

**The New Mexico Sheriffs' Association
and
The District Attorney's Association**



Administrative Office
of
The District Attorneys

present

The New Mexico Victim and

Witness Seminar

121859

New Mexico Law Enforcement Academy
February 6-7, 1986



Handbook printed by:
Cooperative Extension Service

WELCOME

On behalf of the members of the New Mexico Sheriffs' Association, it is my great pleasure to welcome each of you to this first "New Mexico Victim and Witness Seminar". It is our hope that this will be only the first of a continuing series of such workshops.

The goal of the Victim's Assistance Program (VAP) at the state and national level is to initiate action so that the needs and rights of victims are served more effectively and humanely. Our association would not be able to provide this service without the interest and assistance of the National Sheriffs' Association and the National District Attorneys' Association. We appreciate their presence in our state to present this very valuable program.

The success of our workshop efforts, in the final analysis, rests on each of you present who have taken the time to be here, in spite of your busy schedules. Thank you, for without your interest and concern, this effort would not succeed.

Any program such as this requires a great deal of time and effort from a number of key people, but the prime mover for planning, coordinating and developing this workshop was Sheriff R.W. "Bill" Driggers of Cibola County. We would not be here if he had not done such an excellent job. We owe him a vote of thanks.

Welcome to the Land of Enchantment.

Henry B. Diaz
Sheriff
Dona Ana County

(505) 523-2221

January 10, 1986



NATIONAL SHERIFFS' ASSOCIATION

1450 DUKE STREET • ALEXANDRIA, VIRGINIA 22314 • 703-836-7827

L. CARY BITTICK
EXECUTIVE DIRECTOR

THE NATIONAL SHERIFFS' ASSOCIATION

VICTIM ASSISTANCE PROGRAM

THE NEW MEXICO VICTIM AND WITNESS SEMINAR

PARTICIPANT HANDBOOK

Prepared for the
NEW MEXICO SHERIFFS' ASSOCIATION
in conjunction with the
NATIONAL DISTRICT ATTORNEY'S ASSOCIATION

at the
New Mexico Law Enforcement Academy
February 6-7, 1986

NCJRS

FEB 15 1990

ACQUISITIONS

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with support from a grant from the Office of Justice Programs
whose Director is Assistant Attorney General Lois H. Herrington,
U.S. Department of Justice, Washington, D.C.

December, 1985

121859

**U.S. Department of Justice
National Institute of Justice**

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WORKSHOP AGENDA

DAY 1

8:30-9:30 AM I. Introduction and Orientation

Welcome and introduction; workshop scope and objectives; national initiatives.

9:45-10:45 AM II. The Meaning of Victimization and Victim's Rights

The national data; the personal impact; the "second victimization" by the criminal justice system; videotape interviews with crime victims.

10:45-11:45 AM III. The Role of Law Enforcement in Victim Assistance

Evolution of the U.S. criminal justice system; why law enforcement and prosecutors should be involved; defining their responsibilities and suggested actions.

- o Law Enforcement and Prosecutor Victim Response Units
- o Law Enforcement and Prosecutor Sponsored Activities

11:45-1:00 PM LUNCH

1:00-2:30 PM IV. Victim Assistance Legislation

Review of the Justice Assistance Act; Victims of Crime Act; the Victim/Witness Protection Act; review of New Mexico victim assistance laws.

2:45-5:00 PM V. Guidelines for Special Victims

Identifying the needs of special victims; strategies for improving services to meet those needs.

