

SURVIVOR VOICES

Retreat Overview and Recommendations



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Rights in System's Enforced (RISE) Clinic

The RISE Clinic at Loyola Law School was part of a national project funded by the Office for Victims of Crime (OVC) that supported a network of legal clinics dedicated to providing legal representation to victims of crime during the criminal investigation and prosecution of their offenders.¹ This project allowed attorneys working within fourteen RISE Clinics across the country to provide free legal services to help survivors assert and seek enforcement of their legal rights during their contact with the criminal justice system in the aftermath of a crime. In addition, the project aimed to increase the number of attorneys advocating for the rights of victims and to raise awareness about crime victims' rights among prosecutors, public defenders, advocates, legal professionals, and social service providers.

In its launch, Loyola's RISE program was the only clinic within this project situated in a law school and the first in the country specially designed to teach and train law students in representing survivors of violent crime. In its practice, the clinic approached representation through a critical race and gender justice lens, which called for culturally competent and trauma-informed legal counseling to center the interest of survivors. Through this work, the RISE Clinic joined a progressive intersectional, anti-violence movement focused on survivor empowerment against private and state perpetrated harm.² In addition, the RISE Clinic endeavored to train students on practicing community lawyering, an approach that encourages legal professionals to work in partnership with the communities they serve to develop and implement solutions that involve those directly impacted.³

Students enrolled in the RISE Clinic were certified by the California State Bar's Practical Training of Law Student (PTLS) program to provide legal advice and counseling under the supervision of an attorney.⁴ In their roles, students conducted comprehensive legal assessments to formulate legal strategies that prioritized the goals and interests of survivors. In doing this work, RISE students were some of the first attorneys in the country actively filing *Notice of Appearances* in criminal proceedings to inform the court that survivors had their own counsel. They also worked in collaboration with the RISE Social Worker, who was incorporated into the clinic and the classroom to provide a holistic approach to survivor services.

Survivor Voices

On April 20, 2022, the RISE Clinic invited representatives from the criminal justice system and survivors to participate in a symposium hosted at Loyola Law School.⁵ During the event, survivors sat in panels with state and federal judges, prosecutors, and public defenders to engage in open

¹ National Crime Victim Law Institute. (2022). *Rights in Systems Enforced Project-RISE Clinics*. <https://ncvli.org/what-we-do/rise-rights-enforcement-clinics/>

² Loyola Law School (n.d.). *Rights in Systems Enforced (RISE) Clinic*. <https://www.lls.edu/rise>

³ Shauna Marshall, *Mission Impossible?: Ethical Community Lawyering*, 7 *Clinical L. Rev.* 147 (2000). https://repository.uclawsf.edu/faculty_scholarship/471

⁴ State Bar of California. (n.d.). *Practical Training of Law Students*.

<https://www.calbar.ca.gov/admissions/special-admissions/practical-training-of-law-students>

⁵ RISE Clinic (2022). *Criminal Justice Reform: Protecting, Enforcing and Advancing the Rights of Victims*. <https://www.lls.edu/rise/cjr>

dialogues about the experience of crime victims navigating the criminal justice system and propose changes that are culturally and socially responsive to everyone. The response voiced by the survivors at the culmination of the symposium resonated with the sentiment often heard by survivors across the country about their experience with criminal justice system: professionals within the system continue to have a platform to speak about their ideas of justice while enacting policies that do not represent the needs and voice of all survivors.



LA County Superior Court Judge, Teresa Sullivan, and Survivor Leader, Flor Molina.



Survivor Leader, Catherine Clark, and LA County Superior Court Judges, Wendy Segall and Curtis A. Kim.

On October 21, 2022, using the feedback received from the symposium, the RISE Clinic welcomed back a group of survivors to Loyola Law School to participate in *Survivors Voices*, a retreat to discuss the current system and to seek change that incorporates the interest of crime victims. The results of the discussions during this retreat and policy recommendations are outlined fully below.

Why Survivor Voices?

In 2004, federal legislation expanded the rights of crime victims and provided the mechanism for enforcing these rights in federal criminal proceedings under the Crime Victims' Rights Act.⁶ States across the country have used this model to enact legislation that establish victims' rights in local jurisdictions. In California, the state amended its constitution to enact the Victims' Bill of Rights Act of 2008, also known as Marsy's Laws.⁷ In general, survivors are given a pamphlet about these rights by law enforcement at the time of reporting the crime. A notification with information about these rights is also mailed to survivors by the prosecutor's office when charges are filed against their offenders.

Unfortunately, many survivors remain unaware that these laws exist, or they do not know how to ensure that these rights are protected even if they are given notice. Furthermore, many survivors are also unfamiliar with the criminal justice process, including the role of law enforcement and prosecutors in investigating and initiating criminal proceedings against their offenders. In fact, it is often assumed by survivors and the community at large that prosecutors are there to represent them in the case against the person(s) accused of the crime. Much to their surprise, they learn that

⁶ Office of the United States Attorneys. (2006). *Crime Victims' Rights Act*. U.S. Department of Justice. <https://www.justice.gov/usao/resources/crime-victims-rights-ombudsman/victims-rights-act>

⁷ Office of Attorney General. (n.d.) *Victims' Rights Under Marsy's Laws*. State of California Department of Justice. https://oag.ca.gov/victimservices/marsys_law

prosecutors act on behalf of the government when they pursue legal proceeding against an offender and consequently it is against their ethical obligations to provide individualized legal advice to survivors about how to assert their rights in criminal court. Therefore, only criminal defendants have traditionally been provided with their own attorney to represent them in court as part of their due process rights within criminal proceedings.

