

victims' rights is the Justice for All Act: Crime Victims' Rights (2004). This law and other state laws or constitutional amendments give crime victims in most states the following rights:

- Victims must receive timely notice of any release, escape, and public proceeding involving the crime.
- Victims must not be excluded from such proceedings.
- Victims can consult with the prosecutor about important decisions in the prosecution and are to be heard at release, plea, sentencing, commutation, and pardon proceedings.
- Victims are not to be subjected to undue delay or to decisions that disregard their safety or their just claims to restitution.
- Victims may be eligible for cash or in-kind assistance from victim compensation funds.

Perhaps the most important victims' right is that victims must be given notice of the existence of their participatory rights. Law enforcement officers, prosecutors, and victim services personnel, including social workers, all share notification responsibility.

The victim rights movement does have some limitations. For example, many states only apply victims' rights to felony cases or cases involving physical or sexual violence or injury. Unfortunately, there is evidence to suggest that some law enforcement officers do not always notify victims of the availability of compensation funds (Frisch, Caeti, Tobolowsky, & Taylor, 2004). Also, questions are increasingly being raised about the ways that technology is impacting victims and their rights. Newer crimes, including identity theft and harassment via the computer, are testing the limits of existing legislation. Questions are also being raised about how far victims can go to get back at those who victimized them. Technology provides an opportunity for victims to post pictures, videos, and text accusing others of wrongdoing. A term, *digitalism*, has even been created to describe this technological vigilantism (Prins, 2010). Finally, it is not always clear what the remedies are if victims' rights are violated or ignored. Therefore, one of the most important roles social workers have when working in victim assistance programs is to be knowledgeable about victims' rights in the state in which they are practicing. Most importantly, they must continue to advocate for the expansion and more effective enforcement and implementation of victims' rights.

Box 13.9 Ethical Practice...Rehabilitation or Punishment?

In your work with juvenile probation, one of your jobs is to write reports for the court. In these reports, you provide an assessment for the juvenile court judge about the behavior of those on probation. One of your clients, Michele, lives in a group home and left for the weekend. You find out she went to help her younger brother resolve a problem. When it is time to write the report, you find yourself struggling. You believe that Michele was fulfilling a familial obligation when

she went to help her brother, and you were impressed that she came back. You know that the judge to whom you will give the report is extremely strict and will probably be harsh on Michele if he finds out that she left the home for the weekend. Other than this incident, Michele has been doing extremely well, and you believe it is in her best interest to have a positive report to the judge. Would you include the weekend incident in the report? Why or why not?

Ethics and Values



Supporters of the death penalty argue that, as the ultimate punishment, it deters crime. Some feel that keeping perpetrators of especially heinous crimes alive sends the message that society condones their acts. This presents an ideological dilemma for social workers.

Social workers have a professional commitment to ensure the right of all people to receive treatment. In addition, the profession is based on the belief that, with intervention, people can be rehabilitated. The decision that a criminal is not worthy of living and cannot be changed is subjective. Who is qualified to decide that an act is evidence of inability to change? Are all people who commit murder incapable of change or remorse? Is that true of only some murderers? How do people know who can change?

Probably the most profound practice challenge and value dilemma faced by social workers in adult and juvenile corrections is how to use the strengths perspective in a system that promotes punishment over rehabilitation. Some social workers have left their jobs in criminal justice settings because of this dilemma, whereas others have chosen to stay and advocate for change. Social workers need to provide empirical evidence that rehabilitation programs can and do work for politicians and prison officials. Although treatment programs may be more expensive in the short term, over the long haul they are cost-effective because they reduce recidivism rates.

Conclusion

The three major areas of concern for social workers involved with the justice system are improved prevention efforts, better assessment of needs, and the institution of effective rehabilitation interventions. In all these areas, social work has experienced a slow and pendular evolution, and the system has moved back and forth between prevention and punishment. Social workers who choose to focus on the criminal justice system are likely to encounter some of the most intense experiences, both positive and negative, that the profession has to offer. Although social work practice in juvenile and criminal justice settings can be demanding and at times overwhelming, it provides a valued contribution to promoting a socially just society.

Key Terms

adjudication (p. 415)	due process (p. 412)	probation (p. 412)
community corrections (p. 418)	forensic social work (p. 414)	recidivism (p. 418)
delinquent youth (p. 412)	juvenile corrections (p. 415)	rehabilitation (p. 413)
deterrence theory (p. 404)	misdemeanor (p. 405)	reintegration (p. 413)
diversion (p. 413)	parole (p. 412)	status offenses (p. 415)
domestic violence (p. 423)	police social work (p. 413)	victim (p. 420)