WORKSHOP AGENDA

DAY 2

- 8:30-10:00 AM VI. Activities to Assist Crime Victims
- Examples of low cost actions to implement in your department; survey of victim assistance programs.
- 10:15-11:15 AM VII. Victim Assistance Program Models
- Panelists from law enforcement and prosecution based victim assistance programs will provide an overview of their programs.
- 11:15-12:00 PM VIII. Identifying Resources For Victim Assistance
- Review of grant programs; the use of volunteers; fundraising events and other practical ideas.
- 12:00-1:15 PM LUNCH
- 1:15-2:15 PM IX. Planning For Victim Assistance Programs and Activities
- Individual and small group work to develop activities and/or programs that address your community needs; selected presentations by participants.
- 2:30-3:30 PM X. Coordination
- The role of law enforcement and the prosecutor in providing leadership; models for bringing together criminal justice and community resources to assist crime victims.
- 3:45-4:45 PM XI. Composing a Local Agency Plan
- Small group work to develop a local plan of action that includes criminal justice agencies and community resources; selected presentations by participants.
- 4:45-5:00 PM XII. CONCLUSION: REVIEW AND COMMENTS

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INTRODUCTION

The National Sheriffs' Association's Victim Assistance Program (NSAVAP) is a national partnership with the U.S. Department of Justice. NSA takes the results of research, studies, demonstrations, and practices from various types of victim assistance projects and makes them accessible to Sheriffs, other criminal justice officials and elected local government leaders.

The goal of the NSAVAP is to enable Sheriffs and others to implement actions within state and local justice systems so that the needs and rights of victims of crime are served in an efficient, humane and organized manner.

In April, 1985, selected Sheriffs from the State of New Mexico joined their peers from eight other western states and attended the NSAVAP's Fifth Regional Workshop in Denver, Colorado. Representing New Mexico were Captain James Boespflug (Aztec, NM) and Deputy Sheriff Dennis Vaughn (San Juan County). Part of their task was to work with others in the New Mexico State Sheriffs' Association in order to repeat the type of training that they received for others in New Mexico. "The New Mexico Victim and Witness Seminar" is the result of this original idea of the New Mexico State Sheriffs' Association and the New Mexican District Attorneys' Association for their willingness to act as co-sponsors of this important state-wide seminar.

We look forward to continuing our partnerships with the various State Task Force members. This New Mexico Seminar represents the 26th such state workshop that the staff of the NSAVAP has been able to deliver since May, 1985. Our hope is that subsequent workshops can be held within various counties and regions of New Mexico so that all members of the justice system can learn how to provide organized assistance to victims of crime.

H. Jerome Miron
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December 9, 1985

INTRODUCTION

The National Sheriffs' Association's Victim Assistance Program (NSAVAP) is a national partnership with the U.S. Department of Justice. NSA takes the results of research, studies, demonstrations, and practices from various types of victim assistance projects and makes them accessible to Sheriffs, other criminal justice officials and elected local government leaders.

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December 9, 1985

SESSION I

INTRODUCTION AND ORIENTATION

Summary

In this session, we shall introduce the participants, describe the National Sheriffs' Association (NSA) and National District Attorneys' Association (NDAA) Victim Assistance Programs, other national level initiatives and outline the workshop objectives.

THE NATIONAL SHERIFFS' ASSOCIATION'S
VICTIM ASSISTANCE PROGRAM (NSAVAP)

The NSAVAP is a partnership with the U.S. Department of Justice's Office for Victims of Crime. NSA takes the results of research, studies, demonstrations, and practices of different types of victim assistance projects nationwide and makes them accessible to Sheriffs and other law enforcement officials. The goal of the NSAVAP is to enable Sheriffs and other officials in the criminal justice system to implement actions at the state and local level in order to modify the manner in which justice system officials and others respond to the needs and rights of victims of crime.

The NSAVAP is a new national network composed of State Sheriffs' Associations' Task Forces on Victims in over 43 states. More than 400 Sheriffs who are members of these Task Force groups have been trained by the NSAVAP to become, in turn, consultants, trainers, and advocates of victim rights in their respective states. These members are presently implementing state plans of action, local plans, and agency plans to institute new laws, coordinate county-wide services to victims, and establish and monitor new policies and procedures in their own agencies.

