



The author(s) shown below used Federal funding provided by the U.S. Department of Justice to prepare the following resource:

Document Title: Understanding the Needs of and Resources for Victims of Criminal Justice System-Related Harm

Author(s): Kristy Holtfreter, Ph.D., Emily Wright, Ph.D.

Document Number: 310352

Date Received: December 2024

This resource has not been published by the U.S. Department of Justice. This resource is being made publicly available through the Office of Justice Programs' National Criminal Justice Reference Service.

Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

**Understanding the Needs of and Resources for
Victims of Criminal Justice System-Related Harm**

Executive Summary

Kristy Holtfreter, Ph.D., Principal Investigator

Emily Wright, Ph.D., Co-Co-Principal Investigator

Submitted to the National Institute of Justice

December 2024

Purpose

This study focused on understanding the needs of victims of criminal justice system-related harm, with the goal of assisting criminal justice agencies and victim service providers in identifying and treating it. A related overlapping goal was to locate publicly available resources and create an inventory that can be accessed by those same organizations, other researchers, and even those who have experienced harm. Toward that end, we reviewed the available literature on the needs of victims of criminal justice system-related harm. Using a mixed methods research design, we also conducted a series of semi-structured interviews with 20 relevant stakeholders, including criminal justice experts, victim advocates and service providers, employees working in policing, courts, and corrections, and individuals formerly involved in the justice system. We drew on prior research and study results to provide recommendations for future research and for practice. We also provided a comprehensive review of national level resources and present this information in an inventory.

Methodology

In the summer of 2024, researchers developed a semi-structured interview instrument based on extant research and input from social science researchers with expertise in policing, courts, corrections, and other areas relevant to the project goals (e.g., evaluation research, mixed methods, and trauma-informed practices). Using snowball sampling from our academic experts, as well as purposive sampling from a detailed search of agency websites and social media, including public Facebook accounts tagged with keywords related to the project (e.g., #WrongfullyConvicted, #ReEntry, #Prison, #PoliceOfficer, among others), a **total of 20 stakeholders** were identified and interviewed, distributed across the following subgroups: **academic experts (n = 5), criminal justice system employees, including policing, courts, and corrections (n = 6), individuals with prior justice-system involvement, including in local, state, and federal systems (n = 5), and advocates/service providers for victims and/or justice-involved persons (n = 4)**. Nearly all stakeholders (19/20) were interviewed on Zoom in July and August of 2024, with interviews lasting between 60-120 minutes (90 minutes on average).

Both investigators took detailed notes during the interviews. Notes were shared and independently coded by each investigator, identifying main themes of findings (e.g., types of harm and needs, available resources and services, what the system does well and how it could be improved). Thematic analysis loosely following the recommendations of Braun and Clarke (2022) were used to code the themes of the interviews.

Results

Several themes emerged from the interviews, centering first on types of people most at-risk of experiencing criminal justice related harms and errors, followed by the system- and individual-level sources of harm and error. We also identified the types of harms and errors most likely to occur within the courts and advocacy fields, policing/law enforcement interactions, and within corrections. Finally, we also identified the primary needs of victims within each of these domains.

Three subgroups of individuals most at-risk of experiencing criminal justice harms and errors emerged:

Group #1: People out of custody with substance use and mental health problems considered to be exacerbating factors includes those who are not in custody (but may have a current charge) but nonetheless have significant needs, especially around mental health and substance abuse that put them into contact with the system. For this group, violence is commonly seen as a means of settling

disputes and is therefore normalized as a way of life (as opposed to being a rare act that would involve reporting to a legal authority). Similarly, harm at the hands of the justice system is also viewed as “normal” i.e., a consequence of disadvantaged circumstances – many interviewees suggested that experiencing criminal justice-related harms was just “part of the lifestyle” for people in this group.

According to our interviewees, this group experienced an array of harms both before and after their time in the custody of the criminal justice system, including:

- unlawful arrests,
- overcharging,
- wrongful convictions

As a result, individuals in this group had a diversity of needs:

- assistance with legal problems,
- medical needs,
- transportation,
- housing,
- finding/maintaining secure housing

Group #2: People who are in the justice system with a violent charge but seen as victim/survivors first, also referred to as “victim defendants,” consists of individuals who are both victims and perpetrators. These individuals were described as being system-involved, but were primarily viewed as victims whose self-defense actions landed them in the criminal legal system as “perpetrators,” with charges against them.

Primarily, the victim-perpetrator group was described as “in crisis” or needing crisis-like services, such as:

- temporary housing/shelter,
- safety,
- transportation,
- legal advocacy, especially as it pertained to their children’s custody

Interviewees noted that this group of individuals are in high need of services, but they are not eligible for many of these services due to their criminal histories and/or current charges. The criminal justice harms and errors that interviewees mentioned this group experienced were those stemming from their inability to access and receive services due to their criminal histories, as well as their inability to get a sense of justice or have their voices “heard” in court, such as:

- not getting “victims’ rights” in court,
- not receiving victims’ compensation,
- not getting a sense of “justice” for victims,
- not hearing victims’ statements or perspectives

Finally, **Group #3: People who were formerly incarcerated** had their own unique challenges. Individuals falling into this group have needs within the system itself (e.g., protection from violence and abuse while incarcerated) but perhaps even more importantly also during their return to society

and throughout post-release. For example, frequently mentioned by our interviewees were needs concerning:

- financial literacy,
- employment readiness,
- access to education,
- access to programs promoting recovery and change,
- eligibility for and securing housing upon reentry,
- transportation

Direct harms stemming from the system itself included:

- acts of violence perpetrated by police and/or correctional officers while in custody
- violent victimization at the hands of other inmates

Sources and Types of System- and Person-Level CJ Harms and Errors

Importantly, many of the interviewees we talked to noted that criminal justice harms are idiosyncratic, meaning they can be felt differently by different people. In terms of system-level sources of criminal justice harms and errors, interviewees noted that the **criminal justice system is an overburdened system** – currently, police agencies and correctional agencies are facing a massive shortage of staff, are having difficulty both recruiting and retaining staff, and this is impacting their ability to prevent and respond to potential harms or errors. Interviewees also noted that **the criminal justice system lacks accountability** in many realms. Specifically, the court system was most often cited as lacking accountability by our interviewees. Experts, advocates, and criminal justice staff noted that courts had the least amount of oversight and transparency when it comes to potential criminal justice harms and errors. Taken together, interviews indicated that the **potential for criminal justice harms and errors are more likely to happen when the system and/or agency is overburdened, lacks accountability and lacks oversight or external reviews.**

Further, interviews suggested that system harms could include both harms of commission (e.g., use of force) or omission (e.g., undercharging or not prosecuting a case when sufficient evidence exists).

Themes from interviews also revealed several individual or person-level sources of criminal justice related harms and errors. First, interviewees noted that **human error** was a cause of criminal justice harms and errors and was likely oftentimes unintentional. These included natural human errors, such as unintentional data entry into the court filing system or failing to file documentation on time. Most interviewees also mentioned a **lack of training** as a reason for criminal justice related harms or errors. Our study also revealed that **criminal justice-related harms and errors can include both direct and indirect forms of harms and errors.** For instance, interviewees identified “direct” forms of harm, including use of force resulting in physical injury to the victim, and noted that some of these forms of harms could be intentional or unintentional. Indirect forms of harm and errors include those of negligence from the experience of system-involvement, such as failing to get access to educational opportunities or job skills opportunities while in custody or due to criminal history status.

Policing Harms and Errors

Interviewees most often cited the following as harms and errors under law enforcement:

- use of force,
- emotional harms that victims can experience simply by interacting with officers,
- not “working the evidence” hard enough on certain types of cases,

- “manufacturing” evidence to “make their case,” for instance, by relying on information from individuals who were not credible (drug users, dealers) or inaccurate or inflated case data
- not submitting/testing sexual assault kits or notifying victims of the test

Courts and Advocacy Harms and Errors

Court-specific harms and errors that were identified by our interviewees included:

- wrongful charges, sentences, and convictions,
- failures of the court to hear victim statements,
- failures to include the victim in the court process
- Undercharging/or not prosecuting a case despite sufficient evidence to do so

Corrections Harms and Errors

Within correctional settings, both criminal justice staff and formerly justice-involved interviewees suggested the following harms and errors:

- the trauma of incarceration and system-involvement,
- experiencing post-traumatic stress disorder symptoms,
- “collateral consequences” of imprisonment – including loss of jobs, potential loss of custody of children, and continued “entanglements” with the system,
- difficulty finding employment and/or not adequately prepared for the skills or networks needed to find employment upon reentry,
- failure to prepare people for higher-paying jobs, and even to connect them with employers who would hire people with felony convictions,
- direct victimization within the criminal justice system – specifically, that incarcerated individuals would victimize other incarcerated individuals

Gaps in the Research and Directions for Future Research

Our research review of potential criminal justice related harms identified some gaps in the existing literature base, including:

- oversight mechanisms for court processes to prevent or respond to CJ harms
- service needs and policy gaps for responding to victim-defendants
- preference from practitioners for oversight boards to prevent or reduce CJ harm

The interviews also uncovered a few types of harm that have received relatively little attention in the research literature, and which thus warrant additional consideration:

- how and why court actors do not prosecute crimes to the fullest extent (especially outside of sexual assault cases),
- how more victims’ rights could be integrated into the court process
- when and why police fail to adequately “work the evidence” for cases
- prohibitive costs of courts and incarceration
- the impact of federal mandates designed to reduce harms (e.g., PREA)

Recommendations for Policy and Improvement

Interviewees had several overall and broad recommendations to improve or prevent criminal justice harms and errors, including:

- better pay and benefits to criminal justice staff and advocates,

- smaller caseloads,
- more mental health resources,
- better recruitment and retention of criminal justice staff,
- more stringent educational requirements for hiring,
- more trauma-informed training and/or evidence-based training

Our findings also highlight the need for **better coordination efforts between the courts and police agencies** specifically and with both systems' connections to criminal justice-adjacent agencies and community services. Interviewees suggested that more could be done to **federally mandate the embrace of evidence-based practices throughout the criminal justice system**. Several interviewees suggested that legislation **like PREA** could be implemented in the courts and policing fields. Some indicated that **police oversight boards and review protocols** serve this role in some way. Similarly, court actors, advocates, and experts agreed that the criminal justice system could **create and implement a “red flag” system for cases that are at-risk of experiencing a CJ harm or error**. In general, most of the interviewees mentioned that **technology** could be better used by the criminal system as a way to potentially reduce or prevent criminal justice harms and errors from occurring.

**Understanding the Needs of and Resources for
Victims of Criminal Justice System-Related Harm***

Kristy Holtfreter, Ph.D., Principal Investigator

Emily Wright, Ph.D., Co-Co-Principal Investigator

Submitted to the National Institute of Justice

December 2024

*Acknowledgements: The authors thank all individuals who provided their time and insights during the course of this research. This project was supported by federal funds from the United States Department of Justice, Office of Justice Programs, National Institute of Justice. Opinions expressed therein are solely those of the authors and do not represent any official positions of the United States Department of Justice.

Table of Contents

| | |
|---|-----------|
| <i>Introduction</i> | 2 |
| <i>Literature Review</i> | 4 |
| Physical, Mental/Emotional, Separation from Others, and Financial Harms | 4 |
| Harm in Policing..... | 7 |
| Harm in Courts..... | 7 |
| Harm in Corrections | 8 |
| Broad System and Societal Implications of Criminal Justice Harms and Errors | 10 |
| <i>Methodology</i> | 11 |
| Sample Characteristics | 13 |
| Interview Themes Coding..... | 16 |
| <i>Results</i> | 18 |
| Types of Victims of Criminal Justice Harms and Errors | 18 |
| Sources and Types of System- and Person-Level CJ Harms and Errors | 24 |
| Policing Harms and Errors | 28 |
| Courts and Advocacy Harms and Errors | 29 |
| Corrections Harms and Errors..... | 31 |
| <i>Discussion</i> | 33 |
| Implications for Future Research..... | 35 |
| Recommendations for Policy and Improvement..... | 37 |

Introduction

Many recent high-profile examples of criminal justice system-related harms (e.g., excessive use of force) have raised public awareness of the problem in the context of policing (Hill et. al, 2020). Community and research-based organizations and advocacy groups have also called attention to errors made in the courts, shedding light on the plight of individuals who have been wrongfully convicted (Bowen, 2024). In carceral settings such as prisons and jails, sexual abuse and victimization of women in custody is just one example of the harms experiences by persons who are incarcerated (Owen, 2022). There is empirical and anecdotal evidence that criminal justice system (CJS) harms have disproportionately impacted people from historically marginalized or otherwise underrepresented groups, compounding the problem (Schwartz & Jahn, 2020). Similar to victimization that occurs outside of the criminal justice system, harm from within the criminal justice system may take a number of forms, including physical, mental/emotional, or financial; note also that these harms are not necessarily mutually exclusive (Golladay & Holtfreter, 2017). But distinct from “traditional” victims, individuals harmed by the criminal justice system may not always identify as victims – or the system also may not view them as “victims” – all which makes locating and treating them especially challenging. And harm itself may have far-reaching effects beyond the event itself, in that public nature of especially egregious acts—which are likely rare and unrepresentative of a typical encounter—contribute to negative perceptions of the police and in turn potentially decrease trust and legitimacy perceptions more broadly.

In policing, harm may occur during a brief interaction (e.g., a traffic stop) between a single citizen and law enforcement officer. Or it may occur on a larger scale that includes community members and/or is publicized by the media, i.e., a sentinel event (Hollway & Grunwald, 2019). Encounters between the police and non-suspects, including individuals who report crime and victimization, may also lead to harm in cases where evidence is mishandled (Morgan, 2023). There is

also documentation of harms in the courts, including wrongful convictions, excessively harsh sanctions, and victims' voices not being heard at trial (Anderson, 2015; Rossmo & Pollock, 2014). And as noted at the outset, persons incarcerated in jails and prison may experience an array of physical, mental, and emotional harms while serving time; for many, harms are exacerbated during reentry to society (Simonds, 2024).

To ultimately reduce harm in the criminal justice system and more effectively address its consequences, a better understanding of the nature of the problem is needed. This goal is somewhat complicated by the fact that the term “harm” in and of itself invokes many different connotations. For instance, criminal justice system-induced harm is typically defined broadly as any negative impact or injury that is the result of actions, policies, or practices (or lack thereof) that occur within the system (Western, 2006). More specifically, this can include both objective and subject forms of harm, either of which may be inflicted directly or indirectly (Howell, 2014). Harm also encompasses acts that are deliberate and intentional (e.g., the physical or sexual victimization of persons who are incarcerated), or the result of human error (e.g., mishandling of evidence). Despite differences in the sources of harm and the different forms of harm experienced, strategies for addressing it may take similar forms (e.g., better quality training). In the current white paper, we seek to understand some of these issues.

