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Remember and empower victims of crime

While crime has been declining for two decades, 1 in 14 Americans experienced a property crime and 1 in 40 a violent crime during 2012. To pay tribute to victims and survivors, the federal government has designated April 6 to 12, 2014 as National Crime Victims' Rights Week.

This is a time to turn our attention to the true consumers of the corrections system – those who have been personally wronged by an offender. Too often, rather than focusing on empowering victims and ensuring they receive restitution, the process emphasizes an offender's "debt to society," often in the form of fines and fees that go into the government's coffers. This fixation on the prerogatives of the government has too often marginalized the rights and voices of victims.

We must ensure that victims of both violent and property offenses have basic rights, including the right to be informed about court proceedings in the case, the right to restitution for stolen property, and the right to provide input on what would be a just sentence. This should include the opportunity for a victim to be a participant in the plea bargaining process through which 91 percent of cases are resolved. A few states such as Arizona and Maine require that victims be given a chance to provide input on plea bargains and more should follow.

Unfortunately, our system fails to incentivize victim compensation. Traditional prosecutorial performance measures include the number of cases processed, the number of convictions, and the overall conviction rate. However, these volume measurements only reflect an increase in crime, not service to those wronged by crime. To truly measure the effectiveness of a district attorney's office or probation department, victim satisfaction and restitution must be used as a performance measure. Moreover, restitution payments should take precedence over fines and fees owed to the government.

Also, victims should be given the option to choose victim-offender mediation in appropriate cases. Typically used in property offense cases, mediation offers victims an expedited means of obtaining justice, avoiding long-drawn-out pretrial proceedings, jury selection, and appeals. If the offender fails to comply with the restitution and community service agreement reached through the mediation, the case is referred for traditional prosecution. However, studies have found mediation is far more successful in actually collecting restitution for victims than the traditional court process.

A nationwide survey found 95 percent of cases resolved through victim-offender mediation result in a written agreement – 90 percent of which are completed within one year, far exceeding the average restitution collection rate of 30 percent. This is largely due to the fact that the offender who completes the mediated agreement typically does not receive a conviction on their record and is thus more likely to maintain employment and pay restitution.

Additionally, nearly four in five victims who went through a mediation process said they were satisfied with the results, compared to just 57 percent of victims who went through the traditional court system.

Many victims want an apology, which offenders provide in the mediation and which is often precluded by the adversarial court process that bans any contact between the victim and offender. Furthermore, many offenders begin to understand through the mediation process how their conduct did not just violate the words of a law, but actually harmed another person. This is one reason why mediation reduces re-offending. Indeed, a study of over 1,000 youths found those who went through mediation were 32 percent less likely to re-offend.

Finally, as Victims' Rights Week is commemorated, we must remember that incarceration, while necessary for violent and dangerous offenders, is not the approach in many cases that victims desire or benefit from. A survey of Iowa burglary victims found 81 percent wanted restitution, 76 percent wanted community service, and only 7 percent wanted a prison sentence of a year or more. We also know that offenders on probation pay 98 times more restitution to victims than those behind bars.

This week is a time to remember and honor those who have been wronged. However, policymakers must also act to ensure victims are given a greater role in the process of achieving justice.

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