

Training Design Document Enforcing Victim's Rights

High Level Design (Example)



Program Title: *Enforcing Victim's Rights*

Duration: *Two days based on 6.5 hours of instruction per day, totaling 13-hours of Instructor Led Training*

Goal	Audience
<p><i>The goal of this training is to provide victim advocates with the knowledge and skills needed to assist victims to enforce their rights.</i></p> <p><i>At the conclusion of this training, it is expected that advocates will be adequately prepared to ensure victims are properly informed of all of their rights and that these advocates understand the steps necessary for victims to assert and seek enforcement of those rights..</i></p>	<p><i>The audience for this learning event includes:</i></p> <p><i>Primary audience:</i> <i>Victim advocates with a range of expertise</i> <i>*Secondary audience:</i> <i>Allied Professionals</i></p> <p><i>*Training will be designed for the primary audience.</i></p>
Overall Instructional Strategy	Overall Evaluation Strategy
<p><i>This learning event consists of the following components:</i></p> <ul style="list-style-type: none"> ▪ <i>Instructor Manual, Participant Guide and PowerPoint presentation</i> <ul style="list-style-type: none"> – <i>Checklists and job aids as deemed appropriate</i> ▪ <i>Assessment and Satisfaction evaluation (L1 and L2)</i> 	<ul style="list-style-type: none"> ▪ <i>Level 1 (Satisfaction):</i> <i>Collect results to determine participants' satisfaction with overall program.</i> ▪ <i>Level 2 (Learning):</i> <i>Assess learning using a comprehensive performance assessment</i>

Course Outline					
Module #	Module Name	Topics	Objectives	Notes and Source	Timing
DAY 1: 6 hours and 45 minutes					
1	Introduction to Training	<ul style="list-style-type: none"> – Introductions – Ice Breaker – Review of Objectives of Program – Housekeeping 	N/A		45 minutes
2	History of Crime Victims Rights Movement in the United States	<ul style="list-style-type: none"> ▪ Review of History of the Crime Victims' Rights Movement in the United States ▪ Review the 1973 enforcement law and T. McVay ▪ Language Differentiation among state laws 	<p>Topic 1: Jeopardy Game:</p> <ul style="list-style-type: none"> – Identify the major social/political movements that contributed to the rise of the victims' rights movement. – Describe three major federal victims' rights laws. <p>List the ten national enforcement organizations doing work at the state level.</p> <p>Topic 2:</p> <p>Explain the 1973 enforcement law and Timothy McVay</p>	<p>Prework:</p> <ol style="list-style-type: none"> 1. "History of the Crime Victims' Movement in the United States," by Steve Derene, Steve Walker, Ph.D., and John Stein, JD. 2. Review fact sheet that highlights the TM case and the enforcement organizations. 3. Please locate, obtain, and bring to the Academy as many of the following laws pertaining to victims' rights as may be appropriate for your particular jurisdiction <p>Source documents: May 2008 National</p>	1 hour

			<p>Topic 3:</p> <ul style="list-style-type: none"> – Identify language differentiation in the way state laws are written. 	<p>Victim Assistance Academy, Track 1, Module 2</p> <p>Notes about Topic 3: Give 1-2 examples of state laws so we see language differentiation (one law of low end of inclusiveness and one high end of inclusiveness) “may” “shall.” Ask participants to give examples from the state laws they brought with them. Facilitated discussion: Where does the law fit?</p>	
3	Definition of a Victim	<ul style="list-style-type: none"> ▪ Constitutional definition of a victim ▪ Statutory definition of a victim ▪ Discuss why the definitions are important in assertion and enforcement. ▪ The differences in terminology for the juvenile court 	<ul style="list-style-type: none"> – 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 	<p>Facilitated discussion: What is the same, what is different for your state? Constitutional and statutory can have different definitions for different states?</p> <p>Notes: Why it matters in enforcement example: If you are a victim of an assault or battery, The assailant pleads and</p>	1 hour

			<p>in terminology for the juvenile court</p> <ul style="list-style-type: none">– Identify the resources for military and tribal court as they relate to victims rights.	<p>you lose your victim status and your restitution and other rights that trail after it.</p> <p>The term victim has a legal meaning, which is separate and sometimes totally different than “real life” meaning.</p> <p>Learning Point: The skill is to recognize that the victim status is not a static analysis. Advocate should always question if this person is a victim at this moment in the proceedings based on this definition.</p> <p>Particularly important in Right to confer is so important.</p> <p>In the above example, Communicating with victim about what implications might be as a result of the plea- They will no longer be a victim and ultimately lose restitution rights.</p>	
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4	10 Common Core Rights	<ul style="list-style-type: none"> ▪ Overview of Victims' Rights ▪ Ten Victims' Rights: <ol style="list-style-type: none"> 1. Right to be treated with dignity, respect, and privacy 2. Right to notification 3. Right to be present 4. Right to be heard 5. Right to reasonable protection from intimidation and harm 6. Right to restitution 7. Right to information and referral 8. Right to apply for victim compensation (for violent crime victims) 	<ul style="list-style-type: none"> – Describe 10 major categories of victims' rights laws. – Discuss actions they can take to ensure victims know how to assert and seek enforcement of rights 	<p>Source documents:</p> <ul style="list-style-type: none"> • May 2008 National Victim Assistance Academy, Track 1, Module 3 <p>Facilitator Notes:</p> <ul style="list-style-type: none"> • #7 has enforceability implications (SME to provide exact verbiage). Most states have it, but not able to enforce it. • More rights exist than these 10. These categorical rights interact with lots of other rights and statues. Don't think of these rights in isolation from others that exist. • Site the victim of crime act and the MVRA (SME to provide) 	2 hours