This study focuses on understanding the needs of victims of criminal justice system-related harm, with the goal of assisting criminal justice agencies and victim service providers in identifying and treating it. A related overlapping goal is to locate publicly available resources and create an inventory that can be accessed by those same organizations, other researchers, and even those who have experienced harm. Toward that end, we first review the available literature on the needs of victims of criminal justice system-related harm. Using a mixed methods research design, we also conduct a series of semi-structured interviews with relevant

stakeholders, including criminal justice experts, victim advocates and service providers, employees working in policing, courts, and corrections, and individuals formerly involved in the justice system. We then draw on prior research and study results to provide recommendations for future research and for practice. We also undertake a comprehensive review of national level resources and present this information in an inventory (see **Appendix 1. Inventory of Training, Technical Assistance, Resources, and Tools**).

Literature Review

When one uses the term “harm” in the context of the criminal justice system, it is important to distinguish between instances of system error, failure (e.g., untested rape kit), and that which is inflicted intentionally (e.g. by staff or others in custody). There are widely known examples of “objective” harm, such as wrongful convictions, but other harms can be differentially experienced due to both individual level and situational contexts, including youth growing up in a high crime area. In the sections that follow, we describe some of the harms documented in prior research. As described in our methods and results, this study also seeks to understand harms documented by anecdotes provided in our interviews with four stakeholder groups: academic experts, criminal justice system employees, formerly justice-involved persons, and victim advocates/service providers.

Physical, Mental/Emotional, Separation from Others, and Financial Harms

Important to the current study, justice-involved populations are at higher risk than non-justice-involved populations to experience a range of serious victimization types, experience multiple forms of victimization across their lifetimes, and be at-risk of experiencing forms of victimization and harm as a result of their involvement with the system (e.g., Radatz & Wright, 2017; Western, 2006). For instance, physical harm experienced in the criminal justice system make take the form of violence, injury, or abuse, including at the hands of employees or others in custody (Kubiak et al.,

2018; Meade et. al., 2021). Estimates on this form of harm vary, depending on the context in which they occur (among other factors).

Further, such victimization can impact behavioral outcomes as well as mental health and emotional outcomes, including PTSD, depression, fear, and loss of one's sense of safety and security. Experiencing physical violence can leave victims with a persistent feeling of concern, worry, fear that the event will happen again, or recurrent memories of the traumatic event. Symptoms of post-traumatic stress disorder (PTSD) are widely cited as both short and long-term consequences of victimization (MacMillian, 2000). Victimization can also lead to depression and internalizing problems, such as mental illness, and promote maladaptive coping mechanisms like substance use (e.g., Felitti et al., 1998; DeHart et al., 2014). In general, more victimization is more detrimental. "Polyvictims" (Finkelhor, Ormrod, & Turner 2007), or people experiencing multiple types of abuse and victimization, may, in fact, be at the highest risk for experiencing short- and long-term mental health problems. Ford et al. (2010) reported that, among a national sample of adolescents, polyvictims were more likely to meet criteria for psychiatric disorders and had double the risk of depression, triple the risk of PTSD, three to five times the risk of substance abuse, and five to eight times increased risk of comorbid disorders than nonpolyvictims. Important to emphasize is that justice-involved populations are at higher risk than non-justice-involved populations to experience a range of victimization types and to be polyvictims (Radatz & Wright, 2017).

Additionally, the more traumatic the victimization, the more serious or detrimental the emotional and mental consequence may be. Rape, for example, may elicit unique mental health and emotional outcomes at particularly high rates. For example, Campbell et al. (2009) reported that up to 65% of rape victims develop PTSD and up to 51% meet the criteria for depression in the aftermath of the trauma. Studies indicate that sexual assault trauma can have both short-term and long-term effects with victims suffering negative mental health symptoms for weeks, months, and

even years after the assault (e.g., Campbell et al., 2009). Victimization in general, and especially traumatic, cumulative, or chronic victimization can enhance the feelings of fear, anxiety, and loss of one's sense of security and safety – all of which are associated with detrimental mental health and emotional outcomes.

Being separated from one's children, family, or loved ones can also be harmful and emotionally detrimental. Connections with others may reduce criminal behavior by providing social support, building social capital, intrinsically motivating, and altering one's opportunities for crime (Wright et al., 2013). Relationships that carry with them positive emotional connections, such as love or affection, can arouse changes in individuals' self-perceptions and evoke more optimistic definitions of themselves (Giordano et al., 2007). In these ways, connections with children, family, and loved ones may provide incentive for justice-involved people to turn away from criminal lifestyles (Wright et al., 2013). The opposite also holds true, where the loss of connections with children, family members, and other prosocial people – through incarceration or loss of custody, and so forth – can be detrimental to individuals' emotional wellbeing. In fact, both men and women report that separation from children while in institutional custody is one of the most painful aspects of incarceration (Arditti & Few 2008; Loper et al. 2009; Magaletta & Herbst 2001).

There is also considerable documentation on the financial costs of being involved in the criminal justice system. This includes costs associated with a court case, including hiring and paying a private attorney (if relevant), various fines and fees throughout the system, and loss of income due to being incarcerated in jail or prison. For example, the process of successful re-entry is often marked by financial hurdles associated with obtaining affordable housing, securing reliable transportation, and continued legal troubles (Sebelius & Frist, 2023; Strong-Jones et al., 2024). Financial harm also impacts those who have been system-involved as victims, due to loss of income from missed days of

work and lack of compensation (Golladay & Holtfreter, 2017). We elaborate on different types of harms across policing, courts, and corrections, in more detail in the remainder of this report.

Harm in Policing

Recent high-profile incidents in policing have put harm in this context at the forefront of academic and policy concerns (Hill et. al., 2020). Anecdotal and empirical examples abound in the available literature and media accounts, taking the form of biased stops and harassment (Beckett, 2016), to more serious instances of wrongful arrests and detention, unnecessary or excessive force (Hickman et. al., 2021; United States Department of Justice, 2024). Although less common, deaths in custody reflect the most severe form of harm in policing. In addition to harm that impacts justice-involved persons, those who report victimization and/or who may be considered victim-defendants may also be harmed through the course of their interactions with police. And there is at least some evidence that certain demographic segments of the population (e.g., women) are differentially disadvantaged by policies such as dual arrest in domestic violence cases (Durfee & Fetzer, 2014; Hirschel et. al., 2021; Poon et. Al., 2014). Compared to individuals who are considered “traditional” (i.e., non-system involved) victims, those who fall into the victim-defendant category tend to receive differential treatment (Stolzenberg et. al., 2022). Sexual assault victims, in particular, often experience harm above and beyond the victimization itself, in that evidence is mishandled or untested, or Sexual Assault Kits (SAK) are backlogged, resulting in a lack of justice (Campbell & Fehler-Cabral, 2018; Campbell et al., 2017; Richards et al., 2024; Spohn & Tellis, 2019, 2012). Victims of sexual assault may also suffer additional trauma in situations where they are not notified by police in a timely manner (Richards et al., 2024).

Harm in Courts

Harm in the context of the court system may take multiple forms, but the most commonly reported forms appear to stem from the fact that many justice-involved individuals are indigent and therefore rely on court-appointed attorneys. Because these public defender caseloads are often large,

those from poor socioeconomic backgrounds do not receive the same quality of legal representation as their more advantaged counterparts. What is more, the court system is complex and difficult to navigate, even among the more experienced justice-involved clients. Compounding these matters are policies that further disadvantage indigent defendants, such as excessive bail requirements, court fines, and fees. And while such financial harms are in and of themselves challenging to overcome, additional policy circumstances—such as extremely harsh sentences like life without the possibility of parole—create a perfect storm for a lifetime of harm. Ultimately, these circumstances may result in social, emotional, and economic harm as the result of a wrongful conviction (Johnson et. al., 2021; Spohn et. al., 2022). For example, there is considerable evidence that those who are wrongfully convicted experience PTSD symptomology at a higher rate than other incarcerated persons and relative to the general population. Additionally, they may also develop maladaptive coping responses to the traumatic experience of incarceration (Legner, 2022). Some have even compared the lingering trauma and “fight or flight response” felt by wrongfully convicted individuals even after their exoneration as akin to the experiences of military combat veterans.

Harm in Corrections

Experiencing harm during incarceration can be especially damaging when it occurs in prison because those incarcerated have limited access to medical care and counseling, and because the unique structure of prison (e.g., limited autonomy, privacy, and freedom) may exacerbate the psychological effects of victimization (Owen, Wells, Pollock, Muscat, & Torres, 2008). Victimization can include physical and sexual violence and abuse, as well as property crimes (e.g., theft) during incarceration, and scholars note that victimization rates among the prison population are 5-6 times greater than victimization levels seen in the general population (Caravaca-Sanchez et al., 2023). Most of the literature in this area has focused on the physical and sexual violence that incarcerated individuals experience, either from other incarcerated individuals or from correctional staff. Sexual

victimization in prison has negative psychological effects on incarcerated individuals, such as anxiety, depression, post-traumatic stress disorder (PTSD), rape trauma syndrome, suicide ideation and other health-related concerns (e.g., Beck, 2012; Boxer, Middlemass, & Delorenzo, 2009; Dumond & Dumond, 2002; Human Rights Watch, 2001; Steiner et al., 2017). Moreover, the high rates of HIV and other sexually transmitted diseases in prison put victims of sexual assault at risk for infection (Dumond, 2003; HRW, 2001). All these problems may influence the functioning and wellbeing of the institution, both of which are a priority for prison administrators.

Growing awareness of these issues led to the passage of the Prison Rape Elimination Act in 2003, which was aimed at reducing sexual assaults and misconducts in prisons (BJS, 2004; Dumond, 2003). The Prison Rape Elimination Act (PREA) prohibits and seeks to eliminate sexual assaults and sexual misconduct, including “(1) inmate-on-inmate sexual abuse, (2) inmate-on-inmate sexual harassment, (3) staff-on-inmate sexual abuse, and (4) staff-on-inmate sexual harassment, in correctional institutions” (United States Department of Justice, 2012). Per PREA standards, all federally funded correctional facilities (federal prisons, state prisons, local jails, community corrections, lock-ups, juvenile detention centers) must investigate every claim of sexual assault or harassment, they must file a PREA Incident Report, they must offer to transport an inmate to a medical facility, if needed, they must offer an inmate the option to speak to a victim advocate, if desired, and they must provide inmates with the opportunity, if they feel comfortable, to speak to the law enforcement officer(s) that will investigate the claim (USDOJ, 2012).

Despite the focus on sexual victimization during incarceration, and PREA standards, research indicates that most of the victimization experienced during incarceration is physical, with the most recent meta-analysis on this suggesting that approximately 18% of incarcerated people experience physical violence while incarcerated, and 12% experience sexual violence (Caravaca-Sanchez et al., 2023). Rates differ by sex, too – males experience slightly lower levels of both than women (18%

and 9% of males experience physical violence and sexual violence, respectively, while 20% and 15% of females experience physical and sexual violence, respectively). Beck and Johnson (2012) reported that most physical and sexual violence against incarcerated people is perpetrated by other residents who are incarcerated rather than correctional staff. These victims were also likely to be physically injured as a result of the nonconsensual sexual violence.

Victimization among those who are incarcerated is also higher among those who have further vulnerabilities – such as mental disorder, substance abuse, and so forth. Wolff, Blitz, and Shi (2007) reported that incarcerated individuals with any mental disorder were significantly more likely to experience sexual victimization, abusive sexual contact, and nonconsensual sex act(s) from other incarcerated individuals than those who did not have mental disorders. Similarly, they were also more likely to experience sexual victimization from correctional staff than those without mental disorders. Rates of sexual victimization that mentally disordered incarcerated individuals experienced from other incarcerated individuals were over 3 times what they experienced from staff (Wolff, Blitz, et al., 2007). Similarly, Teasdale et al. (2016) reported that individuals with drug and alcohol problems were also more likely to be victimized during incarceration. Other vulnerabilities that may put individuals at-risk of victimization during incarceration include having experienced prior victimization, being Black or Native American (racial minority), and being younger (McNeely, 2022).

Broad System and Societal Implications of Criminal Justice Harms and Errors

The above experiences can also lead to decreased perceptions of police legitimacy and more broadly, to diminished trust in government institutions. For instance, scholars have found that individuals whose interaction with the CJS (or system actors) were seen as “fair” appear to be less likely to continue offending, compared to individuals who perceive their interaction or sanction as unfair or stigmatizing (e.g., Bouffard & Piquero, 2010). Additionally, individuals who perceive their

interactions with the system to be unfair or stigmatizing may also be more likely to behave defiantly with CJ actors, such as the police, in future encounters (e.g., Piquero & Bouffard, 2003).

Moreover, involvement in the justice system appears to have “collateral consequences” (Western, 2006) for many aspects of one’s life: being incarcerated in jails and prisons has been associated with poorer life circumstances including poor health, low employability, difficulty finding and securing stable housing, family instability, among others (see e.g., Clear, 2007; LaVigne et al., 2009; Western, 2006). In fact, LaVigne et al. (2009) found that males and females released from incarceration were unable to regain their levels of employment prior to going to prison (e.g., 58% of women were employed prior to incarceration, but only 34% remained employed 8 months after reentry; the same pattern applied to men as well). Perhaps sensing this, incarcerated populations often cite the need for more job training while incarcerated, as well as the need to understand how to apply for and receive financial support and housing support upon reentry (LaVigne et al., 2009). Western’s work notes the importance of such services upon release as vital to people’s success upon reentry into the community. Often times, however, institutions cite the priorities of maintaining an overall safe and secure institution before prioritizing reentry programming and services. This is why, in many ways, the U.S. criminal justice system has prioritized punishment over rehabilitation (Currie, 2013).

