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From the Chairman of the Board and the Executive Director

NCVLI made tremendous strides to advance victims' rights over the past year. Today we are closer to fulfilling the promise made to crime victims more than 30 years ago that the justice system will treat them with dignity and respect. None of the successes documented in this report would have been possible without the support of our partners, generous donors, and dedicated volunteers who continue to believe in us and our vision of a balanced and fair justice system in which each victim's rights are honored and enforced in every case.

This report documents our work over the past year, highlighting key moments along the path to justice. This year NCVLI:

- Increased its clinical network by 50%. As of today, victims in Arizona, California, Colorado, Idaho, Maryland, New Jersey, New York, New Mexico, Oregon, South Carolina, Washington, D.C., and Utah, have access to free legal services to secure enforcement of their rights.
- Trained more than 1,300 people, including attorneys, judges, victim advocates, and law students, on victims' rights enforcement.
- Filed 7 amicus curiae ("friend of the court") briefs to bring victims' rights to the attention of courts, including the United States Supreme Court.
- Responded to more than 130 requests for technical assistance from the victim services field with legal research, writing, and strategic advice.

These numbers tell only part of the story. The rest of the story is found in the words of the individuals we serve, the outcomes of the cases we litigated, and the changed views of those we taught. It is found in the progress we've made to improve justice for victims.

While our work is not yet done, together we are bringing about the change that crime victims in this country deserve. Thank you.

Sean Beers, Chairman of the Board

Meg Garvin, Executive Director

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On the Horizon

Rights for U.S. Victims of International Fraud

October 1, 2009

For the first time NCVLI has entered the arena of international victims' rights as it launches the *2009 Crime Victims' Rights Project*. Evidence suggests that a tremendous amount of online fraud against U.S. citizens is perpetrated by foreign offenders. Currently there are no systems in place for notification to these victims of the investigation or prosecution of the case by a foreign sovereign, no communication regarding any rights the victims may have, and no targeted services for these victims. The result is that this group of U.S. victims is left wholly in the dark. NCVLI will work in collaboration with U.S. and foreign law enforcement to facilitate legal and support services for these victims.

First Annual Victims' Rights Alumni Gathering

December 2. 2009

NCVLI will host its first annual *Night Out for Victims' Rights Alumni*. Over the past 10 years NCVLI has taught more than 300 law students at Lewis & Clark Law School. These alumni practice in areas including criminal, employment, housing, nonprofit, and corporate law. This gathering will bring alumni together with current students to discuss how victims' rights affect every area of legal practice, and how lawyers in all areas can help crime victims.

National Crime Victims' Rights Week

April 18-24, 2010

National Crime Victims' Rights Week, established in 1981, is a time of national remembrance, which encourages communities to come together and reflect on the progress achieved in advancing victims' rights and to recommit to the work ahead. NCVLI will host a Continuing Legal Education Class in Oregon on developments in victim law, and issue a call to the legal community to provide pro bono services to crime victims.

Crime Victim Law Conference

June 3-4, 2010

The 9th Annual Crime Victim Law Conference is themed *Due Process for Victims: Meaningful Rights in Every Case.* Due process means that the law must be applied fairly to all, that procedural safeguards of reasonable notice and an opportunity to be heard must be afforded before a victim's right is affected, and that each person's fundamental rights are protected. The Conference will focus on the theory and practice of securing due process for victims.

Significant Achievements

Protections for Child-Victims

In Idaho, working collaboratively, a pro bono attorney, the Idaho Clinic, a student in NCVLI's Crime Victim Litigation Clinic, and NCVLI protected a child-victim of sexual assault from being forced to testify alone in front of her perpetrator by successfully moving to allow a support person to be with her.

Victim Access to Justice

In Ohio, working with the Maryland Clinic and a pro bono attorney, NCVLI helped a victim of financial fraud move to unseal the case so that his rights to be heard and to receive restitution could be afforded.

Equal Rights for All Victims

Working diligently with partners, NCVLI helped to amend the Oregon and California constitutions to include enforceable rights. These states are now on the forefront of the victims' rights movement.





Recognition of Crime Victims' Rights Week

In April, NCVLI partnered with the Oregon Department of Justice to observe National Crime Victims' Rights Week and to offer a Continuing Legal Education Class in Oregon, for 60 attorneys, advocates, and service providers on victims' rights.

