



PSN VICTIM AND WITNESS INTIMIDATION AND RETALIATION TOOLKIT

VICTIM AND WITNESS INTIMIDATION AND RETALIATION OVERVIEW

The PSN Victim and Witness Intimidation and Retaliation Toolkit is composed of six practical guides addressing victim and witness intimidation and retaliation through evidence-backed, victim-centered, and trauma-informed approaches. These guides provide an overview of the following:

- Victim and witness intimidation
- Law enforcement considerations for victim and witness intimidation and retaliation
- Prosecutor considerations for victim and witness intimidation and retaliation
- Trauma-informed engagement with victims and witnesses subjected to intimidation and retaliation
- Technology as both a facilitator of and protector against victim and witness intimidation and retaliation
- Collaboration between law enforcement, prosecution, systems, and community-based advocacy programs to respond to victim and witness intimidation and retaliation

This guide begins the series with an overview of victim and witness intimidation.

For more information on victim and witness intimidation and retaliation, see the other guides in this toolkit.

WHAT IS VICTIM AND WITNESS INTIMIDATION?

Victim and witness intimidation and retaliation is a crime as old as the rule of law itself. Where a crime exists, the risk of intimidation and retaliation of a victim or witness also exists. These perennial tactics are often used to discourage cooperation with the criminal justice system. However, the consequences go far beyond the courtroom—hurting victims, families, community relationships, crime investigations, the public school system, and local businesses.

The Combatting Witness Intimidation Initiative defines *witness intimidation* as follows:

Anything done with the intention or purpose of preventing or altering a witness's testimony or report to law enforcement or to retaliate against a witness for such testimony or report. In addition to overt threats of harm to the victim or another, violence, or other harm, it includes implied threats and emotional manipulation.¹

WHAT DO RETALIATION AND INTIMIDATION MEAN FOR VICTIMS?

Intimidation and retaliation manifest in two forms: explicit and implicit. Explicit intimidation includes overt acts or threats of physical violence, property damage, reputational harm, extortion, blackmail, and deportation. Conversely, implicit intimidation occurs when a victim or witness faces a realistic but unspoken threat of harm.

¹ Wilkinson, J., Cruz, F., Fuhrman, H., & Kennedy, S. (2016). *Combatting Witness Intimidation*. End Violence Against Women International. Retrieved August 24, 2022, from <https://evawintl.org/wp-content/uploads/CWI-Final-Report-9.26.19.pdf>



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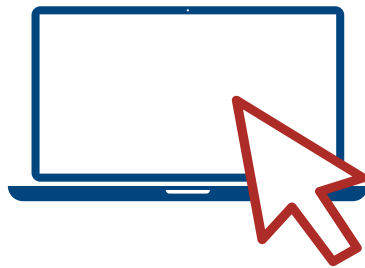
This threat may not be explicitly articulated but instead insinuated through actions, physical appearances, suggestive behavior, and other insidious acts that implicate danger and threat of harm.

WHICH CRIMES LEAD TO VICTIM AND WITNESS INTIMIDATION AND RETALIATION?

Any crime can involve victim and witness intimidation and retaliation, but cases in which perpetrators can still exert power, control, and pressure over the victim or witness are particularly susceptible. Cases that involve gang, gun, or drug violence can lead to community retaliation and intimidation, seen when the gang or criminal organization takes control of that community.

When perpetrators, particularly perpetrators of domestic violence or human trafficking, have legal or intimate social connections to victims, intimidation and retaliation can be accomplished through tactics such as committing economic abuse, threatening family and friends, outing the victim, using their children, and targeting pets.

General witness intimidation and retaliation typically appear in gang, gun, and drug crimes; domestic and sexual violence; human trafficking; elder abuse; child abuse; stalking; and white-collar crimes such as those involving racketeering or the environment.



WANT TO LEARN MORE?

Check out our other guides in this toolkit, as well as NCVC's "*Trauma-Informed Strategies to Address Victim and Witness Intimidation and Retaliation*" webinar.



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