

Testimony of
Keith Perkins

April 28, 2009

Senate Judiciary Testimony Outline
The Victim of Crime Act: 25 Years of Protecting and Supporting Victims
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Mr. Chairman, ranking member Specter, and members of the committee: My name is Keith Perkins. I am the Founding Attorney and Executive Director of the Never Again Foundation Legal Services.

How grateful we all are for the tremendous good that the Victim's of Crime Act has done for so many.

My testimony today will comprise of three parts: Successes we have had in fulfilling the primary purposes of VOCA; challenges we have encountered with VOCA; and finally a suggestion to improve VOCA.

The purposes of VOCA are critically important which include: to provide emotional [healing] and "economic restabilization" for crime victims.

The Department of Justice confirms that the cost of crime is staggering - billions of dollars each year. There are only three parties that can bear this cost - 1) the criminals who cause it; 2) the victims of the crime; or 3) the rest of us in society. The criminal justice system is NOT designed to send the cost of crime back to the criminals. Only the civil justice system was designed to shift the cost of crime away from the victims and society, and send the bill back to those who cause the crime - back to the perpetrators.

However, crime victims have had difficulty gaining access civil justice. It is a matter of law firm economics. For most lawyers, it is simply is not financially worthwhile to help victims pursue civil justice against criminals.

To fill this void, during the past ten years in Arizona we have provided free, non profit legal representation to crime victims in civil law suits directly and only against the criminal perpetrators. We do not sue negligent third parties. We only sue the criminals. The results have been dynamic. Both crime victims and the public have been eager to finally have an opportunity to send the full cost of crime back to the criminals. We have now won over \$170 million dollars in judgments - directly against criminals.

Of course we know that not all of this will be collectable. But we have actually collected over two million dollars directly from the criminals, 100% of which has been given to the crime victims to provide economic restabilization.

However, for most crime victims, money is not the primary motivating factor. Rather, they desire to pursue civil remedies to obtain a greater sense of emotional healing that may not have been available in the criminal justice system, such as:

- 1) Regaining power, control, and decision making authority;
- 2) A full opportunity to tell their side of the story;
- 3) To hold the perpetrator personally accountable directly to them;
- 4) And to receive economic restabilization directly from the criminal

In other words, the civil system is specifically designed to provide healing and economic restabilization for crime victims - which are the primary goals of the Victim's of Crime Act.

Now for the problem: VOCA does not support civil actions by crime victims. I imagine the original intent was to ensure that sacred VOCA money could not be used by trial lawyers to sue negligent deep pockets.

However, in making such a broad prohibition, VOCA has unnecessarily restricted victims from their best opportunity to receive economic restabilization from the very person that all of us believe should be paying for it in the first place - the criminal. The result is that crime victims are left to rely only upon secondary sources, such as the government. This certainly was not the intent of VOCA.

On behalf of many victim service providers throughout Arizona, we ask that you please include within VOCA (and VAWA as well), a specific, narrow exception that would allow crime victims to obtain help to pursue civil remedies directly and only against criminally convicted perpetrators, with the help of non profit legal charities supported by VOCA.

By this single change, VOCA can be improved to increase access for victims of crime nationwide to a powerful, untapped renewable source of economic restabilization, hope, justice, and healing.

Thank You.