A National Network of Pro Bono Services

NCVLI's membership alliance of attorneys and advocates, the National Alliance of Victims' Rights Attorneys (NAVRA), grew to 614 members, from 45 states, the District of Columbia, and Israel.



Expanding Services to Victims

NCVLI solicited proposals nationwide for the establishment of new pro bono crime victim legal clinics to provide direct legal services to crime victims in criminal courts. Four new clinics have now joined the existing Clinical Network, which means that hundreds more victims may be served in the years to come.

Victim Privacy

Working with the United States Attorney's Office for the Eastern District of California, NCVLI secured pro bono counsel for a minor sextrafficking victim and helped protect the victim's juvenile records from an invasive pretrial discovery request by the defendant.

A National Conversation on Advancing Victims' Rights

NCVLI hosted the largest ever Crime Victim Law Conference, bringing together 155 criminal justice professionals and victims' rights experts from across the country to learn from each other and to work together to develop the tools necessary to advance victims' rights.

Responding to Violence Against Women

NCVLI launched a targeted training and technical assistance grant to enable grantees of the Office on Violence Against Women to add rights enforcement to the array of services they provide to crime victims.

Education of the Judiciary

NCVLI filed its 50th amicus curiae ("friend of the court") brief to educate the judiciary on key victims' rights issues. NCVLI submits amicus curiae briefs to ensure that courts are aware of the current state of the law on victims' rights and the nuances of that law.





More than 30 years ago state constitutions were amended, and state and federal statutes were passed to afford rights to victims. Sadly, many criminal justice practitioners and courts continue to ignore these rights. Every crime victim, regardless of jurisdiction, deserves to enter a criminal justice system where all of the

practitioners know and abide by the law. These same victims should have access to a knowledgeable attorney who can effectively represent them. To ensure that victim attorneys and advocates everywhere can make the most sophisticated arguments on behalf of victims in every case, NCVLI provides legal technical assistance

in the form of research, writing, and strategic advice nationwide. To ensure that courts are aware of the current state of the law on victims' rights and the nuances of that law, NCVLI participates as amicus curiae ("friend of the court") in state and federal cases.

Protecting Victims From Invasive Discovery Requests

A ten-year-old victim of sexual assault was about to be forced to submit to a pretrial deposition, despite the fact that she had already participated in a law enforcement interview, submitted to defendant's cross-examination at a prior hearing, and committed to testifying at trial. NCVLI provided emergency legal research to the Washington advocate to oppose defendant's request.

Advancing Victim Participation

Several high school boys were sexually assaulted during a hazing ritual. The victims wanted to protect their rights to privacy, participation, and protection during the prosecution. NCVLI provided intensive assistance to its New Mexico Clinic throughout the year and participated as amicus curiae in the fight to secure the most basic rights for these victims. The trial court ruled that not only could the victims participate in the proceedings, but that all parties were obligated to serve papers on them to keep them informed of case progress.

"I have had the blessing of working with NCVLI on a case of first impression. I could not have gotten to the Court of Appeals or held my own there without the incredible work of NCVLI. Not only did NCVLI provide research, writing, and editing assistance but the team effort and collegial spirit really helped me put forth my very best. We might as well have been sitting in the same law office. It felt as though we had worked together for years."

Bilenda Harris-Ritter California Attorney

LEGAL TECHNICAL ASSISTANCE

In response to 139 requests for technical assistance, NCVLI provided substantive legal research, writing, and strategic advice. These requests came from 30 different jurisdictions.

Securing Victim's Voice

Late on a Friday, a California attorney who needed help for victims of sex trafficking contacted NCVLI. The following Monday the trafficker was scheduled to be sentenced. One young victim could not bear to be in the same room with her offender and had requested that the attorney read her impact statement. Other victims wanted to submit a written statement and be heard orally. All of the victims wanted restitution. The prosecution had decided not to ask for restitution, and believed that the victims could be heard either orally or in writing. Working through the weekend, NCVLI researched the issues and crafted legal arguments. By Monday morning, the California attorney was well prepared and succeeded in securing each of these rights for the victims.