In addition, survivors lack support with enforcement of their rights. Many civil attorneys who are experienced with providing services to victims have not yet incorporated victims' rights enforcement into their practice. Thus, crime victims who frequently need assistance with both the enforcement of their rights in criminal proceedings and advocacy on civil legal matters that result from the victimization find themselves without full support.⁸ Furthermore, there also few attorneys with direct experience in crime victims rights' working in collaboration with survivors to advocate for change within the movement for criminal justice reform.

In turn, Survivor Voices aimed to fill a gap in the movement for criminal justice reform by educating survivors about the complex parameters of the criminal justice system, including the constitutional rights of defendants and legal standards regarding the burden of proof. This was intended to help survivors understand the current state of the criminal justice system and collaborate with attorneys and law school students to articulate their concerns and propose solutions based on their experiences and their ideas of justice.

Survivor Outreach

The invitation for Survivor Voices was tailored to gather *survivor leaders*, a reference used to describe persons who have gone through the recovery process and utilize their own lived experience with abuse and violence to lead and promote change.⁹ Our efforts comprised of outreach to survivor networks and survivor-led programs in Los Angeles County. These included Crime Survivors for Safety and Justice (CSSJ), Crime Survivors Inc, and the Coalition to Abolish Slavery and Trafficking (CAST), all known for their well-established survivor leadership programs. In addition, we targeted non-profit organizations with known history of employing survivors with lived experience in leadership roles and direct services. In exchange for their expertise and their attendance, survivor leaders were offered a \$200 dollar honorarium to be distributed at the conclusion of the retreat.

Our outreach resulted in a response from survivor leaders across diverse backgrounds and experiences, including survivors of human trafficking, sexual assault, domestic violence, and family members of homicide victims. In some cases, this was their first time participating in working groups seeking to use their own experience to contribute to changes within the criminal justice system. RISE students with a desire to participate in the retreat with other survivors due to their own experience as crime victims were also invited and encouraged to attend.

⁸ National Crime Victim Law Institute. (2022). *Rights in Systems Enforced Project-RISE Clinics*. <https://ncvli.org/what-we-do/rise-rights-enforcement-clinics/>

⁹ Richie-Zavaleta, A., Bekmuratova, S., Pray, M., & Saylor, M. (2022). Core Guiding Principles for Applied Practice in Prevention, Identification, and Restoration: Anti-Trafficking Efforts for Better Health Outcomes. In *Paths to Prevention and Detection of Human Trafficking* (pp. 106–126). IGI Global.



Survivor Leaders, Catherine Clark and Serafin Serrano.

Survivor leaders who registered to participate were requested to join an informational meeting to learn about the format and expectations for the retreat. Two of these sessions were offered to accommodate their availability and ensure that everyone was given the opportunity to understand the purpose of the retreat, to ask questions, and to provide feedback about the initial design of the event. Survivors were also provided with information about accessing support during the retreat from the therapist available on site to process any feelings of discomfort and distress that could arise from their conversations involving the criminal justice system and their experience with trauma. In addition, every law student who wanted to take part in the retreat as a survivor leader was provided with specialized legal counseling to

consider the implications that could surface from disclosing their experience in a public setting. Furthermore, all survivor leaders were given the option to participate publicly or anonymously. As such, permission was obtained prior to posting any biographies about the survivor leaders on our website as well as using photography and recording during the day's event.

The Retreat Process

The retreat was organized and facilitated by the RISE Clinic Director, Stephanie Richard, the RISE Social Worker, Paloma Bustos, and RISE Staff Attorney, Anabel Sanchez, all of whom individually possess more than 10 years of experience working with survivors of crime in different capacities. Loyola Law School students were also recruited and trained to help record information discussed during conversation among survivors. In addition, a Licensed Marriage Family Therapist (LMFT) was present during the day of the retreat to provide support to survivors who needed to process any comments and conversations that may have activated an emotional response.

Topics for Discussion

Survivor leaders were provided with a list of twelve topics during the registration process and asked to select the top five areas of interest to explore during working sessions. They were also given space to write additional topics for discussion that they believed



RISE Social Worker, Paloma Bustos, RISE Staff Attorney, Anabel Sanchez, and RISE Clinic Director, Stephanie Richards.

were missing from the list. The top three options selected from the list by the participants were: *Bail Reform and Pre-Trial Release Conditions for Defendants*, *Charging Decision*, and *Resources for Survivors of Crime*.

