

From The Attorney's Desk
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Victims' Voices

Violent crime silences victims' voices. Victim advocates work to restore those voices through laws and policies that guarantee a victim's right to speak in certain settings.

But just how many voices are needed to represent the rape victim, the domestic violence victim, the murder victim? This is a question faced by both the Illinois General Assembly and the Illinois Supreme Court this spring.

The foundation document for many legal issues in Illinois is the Illinois Constitution. In 1992, the Illinois legislature adopted an amendment to the Constitution entitled "Crime Victims' Rights." This amendment provides, in part, that crime victims shall have the following rights as provided by law: ... the right to make a statement to the court at sentencing." Ill. Const. 1970, art. I, § 8.1(a)(4). A "crime victim" is defined in the Rights of Crime Victims and Witnesses Act as "a person physically injured ... as a result of a violent crime perpetrated or attempted against that person or ... a single representative who may be the spouse, parent, child or sibling of a person killed as a result of a violent crime... or ... any person against whom a violent crime has been committed." 725 ILCS 120/3.

In accordance with the Illinois Constitution and the related law, a single victim impact statement generally is entered at the sentencing phase of a violent crime prosecution. Is this lone statement sufficient to inform the court of the devastating and far-reaching impact of violent crime on victims and their friends and families?

Apparently the trial judge in the case against convicted murderer Harold Richardson thought not. Richardson was convicted of the sexual assault and murder by strangulation of Nina Glover. At sentencing, victim impact statements by Glover's two daughters and her mother were presented to the court.

Richardson challenged the admission of three victim impact statements. The appellate court affirmed the use of the three statements. The Illinois Supreme Court, however, found the admission of three victim impact statements to be a violation of the Rights of Crime Victims and Witnesses Act. Ironically, the court found that the issue of victims' rights cannot be the basis for an appeal and held that while the trial court erred in admitting multiple statements, the defendant was not entitled to a new sentencing hearing. People v. Richardson, 2001 WL 403406, Ill. S.Ct., April 19, 2001.

As the Supreme Court was considering the Richardson case, the Illinois General Assembly was considering HB 863. This bill would permit the spouse, guardian, parent or other immediate family or household member of a crime victim to make a statement *in addition to the statement presented by the victim* regarding the impact that crime has had on the victim or the victim's family. That bill passed the Illinois legislature and awaits Governor Ryan's signature.

The trial judge in the Richardson case and those who sponsored and voted for HB 863 understand one undeniable truth: the impact of violent crime does not end with the person

who is raped and/or murdered. Certainly, the physical and psychological trauma of a brutal crime is felt most acutely by the victim herself. But the partner of a rape victim may be devastated by the impact the crime has had on their daily life together. The child of a murder victim may be overwhelmed by the isolation and loss of losing a parent, especially in such a abrupt and violent way. The parents of a child kidnapped and tortured may forever live with fear and anger. These people, victims in a different way than those who are viciously assaulted and killed, also deserve the opportunity to tell the offender and the court how their lives have been irreparably harmed. In addition to considering how the crime affected the victim, courts need to recognize the harm to the victim's family. Victim advocates must continue to support laws and policies that insure the right of victims to speak. Only through such speaking, will their silenced voices be restored.