Securing Victim Participation

Twenty years ago a woman was raped in Alaska. Defendants were arrested, prosecuted, and convicted. Despite not having sought testing at trial, one of the defendants requested DNA testing last year. While defendants have the right to access evidence, this defendant was seeking unfettered access to the evidence through a Section 1983 action in which the victim would have no rights to privacy, notice, or protection. NCVLI joined the victim as amicus curiae in the United States Supreme Court, arguing that a convicted offender should not be permitted to circumvent victims' rights. The Supreme Court ruled in favor of victims' rights.

Fighting for Victim Recognition

In Florida, several home buyers were victims of a mortgage fraud. Defendant entered a plea agreement which required him to make restitution, but the trial court only recognized the bank as a victim. The result was that the individual home buyers would not receive restitution for their losses. Working closely with pro bono counsel for the home buyers, NCVLI filed an amicus curiae brief in support of their application for appellate review. The appellate court found financial loss by the home buyers and recognized them as crime victims so that they could exercise their rights to be heard and to seek restitution.

"Because of its national perspective and contacts with victims and their attorneys in many different jurisdictions, NCVLI can alert courts to the broader issues lurking beneath the surface in victims' rights cases. With its amicus briefs, NCVLI helps to advance victims' rights by skillfully explaining the importance of these broader issues and how courts should resolve them."

Honorable Paul Cassell
Former Federal Court Judge and now
Professor of Law at S.J. Quinney College
of Law, University of Utah

AMICUS CURIAE ("Friend of the Court")

NCVLI filed 7 amicus curiae briefs in courts nationwide. Through these briefs NCVLI educated the judiciary on victims' rights issues such as the right to restitution, to timely and accurate notice of proceedings, to confer with the prosecution, to be recognized as a victim, to be present throughout trial, to privacy, and to be treated with dignity, fairness, and respect.

Protecting Victim Privacy

The parents of a minor victim of sexual assault were subpoenaed by the defendant to turn over all of their computer files. Even after the trial court modified the subpoena, the parents were ordered to turn over every email between themselves and their daughter over a six- year period. Working collaboratively with the prosecutor and the Colorado Clinic, NCVLI filed an amicus curiae brief in the Colorado Supreme Court arguing that the defendant's requests were baseless and harassing, and that they violated Colorado's victims' rights laws. The case is pending.



Victims need attorneys standing with them in court to ensure that their independent voice is heard. This idea of a victim having his or her own attorney in a criminal case is novel; it challenges the traditional paradigm of state vs. defendant. To ensure victims' voices and rights are not lost, NCVLI facilitates provision of free legal services to crime victims. NCVLI's network of pro bono crime victim legal clinics, with the recent addition of four clinics, now spans 11 states and the District of Columbia. These clinics provide direct legal representation to victims of crime in state, federal, and tribal criminal cases, filing motions and making oral arguments to secure victims' rights. The clinics in the network collaborate with each other and NCVLI to advance rights effectively nationwide.

The Impact of NCVLI's Clinical Network

Since 2003, with only eight Clinics in operation, the Network has:

- Represented more than 1,300 crime victims
- Filed more than 950 legal pleadings
- Provided more than 73,000 attorney hours to victims
- Facilitated more than 15,000 pro bono attorney and law student hours to victims

Crime Victims Legal Assistance Project of Arizona Voice for Crime Victims protected the confidential records of a tribal child abuse victim, and secured accommodations for the child-victim when she had to testify.

Colorado Crime Victims Legal Clinic helped the mother of a three-year-old victim of sexual abuse protect the child from being required to testify at trial in front of the defendant.

NEW ADDITIONS TO NCVLI'S CLINICAL NETWORK

- California Voice for Crime Victims
- District of Columbia Crime Victims' Resource Center
- · Oregon Crime Victims Law Center
- Women's Clinic for Victim Protection in New York

With these additions, the national Clinical Network grew by 50%, which means many more victims will be served in the years to come.

"If the rights of crime victims are to be vigorously protected and their needs addressed with care and compassion, two things are clear: Crime victims need lawyers and advocates, and their lawyers and advocates need NCVLI."

Steve Twist, President
Arizona Voice for Crime Victims

Victims' Rights Clinic at the University of Idaho made sure that a sexual battery victim was able to deliver her victim impact statement, and persuaded the court to order substance abuse and mental health evaluations for the offender, as well as restitution for the victim's counseling.

Maryland Crime Victims' Resource Center, Inc. helped a victim of identity theft and fraud secure his rights to notice of the proceedings, and to have his other rights, including restitution, considered by the court.