Based on this response, three videos with information on each of the topics chosen were recorded with the help of the Los Angeles County District Attorney's Office. The videos, 15-20 minutes in length, were provided to the survivor leaders to review ahead of the retreat to help them come prepared with questions and opinions to share with the group. The LA County District Attorney himself, George Gascón, explained bail reform and cash bail.¹⁰ Jennifer Lentz Snyder, Head Deputy for the Charge Evaluation Division, described the process for charging decision in Los Angeles County.¹¹ In addition, the RISE Clinic Director prepared a video on resources currently available for Crime Survivors in Los Angeles.¹²

Retreat Agenda

The agenda for the retreat was formulated based on the response collected during the registration process about the topics of interest and the feedback received from survivor leaders during the informational meetings. This included a welcome, a community circle, four working sessions, and presentations by the survivor leaders to representatives from the criminal justice system invited to join as guest during the final hour of the retreat.

Community Circle

The event sought to promote relationship building, self-expression, and storytelling to encourage communication, mutual understanding, and respect among survivors during their time together. With this in mind, the retreat commenced with a community circle led by Serafin Serrano, a survivor leader who has devoted his life's work to social justice, mentorship, and community flourishing after the murder of his brother and his nephew. In preparation for the circle, an email was sent to survivor leaders prior to the retreat inviting them to bring with



Symbols of Justice and Strength Shared by Survivor Leaders.

them a personal belonging that represented their strength or their idea of justice to use during this activity. These were placed at the center of the circle and each person was given the opportunity to share their name, their reason for participating in the event, and the stories behind their objects. At the culmination of the circle, survivors expressed feelings of cohesiveness and gratitude for

¹⁰ Gascón, G. (2022). *Bail Reform and Cash Bail*.

<https://lmu.box.com/s/foxljql7tl12u8w4ceqgxguo7x8u8a8n>

¹¹ Snyder, J. (2022). *Charging Decisions*. <https://lmu.box.com/s/9i5n7mqy7wzwey31lgwd26rw91f4upi>

¹² Richard, S. (2022). *Resources for Crime Victims*.

<https://lmu.box.com/s/ilcufpgod7ohp5uzaqx0rgnbjs46w9gp>

creating the time and space to come together and share their strengths and purpose for being at the retreat with each other.

World Café Method

The World Café method, created by Juanita Brown and David Isaacs, was utilized to facilitate the retreat and create a safe and welcoming environment to engage participants in collaborative dialogues intended to explore the topics designated for each session and generate ideas through small-group discussions.¹³ This approach encouraged everyone's contribution while also providing the opportunity to build community, to listen, and to reflect on the differing ideas and perspectives shared with each other.

As part of this method, survivor leaders were randomly placed into three groups upon their arrival to the retreat using a number system. They were instructed to travel together with the respective members of their teams through the three working sessions in rooms inside the law school organized to resemble a café. While in the rooms, participants sat at small round tables covered in checkered tablecloths with flower vases used to create an inclusive and relaxed atmosphere tailored to promote creative thinking, meaningful conversation, and connecting ideas. In addition, the table had printed instructions, colored markers, blank poster papers, and blank notepads for the survivors to use. The tables also included an arrangement of therapeutic tools, such as stress balls, adult coloring books, and fidget, to improve focus, reduce stress and promote relaxation.

In the sessions, survivors were asked to rotate between the tables to engage in 20-minute rounds of discussion in small groups with no more than four persons per team and answer questions specifically crafted for each session to provide their feedback using their own expertise and lived experiences. Survivor leaders repeated this process through the three working sessions.

As the three groups journeyed between sessions, survivors could see the answers provided by the others before them displayed on posters on the walls. The facilitators and students, who remained in the rooms, also provided summaries of key discussions and findings from prior groups. This helped to build on the information shared by others, focus the conversation, and guide its direction.



Survivor Leaders Presenting on Resources for Crime Victims

For their final session, survivors had the opportunity to dispersed from their assigned groups and go back to the topic they were most compelled by to further discuss and prepare a presentation for representatives from the criminal justice system and service providers in Los Angeles County. The survivors were given the option to remain anonymous if they did not wish to stand in front of an audience and be recorded. In such cases, a student presented the information on behalf of the survivor leaders/group.

¹³ The World Café. (n.d.). *World Café Method. World Cafe Method.* <https://theworldcafe.com/key-concepts-resources/world-cafe-method/>

Findings and Recommendations

The retreat was attended by 22 survivor leaders. A list of the survivors who consented to disclose their names and their biographies were posted on to the event’s website to share with the public.¹⁴ In addition, students from Loyola Law School were present in each session to document the discussions and compile the notes written by survivors. The key findings and recommendations are therefore based on information collected from the survivor leaders during the working sessions.

Bail Reform and Pre-Trial Release Conditions

In this session, survivor leaders were asked to discuss five questions based on the information recorded by the LA County District Attorney, George Gascón, on bail reform and pre-trial release conditions, the conditions that offenders must adhere to when released from custody while awaiting trial.

