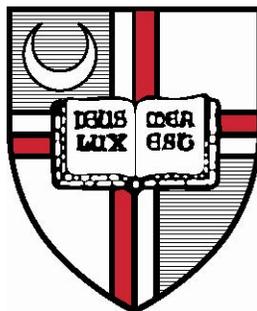


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The Unheard Voice in Sentencing Reform Movement: Crime Victims

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The Unheard Voice in Sentencing Reform Movement: Crime Victims

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The Senate Judiciary Committee recently conducted hearings on the historic [Sentencing Reform and Corrections Act of 2015](#). Two days later it passed on a bipartisan basis out of committee.

That is good news for sentencing reform. But the news about the process of this bill is more mixed.

It is a positive development that some policy makers have recognized that law enforcement needs to be included in any discussion of sentencing reform. There are many stakeholders in the criminal justice system. Previous efforts at reform which have excluded law enforcement and prosecutors have failed, largely because these groups are needed to implement real reform. As evidenced by President Obama meeting with the [Major Cities Chiefs of Police](#) and the [International Association of Chiefs of Police](#), some understand that the reforms need to be more than “bipartisan” to achieve legitimacy. They must be a product of dialog with all stakeholders, not just offenders’ organizations. This Act is considered the most significant criminal justice reform in decades. It is critical that different stakeholders with distinct perspectives weigh in on this landmark legislation before it passed.

Guess how many crime victims organizations were called to testify before the Senate Judiciary Committee? Zero.

Last year, [1,165,383](#) violent crimes [8,277,829](#) property crimes were reported to law enforcement. Yet, apparently some members of the Senate do not think it appropriate to hear what victims have to say about criminal justice reform. Victims represent the one party in a criminal courtroom who is there through no culpable actions of their own. Victims are the

people who bear the direct and secondary harm from criminal activity. Yet, the person selecting witnesses for the Senate Judiciary Committee apparently did not think their voice should be heard.

Not only were victims not included as witnesses, they were barely even mentioned. A review of the written testimony of [all nine witnesses](#) indicates that the word “victim” or any derivative thereof was used a mere *nine* times and four of those times were by *one witness*, the only voice of any opposition, Steven Cook, the President of the [National Association of Assistant United States Attorneys](#). If that were not enough, four of the witnesses did not use the word *at all* in their written testimony, including the representative of the NAACP, and the two researchers called to testify. This is notwithstanding the fact that people of color and the poor are [disproportionately victimized](#) by crime.

Perhaps this was because no one group speaks for all victims? Well, the [National Center for Victims of Crime](#), the [ABA Criminal Justice Section’s Crime Victim Committee](#), and the [National Crime Victim Law Institute](#) all come to mind as possible sources of comment and input. While the Committee saw it appropriate to include representatives from Families Against Mandatory Minimums, prison ministers, and lawyers, it did not apparently see it necessary to include the people most affected by crime through no fault of their own – victims.

Perhaps this was because most stakeholders favor this bipartisan bill and, therefore, there is no need to find other voices? Even if such were the case, if the victim community supports these reforms, just as some [law enforcement organizations do](#), would not that make the argument for the bill that much stronger? And if victim groups have concerns, would not the bill become stronger if they were consulted publicly? While prosecutorial representatives did testify, it is a

mistake to assume they speak for victims. Indeed, that is how it should be, as the prosecutor's role is to represent the entire community and do justice, not to act as a victim's personal attorney.

In light of valid concerns about mass incarceration, sentencing disparity, and a lack of judicial discretion, it seems to be well accepted that criminal justice reform's time has come. A functioning criminal justice system must have legitimacy and a fair sentencing scheme advances that goal. But a criminal justice system loses some legitimacy if it does not hear the voice of a major stakeholder – the victims.

The President and Congress need to reach out to victims. The President has gone all the way [to Oklahoma](#) to meet with prisoners. Perhaps he should take a walk in Washington and meet with one of the victims of the [over 40,000](#) crimes that occurred here in 2014 or speak to the families affected by a [homicide rate that has is increased over 47%](#) since last year. Similarly in 2004 the United States Congress passed the [Crime Victims Rights Act](#). This act afforded victims the right to be “reasonably heard” at public court proceedings. This same Congress should recognize that right in this context and allow victims to be “reasonably heard” regarding this major legislation.

Not only is it reasonable to listen to crime victims, but it is necessary for any criminal justice reform to be legitimate.