

Washington State Office of Civil Legal Aid Civil Legal Aid to Crime Victims Program

Delivering Effective Civil Legal Aid Services to Victims of Crime

Every year victims of crime in Washington state suffer life-changing injuries and legal problems as a result of their criminal victimization. In the aftermath of a crime, victims are forced to navigate multiple complex systems to address an array of civil problems that arise from the trauma they experienced. For example,

- Domestic violence victims experience civil legal problems affecting personal and family safety, custody and child support, economic security, protection of privacy and housing.
- Sexual violence victims experience civil legal problems relating to their personal security, access to health care, protection of their privacy, and workplace safety.
- Elder abuse victims experience civil legal problems relating to their physical safety, financial security and personal independence.
- Victims of identity theft and other economic crimes experience civil legal problems relating to their financial health, debt collection, economic security and protection of privacy.
- Assault victims experience civil legal problems regarding access to and cost recovery for medical and mental health services.
- Many crime victims experience civil legal problems relating to their right to crime victim compensation and restitution.

Far too often crime victims are forced to solve these problems without a lawyer to help them.

In 2016, the Washington State Office of Civil Legal Aid (OCLA) established the Integrated Civil Legal Aid to Crime Victims Program. The effort was informed by findings in the 2015 Civil Legal Needs Study which found that victims of crime experience civil (non-criminal) legal problems at substantially higher rates than the general public.

Recognizing that many civil legal problems arise from criminal acts directed at victims themselves, OCLA proposed to establish a comprehensive statewide system that connected civil legal aid attorneys with crime victim first responders – law enforcement, prosecuting attorneys, community-based advocates, shelter and human service providers, and others. This integrated approach to civil legal intervention would significantly improve the safety, security, and well-being of crime victims by quickly addressing the civil legal problems arising from their victimization. Timely and effective legal representation would help victims of crime secure their personal and family safety; protect their identity, privacy and economic security; gain access to critically needed housing and support services; secure legally-authorized adjustments in their immigration status; and gain access to essential public/mental health, income, and other assistance.

The Integrated Civil Legal Aid to Crime Victims Program was embraced and incorporated into the 2015-19 State Plan for Services to Crime Victims adopted by the Department of Commerce's Office of Crime Victims Advocacy



OCLA
Office of Civil Legal Aid

Integrated Civil Legal Aid to Crime Victims Program Commitments

- Provide a full range of civil legal aid services for crime victims throughout Washington state.
- Ensure equitable access to culturally responsive services for marginalized communities including but not limited to immigrants, refugees, Native Americans and members of racial and ethnic minorities.
- On-the-ground coordination with community-based providers of health, social and human services to crime victims.
- Deliver legal aid services regardless of age, income, ethnicity, status, race, sexual orientation, gender identity, religion, language, ability or disability.
- Prioritize victims with the most critical legal needs and the greatest barriers to securing the legal help that they need.

(OCVA). Shortly thereafter, OCVA and OCLA entered into an interagency grant agreement pursuant to which federal Victims of Crime Act (VOCA) funds were, for the first time, directed to underwrite comprehensive civil legal aid services to victims of crime throughout Washington state.

The VOCA-funded Integrated Civil Legal Aid to Crime Victims Program was launched in October 2016. OCLA engaged seven civil legal aid providers with a history of providing high quality legal services to crime victims in this comprehensive statewide effort. These programs are:

- Northwest Justice Project
- Northwest Immigrant Rights Project
- Eastside Legal Assistance Program
- Snohomish County Legal Services
- Tacomaprobono Community Lawyers
- YWCA of King and Snohomish County Sexual Violence Legal Services
- King County Bar Association Pro Bono Services

Individually and in concert with one another, the participating legal aid providers developed a range of initiatives that offer crime victims timely access to civil legal aid services. Some of these victim service initiatives operate on a statewide level, while others operate regionally and locally. All coordinate closely with key crime victim first responders and crime victim service and support programs.