In summary, members from each of the groups were surprised to learn about the end of cash bail. However, 12 out of 22 survivor leaders



Session on Bail Reform and Pre-Trial Release Conditions Facilitated by RISE Clinic Director, Stephanie Richard.

ultimately agreed with the DA’s policy on reforming the bail system after learning about the number of people incarcerated in Los Angeles County and the racial and economic disparities between those who can afford to pay bail and those who are forced to stay in jail while they wait for trial. With this information in mind, most of the survivors acknowledged the discriminatory practices of cash bail and the disproportionate impact this has on low-income individuals, particularly communities of color. In comparison, 7 survivors voted to restore cash bail due to reported concerns for safety when violent offenders are release while criminal cases are pending.¹⁵ Furthermore, all participants agreed that the proposals they heard from the District Attorney on pre-trial release conditions were still failing to incorporate the voice of survivors.

More information about the response from survivors to questions posed during the sessions is summarized below.

¹⁴ RISE Clinic. (2022). *Survivor Voices: Shifting Conversations on Crime Victims’ Rights & Criminal Justice Reform*.

<https://www.lls.edu/academics/experientiallearning/clinics/rightsinssystemsenforcedriseclinic/risesymposiumsurvivorvoices/>

¹⁵ **Note:** two survivors did not vote on this topic, or their vote was not recorded by the notetakers.

1) **What Information Did You Learn from the Video on Bail Reform? Did You Find It Helpful?**

Survivor leaders reported mixed reactions to the video by the District Attorney on bail reform. Many were not aware about the end of cash bail in Los Angeles County, consequently prompting initial concern among participants for the safety of crime victims. However, the majority found that the video helped them to understand the reasons behind the District Attorney’s decision to reform the bail system, particularly the impact that these have on communities of color. Thus, survivors acknowledged



Los Angeles County District Attorney, George Gascón.

that the bail system has “holes” that continue to perpetuate injustice, systemic racism, and economic equality, further harming those in communities with the fewest resources. Group 1 and 2 cautioned that putting an end to cash bail may sound good in theory, but without full comprehension about the “holes” that exist, the justice system will continue to “harm the harmed.”

Though survivors expressed concern over ending cash bail, the majority were generally open to the idea with caveats. Survivors recommended implementing criteria that take into consideration the unique experiences of victims to help the court decide whether someone should be released on bail. This includes identifying conditions that meet specific criteria on safety and discrimination while also factoring the experience of victims who are forced to commit crimes by perpetrators (ex. survivors of human trafficking). One group suggested an analysis of pre-trial release conditions practiced in other states to identify a process that can help LA County to implement their own system. Another group recommended that the District Attorney’s office invest more in educating crime survivors on the precautions being used to keep them safe in order to be informed about the mechanism that will contribute to their protection.

2) **What Information From the Video Was Disturbing to Hear as a Crime Victim?**

Survivor leaders believed that their voices were still missing from the DA’s attempt to make changes. They stressed that the video largely focused on due process for perpetrators while failing to reference support for survivors, further adding to the perception that the needs of offenders supersede those of victims. Thus, questioning, “*Where is the justice?*”

In addition, two groups noted that the District Attorney focused on explaining the faults behind the current system but did not describe a process for consulting with the victims’ advisory board for guidance on what can be done to replace it. As such, survivors recommended that the District Attorney be reminded of incorporating the voice of survivors throughout the decision-making process in policies while keeping in mind that consultations would need to be crime-specific because different types of crime victims have varying degrees of fears and risks.

Several survivors also shared their own experiences with the bail system. One expressed that the end of cash bail does not make up for the loss of economic opportunity after arrest, including the loss of employment, housing, stress disorders, and other impacts to families. Other survivors noted that people will likely re-offend, even before trial, without viable rehabilitative services in place to prevent this. For instance, they explained that the decisions made by offenders to commit crimes generally stems from situations that existed prior to their arrests, such a lack of access to resources, employment, education, affordable housing, and support for mental health services. Therefore, making them likely to relapse to perform criminal behavior.

3) *What Helps Crime Victims Feel Safe?*

In addressing the safety of crime victims, survivor leaders underlined the need for resources, long-term services, support from advocates with lived experience, and assistance from attorneys who can represent their interests. Furthermore, they recommended that support to survivors be provided immediately after crime because the stress associated with their experience can impact their ability to advocate for themselves. They added that advocates, such as social workers and other service providers, can help survivors to navigate the criminal justice system and help put the trauma of the crime behind them. Most importantly, they emphasized a desire for the criminal justice system to treat survivors “like they matter.”



Loyola Law School Student, Justice LaBarrie, working with Survivor Leader and Founder of Voices Beyond Assault, Brianna Michelle.

Survivor leaders pointed to the lack of resources available to crime victims seeking safety. More specifically, they referenced the challenges encountered by survivors during their attempts to access temporary relocation, such as emergency shelters and hotels, and permanent housing while trying to seek protection from their offender. They noted that these are options that are simply not available to many because the funding for these services is generally limited, leaving survivors to struggle on their own to find safe and adequate housing. As such, they believe that access to these types of resources can help survivors guard themselves from further acts of harm, especially if the perpetrator has been released from jail. Moreover, they recommend that survivors be given the option to relocate and that support for these resources be provided immediately.

