



Highlights of [GAO-09-54](#), a report to congressional committees

Why GAO Did This Study

On October 30, 2004, the Crime Victims' Rights Act (CVRA) was enacted, establishing eight rights for federal crime victims and two mechanisms to enforce those rights. The legislation also directed GAO to evaluate the implementation of the CVRA. To address this mandate, GAO reviewed: (1) efforts made to implement the CVRA, (2) mechanisms in place to ensure adherence to the CVRA, (3) methods the Department of Justice (DOJ) uses to monitor performance regarding the provision of CVRA rights, and (4) key issues that have arisen in the interpretation of the CVRA by the federal courts. To conduct its analysis, GAO reviewed guidance materials, victim complaints, and court rulings, and conducted surveys and interviews with criminal justice system participants. GAO cannot generalize its crime victim survey results due to a low response rate.

What GAO Recommends

GAO recommends that DOJ: (1) increase victims' awareness of CVRA enforcement mechanisms, (2) provide for a more impartial complaint investigation process, (3) identify performance measures, (4) standardize reporting of compliance information, and (5) insert responsibilities for victims' rights into work plans and performance appraisals. Also, GAO believes Congress should consider revising the CVRA to clarify applicability to the District of Columbia Superior Court. DOJ generally concurred with GAO's recommendations.

To view the full product, including the scope and methodology, click on [GAO-09-54](#). For more information, contact Eileen Larence at (202) 512-6510 or larencee@gao.gov.

CRIME VICTIMS' RIGHTS ACT

Increasing Awareness, Modifying the Complaint Process, and Enhancing Compliance Monitoring Will Improve Implementation of the Act

What GAO Found

To implement the CVRA, DOJ, and the federal judiciary have, among other things, revised internal guidelines, trained DOJ staff and judges, provided victims with emergency, temporary housing to protect them and proactively asked victims if they would like to speak in court.

Mechanisms to ensure adherence to the CVRA include processes for victims to submit complaints against DOJ employees and assert their rights in court; however, the majority of victims who responded to GAO's survey reported they were not aware that these mechanisms exist, and the lack of independence within the complaint investigation process impedes impartiality. If victims are not aware of the complaint process or their ability to assert their rights in court, these mechanisms will not be effective at helping ensure that victims are afforded their rights. Under DOJ's victim complaint investigation process, investigators are located in the same office with the subject of the investigation, which could bias the investigation or give the appearance of such. If the investigation is biased, DOJ risks that employees' violations of victims' rights may be overlooked.

DOJ has a strategic objective to uphold the rights of crime victims, but does not have performance measures in place to assess progress towards this objective. Without performance measures, DOJ may not be able to determine how well it is performing related to the provision of victims' rights. Additionally, DOJ has not required that components with similar victim-related functions submit the same type of data regarding compliance with victims' rights requirements, making it difficult to determine overall department compliance with the CVRA. Furthermore, DOJ guidelines require that all components with victim-related responsibilities incorporate information on adherence with victims' rights requirements into their work plans and into the performance appraisals for their employees. GAO found that 8 of the 14 relevant component agencies have met this requirement for all of their employees and 5 components are in the process of doing so. However, 1 component has not made efforts to this end, which will make it difficult for DOJ to hold employees in this component accountable for their responsibility to afford federal crime victims their rights.

Several key issues have arisen in the courts, including (1) when in the criminal justice process CVRA rights apply, (2) what it means for a victim to be "reasonably heard" in court, and (3) what standard should be used to review victim appeals of district court decisions. While judicial interpretation of various aspects of a law typically occurs after new legislation is enacted, there is one CVRA issue that DOJ and court officials believe may benefit from statutory change. The CVRA is not explicit about whether the law applies to victims of local offenses prosecuted in the District of Columbia Superior Court. Without clarification on this issue, judges in this court may continue to differ in whether they apply the CVRA in their cases.