Integrated Civil Legal Aid to Crime Victims Program

The Integrated Civil Legal Aid to Crime Victims Program incorporates a number of discrete projects that individually and collectively are designed to offer civil legal aid services that are responsive to unique legal problems experienced by victims of crime throughout Washington state. Principal components include:

1. Statewide Crime Victims Legal Aid Hotlines

Victims and their advocates are being served by three dedicated statewide civil legal aid hotlines:

- CLEAR*Crime Victims (CLEAR*CV) – Operated by the Northwest Justice Project (NJP), CLEAR*CV serves victims of crime who are referred by community-based crime victim service providers from every county in Washington state except King County.
- CLEAR*Native American (CLEAR*NA) – Also operated by NJP, CLEAR*NA serves Native American crime victims who are referred by tribal advocates, service providers and other agencies working with Native American communities.
- Sexual Violence Hotline – Operated by Sexual Violence Legal Services of the YWCA of King and Snohomish Counties, this program provides legal advice and assistance to victims of sexual violence and related crimes throughout Washington state.

2. Local and Regional Programs

The effectiveness of the Integrated Civil Legal Aid to Crime Victims depends on the ability of crime victim attorneys to meet victims where they are and address their needs on a timely basis. This requires close coordination with crime victim first responders, the development of referral protocols, early legal problem diagnosis,

and prompt provision of relevant legal aid services.

Several targeted initiatives were developed to ensure maximum relevance and responsiveness to the civil problems experienced by crime victims throughout the state. Among these are:

A. Integrated Rural Legal Assistance Project (IRLAP)

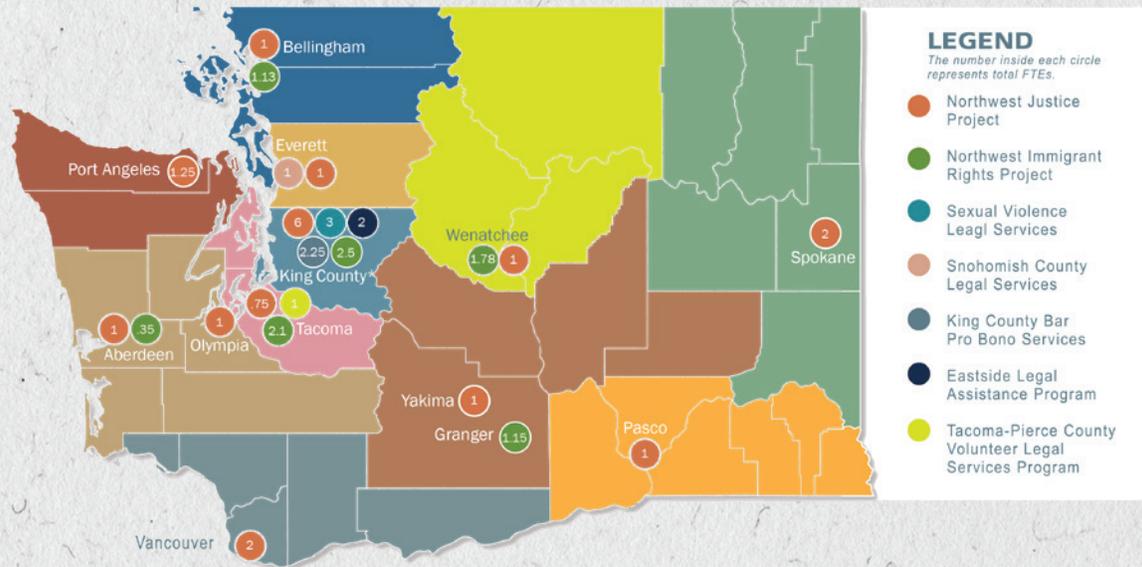
NJP and the Northwest Immigrant Rights Project (NWIRP) coordinate efforts on a regional basis to ensure that immigrant victims of domestic violence, sexual assault and related crimes get the safety and protection they need, and the necessary adjustments in their immigration status to which they are legally entitled under federal immigration laws. IRLAP collaborations operate in four regions of the state serving crime victims in 20 counties.