Survivor leaders also highlighted the value of incorporating advocates with lived experience as staff in government agencies and organizations that provide direct services to survivors. They explained that advocates who have had their own personal experiences with a crime have the unique ability to empathize with other victims. Therefore, they are instrumental in supporting survivors and helping to implement strategies and service policies within organizations based on the unique needs of crime victims. A survivor leader further suggested that survivors should be allowed to choose their own advocate and continue to work with them even long after the criminal case is resolved to curb feelings of danger and provide long-term support.

Interactions with government attorneys was another factor that participants believed could impact a survivor's feeling of safety. They illustrated that prosecutors often treat the government as a "company," and therefore, work to prioritize their interests and act to protect "their image and their assets." A similar comparison was used to describe public defenders. They suggested that public defenders are encouraged to accept plea deals to rapidly move cases along due to the large caseloads in court. In contrast, survivor leaders expressed support of pro-bono attorneys acting on behalf of crime victims. They suggested that attorneys in these positions provide quality services because they are centered on the interests of survivors. They also trusted these services because they believed these firms have the desire to build a positive reputation for serving the community. Ultimately, they advised that positive interactions with those in the criminal justice system contribute to a survivor's sense of safety.

4) What Information Should Victims Know Before They Report a Crime or Start the Criminal Justice Process?

Survivor leaders indicated that reporting the crime is the least intrusive part of the criminal justice process. Instead, they insist that the delays in resolving the case within the system produce the most stress and anxiety for crime survivors. In some cases, this signifies waiting for years for their time in court due to ongoing requests to postpone and reschedule proceedings. Additional burdens include sitting in courtroom for hours, absence from work, childcare expenses, and issues with transportation. Moreover, they find that forcing survivors to recount details of the crime during interviews with police, prosecutors, and victim advocates at different stages of the process is overwhelming and slows the path to recovery. Overall, they stressed a streamlined process that takes into consideration their experience and the consequences of trauma.

Survivors further illustrated that the current system re-traumatizes crime victims. They find that survivors are faced with a huge burden of proving they were victimized, and this also discourages many from reporting a crime. For some, this has included the terrifying reality that perpetrators were treated better than victims by law enforcement, prosecutors, or judges. In turn, they believe that survivors are being pushed to accept the notion "*that is how the system works*" when they decide to report the crime and engaged with the criminal justice system.

Survivor leaders also emphasized that victims should have more information about the implications associated with reporting a crime, such as the likeliness that an offender will be released from jail after the arrest. They also wished that victims were made aware of resources, such as financial assistance and other services available before reporting to police.

5) Do You Support Ending Cash Bail?

At the end of the session, survivors were asked to cast a vote on their position for ending cash bail using post-it notes for anonymity. Upon tallying the votes, 12 survivors were in support of ending cash bail while 7 opposed. However, both sides agreed that courts need to improve their approach to increasing a survivor's safety when releasing a defendant. They also recommended the use of a sliding scale to place greater emphasis on a person's individual income and circumstances to determine the bail amount. Overall, all survivors believed that the cash bail system is classist and highly dependent on those who make the charging decision.

Survivor leaders in support of ending cash bail noted that staying in jail takes a toll on both the defendant and their family's mental health and access to economic opportunities. Other survivors explained that staying in jail can be unfair and not fit the punishment for certain crimes. As an example, a survivor cited defendants with low level drug charges who stay in jail because the amount of bail ordered is unaffordable. In addition, they emphasized that courts needed to consider the damage cash bail can have on families. They explained the justice system should recognize that families often put their houses on the line to make bail, which can implicate a risk for losing their home.

In comparison, those against ending cash bail cautioned against removing it entirely. They voiced concerns for survivor's safety in their opposition to eliminating this for all defendants, especially in cases involving human trafficking and domestic violence. They worry that abusers may find a way to contact or intimidate victims if they are released from jail. These concerns were expressed despite receiving information that these factors are already weighed separately in the release process. Thus, their response highlighted the need for designing information tailored to survivors explaining the bail process and its consideration for public safety.

Charging Decisions

Using the information recorded by the Head Deputy for the Charge Evaluation Division with the LA County District Attorney's Office, Jennifer Lentz Snyder, survivors focused on discussing Charging Decision, which resulted in two themes during the discussion held by survivor leaders (1) victims are people, not numbers; (2) proper identification of victims throughout the criminal justice process. Survivors agreed that the current process for charging does not fully address the unique histories of victims and defendants.



Session on Charging Decisions Facilitated by RISE Staff Attorney, Anabel Sanchez.

1. *Victims are People, Not Numbers*

“Hurt comes across as anger and we end up in the system.”

All survivors stressed that the criminal justice system, especially first responders, must treat victims as people— not another statistic, and not another number. Several survivors shared their own lived experiences with law enforcement, specifically pointing to the lack of communication after reporting the crime. For some, this loss of contact left survivors feeling unsafe. For others, this resulted in revictimization by those connected to the perpetrator because there were no known protective measures in place to prevent future harm.

While survivor leaders understood that law enforcement are assigned large caseloads and routinely deal with violent situations and hostile people, survivors also warned that indifference among officers impacts a victim's trust in the criminal justice system. They cited that taking a callous

approach during their response can cause a victim to feel unimportant, further stigmatize their experience, and lose trust in law enforcement.



Presentation by Survivor Leader, Yvonne Trice.