Methodology

In the summer of 2024, researchers developed a semi-structured interview instrument based on extant research and input from other social science researchers with expertise in policing, courts, corrections, and other areas relevant to the project goals (e.g., evaluation research, mixed methods, and trauma-informed practices). This component of the study was meant to supplement the material obtained and evaluated in the literature review above, and in the inventory of resources provided in **Appendix 1**. The interview instrument focused on broad areas outlined by the United States Office

of Justice Programs in their Request for Proposals (RFP) for this project, and their subsequent engagement with the Principal Investigator (PI) and Co-Principal Investigator (Co-PI). Two of the academic stakeholders (with expertise in policing and in justice-involved women and girls, respectively) also offered guidance on wording of recruitment script(s) for the other stakeholder groups, and on the questions for the other groups. The instrument included five broad areas with subsets of approximately twenty questions posed to the **four distinct stakeholder subgroups: academic experts, criminal justice system employees, victim advocates/service providers, and formerly justice-involved persons**. However, the instrument was modified to also address areas of interest unique to each subgroup (see **Appendix 10** for Interview Questions for Criminal Justice Professionals, Experts, Advocates, and Formerly System-Involved Individuals). The study was reviewed by a university-based Institutional Review Board (IRB), who approved the study methods, including recruitment scripts, consent forms, and interview instruments. Following IRB guidance, we did not specifically ask participants to report sociodemographic characteristics, but several voluntarily shared this information and/or it was either publicly available or already known to the researchers. Per NIJ rules, participants did not receive any form of compensation for interviews.

The members of one stakeholder subgroup—academic experts—were identified prior to the start of the study; these individuals all wrote letters of support for the PI and Co-PI’s application to NIJ. In their letters, academic experts stated their areas of expertise and agreed to be interviewed if the project received funding. Additionally, they also agreed to help the researchers identify members of two other subgroups: criminal justice system employees, and victim advocates/service providers. To identify possible subjects from the other stakeholder groups for inclusion in the study, the PI and Co-PI engaged in a comprehensive search strategy. This included seeking out contacts from within their own professional networks either to participate in the study and/or suggest other

participants, a detailed search of agency websites and social media, including public Facebook accounts tagged with keywords related to the project (e.g., #WrongfullyConvicted, #ReEntry, #Prison, #PoliceOfficer, among others). A total of 24 individuals were identified through the previously described methods and were invited to participate via email. Most (21) responded to emails and 17 agreed to participate. Two of the 17 who responded and initially agreed to participate ultimately could not be scheduled for an interview.

Coupled with the 5 pre-identified individuals, the purposive sampling strategy and subsequent invitations resulted in a **total of 20 stakeholders** available for interview, distributed across the following subgroups: **Academic experts (n = 5), Criminal justice system employees, including policing, courts, and corrections (n = 6), individuals with prior justice involvement, including in local, state, and federal systems (n = 5), and Advocates/service providers for victims and/or justice-involved persons (n = 4).** All individuals provided verbal consent to participate in the study under the condition that their personal details would be kept confidential to the researchers. Nearly all stakeholders (19/20) were interviewed on Zoom in July and August of 2024, with interviews lasting between 60-120 minutes (90 minutes on average). One individual who did not have a reliable Internet connection was interviewed via phone. Interviews were not recorded per IRB guidelines, but the investigators took detailed notes which were later typed, reviewed, coded, and discussed to identify themes. Before proceeding to our results, additional information on the members of each subgroup is briefly presented (see also **Appendix 2. Interviewee Characteristics and Life Experiences**).

Sample Characteristics

Academic Experts

Four of the five individuals in this stakeholder group held Ph.D. degrees. Most (4) of the experts were female and the one was male; all were White, non-Hispanic. Together, they had considerable

research and practical experience in areas related to the project goals, including policing, courts, and corrections, with specialized foci including sexual assault victimization, police-citizen interactions, judicial decision-making, and justice-involved women and girls (among others). Years of experience ranged from 15 to over 40. Three of the experts were currently employed as tenured faculty members in universities, and one had recently retired from a tenured faculty position at a university. The other expert owned a private consulting firm and had over 30 years of experience working in and alongside state and federal agencies, including corrections. Through the consulting business, this expert regularly came into contact with correctional facilities and correctional administrators, particularly those responsible for incarcerating women. All experts spent good parts of their careers engaged in research with criminal justice agencies.

Criminal Justice System Employees

The stakeholders comprising this group were currently or formerly employed in criminal justice system agencies, distributed as follows: policing (2), corrections (2), and courts (2); 50% female; 50% male. This group had extensive experience working in the criminal justice system, ranging from 15 years to over 40 years. Both individuals in the policing category previously or currently held high ranking administrative positions, including Deputy Chief and Chief, and one also had experience leading police research centers. Within corrections, one individual was employed in the community (i.e., probation and parole) while another held an administrative position in a large juvenile correctional facility. Experiences and positions of the court employees included an Assistant state-level Attorney General who had also worked as a public defender, and an administrator responsible for the coordination of pre-trial services. Hispanic and White ethnicities were represented in this group. Individuals were located in suburbs, rural communities, and large urban jurisdictions, and their past experiences included working in five American states as well as in the United Kingdom.

Individuals with Prior Justice System Involvement

Individuals in this stakeholder group had previously been incarcerated in state, federal, and/or local correctional facilities, serving sentences ranging from 90 days in municipal jail to 26 years in federal prison. Some were involved with the criminal justice system dating back to pre-adolescence (i.e., approximately age 7), while others' involvement began as teenagers or adults. The individuals had previously served time for a variety of offenses, such as felony possession and/or distribution of illegal drugs (including cocaine, methamphetamine, heroin, marijuana) under the influence of alcohol and/or drugs, assault, evading police, associating with gang members, investment fraud, insider trading, and perjury. In terms of demographics, 4 of the 5 were male and one was female. Racial and ethnic background represented in this group included American Indian, Black, Hispanic, and White. Four of the five stated that they were parents.

All individuals in this group reported experiencing some form of harm during their interactions with criminal justice system employees, including prior to, during, and post-incarceration, including the reentry process and/or while on supervised release. One individual reported numerous instances where law enforcement had engaged in excessive and/or unnecessary uses of force; these experiences happened directly as well as by observation of encounters between family and the police. The most serious form of pre-incarceration harm reported by any participant was a gunshot injury by police who were attempting to pull over the suspect. In other instances, participants reported prosecutors withholding evidence at trial, being the subject of warrantless searches, and alleged eyewitnesses providing false testimony. During incarceration, subjects reported experiencing and/or witnessing violence by other incarcerated individuals. They also reported experiences of harm by "sadistic" or cruel correctional officers, and less serious forms of harm such as unfair treatment. Additionally, they spoke about numerous barriers in place at reentry such as difficulties obtaining educational programming and/or making connections to legitimate employers in preparation for release. Collectively, these stakeholders experienced shame brought on by the mark

of a criminal conviction, and financial harms for this same reason. They also stated that relationships with family were strained due to their incarceration; one individual's spouse divorced them during this period. These experiences and other input from formerly justice-involved persons helped to guide our identification of themes presented below.

Advocates/Service Providers for Victims and/or Justice-Involved Persons

Four individuals were interviewed for this stakeholder subgroup. Two of the four worked for the same organization (a national advocacy group for justice-involved persons operating out of public defenders' offices) but were located in different states and did not know each other. One of these advocates specialized in Indigenous populations in a rural area, while the other served the general population. Another interviewee worked in an administrative position for a WYCA-sponsored community organization that specialized in assisting justice-involved persons who had also experienced victimization; this individual had a particular focus on working with racial and ethnic minority women and their children. The fourth interviewee was the supervisor of a team of court appointed victim advocates in an urban area. Work experience within this group ranged from 3 years to over 30 years. One of the interviewees self-reported also being previously involved in the criminal justice system due to an incident where police were asked to intervene in a family matter; this individual was jailed as a result of the jurisdiction's mandatory arrest policy for family violence cases. Three of the four interviewees were female and one was male. One stated that their racial identity (Black) had been an important factor in shaping interactions with clients and the system. Please see **Appendix 2. Interviewee Characteristics and Life Experiences** for an overview.

Interview Themes Coding

As noted above, both investigators took detailed notes during the interviews. Over 100 pages of single-spaced, typed notes were produced and then subsequently made available to each researcher who independently coded them for themes covering the broad areas contained within the interview

instrument and the overall goals of the project (e.g., types of harm and needs, available resources and services, what the system does well and how it could be improved). Throughout the coding process, the researchers also met to discuss emerging themes and if needed, to go back to notes and revise coding. This process loosely followed the recommendations of Braun and Clarke (2022) for conducting a thematic analysis. In all, there was a substantial amount of consistency and overlap in the coding, due at least in part to similar sentiments expressed across all four of the stakeholder subgroups.

Several themes emerged, resulting in our identification of three broad groups of individuals who experience harm within the criminal justice system, and their identified risks and needs. Specifically, Group 1 includes those who are not currently in custody, but nonetheless have significant needs, especially around mental health and substance abuse that put them into contact with the system. Group 2 consists of individuals who are both victims and perpetrators, with system involvement that includes a violent charge but are viewed as victims/survivors first. Finally, Group 3 is comprised of formerly incarcerated individuals; this category has their own unique challenges. A common thread for all three groups is that almost all individuals who experience criminal justice system error and/or failure are assumed to have had more than one encounter with the system (e.g., they may even be labeled “repeat” or “persistent” offenders, or have come into contact with criminal justice officials as both a victim and perpetrator). The main exceptions to this were the “traditional” victims who were mentioned by some interviewees as experiencing criminal justice error or failure because their sexual assault kit was lost or not tested by CJ actors, and the acknowledgement (but limited discussion) about how traumatic, scary, or intimidating initial contacts with law enforcement can be for people who rarely interact with officers. Most interviewees indicated that both types of victims were seen and treated by the CJS as “traditional” victims primarily because they did not have multiple entanglements with law

enforcement or the legal system. *These exceptions aside, it became apparent that when asking about criminal justice system harms, we are really referring to people who have a history of system involvement.* See **Appendix 3**.

Overall Themes for an overview of the broad themes from our interviewees.

Results

Types of Victims of Criminal Justice Harms and Errors

Group 1: People out of custody with substance use and mental health problems considered to be exacerbating factors.

The first group revealed through our interviews and subsequent coding of themes we label *People out of custody with substance use and mental health problems*. Individuals falling into this group are economically and socially marginalized. Although they are not currently in the custody of the criminal justice system, they have a history of repeat interactions with the system. Common experiences that bring them into contact with the system and/or system-adjacent organizations include but are not limited to struggles with mental health, significant and largely untreated substance abuse, and homelessness. Simply put, of the three groups that emerged in our analyses, this category may alternatively be described as “in dire straits” and thus appears to have the highest need for assistance and/or intervention.

Through our interviews and in light of the extant literature, it is abundantly clear that individuals in this group are not easily identified as in need, and may not often come to the attention of social service agencies who are best equipped to help them. First and foremost, due to what is often a significant history of social and economic marginalization (e.g., growing up in disadvantaged neighborhoods and with numerous adversities), these individuals typically do not see themselves as “victims” in need of any services. Rather, as several interviewees described, criminal justice system involvement for this group often begins at an early age, either directly or as a witness to family members’ encounters. Substance use, mental health, and/or family dysfunction or violence may initiate their contact with the criminal justice system. For this group, violence is commonly seen as a

means of settling disputes and is therefore normalized as a way of life (as opposed to being a rare act that would involve reporting to a legal authority). Similarly, **harm at the hands of the justice system is also viewed as “normal” i.e., a consequence of disadvantaged circumstances.** In other words, this group typically does not self-identify as victims but rather sees harm (e.g., unnecessary force inflicted by law enforcements) as a part of what happens in their communities. Such types of harm were mentioned by interviewees in our justice-involved stakeholder group as well as by CJ staff; the latter reported that harm was rarely described as such even years later when it came up in therapy sessions or other interactions with staff while incarcerated. It is therefore critical for CJ staff to have trauma-informed training that helps them better recognize and respond to the needs of this group.

Once this group does become officially involved in the criminal justice system, they continue to experience difficulties. Navigating the system through standard procedures such as securing legal counsel and addressing mental health needs and/or other established risk factors such as untreated substance abuse proves to be especially challenging. Interviewees reported that those falling into this category typically do not get the services they need because of their criminal involvement as well as those falling on the civil side who are not in custody. What was especially evident about this group—which appears to include equal percentages of men and women but is more likely to be racially or ethnically minoritized—is that their [prior] criminal justice system involvement continues to have an impact even at times of their lives when they are not in custody. What was also apparent from our discussions with stakeholders is that this group does receive increased access to needed services—including protection and mental health treatment, including prescribed medication—if and when they are in custody. As one criminal justice system staff member stated, “They can connect with an ombudsman, are protected by PREA, have access to legal advocates and public

defenders, and other necessary protections when they are incarcerated. **It is when they are back on the streets where continued problems occur.”**

According to our interviewees, this group experienced an array of harms both before and after their time in the custody of the criminal justice system. Within the system itself, this included but was not limited to **unlawful arrests, overcharging, and at the extreme end of the continuum, wrongful convictions**. As a result, individuals in this group had a diversity of needs. First and foremost, **assistance with legal problems** was prominently mentioned, e.g., how to find an attorney and navigate the criminal justice system. **Medical needs** were also common among individuals in this group, due to pre-existing conditions and/or as a result of experiencing physical, mental, or emotional harm. Following their release from incarceration, individuals in this group continued to experience a host of needs. Chief among these was **transportation**, or lack thereof. In rural areas in particular, interviewees reported that it was challenging for formerly justice-involved persons to access reliable and affordable public transportation related to their ongoing cases (e.g., meetings with parole officers) as well as more generally, including in the course of **finding and/or maintaining legitimate employment**. Needs around **housing** were also an issue for individuals in this particular group. In many instances, laws banned those with a criminal conviction from obtaining housing. And as noted at the outset, homelessness was not uncommon among this group.

Group #2: People who are in the justice system with a violent charge but seen as victim/ survivors first, also referred to as “victim-defendants”

The second group we uncovered from our interviews was that of “victim-defendants” or “victim-perpetrators.” These individuals were described as being **system-involved, but were primarily viewed as victims whose self-defense actions landed them in the criminal legal system as “perpetrators,” with charges against them**. Many of our interviewees suggested these individuals were primarily women who were the victims of domestic/intimate partner violence from

their partners or family members. Much akin to Daly's (1992) "harmed and harming" women, they were described as victims who have current charges against them or may have had prior charges and criminal legal involvement, primarily because they had used violence against their partner. Their criminal legal troubles were most often described in the context of a problematic interpersonal relationship, or other types of relationships (e.g., with family members).

Primarily, the victim-perpetrator group was described as "in crisis" or **needing crisis-like services, such as temporary housing/shelter, safe housing, transportation, and some legal advocacy, especially as it pertained to their children's custody**. Interviewees noted that this group of individuals are in high need of services, but they are not eligible for many of these services due to their criminal histories and/or current charges.