Since November, 1984, more than 20 State Task Forces have already conducted state and within-state regional training programs for other Sheriffs and law enforcement officials. Since May, 1985, the NSAVAP has begun to work with each Task Force so that training, technical assistance, and other services can be provided to each State Sheriffs' Association. By 1987, it is planned that the nation's Sheriffs--serving in 3,100 counties--will be trained by the combined efforts of the NSAVAP and its Task Force groups. The ultimate goal is to ensure that organized services to victims will be developed and in place in each of these counties so that our nation's victims can be supported by the efforts of officials of the American justice system.

If you wish information about the work of your State Sheriffs' Association's Task Force on Victims or need information about the work of the NSAVAP, contact the NSA at 1450 Duke Street, Alexandria, Virginia 22314 or call (703) 836-7827.

Publications

The Victim Witness Coordination Program produces and disseminates publications such as:

- Brochures
- Monographs
- Bibliographies

to assist prosecutors in their efforts for victims of crime. Articles in the regular NDAA publications will keep members informed of Victim Witness Coordination Program activities.

Information Clearing House

The Victim Witness Coordination Program serves as a national clearing house for information on victim/witness assistance programs in prosecutors' offices and other organizations for victim assistance.

Also, legislative efforts in the area of victim assistance are promoted and supported with model legislation and other information.

These and other tasks will be expanded as the victim and witness assistance efforts continue.

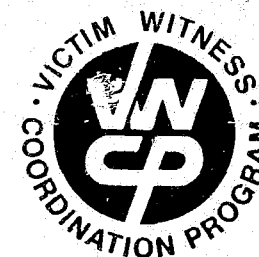
If you are interested in learning more about the activities of the Victim Witness Coordination Program or want to make use of the services, please contact:

The Victim Witness Coordination Program

National District Attorneys Association

1033 North Fairfax Street
Suite 200
Alexandria, VA 22314

(703) 549-9222



NDAA Victim Witness Coordination Program

- *To help your office to assist victims of crime*
- *To help restore the balance in the criminal justice system*

Bruce A. Gardner,
Director

Dorine Rootsart,
Assistant Director

The need to assist victims of crime in the criminal justice system is gaining more and more recognition.

Since the mid-seventies, the NDAA has played a major role in promoting services to victims and witnesses. In 1975, pilot Victim/Witness Programs were developed in prosecutors' offices and the information gained was disseminated through conferences, publications and training seminars.

The NDAA intends to continue this extremely worthwhile initiative. The current Victim Witness Coordination Program is committed to encouraging local prosecutors to implement the recommendations made by the President's Task Force on Victims of Crime in 1982.

In the final report of the President's Task Force on Victims of Crime the following recommendations were made to prosecutors:

- Notify victims of the status of their case
- Ensure that victims can make their views known in decisions such as bail or sentencing
- Protect the victim from intimidation
- Discourage case continuances
- Install an on-call system for witnesses
- Ensure prompt property return
- Network with other victim services agencies
- Recognize the profound impact of crimes of sexual violence on both child and adult victims and their families

The National Prosecution Standards on Victim/Witness Relations developed by the NDAA add recommendations such as:

- Provide a separate and secure waiting area for victims
- Support victim compensation initiatives

Technical Assistance

Initiation of victim and witness services in prosecutors' offices and enhancement of existing services are absolute priorities.

The technical assistance program:

- Enables interested prosecutors to visit designated model programs to study the organization and share the experience and expertise collected there.
 - Arranges visits by qualified consultants to offices of prosecutors eager to install or improve services. This provides prosecutors with advice specifically tailored to their offices and jurisdictions.
-

NEW MEXICO SHERIFFS' ASSOCIATION
TASK FORCE ON VICTIMS

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**THE NATIONAL SHERIFFS' ASSOCIATION
VICTIM ASSISTANCE PROGRAM**

REGION II: STATE AND LOCAL TASK FORCE CHARTER

The NSA Regional Workshop #5 was conducted in Denver, CO, on April 16-19, 1985, for Task Forces from nine midwestern states: Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, North Dakota, South Dakota, and Wyoming. One of the major objectives and one of the workshop outcomes were to enable the SSA Task Force members, as individual members of or sheriffs of sheriff's departments, to draft specific actions that sheriffs should take in the ensuing twelve months to improve the quality of assistance to victims in their respective counties and to list those actions that State Sheriffs' Associations should take in this time period for victim assistance and to foster state policies on behalf of victims and their special needs.