To properly treat victims as people and not just another case, survivors recommended maintaining ongoing contact with victims throughout the criminal justice process. Concrete timelines, phone calls, and check-ins are some avenues that would make survivors feel safe as the case progresses. In addition, survivors stressed the value of trauma-informed interviewing to help build rapport with victims while recognizing their humanity. They cautioned law enforcement from “putting word in [their] mouths”

that fit into a fact pattern or preconceived assumptions about what happened. With this, they highlighted the importance of allowing victims to be their own narrators throughout their journey.

Survivors further noted that victims may have complicated criminal histories of their own that breeds distrust for the criminal justice system, especially if they’ve had negative experiences with law enforcement. Many survivors stressed their desire for justice and accountability but warn against bias by law enforcement for those with criminal histories. In response, they recommended that law enforcement listen and treat a survivor with patience to understand their experience. They believe that this will demonstrate a commitment to assisting the immediate victim and help to build trust with the communities impacted by the crime.

2. Properly Identify Victims

“Based on ____ characteristic.”

During their discussions, survivor leaders talked about the role of law enforcement and the significance of properly identifying victims when they respond to crime scenes. To explain this further, survivors throughout the groups shared their own experiences with being mis-identified as defendants during their contact with law enforcement. In one example, a human trafficking survivor described her frantic and unsuccessful attempts to explain to officers and prosecutors about the trafficker’s role in blaming her for the crime. The survivor used her story to illustrate that their fear and desire to be heard was misinterpreted as a form of aggression, which resulted in the perception that she was not a victim. As such, they recommended that officers “listen with the intent to serve” when speaking with victims-witnesses on scene to avoid retraumatizing and revictimizing survivors.

Survivor leaders also recommended ongoing training on trauma for those working in the criminal justice system. They believe that applying a trauma-informed approach to their work can help them to understand a survivor’s experience with a crime and the behaviors that manifest because of

trauma. As an example, they described that anger and shouting should not be solely used to determine whether someone is guilty of a crime, describing that these are emotions that can arise after someone has experienced a traumatic event.

In addition, survivors underlined that those working within the system should continually engage in self-reflection about their own bias to avoid judgement based on specific characteristics, such as a person's race, their tattoos, their clothing, or their gender expression. This also included de-gendering their preconceptions of "victims." Domestic abuse survivors, for example, addressed the stigma faced by male survivors and the harm propagated by gender stereotypes. With these notions in mind, survivors remarked that those within the system need to address their own prejudice before dismissing someone's status as victim. They added that mistreating someone based on specific characteristics further contributes to distrust between them and the communities they serve.

Survivors also noted that a person's circumstances should also be considered during the charging process. They explained that people are "put into the system for life" for crimes that were committed in their effort to survive. Thus, survivors challenge attorneys to consider systemic issues, such as hunger and homelessness, and acknowledge the experience that someone had before their arrest and what this represents for their future and for their communities when pursuing a criminal case.

Survivor Resources



Session on Survivor Resources Facilitated by RISE Social Worker, Paloma Bustos.

For this session, survivors learned about existing support for victims, with particular focus on the Crime Victims Fund created by the Victims of Crime Act (VOCA), the California Victims Compensation Board (CalVCB), and the restitution process in criminal court. Survivors were also given background information about the city and county budget, including current spending on the criminal justice system. In addition, survivors had the opportunity to ask clarifying questions from the RISE Social Worker about these forms of assistance before engaging in the small-group discussions to talk about resources for victims.

1. What Resources for Crime Survivors are Currently Available? Are they Helpful?

In their response, survivors described the benefits of receiving support from non-government agencies. They found that there was greater satisfaction for services received by community-based organizations that incorporated a holistic approach to healing, which they believe allows survivors to recover from the crime at their own pace through the use of various methods depending on where they are on their journey. They suggested that therapy, yoga, retreats, and even non-traditional forms of healing, such as pole dancing, help to empower survivors. They added that

support groups and survivor-led resources also gives victims an opportunity to connect with others with similar experiences and to build support from their peers. Furthermore, they also appreciate organizations that support and understand the experience of survivors with criminal histories.

Survivors were also asked specifically about their opinion regarding the Crime Victims Fund, which is the largest source of funding for grants to service providers across the country, and CalVCB, a program designed to cover the expenses associated with crime. In their responses, survivor leaders stressed that these programs have varying limitations and do not provide the necessary support for victims, implicating that there is more that can be done to improve them. They described that the support by these programs is short-term and that eligibility requirements limit the number of victims who can receive assistance, which further discourages survivors from applying. For example, they pointed to survivors who are unable to apply for these benefits because they do not have a police report or other forms of documentation to support their experience with a crime, leaving out victims who chose not to go through the criminal justice process. Moreover, survivors do not receive education on financial literacy to manage their money when they are provided with compensation.

2. Are the Current Resources for Crime Survivors Effective?

Survivor leaders overwhelmingly agreed that the current resources for crime victims are not effective. Key considerations included quality of care, eligibility requirements, lack of empathy from service providers, and not enough outreach and information about these resources.