B. Civil Legal Aid for General Crime Victims

Legal aid attorneys are deployed locally to develop partnerships with crime victim first responders and offer relevant legal aid services to victims of all types of crimes. Participating programs include King County Bar Association Pro Bono Services (serving victims in King County), Snohomish County Legal Services (serving victims in Snohomish County), Tacomaprobono Community Lawyers (serving victims in Pierce and Kitsap counties), and NJP (serving victims throughout most of the rest of Washington state).

In addition, VOCA-funded legal aid, programs serve immigrant victims of crime at the Northwest Detention Center in Tacoma and victims of workplace-based sexual violence in central Washington.

VOCA-Funded Civil Legal Aid Staff Deployment



Delivering Results

In the first year of operations, VOCA-funded civil legal aid attorneys served 3347 victims of crime in a range of civil legal matters arising from more than 32 different types of criminal behavior. According to the Washington Association of Sheriffs and Police Chiefs, domestic violence related crimes are by far the most prevalent category of crimes perpetrated in Washington state. It is not surprising that more than two-thirds of victims served through the Integrated Civil Legal Aid to Crime Victims Program during its first year (N=2434) presented with civil legal issues arising from domestic violence.

Other crimes for which crime victims sought and secured civil legal help included adult sexual assault (N=229); assault (N=94); child physical and sexual abuse (N=278); identity theft, fraud, and other financial crimes (N=53); and stalking and harassment (N=90). Eighty-eight percent (88%) of individuals seeking or being referred for civil legal aid were women (N=2933).

Table 1 shows the substantive legal areas within which crime-related civil legal problems were presented during the first year of the Integrated Civil Legal Aid to Crime Victims Program.

Table 2 shows the racial and ethnic composition of all victims served.

Table 1: Civil Legal Problems Presented by Crime Victims

Legal Issue	Victims Served	Percentage
Consumer Finance	55	1.60%
Education	11	0.30%
Employment	33	1.00%
Family	2383	71.20%
Juvenile	11	0.30%
Health	3	0.10%
Housing	130	3.90%
Income Maintenance	9	0.30%
Individual Rights	531	15.90%
Miscellaneous	181	5.40%
Total	3347	100.00%

Table 2: Race/Ethnicity of Crime Victims Served

Race – Ethnicity	Victims Served	Percentage
American Indian or Alaska Native	129	3.90%
Asian	113	3.40%
Black or African American	194	5.80%
Hispanic or Latino	397	11.90%
Native Hawaiian or Other Pacific Islander	43	1.30%
Some Other Race (Includes Multi-racial Victims)	377	11.30%
Unreported	265	7.90%
White	1829	54.60%
Total	3347	100.00%

Because there are insufficient resources to provide legal assistance for every victim, a major objective of the program is to empower victims of crime with sufficient information and advice to help them effectively navigate both the civil and criminal justice systems following the trauma of their criminal victimization. Through CLEAR*CV, CLEAR*NA and community-based legal clinics, VOCA-funded legal aid attorneys provide crime victims with information and advice regarding their legal rights and self-help information regarding how to pursue civil remedies for problems arising from their victimization. Depending on the nature of the underlying crime and the related civil legal problems presented, VOCA-funded civil legal aid services enable victims to protect their safety and the stability of their families, protect assets and avoid or reduce debts, preserve employment under protective conditions, keep their families together, and protect their privacy.