The **criminal justice harms and errors that interviewees mentioned this group experienced were those stemming from their inability to access and receive services due to their criminal histories, as well as their inability to get a sense of justice or have their voices "heard" in court**. For instance, interviewees suggested that the victim-perpetrators were unable to receive secure, or temporary housing because the community-based organizations that offered these services were unable to serve people with open charges or felony convictions. Additionally, interviewees noted that many of the court-related services that would be available to "typical" victims (those without a criminal history or current charge against them), such as access to a court advocate who could provide transportation, legal explanations, ensure that they have a victim impact statement submitted to the court (if they chose), or get access to victim's compensation if they are eligible. Because of this, these victim-perpetrators were not able to have their perspective "heard" as part of the sentencing process, nor were they eligible for victim's compensation. Additionally, some interviewees noted that these individuals were less likely to have a sense of "justice" served, especially if they were being punished for their own self-defense.

The interviewees had **several recommendations** for improvement to reduce or prevent criminal justice related harms and errors for the victim-defendant group. First, several of the victim advocates and criminal justice staff noted that community-based organizations are unable to provide some of the needed services for this group because their funding parameters deny services to justice-involved individuals – whether they have criminal histories such as felony convictions, or currently have charges pending against them. This means that if the victim-defendants need safe, temporary housing, they are unable to access these through the community-based organizations. **Interviewees suggested that the victim-defendants would benefit from some sort of advocate with whom they could liaison to access services, who would not be limited by funding parameters.** Currently, however, community-based advocates are unable to provide services to victim-defendants due to their funding limitations. Further, court-based advocates are unable to do so because the victim-defendant is seen as a perpetrator in the court system, thus causing a conflict of interest.

Interviewees suggested a second recommendation, which was to **develop a “red flag” system in the courts which could identify cases that are “at risk” for having a victim-defendant who needs services or who may be at-risk of not having their “voice heard” in the court process.** Interviewees noted that, generally, the court actors have a good idea of the cases that are likely to have victim-defendants involved (they cited specifically domestic violence cases with dual perpetrators, where both partners having charges against them), and said that having some sort of “flag system” would help other court actors – such as prosecutors and judges – understand that the victim-defendant’s case may need to be assessed differently or uniquely. Interviewees noted that, aside from the needed services, these individuals may be most at-risk for not being able to “tell their story” in the court process, risking experiencing another criminal justice harm or error.

Finally, interviewees suggested a policy that allowed a **social worker or victim advocate to respond to the scene alongside law enforcement officers.** One practitioner noted that we “ask

too much” of law enforcement officers who respond to the scene, for instance, in domestic violence cases, when they have to determine the primary aggressor or understand the dynamics of complicated violent relationships. They noted that law enforcement officers are not adequately trained to identify people who are primarily victims, and would benefit from someone else more appropriately trained for this sort of dynamic.

Group 3: People who were formerly incarcerated

Individuals falling into this group have needs within the system itself (e.g., protection from violence and abuse while incarcerated) but perhaps even more importantly also during their return to society and throughout post-release. For example, **needs concerning financial literacy, employment readiness, and access to education** were all frequently mentioned by our interviewees. It was a common statement that state and federal prisons did little to address these needs beyond the most basic forms of programming (e.g., to obtain a GED). Indeed, some interviewees noted that despite motivation to obtain education while incarcerated, there were system barriers in place that made it especially challenging. Similarly, the dearth of programs to keep up with the outside demand of the workforce were also reported as problematic. As one formerly justice-involved participant described it, “The world moves on, but prison stays the same.” This individual and others in our sample commented that many industries in need of employees (e.g., especially those dealing with technology) could make better use of the prison workforce, and also be more closely involved with correctional agencies in potentially training and recruiting individuals who could then be hired upon release.

It was evident from our discussions with interviewees as well as the extant scholarly literature on re-entry that formerly incarcerated populations have experienced considerable harm. **Direct harms stemming from the system itself included acts of violence perpetrated by police and/or correctional officers while in custody.** Unlike those who have less significant criminal histories,

the formerly incarcerated tended to also **experience a higher rate of violent victimization at the hands of other inmates**. These experiences were often not viewed as harming at the time, but rather part of the overall nature of being incarcerated. One formerly incarcerated interviewee illustrated this notion by sharing stories from his sentences in a state correctional facility, which included racially segregated instances of violence that were often ignored by correctional officers. Advocates in particular spoke of the importance of correctional agencies working to better address the needs of this group, both in terms of basic protections from violence to more broad reaching efforts to help inmates progress through the system (e.g., **programs promoting recovery and change**).

Re-entry overall seemed to be perceived as an area in need of considerable improvement. As one former federal inmate noted, “the sentence should be the punishment and it should end there, yet we keep getting punished when we are back out in society.” When asked to elaborate, this individual noted that housing and residency requirements (or restrictions) along with what was perceived to be excessive fines made the process of **renting an affordable apartment extremely difficult**. Related to this, many assets were sold during this person’s term of incarceration, to help compensate defrauded victims. This included a vehicle, which created **transportation hardships** upon release. Upon release, navigating public transportation was initially difficult, but this individual adjusted to the reality and the experience was made somewhat easier through the course of finding housing with a family friend.

Sources and Types of System- and Person-Level CJ Harms and Errors

This study identified several overarching themes about criminal justice harms and errors (see **Appendix 3. Overall Themes**). First, we found that harms are idiosyncratic and come from both system-level and individual-level sources – for instance that the justice system is overburdened and can lack accountability for the harms or errors it causes, but that there is some degree of “human

error” that is inevitable as well. We also learned that harms can be prevented or reduced, and the system can better respond to harms and errors by expanded oversight and review processes, increasing transparency, and expanding services to potential victims of criminal justice harms and errors. We detail these themes below.

First, many of the interviewees we talked to noted that **criminal justice harms are idiosyncratic**, meaning they can be felt differently by different people. There was some acknowledgement among interviewees that there may be an expectation among people who are most at-risk for experiencing criminal justice harms and errors that these “come with the territory” of being system-involved in the first place. For instance, interviewees suggested that people most at-risk to experience these harms have likely been involved with the system previously, either via frequent arrests and/or incarcerations.

Themes from interviewees revealed **criminal justice system-level sources of harms and errors**. Please see **Appendix 4. System-Level Harms and Errors** for an overview of the themes that emerged in this regard during the interviews. Interviewees noted that the **criminal justice system is an overburdened system** – currently, police agencies and correctional agencies are facing a massive shortage of staff, are having difficulty both recruiting and retaining staff, and this is **impacting their ability to prevent and respond to potential harms or errors**. For instance, two of the experts noted that when an agency only has enough staff to run the agency (e.g., a correctional institution or a police shift), the staff are in “survival” mode and not able to take time to attend extra trainings or booster trainings. These trainings may have been important to reduce possible system harms and errors, such as trainings on use of force, the impact of trauma on people’s behavior, and so forth. One noted that, in fact, short staffing in a correctional institution could *increase* the harms and errors that occur – for instance, if an institution has to close a wing or shutdown programming because there are not enough staff to maintain either one safely and securely. In this case, incarcerated

persons may not receive the programming they want or need, or locations at the facility (e.g., recreation rooms, special housing units) may become unavailable to them. The same could be true for understaffing in law enforcement and advocacy, where officers and advocates cannot attend to all of the calls for services that are needed.

Interviewees also noted that **the criminal justice system lacks accountability** in many realms. Specifically, *the court system was most often cited as lacking accountability* by our interviewees. Experts, advocates, and criminal justice staff noted that courts had the least amount of oversight and transparency when it comes to potential criminal justice harms and errors. Aside from higher courts' ability to overturn lower courts' decisions, interviewees noted that no oversight boards or review boards exist to identify court cases where harms or errors may have occurred, to "right the wrongs" of the court. The court-related harms and errors mentioned in our interviews, as noted above, included wrongful charges, sentences, convictions, as well as not hearing victim statements, and not moving forward to prosecute a case especially when there was sufficient evidence to do so. Interviewees noted that without transparency on decisions – for instance, regarding why a case was not fully prosecuted – or oversight or review boards, the decisions of court actors are largely shielded and unknown. Numerous interviewees noted, however, that police tend to have the most transparency and most oversight of the systems (courts, policing, corrections, advocacy) we studied. They suggested that external review boards – outside of the agency under investigation – would be a significant step in the right direction for reducing the harms and errors of that agency. Taken together, interviews indicated that **the potential for criminal justice harms and errors are more likely to happen when the system and/or agency is overburdened, lacks accountability and lacks oversight or external reviews.**

Themes from interviews also revealed **several individual or person-level sources of criminal justice related harms and errors**. First, they noted that **human error** was a cause of criminal

justice harms and errors and was likely oftentimes unintentional. These included natural human errors, such as unintentional data entry into the court filing system, or failing to file documentation on time. They also included errors that may arise from biases – unconscious or otherwise – which could influence a staff member’s reaction to a criminal event (e.g., if a police officer responds with undue force) or responsibility (e.g., a prosecutor being unwilling to prosecute a sexual violence case because they perceive the victim as unworthy or uncooperative). Certainly, most interviewees mentioned a **lack of training** as a reason for criminal justice related harms or errors. Most mentioned that response agents, particularly law enforcement and correctional officers, would benefit from more trauma-informed training so that they better understand why and how past trauma can impact people’s current actions and behaviors. Many noted that officers tend to have a lot of training on trauma, but tend not to understand why trauma can influence people’s reactions to events, accounts of events, and willingness to partake in the criminal justice process *today*. They also noted that criminal justice staff – including police, correctional officials, advocates, and court staff – would likely benefit from trainings regarding what criminal justice-related harms and errors were, how they occurred, and how they could be prevented in their agency or organization.

Our study also revealed that **criminal justice-related harms and errors can include both direct and indirect forms of harms and errors**. For instance, interviewees identified “direct” forms of harm, including use of force resulting in physical injury to the victim, and noted that some of these forms of harms could be intentional or unintentional. For example, one interviewee noted that some jail intake areas have sharp edges on furniture, which raises the likelihood that people who may be resistant and/or noncompliant or on drugs can hurt themselves more easily, an unintentional form of criminal justice harm. Many of the interviewees also noted “indirect” forms of harm, such as when a police officer fails to “work a case” hard enough because they do not believe a victim or case is credible, when a prosecutor declines to prosecute a case despite the victim’s wishes, or when

a judge does not hand out a tough enough sentence to ensure public safety or for a victim to feel a sense of justice. In this sense, interviewees noted that **criminal justice-related harms and errors could include harms and errors of omission (e.g., not prosecuting) or commission (e.g., use of force).**

Policing Harms and Errors

Interviewees most often cited **use of force** as one of the harms inflicted by criminal justice staff, including police and correctional officers. Since relatively few interviewees discussed victims of CJ harms who were *not* entangled with the system, there was little discussion of harms outside of custody, beyond the notion that initial interactions with police (even traffic stops) can be scary and intimidating. Interviewees noted the **emotional harms** that victims can experience simply by interacting with these officers especially, as noted by the interviewees, if the victim has had little contact with the justice system. They also indicated that repeated contacts – particularly traffic stops – might be seen as **harassment**. Staff who worked in juvenile corrections mentioned these might be particularly relevant for youth, who are impressionable and may react to these officers with more negative emotions than older individuals. Interviewees also identified that **police may not “work the evidence” hard enough on certain types of cases** – a criminal justice error – which reflects that some cases do not have the priorities of other types of cases. Of note, two of the formerly incarcerated individuals we spoke to mentioned that officers were able to **“manufacture” evidence to “make their case,”** for instance, by relying on information from individuals who were not credible (drug users, dealers) or using inaccurate or inflated case data. In both cases, these actions were viewed as harmful by both justice-involved individuals. Some interviewees mentioned the harms that can be experienced when a victim’s **sexual assault kit is not submitted for testing or if they are not notified about the process** – both seen as criminal justice errors. They mentioned the harms experienced by these victims included **failing to achieve a sense of justice** and being

retraumatized by reliving memories of the event during the notification process, and suggested that departments consider sending both a victim advocate and officer for these notifications.

Interviewees noted that failure to submit the kit and notify victims could arise due to system overload, normal human error (data entry mistake), and/or purposeful exclusion because system actors do not view the case as worthy of further testing or investigation. See Table 1 below, as well as **Appendix 5** for an overview of the themes that emerged regarding harms and errors caused by law enforcement.

Table 1: Policing Harms and Errors

| Policing Harms and Errors | Experts | CJS Staff | Advocates | Justice-involved |
|--|----------------|------------------|------------------|-------------------------|
| Not “working” case hard enough | | | | |
| Use of force or violence | | | | |
| Physical injury or harm | | | | |
| “Manufacturing” evidence | | | | |
| Sexual assault kits not submitted/notification | | | | |
| Illegal searches | | | | |

Courts and Advocacy Harms and Errors

There were, of course, certain types of harms and errors that were specific to police, courts, corrections, and advocacy organizations (see Table 2 below, as well as **Appendix 6**. Courts and Advocacy Harms and Errors for an overview). As noted, court-specific harms and errors that were identified by our interviewees included **wrongful charges, sentences, and convictions**. They also included **failures of the court to hear victim statements, or to include the victim in the court process**. Interviewees acknowledged that court advocates are helpful in keeping victims apprised of the court and legal processes, and/or ensure they receive victim compensation, but noted that courts in general do not incorporate “victim’s rights” in the way they prioritize defendant’s rights. In this regard, some interviewees suggested that when prosecutors decline to prosecute a case or a judge hands out a light sentence, victims are not being heard nor included in the court process. One

example included when prosecutors decline to prosecute sexual assault cases due to perceived victim credibility problems or untested sexual assault kits. Other interviewees suggested that court staff may not adequately understand the needs of defendants – for instance, prosecutors may see mental illness or drug use as aggravating factors when they should be considered mitigating factors in these cases. One interviewee explained that court actors’ lack of understanding regarding mental illness and drug use among indigent cases meant that they didn’t understand the service needs of these individuals, or that providing such services might reduce their criminal behavior. In this sense, the court would sentence more harshly and prevent services from being rendered, both a potential harm and an error.