For instance, all three groups of survivors expressed concern about the barriers that victims must overcome to receive compensation through CalVCB. The barriers they highlighted included documentation and police reports required for eligibility. For example, they explained that the practice by CalVCB to require police reports with specific information documented by the officers about their cooperation with the crime makes it difficult for survivors to access help through this program. Additionally, CalVCB is a payor of last resort, which means that survivors must have proof that they have accessed other forms of help, such as assistance through their own medical insurance, to cover expenses associated with the crime. Thus, further adding to the stressor of meeting requirements by the program. Survivors also stressed that the current limits on services and compensation amount, such as the on the number of therapy sessions covered by the program or the money received for relocation, are not enough and do not reflect the changes in the economy and victim's trauma.

3. What Resources are Lacking for Crime Survivors?

Survivors emphasized that each survivor has unique needs and that the quality of care for current resources could be improved. In their perspective, quality of care includes recognizing the immediate needs of survivors and responding promptly to address them. Other survivors suggested that the assistance provided by social workers within the child welfare system should be expanded, with some requesting the ability to pick their own social worker.

Survivors also believe that housing assistance, shelter programs, and credit allowances need to be improved to help victims who need a safe and adequate place to live. Current programs, such as homeless shelters and drop-in centers, are generally open during specific hours of the day with limit to the number of people who can be assisted, leaving survivors to struggle to find shelter

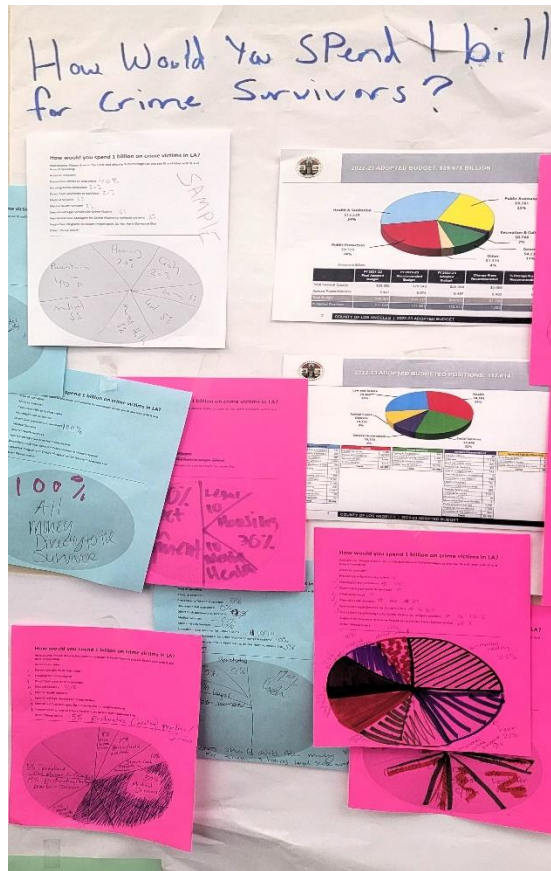
elsewhere. For homeless shelters, survivors recommend longer hours, mental health services, and financial literacy. Additionally, they suggested greater credit allowances since bad credit and lack of credit is a huge barrier for accessing housing. They further recommended that housing for survivors should implement policies that do not require credit checks and take into consideration the circumstances that impacted their credit scores, such as financial abuse by perpetrators.

In addition, survivors opined that financial assistance is often contingent on multiple factors and they do not consider the long-term needs of survivors. They also do not consider the challenges faced by survivors, such as the struggle to find affordable housing and process to recover from the emotional and physical toll caused by the crime. Furthermore, they believe that the programs also do not recognize the cost of damage to their personal property. In response, survivors recommended immediate assistance with compensation after a crime occurs to mitigate the negative effects this has on them and their families. They also recommended financial literacy classes, support with education, and assistance for their children who are also affected by crime.

4. How Would You Spend a 1 Billion For Crime Survivors

During their final activity, survivor leaders were provided with an overview of the 2022-2023 Los Angeles County and City budget. This included information about the allocation of funds to the Los Angeles Police Department (\$1.9 billion),¹⁶ which constituted an \$87 million increase, the Los Angeles Sheriff's Department (\$3.86 Billion), and the LA County District Attorney's Office (\$462.8).¹⁷ They were then given a list of resources and tasked to create a pie chart to determine where money should be invested if they had 1 billion dollars to spend.

Most of the survivors were surprised by the amount of money invested in law enforcement, with some expressing feelings of anger and disapproval about the City and County expenses to fund the criminal justice system. In contrast, the budgets they created during this activity recommended that large percentage should be invested in providing cash assistance to survivors. In addition, survivors wanted a percentage of their budget to support and rehabilitate offenders. Finally, they all stressed that community support and compassionate care were extremely important in deciding how money for survivors is spent.



Activity on Budget Spending.