Following is a list of actions, representing a consensus, of the Task Forces of the nine states for each, those that the State Associations should take and that which the sheriff should take in the next twelve months. This, then, represents the charter for the associations (including their respective Task Forces) and the sheriffs in these states, respectively.

● Actions that the State Sheriffs' Associations will take:

1. Provide training regarding victim's needs and means for aid through regional workshops.
2. Devise a model plan for sheriff's departments to enhance the manner in which the department aids victims of crime.
3. Provide assistance to state-level law enforcement training to assure coverage of victim's needs.
4. Seek out and maintain legislative contacts to allow full review of existing legislation concerning victim assistance and victim's rights.
5. Identify all sources of funding, state and local, for support of victim assistance efforts at the county level.
6. Establish communication with state level groups and agencies to facilitate coordination at the local level (e.g. - Attorney General, Governor, Prosecuting Attorney Association, etc.)
7. Establish communication methods for informing both the sheriff and others in the criminal justice system about victim assistance and the general public.

● Actions that the Sheriff will take:

1. Identify extent of needs of victims in the county and the degree to which these needs are being met.
2. Create a program for the development of abilities for victim assistance.
3. Coordinate development efforts with other representatives of the criminal justice system and with those other service deliverers.
4. Establish a public awareness program through the use of media programs and the use of brochures and pamphlets.
5. Initiate training programs for all members of the department concerning victims needs and assistance measures.
6. Solicit public support and identify sources of funding for continued program operation.

BACKGROUND

- The President's Task Force on Victims of Crime: 1982-1983:
 - 18 months of study, interviews, public hearings, and testimony
 - Report provided 68 recommendations to change the manner in which the justice system and others respond to and assist victims and witnesses
 - Chairman Lois H. Herrington appointed Assistant Attorney General with a mandate to implement recommendations nationwide
 - Establishment of an Office for Victims of Crime within the Office of Justice Program, U.S. Department of Justice
- Development of a national implementation strategy by the Office for Victims of Crime:
 - Grants to national organizations that can reach into the justice community:
 - National Sheriffs' Association
 - National Organization of Black Law Enforcement Executives (NOBLE)
 - American Bar Association
 - National Judicial College
 - National Organization for Victim Assistance
 - National Center for Women's Policy Studies
 - National Association of State Directors of Law Enforcement Training
 - Enactment of new national legislation:
 - Justice Assistance Act of 1984
 - Victims of Crime Act of 1984
 - Establishment of the National Victim Resource Center
- Publication of the Attorney General's Task Force Report on Family Violence

SESSION II

THE MEANING OF VICTIMIZATION

Summary

This session shall present information about the definition of a victim, national data about the extent of victimization, and introductory information about the impact of victimization on individuals and families. The presentation will conclude with an overview of the needs of victims of crime.

Following this presentation, a videotape will be shown which presents statements by victims about the impact of crime. One of three different tapes may be presented; the title of each tape and information about how to obtain tapes is as follows:

VICTIM'S PANEL/DR. PATRICIA A. RESICK
NATIONAL CONFERENCE ON THE JUDICIARY ON THE RIGHTS OF VICTIMS OF CRIME

The National Judicial College
Judicial College Building
University of Nevada, Reno Campus
Reno, Nevada 89557
(702) 784-6747
\$15.00

WHAT ABOUT THE VICTIM?
with/ Mark Moseley

Jayne Fitzgerald Productions
9689 Lindenbrook Street
Fairfax, Virginia 22031
(703) 281-2260
Cost approximately \$300-\$400

TAKE A STAND

James Vanden Bosch
Terra Nova Films, Inc.
215 West Chicago Avenue
Chicago, Illinois 60610
(312) 944-1102
Purchase \$435.00
Rental \$45.00

A victim is an individual who suffers physical, financial, or emotional harm as the result of the commission of a crime and this definition includes the families of children who are victims or the survivors of a homicide victim.