Across the interviews, there was very little discussion of harms occurring in first-time interactions with the criminal justice system, with the exception of sexual assault victims; rather, as noted previously harms were much more common for those who had repeat interactions with the system, often beginning at an early age. Nonetheless, anecdotal evidence from criminal justice system staff and others we interviewed indicated that such first-time encounters can be harmful to the perpetrator, victim, and/or their family members. Overall, though, it is the “repeat perpetrators” who tend to have the most far-reaching experiences of system harm or failure. Thus, when researchers are asking about criminal justice system harms or failure, it should be made clear that we are really discussing people who have been repeatedly involved in the criminal justice system.

Table 2: Court Harms and Errors

| Court Harms and Errors | Experts | CJS Staff | Advocates | Justice-involved |
|---|----------------|------------------|------------------|-------------------------|
| Not prosecuting a crime to fullest extent | | | | |
| Wrongful charges, convictions, sentences | | | | |
| No “victim’s rights” in court process | | | | |
| No victim’s compensation | | | | |
| No sense of “justice” for victims | | | | |
| Not hearing victim’s statements/perspective | | | | |
| Lack of transparency | | | | |
| Lack of oversight to prevent CJ harms or errors | | | | |

| | | | | |
|-------------------------|--|--|--|--|
| Legal costs prohibitive | | | | |
|-------------------------|--|--|--|--|

Corrections Harms and Errors

Within correctional settings, both criminal justice staff and formerly justice-involved interviewees suggested that **incarceration and system involvement can be traumatic** – from one’s first interaction with the police (arrest), to detainment, throughout the court process, and finally, during incarceration. Some of our justice-involved individuals specifically said that they still have **post-traumatic stress disorder symptoms** from their incarceration and the criminal justice process. For instance, one individual was shot by law enforcement officers and still cannot speak to their father about the ensuing hospital “ordeal” because it is simply too traumatic to discuss. Another interviewee reported experiencing heightened anxiety when seeing manilla envelopes in the mail (which were used during their trial and to collect fees and payments).

All of the justice-involved individuals spoke at length about some of the most salient **“collateral consequences” of imprisonment – including loss of their jobs, potential loss of custody of their children, and how continued “entanglements” with the system** (e.g., revocations, technical violations, getting “out from under” their sentence) upon reentry were significant burdens to overcome. All justice-involved individuals mentioned **difficultly finding employment** after incarceration and said that they were **not adequately prepared for the skills or networks needed** to find employment upon reentry. One interviewee, who was able to earn degrees while incarcerated, said that prisons don’t allow incarcerated individuals to make connections with potential employers before release, or to develop skills necessary for high-paying jobs outside of prison. At least two justice-involved individuals mentioned the need to use technology in prisons and during probation or parole to better prepare individuals for job skills and to provide case management and options to fulfil their conditions of release parameters (e.g., tele-type check-ins with parole officers). One interviewee noted that prisons are good at “keeping people in prison” and preparing them for

“being a janitor” or other low-paying job upon reentry. In this sense, the justice-involved individuals suggested that **failure to prepare people for higher-paying jobs, and even to connect them with employers who would hire people with felony convictions, was a criminal justice failure**. Overall, justice-involved individuals indicated that the system is made to maintain compliance, and as such, it is punishment-based and not flexible enough to understand when people are making incremental improvements.

Justice-involved individuals also noted that potential for **direct victimization within the criminal justice system** – specifically, that incarcerated individuals would victimize other incarcerated individuals. Some fully supported the use of segregation in order to keep potential vulnerable people separate from other adults in custody. For example, one of our interviewees recounted times in prison where a vulnerable inmate (e.g., gang affiliated, or one with mental health problems) was attacked by other inmates. The interviewee noted that if segregation wasn’t an option, the most vulnerable people would often be victimized – or killed – by other incarcerated persons. Another one of the interviewees suggested that harms and errors can happen when the system is overburdened or understaffed. They noted that the problem of understaffing among correctional officers is so bad that it has begun allowing more criminal behavior to occur in institutional settings – for instance, that recruitment for trafficking is occurring within prisons. The interviewee noted that when correctional agencies do not have enough staff to monitor hallways, housing units, and so forth, incarcerated people may take advantage of this and begin to recruit others into criminal behavior. These are examples of CJ errors which can lead to the direct victimization of others within the system. See Table 3 below, and **Appendix 7** for an overview of the harms and errors found in the correctional system.

Table 3: Corrections Harms and Errors

| Corrections Harms and Errors | Experts | CJS Staff | Advocates | Justice-involved |
|------------------------------|---------|-----------|-----------|------------------|
|------------------------------|---------|-----------|-----------|------------------|

| | | | | |
|--|--|--|--|--|
| Unjust incarceration | | | | |
| Use of force from COs | | | | |
| Violence/victimization from other incarcerated persons | | | | |
| No flexibility in system to understand progress and change in behavior | | | | |
| System as punishment-oriented | | | | |
| Trafficking or criminal recruitment in prisons | | | | |
| Financial harms of imprisonment | | | | |
| Lack of readiness for reentry (job skills, networks, etc.) | | | | |
| Loss of child custody | | | | |

Discussion

The purpose of the current study was to better understand the needs of individuals who have been harmed by the criminal justice system, both in their encounters as perpetrators, victims of crime, or both. This includes the related goal of providing assistance to criminal justice system agencies and related community services in identifying the needs of harmed persons, and better equipping them to treat it. Toward that end, we sought to document harms through our review of prior literature, interviews with relevant stakeholders, and the identification of available resources. With regard to the latter, we sought to create an inventory of national-level sources that can easily be accessed by criminal justice system staff, victim advocates and service providers, and formerly justice-involved individuals and their families (see **Appendix 1**). Taken together, the results of this study also provide implications for future research and policy, especially when it comes to reducing and preventing harm.

Our research indicates that harm is far reaching, and exists across the different segments of the criminal justice system, including policing, courts, corrections, and re-entry. Due to increased visibility and oversight within the system itself (e.g., administrators being responsible for the immediate actions of their line level staff and even consent decrees at the more extreme ends), policing appears to currently be held the most responsible when it comes to instances of harm.

Comparatively, the correctional system is held somewhat accountable through mechanisms such as federal judicial intervention; corrections also has a number of notable harm reduction protections in place, including PREA. Still, corrections as a whole is organized to respond to failure rather than proactively build on success, and this is compounded by the fact that the public rarely hears about examples of correctional agencies doing well. Of the three system components, our review of prior research as well as interviews with relevant stakeholders suggests that **courts appear to be the least accountable for actions that lead to harm.** For example, with the exceptions of judges whose rulings can be overturned by higher courts, there are few if any individual-level mechanisms in place for addressing past errors. Prosecutors acting in bad faith are largely left unchecked, and when their actions do result in harm (e.g., withholding evidence that leads to a wrongful conviction), they are often not reprimanded. Courts might therefore look to other components of the system for ways in which their efforts could be improved.

Overall, **we uncovered several needs of victims who may experience CJ harms and errors.** Table 4 below and **Appendix 8** provides an overview of the needs most often cited by the interviewees. Many of these needs largely align with the needs of other “types” of victims, such as domestic violence victims, victims of abuse or violence, and general crime victims: for instance, help for those who are “in crisis,” such as housing, transportation, mental health and substance use, and access to services in the community. However, other advocacy needs were noted, specifically those related to navigating various “systems,” including the court system, the health/medical system (e.g., receiving medical aid), and specialty systems, such as family or parental systems to address parental and custody issues.

Table 4: Overall Needs of Victims

| Needs of Victims | Experts | CJS Staff | Advocates | Justice-involved |
|------------------|---------|-----------|-----------|------------------|
| Housing | | | | |
| Transportation | | | | |

| | | | | |
|---|--|--|--|--|
| Legal aid/advocacy | | | | |
| Mental health and substance use | | | | |
| Medical aid/advocacy | | | | |
| Protection from further victimization | | | | |
| Employment and educational needs | | | | |
| Financial literacy | | | | |
| Sense of safety and security | | | | |
| Parenting plans/loss of custody | | | | |
| Help navigating system and paperwork | | | | |
| Access to more community-based organizations and services | | | | |

On the positive side, however, our study reveals several areas **where the system is currently performing well when it comes to reducing harms experienced.** Within courts and policing, for example, this includes the establishment of **victim integrity units.** Additionally, interviewees acknowledged that the field of policing has become much more “solutions-based” which includes incorporating **technology (e.g., body worn cameras, DNA testing, and the like) as a check on officer behavior.** Increased use of **independent policing review boards** was also mentioned as a positive reform, with examples given in states like Arizona, Nevada, and Wisconsin. In corrections, participants often noted that **PREA has provided some protection** against the more egregious forms of physical harm that occur during incarceration. In courts and other segments of the system, model programs were also mentioned. Respondents stated that COVID had provided them with the ability to attend more **trainings remotely**, which had continued into the post-pandemic area and was seen as beneficial. In King County, Washington, the **“Survivors First” program** was viewed as a good example of connecting victim-defendants with needed services. The program has recently expanded sites to include Portland, Oregon and Nashville, Tennessee. Future research might conduct multi-site evaluations of these types of programs and grant funding to expand these programs to other locations would also be a welcome addition.

Implications for Future Research

Based on the results of this study, there are several promising avenues for future research to address harms and errors in the criminal justice system. Our interviewees pointed to the

implementation of **multidisciplinary teams** who bring diverse experiences and skillsets to their collaborative work with justice-involved populations. A related welcome line of inquiry is the implementation of coordinated community efforts between the criminal justice system and its related adjacent institutions, including education, public health, and transportation. While some of these partnerships are in place—especially in the realm of domestic violence interventions (see Holtfreter & Boyd, 2006)—increased funding would make them more readily available to the communities and individuals who are most at risk for future harm. Related to both is the need for increased replication and evaluations of existing successful efforts (e.g. Survivors First is one example) with the goal of much more widespread implementation.

Additionally, it became evident from our study that those researching the criminal justice system could better **draw on research and models in other disciplines**, including medical models of care from the medical/health field, flag systems for risk in the financial field, and environmental design models in other disciplines to reduce or prevent criminal justice-related harms. To date, there have been some promising applications from fields as diverse as transportation and medicine to the criminal justice system. These include but are not limited to the increased use of sentinel event reviews in situations that involve more widespread harm, such as high-profile police violence that impacts not just the harmed individual but their family and the broader community (Aguirre, 2018; Doyle, 2014; National Institute of Justice, 2013). Toward that end, future grant funding should stress the need for applying diverse perspectives from other fields with the goal of understanding and preventing criminal justice system related harms. Finally, given that the extant empirical knowledge base on harm includes so many diverse areas of study outside the realm of the criminal justice system, we also recommend increased funding opportunities for researchers to conduct meta-analyses and systematic reviews to **identify the strongest predictors of harm and its consequences**.

Finally, we uncovered **gaps in the research literature**, particularly around *oversight mechanisms for court processes* to prevent or respond to CJ harms and errors, research on the *service needs of and policy gaps for responding to victim-defendants*, and a preference from practitioners to see more *oversight boards* being used in their professions to prevent and respond to CJ harms. Regarding the harms that we uncovered, there is limited evidence on why and how court actors do not prosecute crimes to their fullest extent (especially outside of sexual assault cases) (i.e., *undercharging or undersentencing*), how more *victims' rights could be integrated into the court process*, as well as when and why *police fail to adequately "work the evidence"* for cases. The *prohibitive costs of courts and incarceration* were referenced several times by our interviewees, and warrants additional research consideration, as do the *available (or prohibitive) services and policies regarding child custody loss and separation* for system-involved people. Regarding harms within corrections specifically, while there is some research on victimization of incarcerated people from other incarcerated people, this literature base is somewhat dated, and would benefit from additional, updated research. Given the positive feedback we heard about PREA's use within corrections, now may be a good time to evaluate the effects of PREA mandates – especially since our interviewees suggested PREA-like mandates for policing and courts to potentially prevent or better respond to CJ harms. We turn to the recommendations for policy and improvement next.

Recommendations for Policy and Improvement

Interviewees had several overall and broad recommendations for policies to improve or prevent criminal justice harms and errors. Primarily, most recommended that **additional resources system-wide were needed in order to reduce or prevent harms and errors**. The need for more resources was especially evident in courts – interviewees noted that resources were needed to reduce caseloads and turnover among public defenders. **Better pay and benefits** were suggested as ways to retain talented and experienced public defenders, and interviewees noted that **smaller caseloads** would go far in improving services and case outcomes for clients. However, this theme emerged elsewhere –

interviewees suggested that higher pay and/or more resources geared to correctional staff, police, and advocates would lead to attracting and retaining skilled employees, which could go a long way toward preventing or reducing CJ harms and errors. Similarly, some interviewees suggested that **more is needed in both the recruitment and retention of criminal justice staff, including correctional officers, police officers, and advocates.** Most noted that higher or **more stringent educational requirements** would improve staff knowledge, but also improve their understanding and reliance on evidence and training. Additionally, interviewees suggested that **more mental health resources** were needed for these staff, especially given that they face high levels of stress and burnout, and would benefit from more (or mandatory) mental health supports.

In general, interviewees said that in most cases, correctional and law enforcement staff received a lot of training, but **specifically needed more trauma-informed training and/or evidence-based training** (e.g., McKenna & Holtfreter, 2021). As mentioned, they suggested that all criminal justice staff and actors could benefit from training that explained how past trauma is tied to current behavior. Additionally, they suggested that agencies and organizations would benefit from broadening their training options and avenues to embrace more trainings delivered via various platforms and technologies (e.g., through apps on phones or via attending virtual national trainings), as this would open more opportunities for staff to get the trainings they need. Along with model programs mentioned as a guide, interviewees also commented on the need for better training that provides information on addressing the needs of the justice-involved population. It was stressed that the quality of available training should be emphasized over quantity (e.g., simply making more training available).

Our findings also highlight the need for **better coordination efforts between the courts and police agencies specifically** and with both systems' connections to criminal justice-adjacent agencies and community services. This includes increased communication and coordination between

the police and courts on a case, especially regarding service referrals. Advocates and criminal justice system staff frequently mentioned that while services are available, individuals with a criminal record are often excluded from receiving them. Additionally, a couple of our interviewees who had expertise and/or experience in policing and/or courts suggested that both court actors and law enforcement needed additional education around decisions made at higher court levels. Especially because some new higher court decisions could impact the way that law enforcement collects evidence and handles cases, and because court actors' decisions could be impacted by these cases, interviewees felt that criminal justice harms and errors could be better prevented or reduced if these justice actors were better educated on higher court decisions. In fact, at least one interviewee suggested that police departments would benefit from an in-staff legal or judicial expert who could brief them on the implications of new rulings and decisions that could impact their daily work.

