

Training Design Document Enforcing Victims' Rights

Detailed Design (Example)

Module 3 Definition of a Victim



Pre-instructional Considerations

The goal of this training is to provide victim advocates with the knowledge and skills needed to help victims to enforce their rights. At the conclusion of this training, it is expected that advocates will be adequately prepared to ensure victims are afforded all of the rights they deserve.

This learning event consists of the following components:

- *Instructor-Led Training, with an emphasis on victims' core rights and enforcing those rights*
- *Instructor Manual, Participant Guide, and PowerPoint presentation*
 - *Checklists and job aids as deemed appropriate*
- *Assessment and Satisfaction evaluation (L1 and L2)*

Audience and Prerequisites

The audience for this learning event includes:

Primary audience: *Victim advocates with a range of expertise*

***Secondary audience:** *Allied Professionals*

**Training will be designed for the primary audience.*

Assessment Strategy

- **Level 1 (Satisfaction):** *Collect results to determine participants' satisfaction with the overall training.*
- **Level 2 (Learning):** *Assess learning using a comprehensive performance assessment.*

#3 Module Name: Definition of a

Victim Total Module Time: 1

hour Topics:

- Defining a victim
Why the definition of a victim is important in assertion and enforcement
Juvenile, military, and tribal courts

Objectives for Module:

- Describe a Constitutional definition of a victim.
Describe a Statutory definition of a victim.
Explain how rights attach to a “victim” as a status term.
Discuss how if rights do not attach to a victim, there can be no enforcement of a right.
- Discuss the differences in terminology for the juvenile court.
- Identify the resources for military and tribal court as they relate to victims' rights.

Pework: N/A

Handouts:

- Juvenile Proceedings Glossary (will be housed in PM)
Info/resources for tribal and military (will be housed in PM)

Instructional Strategy: This module is instructor-led training with participant manual.

Deliverables: Instructor Manual, Participant Manual, PowerPoint Slides

Purpose:

This module provides a Constitutional and Statutory explanation of the term "victim" and why the attachment of the term is so important to standing and the enforcement of victims' rights.

Objective	Est. Time	Content Outline and Notes	Resources
	3 min	<p>Introduction</p> <ul style="list-style-type: none"> • Provide module overview • List objectives for the module <p>Facilitated Discussion:</p> <ul style="list-style-type: none"> • Who is a victim? • If you were a victim, how would you expect to be treated? • If you were a victim, what rights would you expect to have? • If those rights were not afforded to you, how would you feel? 	New Mexico Victims' Rights Project
Describe a Constitutional definition of a victim	3 min	<p>Topic 1: Definition of Victim</p> <p>Constitutional definition of victim:</p> <ul style="list-style-type: none"> • A person who suffers harm as the result of a crime. • In some circumstances, definition includes spouse, parent, child, or lawful representative. • Application not limited by type of crime. 	South Carolina Crime Victim Legal Network, a Project of SCVAN
Describe a Statutory definition of a	3 min	<p>Statutory definition</p> <ul style="list-style-type: none"> • Narrower than Constitutional definition <ul style="list-style-type: none"> – Excludes persons who are investigated for, charged with, or 	South Carolina Crime Victim Legal Network,

victim		<p>convicted of the offense.</p> <ul style="list-style-type: none"> - Excludes certain property offenses. • Can statute narrow the Constitution? 	a Project of SCVAN
Describe a Constitutional definition of a victim	10 min	<p>Facilitated discussion:</p> <ul style="list-style-type: none"> • These are two definitions from South Carolina, but Constitutional and Statutory can have different definitions for different states. • What is the same, what is different for your state? 	
Explain how rights attach to a “victim” as a status term	10 min	<p>Topic 2: Why the definition of a victim is important in assertion and enforcement</p>	
Discuss how, if rights do not attach to a victim, there can be no enforcement of a right.	20 min	<p>The term victim has a legal meaning, which is separate and sometimes very different from what we consider a victim in our everyday lives outside of the legal framework.</p> <p>This is particularly important when we talk about standing and enforcement.</p> <p>Facilitator: Lead a facilitated discussion about the enforcement of a right using the information below.</p> <p>Let’s take Mr. Burke for example. He was the victim of assault and battery. His accused assailant pleads to a lesser charge of xxxxx.</p> <p>Ask:</p> <ul style="list-style-type: none"> • What do you think happens to Mr. Burke’s victim status? • If he loses his victim status, what happens to his restitution and other rights that tail after it? <p>As a victim advocate, it is important for you to remember that the victim status is not a static analysis. Always ask yourself this question:</p>	

		<p><i>Is this person a victim at this moment in the proceedings based on this definition of a victim?</i></p> <p>We will talk more about all of the different rights afforded to victims in the next module, but let's briefly talk about why Mr. Burke's situation is particularly important in the Right to Confer.</p> <p>Mr. Burke understands that his accused assailant is going to plea. And as a result, they won't go to court. Provide an example.</p> <p>Mr. Burke is happy to put this horrible situation behind him and get on with his life.</p> <p>However, it is critical to communicate to Mr. Burke what the other implications may be as a result of the plea. In all practical matters, Mr. Burke is a victim. However, the term victim is no longer legally recognized because of the plea. Therefore, he will no longer be considered a victim and will ultimately lose his restitution rights.</p> <p>Read the following hypothetical situation: To Be Developed</p>	
Discuss the differences in terminology for the juvenile court	3 min	<p>Topic 3: Juvenile, Military, and Tribal court</p> <p>Review existing OVC juvenile fact sheet and briefly review the Juvenile Proceedings Glossary.</p>	Juvenile Proceedings doc
Identify the resources for military and tribal courts as they relate to victims' rights	5 min	<p>Ask participants to locate resources for military and tribal courts. Give them a moment to review the information and resources they find.</p> <p>Explain that the tribal and military courts can be very complex, and they should avail themselves of the resources in these cases.</p>	

	2 min	Conclusion <ul style="list-style-type: none">• Knowledge Checkpoint on information covered in this lesson• Q and A session to check learning• Module wrap up/summary	
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