New Jersey Crime Victims' Law Center helped the family of a victim of a brutal assault successfully oppose the offender's motion for early release.

New Mexico Victims' Rights Project secured formal legal recognition in the criminal case for three teenage victims of kidnapping and sodomy, recognition that ensures their rights are protected throughout the process.

South Carolina Crime Victim Legal Network helped a teenage victim of attempted kidnapping secure increased protections by moving to reconsider the defendant's bond and add conditions to release.

Utah Crime Victims Legal Clinic helped a victim of sexual assault and her family to be heard in opposition to the premature termination of the offender's probation.



While NCVLI's Clinical Network is growing, victims in every jurisdiction deserve to have access to free and expert legal services. The National Alliance of Victims' Rights Attorneys (NAVRA) fills this need. NAVRA is a membership alliance of attorneys and

advocates. Its mission is to ensure that there is a trained attorney and a trained advocate available to serve every crime victim in every case. Membership is open to attorneys, non-attorney victim advocates, crime victims, law students, and individuals interested in legal developments that affect crime victims. This year NAVRA grew to 614 members, from 45 states, the District of Coloumbia, and Israel. Each NAVRA member is asked to contribute pro bono time to serving at least one victim each year.

What One NAVRA Member Can Do for a Victim

In California, on the eve of the trial of the man accused of murdering her son, a mother was told that she would have to sit outside the courtroom throughout the trial. The reason for this ruling was that the defense, for the first time that day, had told the court that it "might" call the victim's mother as a witness at sentencing. Hearing this, and the defense's argument that "there is always a chance" that a witness might change her story, the court ordered the mother kept out. Imagine being told that you cannot enter the courtroom and hear the story of how your child spent the final minutes of his life. Imagine being told you have no right to be in the courtroom only nine months after the voters of California passed a constitutional amendment affording you the explicit right to be present during trial.

This is one of the many moments when a pro bono victims' rights attorney can make a difference to a victim. And in California, this is exactly when one NAVRA member did make a difference.

On the same day as the trial court's ruling, NCVLI received a call from the prosecuting attorney asking for assistance. NCVLI secured pro bono counsel within hours. The pro bono attorney then worked closely with NCVLI to seek a reversal in the trial court, and when that failed to seek review in California's appellate courts. Based on the pro bono attorney's pleadings on behalf of the victim, and NCVLI's amicus curiae ("friend of the court") brief, the

California appellate court directed the trial court to either allow the mother to attend or to show cause why it had not afforded her a constitutional right.

While this was a huge victory, ultimately the trial concluded before final resolution of the matter. The decision to not ask for a stay of proceedings and instead risk the trial ending was that of the mother. This means that not only did this victim have a free attorney fighting for her rights every step of the way, but she had control over decisions about how and when to fight for her rights.

If each attorney in this country would take just one case each year on behalf of a crime victim, imagine how many lives we would change!

Visit www.navra.org to learn more.





To secure a place for victims as participants with a legally recognized voice requires culture change. This is because the traditional paradigm of a two party system is entrenched in the training of prosecutors, defense attorneys, judges, and law students, and reverberates in popular culture.

To change this, NCVLI conducts systemwide education on the meaning, scope, and enforceability of victims' rights. NCVLI conducts these trainings for attorneys, advocates, law enforcement, and other criminal justice professionals at conferences nationwide, and at its

annual conference, which is the only national conference focusing on rights enforcement. NCVLI also teaches law students at Lewis & Clark Law School. Each person trained is a step closer to a system ready to recognize victims' rights.

TRAINING EFFORTS

NCVLI trained more than 1,300 criminal justice professionals this year on the meaning, scope, and enforceability of victims' rights.

Training Tomorrow's Victims' Rights Attorneys Today

Across the country law students are graduating each year with little recognition that victims' rights exist. NCVLI is changing this with its Victim Litigation Clinic at Lewis & Clark Law School. Clinic students learn practical approaches to the assertion and enforcement of victims' rights and provide technical support to victims' rights attorneys and advocacy organizations nationwide.



NCVLI's Fall 2008 Victim Litigation Clinic
Top row: Terry Campos (instructor), Meg Garvin (instructor), Preston
Anonuevo, Tara Moore; Bottom row: Susie Cowen, (instructor), Ginger Beck,
Juranita Duran

Creating a National Conversation on Advancing Victims' Rights

This year's Crime Victim Law Conference was the largest to date, bringing together 155 criminal justice professionals and victims' rights experts from across the country to learn from each other and to work together to develop the tools necessary to advance victims' rights.