Of note, our findings also emphasize the importance of **federally mandated embrace of evidence-based practices in the criminal justice system**. The Prison Rape Elimination Act (PREA), a federal mandate to corrections, was cited several times as an example of what the criminal justice system “does well” in terms of preventing, reducing, or responding to criminal justice harms and errors. Interviewees noted that PREA provides legal representation to potential victims who are incarcerated, allows for an anonymous avenue for reporting abuse, mandates that allegations are taken seriously and investigated, and provides avenues for potential victims to receive services and/or protections from potential perpetrators. Several interviewees suggested that **legislation like PREA could be implemented in the courts and policing fields. Some indicated that police oversight boards and review protocols serve this role in some way**. However, interviewees suggested that there is virtually no oversight to court processes and decisions, other than the possibility that higher courts could overturn lower court decisions. Therefore, the potential avenues for victims of criminal justice harms or errors caused by the court, to report their experience, to

access services and legal representation in the aftermath of harm, for allegations of harm or error to be taken seriously and investigated, and to receive protections against potential court retribution – that PREA offers incarcerated people – are not currently available to those harmed by courts.

Similarly, court actors, advocates, and experts agreed that the criminal justice system could **create and implement a “red flag” system for cases that are at-risk of experiencing a CJ harm or error.** They noted that such a system would be especially helpful in court settings, where, as we noted above, there is significantly less oversight regarding victims’ rights and processes. One interviewee indicated that the courts know the cases that may be at-risk for a harm or error, like when victim-defendants are in court for defensive violence, yet there is no way to flag those cases so that defense attorneys, prosecutors, and judges are aware. Within the court system in particular, there could be better mechanisms in place for identifying whether a case is at risk. For example, the insurance industry uses an algorithm to “flag” when a claim is likely the result of fraud. A similar approach could be taken in the court system to ensure that at-risk individuals do not fall through the cracks and get the assistance and referrals they need. Our sample spoke of the importance of better using technology in this process, but not at the expense of transparency. **Like the recommendations for external, independent and expert (non-civilian) review boards for police and courts, the interviewees stated that review boards with survivors of CJ harm and error could be useful.**

In general, most of the interviewees mentioned that **technology could be better used by the criminal system as a way to potentially reduce or prevent criminal justice harms and errors** from occurring. For instance, many of our interviewees who had been incarcerated and reentered the community under parole suggested that services delivered via technology would have greatly helped them to successfully reenter. One interviewee suggested that parole officer check-ins could be done via remote options, much like telehealth options (via secure portals for video

conversations). Similarly, interviewees suggested that educational opportunities be provided – to both CJ staff as well as those incarcerated – for a wider option of trainings, certifications, and so forth. Formerly incarcerated persons specifically noted that technology is needed inside prison to prepare them for “life outside,” which largely relies on technology for everyday activities. They also noted that there may be many employment opportunities in tech and data fields for formerly incarcerated individuals if they simply receive the necessary training while incarcerated (e.g., call center training, IT repair and services, online tax submission, and so forth). Others noted that criminal justice related apps would be very helpful for reentry purposes, for instance by providing links to “felon-friendly employers,” or local service and advocacy organizations. Finally, interviewees – staff, advocates, experts, and formerly incarcerated people – all noted that more criminal justice related technology could help provide needed services to people who have experienced CJ harms or errors in remote and hard-to-reach areas. Please see Table 5 below and **Appendix 9** for an overview of the recommendations suggested by the interviewees.

Table 5: Overall Recommendations

| Recommendations | Experts | CJS Staff | Advocates | Justice-involved |
|--|---------|-----------|-----------|------------------|
| Independent, external, oversight boards | | | | |
| Better coordination of information across systems and services in community | | | | |
| More community-based organizations who can serve people with criminal histories | | | | |
| Improvement and uptake of technology to increase transparency and services | | | | |
| Harm prevention through environmental design | | | | |
| Training regarding how trauma impacts behavior | | | | |
| Training regarding what CJ harms and errors are, how they occur, and how to prevent them | | | | |
| Do not create a new harm when solving one harm | | | | |
| Victim integrity units | | | | |
| Sentinel event reviews | | | | |
| Restorative justice programs/peer support programs | | | | |

To sum up, this study found that harms are widespread—occurring in policing, courts and corrections—and taking numerous forms (e.g. physical, sexual, mental, emotional, financial, and even vicarious—but are ultimately preventable. Our review of the extant literature supplemented with 20 stakeholder interviews points to the need for improved accountability mechanisms within the criminal justice system. Increasing available resources is also critical. This includes better recruitment and training for criminal justice system staff, with an emphasis on quality over quantity. For example, interviewees pointed out that greater access to trauma-informed methods would assist them in helping mitigate past harms, and prevent further harm from occurring. The results of this study also suggest that continued collaboration between criminal justice agencies and adjacent organizations serving the same populations (e.g., hospitals, social service providers, legal aid, and the like) is necessary. To reduce harm, criminal justice organizations can also look to successful examples in other parts of the system; this includes mandates such as PREA in corrections. Models from other fields—medicine, transportation, and insurance to name a few—can also be successfully implemented in policing, courts, and corrections. Finally, we found several gaps in the available literature, including a lack of research and knowledge base around the causes and consequences of harm in the criminal justice system. Toward this end, multidisciplinary collaborations and enhanced partnerships between researchers and practitioners is also warranted.

Appendix 1: Inventory of Training, Technical Assistance, Resources and Tools

| Potential Sources | Description/Mission | Services, training, resources, technical assistance provided |
|---|--|--|
| <u>ACLU</u> | The ACLU has 54 <u>local offices</u> across the U.S. working with attorneys and activists in their communities to shape better policies and spread awareness about their states' priority civil rights issues. | Provides <u>legal</u> and <u>court</u> advocacy, and resources pages by state for <u>arrested, incarcerated, formerly incarcerated</u> . Also provides advocacy regarding <u>prisoners' rights and prison conditions</u> . |
| <u>California Coalition for Women Prisoners</u> | CCWP seeks the abolition of a prison system whose purpose is punishment, control and the warehousing of human beings, the majority of whom are people of color and poor. CCWP works for a society where education rather than incarceration is the priority, where investment goes to jobs not jails, where sexual violence is not tolerated, where human rights are a reality for all people. | Provides <u>programs and campaigns</u> to improve conditions in California women's prisons. |
| <u>Center for Justice Innovation</u> | Staffed by attorneys, social workers, community organizers, researchers, urban planners, trainers, mentors, and people with lived experience in the justice system, the mission of CJI is to reimagine justice and build safe communities by centering safety and racial justice in partnership with communities, courts, and people most impacted. | Provides access to <u>model programs</u> and <u>resources</u> , and a number of opportunities for partnerships. |

| Potential Sources | Description/Mission | Services, training, resources, technical assistance provided |
|--|---|--|
| <u>Center for Problem Oriented Policing</u> | The mission of the Center for Problem-Oriented Policing is to advance the concept and practice of problem-oriented policing in open and democratic societies. It does so by making readily accessible information about ways in which police can effectively and equitably address specific crime and disorder problems. | Provides innovative <u>learning experiences</u> , curriculum <u>guides</u> , teaching aids, problem analysis <u>tools</u> , and a range of information to its users. |
| <u>Center for Victims Research</u> | The Center for Victim Research is designed to serve as a one-stop shop for victim service providers and researchers to connect and share knowledge to increase (1) access to victim research and data and (2) the utility of research and data collection to crime victim services nationwide. | Offers <u>tools and trainings</u> and <u>research syntheses</u> to victim advocates who work with victims of crime. |
| <u>CrimeSolutions</u> | CrimeSolutions helps practitioners and policymakers understand what programs and practices work, are promising, or haven't worked yet. | Provides overviews of programs and practices for <u>corrections and reentry</u> , <u>courts</u> , <u>law enforcement</u> , and <u>victims</u> . |
| <u>Innocence Project</u> | The Innocence Project works to free the innocent, prevent wrongful convictions, and create fair, compassionate, and equitable systems of justice for everyone. Its work is guided by science and grounded in anti-racism. | Provides information and connections to <u>legal representatives</u> . |
| <u>National Association of Attorneys General</u> | As the nonpartisan national forum for the 56 state and territory attorneys general and their staff, NAAG serves attorneys general by promoting the exchange of knowledge on subjects of importance to attorneys general and their staff, fostering engagement and cooperation on legal and law enforcement issues, and providing training, research, and analysis to attorneys general and their staff. | Hosts 130 events annually to provide <u>research</u> , <u>resources</u> , and <u>training</u> to criminal justice organizations. |

| Potential Sources | Description/Mission | Services, training, resources, technical assistance provided |
|---|---|---|
| <u>National Institute of Corrections</u> | The mission of NIC is to advance public safety by shaping and enhancing correctional policies and practices through leadership, learning, and innovation. | Provides training through a <u>catalog</u> of data-driven research as well as an <u>online Learning Management System</u> . NIC has corrections <u>experts and researchers</u> on staff to answer questions and also provides <u>technical assistance (on-site training)</u> to agencies and facilities to help evolve their practices in ways that benefit their operations and their communities. |
| <u>National Police Accountability Project</u> | Founded in 1999, the central mission of NPAP is to promote the accountability of law enforcement officers and their employers for violations of the Constitution and the laws of the United States. | Provides a <u>directory</u> of police misconduct attorneys and other <u>resources</u> in the United States. |
| <u>National Policing Institute</u> | The National Policing Institute is a nonpartisan and independent nonprofit organization dedicated to creating excellence in policing through the development, translation, and application of research. | Conducts, shares, publishes, and compiles <u>research</u> , <u>media resources</u> , and <u>trainings and conferences</u> regarding <u>crime prevention</u> and police <u>organization and administration</u> . |

| Potential Sources | Description/Mission | Services, training, resources, technical assistance provided |
|---|---|--|
| National PREA Resource Center | Serves the corrections field by assisting state, local, and tribal agencies in implementing the PREA Standards and by supporting the Department of Justice (DOJ) PREA audit function. | Provides training and technical assistance to correctional agencies as they work to achieve sexual safety and implement the PREA Standards in their facilities. It connects agencies to free training and the Site-Based Technical Assistance program and maintains a library of resources . |
| Office for Victims of Crime | The Office for Victims of Crime (OVC) awards millions of dollars annually in victim compensation and assistance in every U.S. state and some territories, as well as for training, technical assistance, and other capacity-building programs to enhance service providers' ability to support victims of crime in communities across the Nation. OVC also connects victim service providers and crime victims with resources, develops research-informed training and publications, and supports innovative programs, promising practices, and resource centers. | Channels funding for victim compensation and assistance throughout the United States, raises awareness about victims' issues, promotes compliance with victims' rights laws, and provides training and technical assistance and publications and products to victim assistance professionals and law enforcement . |
| Partners for Justice | PFJ's mission is to transform public defense — at scale — by practicing collaborative defense, a method to help public defenders be more client-led and secure better outcomes. | Provides training for legal advocates and legal advocacy to system-impacted victims. |

| Potential Sources | Description/Mission | Services, training, resources, technical assistance provided |
|--|---|---|
| <u>Police Brutality Center</u> | PBC's mission is driven by the goal of preventing further harm and ensuring justice for victims, by connecting them with experienced law firms. PBC offers a wide range of resources and tools designed to support individuals and communities who have experienced trauma due to police misconduct. | Provides connections to legal representatives for those experiencing <u>police brutality</u> or <u>prison abuse</u> |
| <u>Sentinel Event Training</u> | Located in the University of Pennsylvania Law School, the <u>Quattrone Center</u> partners with jurisdictions in the United States to analyze and improve criminal justice systems. | Collaborates with agencies and provides access to <u>organizational case studies</u> and other <u>resources</u> . |
| <u>Sexual Assault Kit Initiative TTA</u> | Funded by the Bureau of Justice Assistance, the Sexual Assault Kit Initiative aims to create a coordinated community response that ensures just resolution to sexual assault cases. Through this program, funding is provided to support multidisciplinary community response teams engaged in the comprehensive reform of jurisdictions' approaches to sexual assault cases resulting from evidence found in previously unsubmitted sexual assault kits. | Provides <u>training and technical assistance webinars</u> , <u>virtual academy</u> , and resources for <u>practitioners</u> and <u>survivors</u> . |
| <u>Substance Abuse and Mental Health Services Administration</u> | SAMHSA's mission is to lead public health and service delivery efforts that promote mental health, prevent substance misuse, and provide treatments and supports to foster recovery while ensuring equitable access and better outcomes. | Provides a variety of <u>trainings</u> , <u>research</u> , and <u>resources</u> for practitioners and agencies working to assist justice-involved individuals. |
| <u>The Moss Group</u> | The Moss Group is a trusted partner – to leaders and their organizations – to create optimal safety and well-being for staff and persons under their care. | Provides <u>training and technical assistance</u> to and direct <u>consulting</u> to criminal justice organizations |

Appendix 2: Interviewee Characteristics and Life Experiences

| Interviewee Groups | Areas of Expertise | Life Experiences |
|--------------------------------------|--|--|
| Experts | Policing Corrections Gender-based Violence Courts Advocacy/Victim Services Incarceration | Professor Police Officer/Chief Justice Systems Consultant Former Government Worker |
| Advocates | Courts Advocacy/Victim Services Probation/Parole and Reentry | Victim-Survivor Court Advocacy Probation Officer Director of Non-Profit Organization Victim Service Provider |
| Criminal Justice System Staff | Juvenile Justice Courts Policing Probation/Parole and Reentry | Research Director Police Officer/Chief Prosecutor/Public Defender Probation Officer Government Worker |
| Justice-Involved | Conditions of Confinement Needs at Reentry Police Interactions Corrections Interactions Race Relations Financial Crimes | Prison Parole and Reentry Student Financial Advisor Speaker/Advocate |

Appendix 3: Overall Themes

| Overall Themes | Experts | CJS Staff | Advocates | Justice Involved |
|--|---------|-----------|-----------|------------------|
| Experiencing CJ harms “part of the lifestyle” | | | | |
| Victim/perpetrator overlap | | | | |
| Harms felt differently by different people | | | | |
| Group #1 (people out of custody with substance use and mental health problems) | | | | |
| Group #2 (victim-defendants) | | | | |
| Group #3 (formerly incarcerated) | | | | |