Victim and Witness Protection Act
October, 1982
(P.L. 97-291)

DATA ABOUT VICTIMIZATION

<u>NATIONAL CRIME SURVEY (NCS)</u>		<u>YEAR</u>	<u>UNIFORM CRIME REPORT (UCR)</u>	<u>% UCR/NCS</u>
<u>Incidents</u>	<u>Households</u>		<u>Reported Incidents</u>	<u>Incidents</u>
41,455,000	24,900,000	<u>1981</u>	13,290,300	32.0%
39,800,000	24,800,000	<u>1982</u>	12,857,218	32.3%
36,900,000	23,621,000	<u>1983</u>	12,070,200	32.7%
34,323,000	22,786,000	<u>1984</u>	11,881,800	34.6%

NATIONAL CRIME SURVEY: CRIME
RISK INDEX: 1982

<u>Crime Risk Index</u>	<u>1982</u>	<u>Estimated Population Victimized</u>
3.2 persons victimized by <u>violent crime</u> per 100 persons		6,031,904 persons in 1982
<u>Victimization Rate</u>	<u>1982</u>	
3.4 <u>violent crime</u> victimizations per 100 persons		6,459,000 in 1982
<u>Households Touched by Crime</u>	<u>1982</u>	
5.6 households touched by <u>violent crime</u> per 100 households		4,760,000 households in 1982

ESTIMATES OF PERSONAL AND HOUSEHOLD VICTIMIZATIONS NOT REPORTED TO POLICE BY TYPE OF VICTIMIZATION AND REASONS GIVEN FOR NOT REPORTING: 1981. (Source: Sourcebook of Criminal Justice Statistics, Bureau of Justice Statistics, 1983, Table J.6, page 318)

Type of Victimization by selected category and estimated total number of unreported crimes	Nothing could be done/% only for each reason	Not important Enough	Police wouldn't want to be bothered	Did not want to take time	It was a private matter	Fear of reprisal	Victimization reported to someone else	Other	Unknown
Robbery/596,299	21%	15%	9%	6%	15%	7%	9%	39%	5%
Assault/2,678,875	9%	27%	7%	2%	32%	4%	13%	16%	3%
Larceny with contact/350,348	25%	19%	10%	3%	5%	1%	15%	47%	1%
Larceny without contact/10,970,185	22%	32%	8%	3%	4%	0%	22%	28%	2%
Household Burglary/3,505,622	23%	23%	10%	2%	9%	1%	7%	44%	2%
Household Larceny/7,426,308	22%	39%	10%	2%	8%	1%	3%	32%	2%
Vehicle Theft/468,283	18%	16%	8%	3%	12%	0%	8%	52%	1%

Totals may not round because of respondents giving more than one reason for not reporting to the police. Murder, manslaughter and arson not surveyed. Rape percentages not listed because base figure is too small to generate a derived figure that meets statistical standards for reliability.

OBSERVATIONS ON DATA

- An analysis of 5 years of data from the National Crime Survey (1978-1982) indicates that about 3% of Americans each year are victims of violent crime. Moreover, this 3% figure is a conservative estimate because it includes the crimes of rape, robbery, and assault but not murder, manslaughter by drunk drivers, kidnapping, child abuse or other violent crimes not measured in the National Crime Survey.
- The 3% figure represents about 6 million victims of violent crime each year in the period 1978-1982.
- Other findings on violent crime victimizations for the year 1982 (latest figures to date) include the following:
 - Most violent crime victims were victims of assault or about 2.5% of the population or about 4.7 million;
 - A higher proportion of males (4% or about 2.2 million) were victimized than females (2% or about 1.9 million);
 - A higher proportion of blacks (4% or about 0.8 million) were victimized than whites (3% or about 4.9 million); there are about 20.9 million blacks in the U.S. population (1982) compared to 163.4 whites in the same year;
 - Persons 16 to 24 years old were more likely to be victimized than those of other age groups;
 - About the same proportions of white and black males 16 to 24 were victimized;
 - There is a direct relationship between income and victimization for both whites and blacks: the lower the income, the greater the victimization;
 - The proportion of the population victimized by violent crime was fairly constant between 1978 and 1982.