"I loved the flow of the day during the conference. It felt as if there really was never a second in which we were not learning something."

2009 Conference Attendee

Teaching Attorneys to Secure Victims' Rights

In April, NCVLI partnered with the Oregon Department of Justice to conduct a Continuing Legal Education Class in Oregon for 60 attorneys, advocates, and service providers on the state of victims' rights law.

Teaching System Actors to Protect Victims' Rights

NCVLI conducts regular teleconference trainings on critical victims' rights issues, often in collaboration with key partners. This year, trainings included a collaboration with the American Bar Association Criminal Justice Section's Victims Committee on "Protecting Child-Victims' Rights in Criminal and Delinquency Cases – The Role of the Child Victim Attorney," and a collaboration with the Victim Rights Law Center on "Civil Legal Remedies for Survivors: A Comprehensive Approach to Meeting the Needs of Victims of Rape and Sexual Assault." More than 150 criminal justice professionals were trained, ensuring that victim advocates and attorneys nationwide can make the best arguments on behalf of victims.



To achieve justice for victims the law must afford clear rights, those rights must be enforceable by the victim in trial and appellate courts, and there must be remedies for violations. Historically, many statutory and constitutional victims' rights have lacked the teeth they need to be truly meaningful. If a victim's right was denied, there was no recourse. NCVLI is working to secure the next wave of victims' rights legislation – legislation that guarantees victims substantive rights and the procedural

mechanisms to secure those rights. NCVLI works with partners nationwide to improve victims' rights in every jurisdiction, providing model legislation, strategic advice, and testifying when called upon.

The Next Wave of Rights Legislation

Oregon

NCVLI helped draft Measures 51 and 52 to make Oregon's constitutional victims' rights enforceable. Oregon voters approved these measures by a 3 to 1 margin. Following passage of the constitutional amendments, NCVLI assisted with SB 233, which was signed into law on May 26, 2009. SB 233 provides a roadmap for how victims' rights can be asserted in Oregon trial courts, and how victims can seek mandatory review of a denial of those rights in an expedited fashion in Oregon's appellate courts.

California

NCVLI aided the successful passage of Proposition 9 (Marsy's Law), which amended the California constitution and provides victims with the rights to privacy, participation, and protection, and clear standing to enforce these rights.

"This legislation is meant to correct, not continue, the legacy of poor treatment of crime victims in the criminal process. . . . [W]ithout the ability to enforce the rights in the criminal trial and appellate courts of this country any rights afforded are, at best, rhetoric. We are far past the point where lip service to victims' rights is acceptable."

Arizona Senator Jon Kyl discussing the federal Crime Victims' Rights Act in 2004

LAW DEVELOPMENT

With NCVLI's assistance, California and Oregon amended their constitutions to afford strong, broad, and enforceable rights to crime victims.

NCVLI's Ongoing Public Policy Work

Some of NCVLI's efforts for the coming year include:

- Working to secure full funding of the Crime Victims' Rights Act (CVRA), 18 USC § 3771. The CVRA is the key piece of federal legislation for victims' rights. Full funding of it is critical to ongoing rights enforcement.
- Joining victim groups nationally to support the Crime Victims Fund Preservation Act of 2009 (S. 1340 and HR 3402). The Crime Victims Fund is an account of fines and penalties paid by offenders that is used to fund victim services nationwide. The proposed legislation would ensure that sufficient funding flows to victim service groups so that they can help victims become survivors.
- Joining victim groups nationwide to support the Witness Security and Protection Grant Act of 2009. Witness intimidation occurs in many cases and can impede the successful prosecution of offenders. The proposed legislation would provide funding to develop programs to protect the victim-witnesses.

Supporters

NCVLI thanks each of its supporters. You have helped in many ways, including providing pro bono legal services, contributing financially, and partnering to create educational opportunities. Working together we can achieve the vision of a better and more just world for crime victims.

INDIVIDUAL DONORS

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Board and staff commitment to NCVLI's mission is uncompromising, and is demonstrated by 100% board and staff contribution to NCVLI. *Board **Staff

NCVLI is a nonprofit educational organization exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code. NCVLI's Combined Federal Campaign (CFC) code is 48652.