Appendix 4: System-Level Harms and Errors

| System-Level Harms and Errors | Experts | CJS Staff | Advocates | Justice Involved |
|---|---------|-----------|-----------|------------------|
| Lack of accountability of systems/agencies | | | | |
| Collateral consequences of system-involvement | | | | |
| Lack of external oversight and review boards | | | | |
| System overload creates opportunities for errors and failures | | | | |
| Lack of training | | | | |
| Staffing shortage creates opportunities for errors and failures | | | | |
| Poor leadership by agencies or organizations | | | | |
| Burnout, stress, lack of mental health services for staff creates opportunities for errors and failures | | | | |
| Unintentional/normal human error/biases | | | | |
| Professional pressures | | | | |
| Policies that criminalize victims | | | | |
| Not embracing evidence-based practices and data to inform decisions | | | | |

Appendix 5: Policing Harms and Errors

| Policing Harms and Errors | Experts | CJS Staff | Advocates | Justice Involved |
|-----------------------------------|----------------|------------------|------------------|-------------------------|
| Not “working” case hard enough | | | | |
| Use of force or violence | | | | |
| Physical injury or harm | | | | |
| “Manufacturing” evidence | | | | |
| Sexual assault kits not submitted | | | | |
| Illegal searches | | | | |

Appendix 6: Courts and Advocacy Harms and Errors

| Courts and Advocacy Harms and Errors | Experts | CJS Staff | Advocates | Justice Involved |
|---|---------|-----------|-----------|------------------|
| Not prosecuting a crime to fullest extent | | | | |
| Wrongful charges, convictions, sentences | | | | |
| No “victim’s rights” in court process | | | | |
| No victim’s compensation | | | | |
| No sense of “justice” for victims | | | | |
| Not hearing victim’s statements/perspective | | | | |
| Lack of transparency | | | | |
| Lack of oversight to prevent CJ harms or errors | | | | |
| Legal costs prohibitive | | | | |

Appendix 7: Corrections Harms and Errors

| Corrections Harms and Errors | Experts | CJS Staff | Advocates | Justice Involved |
|--|---------|-----------|-----------|------------------|
| Unjust incarceration | | | | |
| Use of force from COs | | | | |
| Violence/victimization from other incarcerated persons | | | | |
| No flexibility in system to understand progress and change in behavior | | | | |
| System as punishment-oriented | | | | |
| Trafficking or criminal recruitment in prisons | | | | |
| Financial harms of imprisonment | | | | |
| Lack of readiness for reentry (job skills, networks, etc.) | | | | |
| Loss of child custody | | | | |

Appendix 8: Overall Needs of Victims

| Needs of Victims | Experts | CJS Staff | Advocates | Justice Involved |
|---|---------|-----------|-----------|------------------|
| Housing | | | | |
| Transportation | | | | |
| Legal aid/advocacy | | | | |
| Mental health and substance use | | | | |
| Medical aid/advocacy | | | | |
| Protection from further victimization | | | | |
| Employment and educational needs | | | | |
| Financial literacy | | | | |
| Sense of safety and security | | | | |
| Parenting plans/loss of custody | | | | |
| Help navigating system and paperwork | | | | |
| Access to more community-based organizations and services | | | | |

Appendix 9: Overall Recommendations

| Recommendations | Experts | CJS Staff | Advocates | Justice Involved |
|--|---------|-----------|-----------|------------------|
| Independent, external, oversight boards | | | | |
| Better coordination of information across systems and services in community | | | | |
| More community-based organizations who can serve people with criminal histories | | | | |
| Improvement and uptake of technology to increase transparency and services | | | | |
| Harm prevention through environmental design | | | | |
| Training regarding how trauma impacts behavior | | | | |
| Training regarding what CJ harms and errors are, how they occur, and how to prevent them | | | | |
| Do not create a new harm when solving one harm | | | | |
| Victim integrity units | | | | |
| Sentinel event reviews | | | | |
| Restorative justice programs/peer support programs | | | | |

Appendix 10: Interview Questions for Criminal Justice Professionals, Experts, Advocates, and Formerly System-Involved Individuals

SEMI-STRUCTURED INTERVIEW GUIDE, CRIMINAL JUSTICE PROFESSIONAL SUBGROUP

[First – Provide Consent Form Overview and Project Background]

Interview Questions

Background

- What does your organization do? **Prompts: How would you describe your organization in terms of size, location, and other relevant factors (e.g. jurisdiction)?**
- How long have you worked in this field and in this organization in particular?
- How many individuals would you say your organization serves per year? Subpopulation: do you work with any of these groups specifically? LGBTQ+, youth, older adults (60+), female, CJS staff, other

Types of Harm and Needs of Victims

- In your field, how common is it that interactions with [suspects, defendants, someone who reports a crime, community members] result in some type of system error or system-related harm? By that, we mean that someone directly experiences something like a physical injury, a wrongful conviction resulting in financial, mental, or emotional harm, or something else traumatic *while involved in the criminal justice/legal system* [expl: violent victimization in prison]. This can also refer to system-related error, such as a SAKI kit being lost. Harm can also happen vicariously to their family members, friends, or community members who witness the situation, so you can include that in estimating how often something like this occurs. Prompts: what kind of injury (physical, emotional, sexual, financial, etc.) harms do you think they have experienced?
- What needs do you think victims of CJ-related harm or error have? Needs refer to what victims need in the aftermath of the harm. Prompts: physical, safety/security needs; mental health/emotional; court/legal; monetary; insurance/medical; job/employment needs
- What factors or circumstances do you think contribute to errors and/or harm that occurs in the criminal justice system? Prompts: we are really interested in the circumstances of the CJ system that might contribute to the harm.
- We are also interested in how these victims may not be “traditional” victims and how that may influence the harm they experience and the services they need or can access.
- Are there any examples of success or failures that you feel comfortable sharing with us? In this example, were you also harmed?
- Do you think that perception of these types of events is accurate among people from outside your field (e.g., the general public, the media, others)? Why or why not?

Resources and Services

- What do agencies in your field do well to prevent CJ-related harm or error from occurring? Are there particular examples you can share?
- What resources (e.g, equipment, training, etc) are available for organizations in your field to prevent CJ related harm or error? Do you feel like these adequate? Where do you access these resources (e.g., online, academy, etc)?
- Where do you access training for the prevention of CJ related harm or error?
- What resources or services does your organization provide to victims of CJ-related harm or error?
- What other resources would benefit your field in terms of preventing or providing services for victims of CJ-related harm or error? What training is unavailable but needed?
- What resources are unavailable but needed?

Challenges

- What do you anticipate as the biggest challenges for your field, both in general and in terms of the topics we've been talking about today?
- Please share any additional information about your work and experience that you think would be important for us to know.
- What question(s) did we not ask but that we should have asked?

SEMI-STRUCTURED INTERVIEW GUIDE, SOCIAL SCIENTIST SUBGROUP

[First – Provide Consent Form Overview and Project Background]

Interview Questions

Background and Research Area(s)

- How would you describe your research? For example, what justice system organizations and/or functions do you study (e.g., police, courts, corrections)? How long have you worked in this particular area(s)?
- Do you study these organizations' interactions/connections with other community organizations or services (e.g., victim services, advocates, etc)? If so, which ones?
- What are the primary population(s) you study?
 - a. Prompt for [justice involved persons, victims, employees of the system, other]
- Anything else you would like to add about this particular area of study?

Needs of Victims

- Based on your own research, research in your area, and interactions with criminal justice professionals, is there empirical or anecdotal evidence of “overlap” between victim populations and individuals who are otherwise impacted by or involved in the criminal justice system?
- In terms of criminal justice system error or failure (e.g., wrongful arrest, excessive force, failure to process evidence, abuse while incarcerated, etc), what would you say are the most pressing issues for researchers to consider?
 - a. And how about on the practical side?
- What consequences do individuals who come into contact with the criminal justice experience as a result of victimization? What are the needs of victims who are harmed by CJ system error or failure?
 - a. Prompts: For example, physical, social, emotional, mental, financial, safety/security, court/legal, insurance/medical, job/employment?
- Would you say that justice-impacted persons' experiences and consequences are similar to or different from the typical population of justice involved persons and their families? How so?
- Practically speaking, what individual, organizational, and situational factors contribute to criminal justice system errors and harms?
- In the population(s) you study, what are some known harms that may occur for persons who come into contact with the criminal justice system (e.g., prompt for emotional, social, mental, physical, financial)?
 - a. Thinking about a “typical” encounter someone has with [insert system area of expertise], what would you say is the likely outcome?

Best Practices to Identify Victims

- Does the research identify the best practices to identify victims of CJ related harm or error?
 - If so, what are they?

SEMI-STRUCTURED INTERVIEW GUIDE, VICTIM ADVOCATE OR SERVICE PROVIDER SUBGROUP

[First – Provide Consent Form Overview and Project Background]

Interview Questions

Background

- What does your organization do?
 - a. Prompts: How would you describe your organization in terms of size, location, and other relevant factors (e.g, jurisdiction)?
- How long have you worked in this field and in this organization in particular?
- What is the primary population that your organization serves?
- How many individuals from that population would you say your organization serves per year?
 - a. Subpopulations: do you work with any of these groups specifically?
 - i. LGBTQ+, youth, older adults (over 60), female, CJS staff, other

Types of Harm and Victim Needs

- How often would you say that individuals from the [insert primary population served from above] also have experience with the criminal justice system?
- If the population you serve has CJ system experience, is it as a suspect, witness, or victim, or in some other capacity (e.g., family member of victim or defendant)?
- What are the needs of victims who are harmed by CJ system error or failure? What consequences do [population served] experience as a result of victimization? By that, we mean that someone directly experiences something like a physical injury, a wrongful conviction resulting in financial, mental, or emotional harm, or something else traumatic *while involved in the criminal justice/legal system* [expl: violent victimization in prison]. This can also refer to system-related error, such as a SAKI kit being lost. Harm can also happen vicariously to their family members, friends, or community members who witness the situation, so you can include that in estimating how often something like this occurs.
 - a. Prompts: what kind of injury (physical, emotional, sexual, financial, etc.) harms do you think they have experienced?
- What needs do you think victims of CJ-related harm or error have? Needs refer to what victims need in the aftermath of the harm.
 - a. Prompts: physical, safety/security needs; mental health/emotional; court/legal; monetary; insurance/medical; job/employment needs
- Would you say that justice-impacted persons' experiences and consequences are similar to or different from the typical [population served]?
- What factors or circumstances do you think contribute to errors and/or harm that occurs in the criminal justice system?
 - a. Prompts: we are really interested in the circumstances of the CJ system that might contribute to the harm.
- We are also interested in how these victims may not be “traditional” victims and how

that may influence the harm they experience and the services they need or can access.

Victim Resources and Services

- What resources (e.g, tool kits, instruments, trauma-informed training, etc) are available to you and your organization in assisting [population served] who have experienced CJ-related harm or error?
 - a. Where do you access these resources (e.g., online, conferences, etc)?
 - b. Where do you access training for the prevention of CJ related harm?
- What resources or services does your organization provide to victims of CJ-related harm or error?
 - a. Are these adequate? Why/not
 - b. Do all victims of CJ-related harm or error have access to these services? What kind of victims do you think are unable to access these services? Why?
 - c. What services are missing that are needed to provide to victims of CJ related harm/error?
- What are the essential services necessary to address the needs of victims of CJ harm/error?
 - a. What recommendations do you have to improve the services and access to services for victims of CJ related harm/error?
- What other resources would benefit your organization in terms of preventing or providing services for victims of CJ-related harm or error?
 - a. What training is unavailable but needed for services providers?
 - b. What resources are unavailable but needed?

Barriers to Success

- What do you anticipate as challenges for your organization and other agencies in better identifying and helping individuals not typically thought of as victims (i.e., persons who have experienced criminal justice system-related harms)?
- Please share any additional information about your work and experience that you think would be important for us to know.
- Are there questions we didn't ask but should have?

SEMI-STRUCTURED INTERVIEW GUIDE, JUSTICE IMPACTED PERSON SUBGROUP

[First – Provide Consent Form Overview and Project Background]

Interview Questions

System Involvement

- We understand from [insert referring name or agency if applicable] that you have previously been in contact with the criminal justice system. Contact might be one incident (e.g., arrest) or it could be of a longer duration (e.g., during a sentence of jail, prison, or community supervision). Can you tell us a little more about that contact, such as when it occurred, and any other details you wish to share?
- Did the [criminal justice system official or agency] treat you with respect during your contact? Did they treat you fairly?
- Did anything outside of the standard legal process and procedures happen to you during your contact? [May give examples: a physical injury from force used in a stop or arrest, inappropriate sexual contact from an employee or someone else under supervision, loss of or failure to test evidence in your case, etc]
- Would you say that what you experienced was normal or typical of other people in the same situation as you? If so, is this something you personally saw or just heard about from others?

Specific Harms and Reporting

- Some people who have an experience like you did also experience other bad things as a result. For example, they may have financial troubles from the incident (e.g., hospital bills, loss of work), experience negative emotions (e.g., feelings of helplessness, anxiety, depression), or even have continued physical symptoms (e.g., from an injury itself, or things like not being able to sleep). Thinking about your experiences, did anything like that happen to you? What about to your family members or others who were impacted by what happened to you?
 - a. Prompts: physical, emotional, financial harm, CJS harmed life or reputation, wrongfully convicted, SAKI notification
- Did you tell anyone about what happened to you? If so, what did they do? If not, why not? Did anything happen to the person(s) responsible for hurting you?

Needs of Victims

- What kind of harm or problems did the CJ failure or error create for you?
 - a. Physical needs; safety/security needs; mental health/emotional needs; court/legal needs; monetary needs; insurance/medical needs; job/employment needs
- Are you still experiencing any problems that you feel are a result of what happened to you?

Victim Services

- Did you seek any help for what happened to you? For example, did you get any medical treatment for an injury, talk to a counselor or victim advocate, join an online support group, or discuss it with anyone else who could help you (e.g., a clergy person or attorney)?
 - a. Why/why not? (especially if they did not seek services, we want to know about their perceived barriers)
- Who or what organization did you turn to and why?
 - a. What kinds of services were you looking for and why?
 - i. Prompts: medical, legal, mental/emotional, employment, insurance needs, monetary needs, safety/security
 - b. What barriers to receiving the necessary services did you experience?
- What can agencies/organizations do to better serve victims like yourself?
 - a. Are the “right” services/referrals available? Why/why not?
 - i. What services are most needed or vital for victims of CJ-related harm?
 - b. Does everyone have “access” to these services? Why/why not?
 - i. Who do you think is unable to receive services and why?
 - c. How did you know about these services and organizations?
 - i. What can be done to improve victim’s understanding of the services available to them?