Table 3: Presenting Crimes

Crime Type	Victims Served	Percentage
Adult Sexual Assault	229	6.8%
Adult Sexually Abused or Assaulted as Child	12	0.4%
Arson	5	0.1%
Assault	94	2.8%
Bullying (Verbal, Cyber or Physical)	9	0.3%
Burglary	9	0.3%
Child Physical Abuse or Neglect	127	3.8%
Child Sexual Abuse	151	4.5%
Domestic and/or Family Violence	2434	72.7%
DUI/DWI Incidents	1	0.0%
Elder Abuse	18	0.5%
Hate Crime: Other: Ethnicity	1	0.0%
Hate Crime: Other: Gender Identity	1	0.0%
Hate Crime: Racial	5	0.1%
Human Trafficking: Labor	3	0.1%
Human Trafficking: Sex	24	0.7%
Identity Theft / Fraud / Financial Crime	53	1.6%
Kidnapping - Custodial	20	0.6%
Kidnapping, Non-Custodial	10	0.3%
Mass Violence	9	0.3%
Non-DUI Vehicular Victimization	5	0.1%
Robbery	13	0.4%
Stalking / Harassment	70	2.1%
Survivors of Homicide Victims	8	0.2%
Teen Dating Violence	5	0.1%
Terrorism (Domestic/International)	1	0.0%
Wage Theft	6	0.2%
Other: Persecution/torture in Iraq/Syria.	1	0.0%
Other: Extortion	2	0.1%
Other: Victim of forced labor by army in Burma (Myanmar)	1	0.0%
Other: Female Genital Mutilation	6	0.2%
Unreported	14	0.4%
Total	3347	100.0%

Project Safety – Helping Victims Across the Criminal/Civil Divide

In domestic violence and sexual assault cases, victims are often fearful for their continued safety. These crime victims often work with crime victim advocates in prosecuting attorneys' offices and other law enforcement personnel to help build and present the criminal cases against their perpetrators as well as to secure short-term orders protecting their safety. Both during and after the criminal case is resolved, law enforcement and prosecuting attorneys are substantially limited in their ability to help victims address the many civil problems resulting from the underlying crime(s). This is where Project Safety comes in.

Project Safety is an unprecedented collaboration between the King County Prosecuting Attorney's Office (KCPAO) and four King County-based VOCA-funded civil legal aid organizations. The program was developed to assist victims of domestic violence and sexual assault seamlessly move from the criminal justice system into the civil justice system, with the objective of providing timely civil legal assistance to resolve civil legal issues that arise as a result of their victimization. Based in Ellie's Place in the King County Courthouse in downtown Seattle and the Maleng Regional Justice Center in Kent,

two Project Safety navigators work with advocates from the KCPAO and law enforcement to identify victims of crime with civil legal problems arising from their victimization, assess their needs, and connect them with one of Project Safety’s civil legal aid partners.

Table 4: Project Safety Presenting Crimes

Crime	Victims Served	Percentage
Adult Physical Assault	113	25.5%
Adult Sexual Assault	18	4.1%
Child Physical Abuse and Neglect	5	1.1%
Child Sexual Abuse and Assault	11	2.5%
Domestic and/or Family Violence	248	55.9%
Identity Theft/Fraud/Financial Crime	2	0.5%
Robbery	7	1.6%
Stalking/Harassment	22	5.0%
Violation of a Court Order	18	4.1%
Total	444	100.0%

Since its inception in March 2017, Project Safety has served more than 400 victims of crime. Crime victims served by the program are disproportionately women of color. Legal problems predominate in the areas of domestic violence, family law and immigration.

Table 5: Project Safety Victim Race/Ethnicity

Race/Ethnicity	Victims Served	Percentage
American Indian or Alaska Native	3	0.7%
Asian	32	7.2%
Black or African-American	66	14.9%
Hispanic	138	31.1%
Multi-Racial	20	4.5%
Native Hawaiian or Pacific Islander	1	0.2%
Other Race	23	5.2%
White	161	36.3%
Total	444	100.0%

Crime Victim Survivor Stories

Abigail – Free of Fear

Abigail lived in a remote rural community. Her abusive husband isolated her further by leaving her without transportation or telephone access that would have allowed her to seek help. For many years, he sexually assaulted her repeatedly in front of their two young children. Abigail and her children faced a range of problems as a result of the physical, mental, and emotional abuse they experienced.

After seeking refuge in a domestic violence shelter, Abigail was referred to NJP’s General Crimes Program. Her VOCA-funded attorney helped secure a life-long domestic violence protection order. She also secured orders protecting Abigail’s children until they turn eighteen years old, thereby ensuring their safety and peace of mind.

John – Safe and Supported

John has serious cognitive disabilities that make him extremely vulnerable. For years he had been sexually assaulted by a much higher functioning adult male. Upon seeking protection and assistance through Project Safety, his VOCA-funded attorney was able to secure a permanent sexual assault protection order to prevent John’s abuser from having further contact with him.