		<p>9. Right to speedy proceedings</p> <p>10. Right to confer</p>			
5	Where Do We Find the Laws	<ul style="list-style-type: none"> ▪ Relationship between constitutional provisions, statutes, rules ▪ Why location of right matters to assertion & enforcement. 	<ul style="list-style-type: none"> – Identify the legal hierarchy – Explain the relationship between constitutional provisions, statutes, rules – Describe why the location of right matters to assertion & enforcement 	<p>Legal Hierarchy:</p> <ol style="list-style-type: none"> 1. Constitutional right 2. State constitution 3. Federal statutes 4. Rule of court 5. Criminal procedure <p>Right to be present: presumption in the country –but not necessarily true, depending on where it falls in the legal hierarchy</p> <p>Who is your victim, Know where they fall in the hierarchy of the law.</p> <p>Myth busting: can't just assume that defendants' rights are Constitutional and must win.</p> <p>SME to provide source documents</p>	30 min

6	Standing and Enforcement	<ul style="list-style-type: none"> ▪ Overview of legal concepts pertaining to Standing and Enforcement ▪ Common hurdles as they relate to Standing and Enforcement 	<ul style="list-style-type: none"> ▪ Explain legal concepts pertaining to Standing and Enforcement ▪ Discuss common hurdles as they relate to Standing and Enforcement ▪ Identify how to overcome those hurdles 	Take material directly from SME's source docs Get article from SME - pull out important pieces.	1 hour
7	Wrap-Up Day 1	<ul style="list-style-type: none"> ▪ Activity ▪ Questions and Answers 			30 minutes
DAY 2: 6 hours and 30 minutes					
8	Introduction to Day 2	<ul style="list-style-type: none"> ▪ Review of learnings from Day 1 ▪ Review of Objectives of Day 2 	– N/A		30 minutes
9	Ethical Considerations When Representing a Victim	<ul style="list-style-type: none"> ▪ Working with multiple victims of the same crime ▪ Disclosing system advocacy ▪ Scope of confidentiality 	<ul style="list-style-type: none"> – Identify the ethical considerations when working victims of the same crime – Discuss the importance of disclosing system advocacy – Identify the scope of confidentiality – Explain when it is appropriate to refer to a source held to confidentiality. – Discuss the rules regarding communications with a represented party. 	Focus on ethics as they relate to enforcement only Source documents: CA- VICTIMS' RIGHTS TRAINING FOR ATTORNEYS (has some of this info)	1 hour

<p>10</p>	<p>Rights During Pretrial, Trial and Post-trial and Your Role as a Victim Advocate and Core Rights</p>	<p>Rights during pretrial</p> <ul style="list-style-type: none"> ▪ The rights applicable to pretrial ▪ Your Role as a Victim Advocate and those rights <p>Rights during trial</p> <ul style="list-style-type: none"> ▪ The rights applicable to trial ▪ Your Role as a Victim Advocate and those rights <p>Rights during post-trial</p> <ul style="list-style-type: none"> ▪ The rights applicable to post-trial ▪ Your Role as a Victim Advocate and those rights 	<ul style="list-style-type: none"> – Explain how victims’ rights can be exercised during pre-trial proceedings. – Discuss victims’ rights arising at initial release proceedings, victims’ issues in discovery, confidentiality, victims’ protection, prompt disposition, and the right to confer. – Identify victim’s rights as they arise during trial – Demonstrate practical skills for representing a crime victim during the criminal trial. – Identify victim’s rights as they relate to sentencing, parole, and other post-trial proceedings. 	<p>Source documents: New Mexico-VICTIM’S RIGHTS IN THE CRIMINAL JUSTICE SYSTEM Use the hypotheticals from this training as is</p>	<p>4 hours</p>
<p>11</p>	<p>Wrap Up of Training</p>	<ul style="list-style-type: none"> ▪ Activity ▪ Questions and Answers ▪ Additional Resources ▪ Next Steps ▪ Course Evaluation 			<p>1 hour</p>