Criminal Justice System Improvements

- What can the criminal justice system do to prevent things like this from happening to other people?
- Please share anything else that you think is important for us to know.
- What question(s) did we not ask but that we should have asked?

References

- Aguirre, Beatriz. 2018. "Beyond Bad Apples: Adopting Sentinel Event Reviews in Nevada's Criminal Justice System." *Nevada Law Journal* 18(1059): 1059–90.
- Anderson, Kristin L. 2015. "Victims' voices and victims' choices in three IPV courts." *Violence Against Women* 21 (1):105-124
- Arditti, Joyce, and April Few. 2008. "Maternal distress and women's re-entry into family and community life." *Family Process* 47:303-321.
- Beck, Allen. 2012. "Sexual victimization reported by former state prisoners, 2008." Washington, DC: Bureau of Justice Statistics.
- Beckett, Katherine. 2016. "The Uses and Abuses of Police Discretion: Toward Harm Reduction Policing." *Harvard Law & Policy Review* 10(1). 77-100.
- Beck, Allen J., and Candace Johnson. 2012. "Sexual Victimization Reported by Former State Prisoners, 2008." National Former Prisoner Survey, 2008. U.S. Department of Justice: Bureau of Justice Statistics.
- Bouffard, Leana Allen, and Nicole Leeper Piquero. 2010. "Defiance theory and life course explanations of persistent offending." *Crime & Delinquency* 56(2): 227-252.
- Bowen, Robin T. 2024. "Unjust: Wrongful convictions." *Ethics and the Practice of Forensic Science*. CRC Press, 217-240.
- Boxer, Paul, Keesha Middlemass, & Tahlia Delorenzo. 2009. "Exposure to violent crime during incarceration: Effects on psychological adjustment following release." *Criminal Justice and Behavior*. 36(8). 793-807.
- Braun, Virginia, and Victoria Clarke. 2022. *Thematic analysis: A practical guide*. Thousand Oaks: Sage Publications.
- Bureau of Justice Statistics. 2004. "Data collections for the Prison Rape Elimination Act of 2003." Washington, DC: U.S. Department of Justice.
- Campbell, Rebecca, and Giannina Fehler-Cabral. 2018. "Why Police 'Couldn't or Wouldn't' Submit Sexual Assault Kits for Forensic DNA Testing: A Focal Concerns Theory Analysis of Untested Rape Kits." *Law & Society Review* 52(1): 73–105. doi:10.1111/lasr.12310.
- Campbell, Rebecca, Emily Dworkin, and Giannina Cabral. 2009. "An ecological model of the impact of sexual assault on women's mental health." *Trauma, Violence, & Abuse*. 10(3). 225-246. doi:10.1177/1524838009334456.
- Campbell, Rebecca, Hannah Feeney, Giannina Fehler-Cabral, Jessica Shaw, and Sheena Horsford. 2017. "The National Problem of Untested Sexual Assault Kits (SAKs): Scope, Causes, and Future Directions for Research, Policy, and Practice." *Trauma, Violence, & Abuse* 18(4): 363–76. doi:10.1177/1524838015622436.

- Caravaca-Sánchez, Francisco, Eva Aizpurua, and Nancy Wolff. 2023. "The Prevalence of Prison-Based Physical and Sexual Victimization in Males and Females: A Systematic Review and Meta-Analysis." *Trauma, Violence, & Abuse* 24(5): 3476–92. doi:10.1177/15248380221130358.
- Clear, Todd R. 2007. *Imprisoning communities: How mass incarceration makes disadvantaged communities worse*. New York: Oxford University Press.
- Currie, Elliott. 1998, 2013. *Crime and punishment in America*. New York: Picador.
- Daly, Kathleen. 1992. "Women's pathways to felony court: Feminist theories of lawbreaking and problems of representation." *Southern California Review of Law and Women's Studies* 2(1): 2-52.
- Doyle, James M. 2014. "NIJ's Sentinel Events Initiative: Looking Back to Look Forward." *NIJ Journal* 273: 10-14. <http://www.nij.gov/journals/273/Pages/sentinel-events.aspx>.
- Dumond, Robert. 2003. "Confronting America's most ignored crime problem: The Prison Rape Elimination Act of 2003." *Journal of the American Academy of Psychiatry and the Law*. 31(3). 354-360.
- Dumond, Robert, & Doris Dumond. "The treatment of sexual assault victims." In *Prison Sex: Practice and Policy*, 67-87. Boulder: Lynne Rienner Publishers, Inc, 2002.
- Durfee, Alesha, and Matthew D. Fetzer. 2014. "Offense Type and the Arrest Decision in Cases of Intimate Partner Violence." *Crime & Delinquency* 62(7): 954–77. <https://doi.org/10.1177/0011128714540277>.
- Felitti, Vincent J., et al. 1998. "Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults: The Adverse Childhood Experiences (ACE) study." *American Journal of Preventive Medicine* 14 (4): 245-258.
- Finkelhor, David, Richard Ormrod, & Heather Turner. 2007. "Poly-victimization: A neglected component in child victimization." *Child Abuse & Neglect*. 31(1). 7-26.
- Ford, Julian D., Jon D. Elhai, Daniel F. Connor, and B. Christopher Frueh. 2010. "Poly-victimization and risk of posttraumatic, depressive, and substance use disorders and involvement in delinquency in a national sample of adolescents." *Journal of Adolescent Health* 46:545-552.
- Giordano, Peggy, Ryan Schroeder, and Stephen Cernkovich. 2007. "Emotions and crime over the life-course: A neo-Meadian perspective on criminal continuity and change." *American Journal of Sociology*. 112(6). 1603-1661.
- Golladay, Katelyn A., and Kristy Holtfreter. 2017. "The consequences of identity theft victimization: An examination of emotional and physical health outcomes." *Victims & Offenders*, 12(5), 741–760.
- Hickman, Matthew J., et al. 2021. "Police use of force and injury: Multilevel predictors of physical harm to subjects and officers." *Police Quarterly* 24(3): 267-297.
- Hill, Evan, Ainara Tiefenthäler, Christiaan Triebert, Drew Jordan, Haley Willis, and Robin Stein. 2020. "How George Floyd Was Killed in Police Custody." *The New York Times*, June 1. <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html>.

- Hirschel, David, Philip McCormack, and Eve Buzawa. 2021. "A 10-Year Study of the Impact of Intimate Partner Violence Primary Aggressor Laws on Single and Dual Arrest." *Journal of Interpersonal Violence* 36(3–4): 1356–90. <https://doi.org/10.1177/0886260517739290>.
- Hollway, John F., and Ben Grunwald. 2019. "Applying Sentinel Event Reviews to Policing." *Criminology & Public Policy* 18(3): 705–30. doi:10.1111/1745-9133.12457.
- Holtfreter, Kristy, and Jennifer Boyd. 2006. "A coordinated community response to intimate partner violence on the college campus." *Victims & Offenders* 1(2):141-157.
- Howell, K. Babe. 2014. "Prosecutorial discretion and the duty to seek justice in an overburdened criminal justice system." *Geo. J. Legal Ethics* 27: 285.
- Human Rights Watch. 2001. "No escape: Male rape in U.S. Prisons." <http://www.hrw.org/legacy/reports/2001/prison/>.
- Johnson, Brian D., Cassia Spohn, and Anat Kimchi. 2021. "Life lessons: Examining sources of racial and ethnic disparity in federal life without parole sentences." *Criminology* 59 (4):704-737.
- Kubiak, Sheryl P., Hannah Brenner, Deborah Bybee, Rebecca Campbell, and Gina Fedock. 2018. "Reporting sexual victimization during incarceration: Using ecological theory as a framework to inform and guide future research." *Trauma, Violence, & Abuse*, 19(1), 94-106.
- La Vigne, Nancy G., Lisa Brooks, and Tracey Shollenberger. 2009. Women on the outside: Understanding the experiences of female prisoners returning to Houston, Texas. Urban Institute, Justice Policy Center.
- Legner, Lauren. 2022. "The psychological consequences of a wrongful conviction and how compensation statuses can mitigate the harms." *Michigan State Law Review Form*.
- Loper, Ann B., Wrenn Carlson, Lacy Levitt, and Kathryn Scheffel. 2009. "Parenting Stress, Alliance, Child Contact and Adjustment of Imprisoned Mothers and Fathers." *Journal of Offender Rehabilitation* 48: 483-503.
- Magaletta, Philip R., and Dominic P. Herbst. 2001. "Fathering From Prison: Common Struggles and Successful Solutions." *Psychotherapy: Theory, Research, Practice, Training* 38: 88-96.
- McKenna, Nicole C., and Kristy Holtfreter. 2021. "Trauma-informed courts: A review and integration of justice perspectives and gender responsiveness." *Journal of Aggression, Maltreatment, & Trauma* 30(4): 450-470.
- McNeeley, Susan. 2022. "Reaffirming the relationship between routine activities and violent victimization in prison." *Journal of Criminal Justice*. 78(1).
- Meade, Benjamin, Gabriela Wasileski, and Alisha Hunter. 2021. "The effects of victimization prior to prison on victimization, misconduct, and sanction severity during incarceration." *Crime & Delinquency* 67 (12): 1856-1878.
- Morgan, John. 2023. "Wrongful convictions and claims of false or misleading forensic evidence." *Journal of forensic sciences* 68(3): 908-961.

National Institute of Justice. 2013. "The Sentinel Event Initiative: Proceedings from an Expert Roundtable." NCJ 243586. Alexandria, VA: U.S. Department of Justice.

Owen, Barbara, James Wells, Joycelyn Pollock, Bernadette Muscat, & Stephanie Torres. 2008. "Gendered violence and safety: A contextual approach to improving security in women's facilities." Washington, DC: National Institute of Justice.

Owen, Quinn. 2022. "Former Female Inmates Speak about Widespread Sexual Abuse by Prison Staff." *ABC News*. <https://abcnews.go.com/Politics/senate-report-documents-widespread-sexual-abuse-female-inmates/story?id=95157791>.

Piquero, Nicole Leeper, and Leana Allen Bouffard. 2003. "A preliminary and partial test of specific defiance." *Journal of Crime and Justice* 26(1): 1-21.

Poon, Julie, Myrna Dawson, and Mavis Morton. 2014. "Factors Increasing the Likelihood of Sole and Dual Charging of Women for Intimate Partner Violence." *Violence Against Women* 20(12): 1447–72. <https://doi.org/10.1177/1077801214557954>.

Radatz, Dana, & Emily Wright. 2017. "Does polyvictimization affect incarcerated and non-incarcerated adult women differently? An exploration into internalizing problems." *Journal of Interpersonal Violence*. 32(9). 1379-1400.

Richards, T., Nix, J., Campbell, B., Wright, E., Branscum, C., Gilbert, S., Benson-Goldsmith, M., & Meinert, E. 2024. *The Minnesota sexual assault kit research project*. 2019-MU-MU-0095 report submitted to the National Institute of Justice, January 2024.

Rossmo, D. Kim, and Jocelyn M. Pollock. 2014. "Confirmation Bias and Other Systemic Causes of Wrongful Convictions: A Sentinel Events Perspective." *Northeastern University Law Review* 11(2): 790–835.

Schwartz, Gabriel L., and Jaquelyn L. Jahn. 2020. "Mapping fatal police violence across US metropolitan areas: Overall rates and racial/ethnic inequities, 2013-2017." *PloS One* 15(6): e0229686.

Sebelius, Kathleen, and William Frist. 2022. "Reducing the Health Harms of Incarceration: A Report of the Aspen Health Strategy Group." The Aspen Institute.

Simonds, Raven. 2024. "An early social support network analysis of men facing reentry." *Journal of Criminal Justice* 94:102255.

Strong-Jones, Sienna, Kristina Brant, Derek Kreager, Eric Harrison, and Abenaa Jones. 2024. "Adverse Effects of Criminal Legal System Involvement: A Qualitative Study Examining the Role of Incarceration and Reentry on Substance Use Trajectories among Women with Opioid Use Disorders." *BMC Global and Public Health* 2(26): 1–12. <https://doi.org/10.1186/s44263-024-00058-1>.

Spohn, Cassia, and Katharine Tellis. 2019. "Sexual Assault Case Outcomes: Disentangling the Overlapping Decisions of Police and Prosecutors." *Justice Quarterly* 36(3): 383–411. doi:10.1080/07418825.2018.1429645.

Spohn, Cassia, and Katharine Tellis. 2012. "The Criminal Justice System's Response to Sexual Violence." *Violence Against Women* 18(2): 169–92. doi:10.1177/1077801212440020.

Spohn, Ryan, Emily Wright, and Johanna Peterson. 2017. "Rape and mental health outcomes among women: Examining the moderating effects of 'healthy' fear levels." *Violence Against Women*. 23(9). 1055-1075.

Steiner, Benjamin, Jared Ellison, Daniel Butler, & Calli Cain. 2017. "The impact of inmate and prison characteristics on prisoner victimization." *Trauma, Violence & Abuse*. 18(1). 17-36.
<https://doi.org/10.1177/2F1524838015588503>.

Teasdale, Brent, Leah Daigle, Shila Hawk, Jane Daquin. 2016. "Violent victimization in the prison context: An examination of the gendered contexts of prison." *International Journal of Offender Therapy and Comparative Criminology*. 60(9). 995-1015. <https://doi.org/10.1177/0306624x15572351>.

United States Department of Justice. 2024. "Investigation of the City of Phoenix and the Phoenix Police Department - Final Report." Civil Rights Division.

United States Department of Justice. 2012. "National Standards to Prevent, Detect, and Respond to Prison Rape." 28 CFR 115. www.federalregister.gov/a/2012-12427.

Western, B. 2006. *Punishment and inequality in America*. New York: Russell Sage Foundation.

Wolff, Nancy, Cynthia L. Blitz, and Jing Shi. 2007. "Rates of Sexual Victimization in Prison for Inmates With and Without Mental Disorders." *Psychiatric Services (Washington, D.C.)* 58(8): 1087–94. doi:10.1176/ps.2007.58.8.1087.

Wolff, Nancy, Jing Shi, Cynthia L. Blitz, and Jane Siegel. 2007. "Understanding Sexual Victimization Inside Prisons: Factors That Predict Risk." *Criminology & Public Policy* 6(3): 535–564. doi:10.1111/j.1745-9133.2007.00452.x.

Wright, Emily, Dana DeHart, Barbara Koons-Witt, & Courtney Crittenden. 2013. "'Buffers' against crime? Exploring the roles and limitations of positive relationships among women in prison." *Punishment & Society*. 15(1). 71-93.