Sources for Data: Uniform Crime Reports, 1981 - 1984, Department of Justice/FBI

"The Risk of Violent Crime" Bureau of Justice Statistics,
Special Report, May 1985, NCJ-97119

"Households Touched by Crime, 1984" Bureau of Justice Statistics,
Special Report, June 1985, NCJ-97689

[Of the 37,115,000 crimes that took place in 1983, as estimated from the National Crime Survey, 35% or 12,880,000 were reported to police. Other specific findings are reprinted in this NSAVAP Summary. These findings are based on interviews conducted twice a year with approximately 128,000 persons ages twelve and older in 60,000 households, conducted as part of the ongoing National Crime Survey (NCS). The tables reprinted here identify whether crime was reported in 1983 by type of crime and percent of victimization and the percent of crimes reported by selected victim characteristics.]

PERCENT OF CRIME REPORTED TO POLICE, 1983

Type of crime	Total number of victimizations	Percent of victimizations			Total
		Reported to police	Not reported to police	Don't know/not ascertained	
All crimes	37,115,000	35%	64%	1%	100%
Crimes of violence	6,015,000	48%	51%	1%	100%
Rape	154,000	47	52	---	100
Robbery	1,133,000	52	47	1	100
Aggravated assault	1,588,000	58	40	2	100
Simple assault	3,141,000	41	58	1	100
Crimes of theft	14,657,000	26%	72%	2%	100%
Purse Snatching	177,000	51	48	---	100
Pocket Picking	386,000	29	70	---	100
Larceny without contact	14,095,000	26	72	2	100
Household crimes	16,442,000	37%	62%	1%	100%
Burglary	6,065,000	49	50	1	100
Household larceny	9,114,000	25	74	1	100
Motor vehicle theft	1,264,000	69	31	---	100

Note: Crime categories include attempted crimes.
Figures may not add to total because of rounding.

--Too few cases to obtain statistically reliable data.

PERCENT OF CRIME REPORTED TO POLICE BY VICTIM CHARACTERISTICS, 1983

Victim characteristics ^a	Percent reported to police									
	All crimes	Crimes of violence					Household crimes			
		Total ^b	Robbery	Aggravated assault	Simple assault	Crimes of theft	Total	Burglary	Household larceny	Motor vehicle theft
Sex										
Male	35%	45%	45%	55%	38%	26%	38%	49%	27%	69%
Female	34	53	65	66	45	27	37	49	23	67
Race										
White	34	47	50	57	41	27	37	48	26	68
Black	37	54	58	63	41	26	39	52	22	70
Age										
12-19	22	38	41	48	32	13	26	33	18	40
20-39	36	51	54	60	44	29	36	48	23	68
40-64	40	57	58	73	50	33	41	51	29	72
65 and above	38	49	73	--	--	36	37	48	25	65
Family income										
Less than \$10,000	33	48	50	60	41	26	32	41	20	62
\$10,000-\$19,999	35	48	48	59	41	26	37	49	25	67
\$20,000-\$29,999	36	50	53	65	41	25	41	54	29	77
\$30,000 and above	35	45	56	49	40	27	42	57	29	68
Level of education										
Elementary	26	36	40	51	28	14	35	45	24	68
Some high school	31	47	54	56	38	19	34	45	22	69
High school graduate	37	51	56	59	46	29	38	48	26	71
Some college	37	53	56	67	46	30	37	49	25	66
College graduate	38	46	51	53	41	34	41	54	28	67

--Too few cases to obtain statistically reliable data.

