime victims in need of legal service.
  - Provide legal advice for (X) number of crime victims in need of legal service.
  - Recruit pro-bono attorneys to provide legal services in new areas of victimization (i.e. tax attorney).
  - Complete MMLA intake form to uniformly identify and track legal needs.
  - Provide legal advice for other service providers in the Network.
  - Connect victims of crime with existing services in the area.
  - Provide training materials and education to current trainers in their area so that law enforcement, prosecutors, law school students, and service providers can be informed.
  - Coordinate response to meet legal needs among Network organizations.

## **CONCLUSION**

Being a victim of a criminal act is often life altering. It can engender losses for the victim on many levels. There are the intangible losses such as no longer feeling safe, losing trust in law enforcement, or having little faith in the criminal justice system. And there can be tangible losses such as loss of a loved one, a home, or a job. In all of this turmoil, there may also be a cascade of legal challenges, e.g. appearing as a witness at trial, securing legal protections, or dealing with civil litigation.

The legal needs of crime victims are many and varied – and they are rarely met in a comprehensive and sustaining manner. The Minnesota Legal Network for Assistance to Crime Victims intends to show that, not only is it possible to do so, it is imperative. For crime victims to have access to wraparound legal services is not a privilege, it is justice.

A full description of the methodology and results of the needs assessment along with the review of the literature and the policy and procedure review is available in the comprehensive project report.

## **APPENDIX: PROJECT PARTNERS**

Gary Schiff, President, and Andy Sagvold, Director of Programs and Services, of the Council on Crime and Justice wish to thank the many professionals working with crime victims across the state who partnered with us on this important initiative. Their contributions of time, thoughtful input, and incisive feedback made this project possible.

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### **International Institute of Minnesota**

Lauren Ryan

### **Mid-Minnesota Legal Aid**

Ann Cofell

### **Minnesota Alliance on Crime**

Debra Jessen

### **Minnesota Coalition Against Sexual Assault**

Caroline Palmer and Donna Dunn

### **Minnesota Coalition for Battered Women**

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**Minnesota State Bar Association**

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**Office of the Ramsey County Attorney**

Tami McConkey

**Southern Minnesota Regional Legal Services**

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