¹⁶ City of Los Angeles. (2022). 2022-23 Budget Summary. https://cao.lacity.gov/budget/summary/2022-23%20Budget%20Summary_FINALrev.pdf

¹⁷ County of Los Angeles. (2022). 2022-23 Final Budget. https://ceo.lacounty.gov/wp-content/uploads/2022/12/LA-County-2022-23-Final-Budget-Book_upload.pdf

Key Areas for Spending Listed by Survivor Leaders Included:

- Prevention Efforts
- Legal Services
- Housing and Rental Assistance
- Mental Health
- Restorative Justice Programs
- Specialized Case Managers

Summary: Key Themes & Recommendations

Survivor leaders utilized their own lived experiences during the criminal justice process, including their interactions with police officers, prosecutors, public defenders, and service providers to illustrate their reasons behind their recommendations to improve support for crime victims. This resulted in three common themes that resonated across all sessions during the retreat. This involved improving the role of law enforcement in identifying victims, compassionate care, and survivor engagement.

1. Identifying Victims

“You’re Hearing What You Want to Hear, But You are NOT Hearing Me.”

Survivor leaders stressed that stereotypes around gender, race, socioeconomic status, and existing beliefs about the “ideal victim” impact law enforcement response and perpetuate mistrust for the criminal justice system. Thus, urging law enforcement to actively reflect and challenge their own preconceived notions and stereotypes to adopt interventions that prevent the re-traumatization of survivors. According to survivors, this process involves understanding and recognizing the signs of trauma, implementing a trauma-informed approach to interviewing victims, and acknowledging that victims have complicated histories, including arrests and criminal convictions, that should not be used against them to determine whether they are deserving of support and protection. Furthermore, they advise that those in the criminal justice system should also be cognizant of the generational mistrust between police and communities of color during their interactions with survivors. As such, they pressed for law enforcement to listen with empathy and conduct careful review of the facts during investigations to properly identify victims.

2. Compassionate Care

“Hear people’s hearts. Look at their eyes.”

Compassionate care is central to the role of responding to survivors after a crime. However, survivor leaders strongly believe that this is a component that is severely lacking in the criminal justice system. They cautioned against the burden placed on survivors to retell their stories repeatedly throughout the generally lengthy process, which they suggest exacerbates their trauma and hinders their recovery from the crime. Furthermore, they perceive that this approach ignores the impact to the survivor’s mental and physical health, education, employment, and overall quality of life. As such, they recommend an emphasis on treating survivors with compassion along with a push to promote and provide holistic care, such as housing assistance, therapy, and

community outreach to address the consequences associated with the crime and to prevent revictimization. They also advise that this can help survivors to believe that the system recognizes the harm while also acknowledging their humanity and healing journey.

“We are not just a number.”

Survivor leaders warned that the “radio silence” they experienced after reporting the crime worsened their fear and increased their perception that they were just a “number” in the system. They stressed that the lack of information and explanation about the process, including updates about the court case and resources available, contributes to the beliefs often held by survivors that they are not important. In response, they point out that access to information should extend beyond handing survivors a pamphlet during their contact with law enforcement. They added that simply relying on this method places another burden on survivors to seek care and meet program deadlines to qualify for assistance while trying to cope with the crime. Therefore, they recommend that the criminal justice system be proactive in outreaching to survivors and provide immediate support by an advocate or case worker who can help them navigate the process.

3. Survivor Engagement

“Allow us to be the narrator of our own journey.”

Survivors want *their* own voices to be heard. Thus, they underscored the value of including survivor voices in designing programs for crime victims and policy decisions regarding criminal justice reform. They advised that their own voices are instrumental in providing insight on how to create and implement a holistic approach to supporting victims, increase outreach, and ensure that services are trauma-informed. Furthermore, they suggested that the existing barriers in accessing support could be mitigated if survivors were actively engaged in designing the process for receiving these services and designing policies.

Next Steps

While the number of survivors at the retreat represented a relatively small sample group, the information discussed during the sessions provided important insights about the experience of crime victims. Their feedback contributed to growing evidence across the country that the criminal justice system is not meeting the needs of survivors and failing to address the significant challenges associated with their recovery after the crime. Thus, countering current spending practices to prevent crimes and prosecute offenders as well as challenging the perception that survivors want money invested in the criminal justice system to secure convictions and longer prison sentences to hold individuals accountable. Instead, it is evident that survivors want increased efforts to prevent revictimization by investing in resources to support victims overcome the consequences of the crime as well as rehabilitative programs for offenders.¹⁸ In turn, demonstrating a desire to seek approaches for justice that take into consideration the impact that crime has on survivors and their own communities.

¹⁸ Alliance for Safety and Justice. (2020). *Crime Survivors Speak: First-Ever National Survey of Victims' Views on Safety and Justice*. <https://allianceforsafetyandjustice.org/crimesurvivorsspeak/>

For some, the retreat represented the first time participating in working groups to voice their concerns about the criminal justice system and address the need for changes based on their own interactions with law enforcement, prosecutors, public defenders, and service providers. Furthermore, their responses also suggested the need for ongoing efforts to educate the public about the criminal justice process to impact change. Moreover, this was the first time for the law school students volunteering to explore their role in collaborating with survivors to advocate for solutions that reflect the interest of those directly affected by current policies. Overall, this suggested that much more needs to be done to outreach and increase the number of survivors and attorneys engaged in the movement for criminal justice reform to ensure that their voices are included in updating policies and influencing the practice of those that have direct contact with crime victims.