



E65 “What's Wrong With Putting Crime Victims in Jail?”

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Learning Overview: The goal of this presentation is to bring awareness to the forensic science community and educate society about the importance of crime victim rights and ensuring crime victims are not revictimized during the legal process.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by providing practical and educational tools to ensure crime victims and their feelings are a factor in the legal process and encourage interdisciplinary outreach to better treat and protect crime victims.

The United States Criminal Justice System is arguably the best system in the world; however, it has a tendency to let society down and get it wrong. The system has its flaws, but not always in the way people think. Society empathizes with crime victims, but arguably crime victims are the most ignored group within the Criminal Justice System.¹ However, the Criminal Justice System has helped and held those accountable more often than not. There are thousands of crime victim programs, advocacy and watchdog groups, and legislation tailored for crime victims. Yet, crime victims still continue to feel let down by a system that vows to protect and obtain justice for them.

In Texas, there are approximately 146 organizations in 94 cities that provide various types of crime victim support.² According to Domesticshelters.org, case management, resources, and referrals are the most common services utilized. The federal government developed crime victims' rights as outline in Title 18 U.S.C. section 3771, which states crime victims have a “right to be reasonably protected ... right to reasonable, accurate, and timely notice of any public proceeding, ... right to be reasonably heard at any public proceeding, and ... right to confer with the attorney for the Government in the case.”³

It's important for crime victims to know they have rights. Unfortunately, at both state and federal levels, crime victims appear to be the least aware of their rights.^{4,5} Part of their rights are to not participate, regardless of the reason.⁶ There are many cases where the victim recants, outright lies, or says they do not want to participate. The primary motivations were the victim did not want to be the one to send their loved one to jail, they just wanted the offending person to leave, or they were angry with that person.^{7,8} The reasons a crime victim does not want to testify or participate in the process are important and should be taken into consideration.^{7,8}

Prosecutors take crime victims seriously and generally want to know the “whys.” However, prosecutors will not stop communicating with the victim or continuing to prosecute the offender.⁹ Typically, prosecutors will not force a victim to testify, but there have been instances where prosecutors felt there was necessity to put or keep an offender in jail, despite the desires of the victim.^{1,10} Prosecutors across the nation and specifically, in Harris County, TX, have a legal right to detain a crime victim in order to ensure their presence in court.

Local and national cases will be examined.¹¹⁻¹³ Federal and state laws will be reviewed. It is important to include the psychological impact when a crime victim is detained and what the state can do to eliminate or lessen the emotional and sometimes physical damage.¹⁴ Furthermore, there will be discussion of possible alternatives prosecutors can use to prevent the crime victim from feeling like the defendant and what society can do to improve their understanding and role in the Criminal Justice System. Finally, there will be a discussion of the repercussions for prosecutors.¹⁵

Reference(s):

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