To contribute to NCVLI, visit www.ncvli.org.



Lewis & Clark College

Lewis & Clark College and Law School in Portland, Oregon have demonstrated unwavering commitment to a fair and balanced criminal justice system through their support of NCVLI. Continuing in this great tradition of partnership, Dean Robert Klonoff opened the 2009 Law & Litigation Conference. In addition, throughout the year, the faculty of Lewis & Clark lend their legal expertise to NCVLI staff to enhance our services.

Sarah LeClair**

Tribute to a Leader, Friend, and Mentor: **Gail Burns-Smith**December 1, 1946 – September 5, 2009



Gail Burns-Smith with her grandson, Eli Landau

On Saturday, September 5, 2009, we lost a guiding light in the victims' rights movement – Gail Burns-Smith. Gail is known nationally for her tireless efforts on behalf of victims of sexual assault and abuse. She was the first executive director of the Connecticut Sexual Assault Center of Crisis Services (CONNSACS), leading that organization from 1982 until her "retirement" in 2004. Gail also co-founded the National Alliance to End Sexual Violence, an organization instrumental in securing passage of the National Violence Against Women Act. "Retirement" for Gail meant continuing to work locally and nationally on behalf of victims.

What many do not know about Gail is how hard she worked on behalf of <u>all</u> victims. She served on the Board of Directors of NCVLI since its founding. In this role she dedicated herself to teaching us how to better hear victims, and how to advance equal treatment and respect for all victims inside and outside our justice processes. Those of us who were fortunate enough to be mentored by Gail became better advocates and better people; she taught us how to fight for what is right even when the odds are against us, and to do so with respect for differences of opinion. Just the Thursday before she died, Gail was continuing to try to better the world by challenging NCVLI to ensure that diversity of voice is present and respected in everything we do. Each of us at NCVLI is committed to meeting this challenge, and honoring Gail in our daily lives by continuing to become the advocates that she taught us to be.

Statement of Revenues & Expenses

Audited Finances June 1, 2008 - May 31, 2009

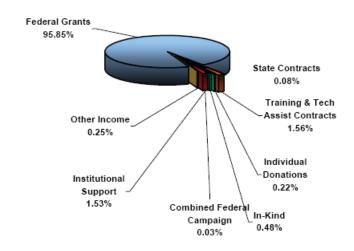
Support and Revenue

Federal Grants	\$ 2,336,164
State Contracts	2,000
Training & Technical Assistance Contracts	37,990
Donations	
Individuals	5,349
Combined Federal Campaign	707
In-Kind Support	11,593
Institutional Support	37,196
Other	6,062
Total	\$ 2,437,061

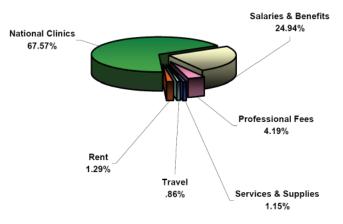
Expenses

Net Activity:		(1,812)
Total	\$	2,438,873
Other		17,086
Professional Fees		66,285
Administration & Fundraising Staff Salaries & Benefits		99,935
Recipient Clinics		1,647,923
Rent		31,430
Travel		21,070
Services & Supplies		10,896
Professional Fees		35,948
Staff Salaries & Benefits	\$	508,300
Program Services		

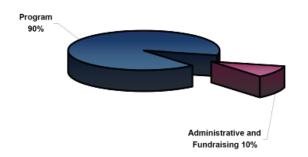
Income by Source



Expenses by Major Categories



Percentage of Costs Spent on Programs





"Victims' rights will always remain mere words on paper if they are not asserted in criminal courts and a remedy demanded when they are violated. Simply put, we are at a crossroads. To achieve the promise of victims' rights requires that we in the victim advocacy community add to our tool belt legal services for victims in criminal cases. Only then will rights come to have true meaning."

Meg Garvin, National Crime Victim Law Institute





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Our Vision

Every crime victim has comprehensive and meaningful legal rights;

Every crime victim can access a knowledgeable attorney for representation in the criminal justice system;

Every crime victim's attorney has access to education, training, and technical support from a community of experts;

Everyone in the criminal justice system is knowledgeable about and respects the legal rights of crime victims; and

Crime victims' rights are routinely enforced to facilitate meaningful participation in the criminal justice system.