

Research Seminar

The Expansion of Victims' Rights in American Criminal Procedure

Speaker: Professor Paul Cassell



Friday 8 September 2017

12:00 pm – 2:00 pm

Griffith Law School Seminar Room 1.02 N61 (Nathan Campus)

Video conferenced to Seminar Room 3.82 G36 (Gold Coast)

To register, please email lawfutures@griffith.edu.au

This seminar discusses the recent expansion of crime victims' rights in American criminal procedure. At America's founding, crime victims participated in criminal prosecutions through private prosecution. But over time, a system of public prosecution largely displaced crime victims from any formal role in the process. In response to the fact that victims have been largely overlooked in criminal processes, over the last three decades, the federal government and many American states have adopted state constitutional amendments protecting the rights of crime victims. Many of these enactments give victims the ability to enforce their rights through litigation in American courts.

This important expansion of the crime victim's role in the American criminal justice process has often gone unnoticed. Professor Cassell will review this important new development, discussing the architecture of the state amendments, particularly their enforcement provisions. He will then talk about the new, "second generation" of crime victims' rights that contain strong enforcement mechanisms. Professor Cassell will discuss how these amendments are being enforced through litigation in American courts, which crime victims asserting a more prominent role in the process. Professor Cassell will also offer some tentative predictions about how future developments in crime victims' rights law might unfold in America.