The anxiety of John’s case affected his performance at work where he was on the verge of being terminated. John’s anxiety also caused him to call the police several times in a short period, leading his landlord to initiate eviction proceedings against him. His VOCA-funded attorney worked with his employer and landlord to make sure he was able to retain his job and housing by creating a safety response network with his parents, case manager and trusted co-workers.

Rachel – Protected from Further Victimization

Rachel is a 16 year-old sexual assault victim. During trial, the defendant/perpetrator's criminal defense attorney served notice of intent to subpoena Rachel's medical records. Rachel's victim advocate referred her to NJP.

Rachel's attorney filed a motion to quash the subpoena and secure an order protecting her medical records from disclosure. The court granted the request, denied the subpoena, protected her privacy and, in doing so, protected her from further victimization.



Teresa – Working in Peace

Teresa worked as a farm worker picking fruit for a large central Washington orchard. Shortly after she started, her supervisor began making uninvited sexual comments. He also regularly propositioned her, offering to make her a supervisor if she had sex with him. After rejecting his unwanted advances, he told her she could leave or endure it.

Through NJP's VOCA-funded Campesina Digna, the first project in Washington state dedicated to combating criminal sexual violence and harassment in the agricultural industry, a

VOCA-funded attorney represented Teresa in filing a charge of sexual harassment with the Washington State Human Rights Commission. Shortly thereafter, the orchard entered into a settlement agreement. As part of the agreement, the orchard agreed to provide training for all its staff on preventing workplace sexual harassment, and updated its complaint reporting procedures to provide additional means of reporting sexual harassment and violence.

Crime Victim Service Partners Share

“The Northwest Justice Project has played a crucial role in providing safety and legal aid for sexual assault victims in our community. Their prompt action and victim-centered work ethic makes the process less intimidating and assures my clients that they are being heard.”

Rosanna Herrera

Sexual Assault Advocate Support
Advocacy & Resource Center, Richland, WA

“The VOCA-funded attorney at Snohomish County Legal Services has been a critical pillar of support for many of our clients who cannot afford legal representation for their domestic violence and family law cases. As a result of their intervention, we see significant safety outcomes for the clients and their children.”

Laura Mulholland

Legal Advocacy Manager
Domestic Violence Services of Snohomish County

In a Survivor's Words

"I felt invincible having my attorney stand next to me on the day of the protection order hearing. Seeing my abuser on the opposite side, I felt he was finally being made accountable for his actions."

Jamie – Project Safety Client



Management, Support and Oversight

OCLA staff manage and oversee the VOCA-funded Civil Legal Aid to Crime Victims Program. During the first year of program operations, OCLA staff:

- Funded, supported and helped develop statewide trainings for VOCA-funded attorneys. These trainings focused on substantive legal problems experienced by victims of crime as well as how to work effectively with trauma victim clients.
- Monitored client service performance, analyzed client service data, and coordinated data needs with the Department of Commerce's Office of Crime Victims Advocacy.
- Helped establish relationships with key statewide crime victims service and support organizations and law enforcement agencies.
- Helped develop a statewide "community of practice" among VOCA-funded civil legal aid attorneys.
- In collaboration with law students at the Georgetown Law Center, designed a web-based application to facilitate effective referrals of victims to community-based crime victim services and legal aid providers.

Crime Victim Legal Aid Contacts

- CLEAR 📞 888-201-1014
- CLEAR*CV Advocate Referral Form Required
Fax: 1-866-634-5608 or e-mail: fax@nwjustice.org
- Sexual Violence Legal Services Hotline 📞 844-999-7857
- Northwest Immigrant Rights Project - www.nwirp.org/get-help
- Northwest Justice Project - nwjustice.org/get-legal-help
- King County Bar Association Pro Bono Services 📞 206-267-7100
- Snohomish County Legal Services 📞 425-258-9283
- Eastside Legal Assistance (E & S King County) 📞 425-747-7274
- Tacomaprobono Community Lawyers 📞 253-572-5134

Contact OCLA

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