^a Characteristics are those of respondent for crimes of violence and crimes of theft and of head of household for household crimes. Income is that of the family for all types of crime. Education is years completed for crimes of violence and crimes of theft and years attended for household crimes. ^b Includes rape, which is not displayed as a separate entry because of the small number in the sample.

CRIME AS A PERSONAL CRISIS

● CRIME AS A CRISIS

--Crisis: a threatening life experience which seriously disrupts personal and social functioning.

--"The key word in this definition is 'threat'...a severe threat to the self may result in eating or sleep disturbances, inability to engage in usual social interactions, inability to think clearly or to concentrate, or inability to work. In a very real sense, a threatening event can directly and adversely affect the functional integrity of the person..."

"The Psychological Impact of
Personal Crime"
Morton Bard Ph. D.

--Crisis researchers have demonstrated that the ability of an individual to adapt to and handle a crisis depends on the meaning of the stressful experience and the nature of the victims experiences immediately after the threat.

--Not all stressful life experiences have a crisis impact, e.g., death after a prolonged illness which enables a spouse or relative to be prepared for the death.

--However, threatening life experiences that are sudden and unanticipated, unpredictable, and random or arbitrary are qualities of a crisis that frequently produce or provoke a shattering impact on the individuals sense of self and ability to function with others.

--Most crimes, by definition and action, are sudden, unpredictable, and arbitrary...most crimes produce a crisis in the victims life.

PERSONAL CRIME AS VIOLATION OF SELF

One way to gain some insight into the psychological impact of crime victimization is to construct a model (Figure 2). In this model, personal crimes have increasingly complex elements for the severity of the stress. These crimes are seen as violations of self, that is, as events in which the individual's self is violated outside personal control. The violation increases in severity as the threat to self becomes more direct, culminating in the ultimate violation of homicide--the destruction of self.

Burglary

A burglary is an example of a crisis-inducing violation of the self. People usually regard their homes or apartments as representatives of themselves. In an important symbolic sense, their homes are extensions of themselves. Home is, in the most primitive sense, both nest and castle. Particularly in a densely populated, highly complex environment, it is the place that offers security. When that nest is befouled by a burglary, often it is not so much the fact that money or possessions have been taken that causes the distress. It is more that a part of the self has been intruded upon or violated.

Robbery

In robbery, a more complex violation of self takes place. While in burglary the victim is not directly involved, in robbery the violation of self occurs in a more intimate encounter between the victim and the criminal. In this crime, not only is an extension of the self taken from the victim (property, money, etc.) but she or he is also coercively deprived of independence and autonomy, the ability to determine one's own fate. Under threat of violence, the victim surrenders autonomy and control, and his or her fate rests unpredictably in the hands of a threatening other. This situation must have a profound ego impact.

Robbery with Physical Assault

Now let us go a step further on the scale of violation of self to assault and robbery. Here there is a double threat: the loss of control, the loss of independence, the removal of something one sees symbolically as part of the self--but now with a new ingredient. An injury is inflicted on the body, the envelop of the self. The external part of the self is injured. It is painful not only physically; the inner being is injured as well. This physical evidence reminds victims that they are forced to surrender their autonomy and also that they have been made to feel less than adequate. The physical injury is the visible reminder of their helplessness to protect or defend themselves.

Rape and Sexual Assault

In the crime of rape, the victim is not only deprived of autonomy and control and experiences manipulation and often injury to the envelop of the self, but also suffers intrusion of inner space, the most sacred and private repository of the self. It does not matter which body orifice is breached;

symbolically, they are much the same. Victims of sexual assault experience the assault as asexual. The threat to self is so direct and so extreme that survival alone is uppermost.

Homicide

This crime is unquestionably the ultimate violation of self. The self is destroyed and ceases to exist. For the survivors of the homicide victim, the victim's death is extremely stressful. Cross-cultural research indicates that the death of a family member or of a close friend is a stress of the greatest magnitude. The sudden and unpredictable loss of an important person often has profound effects of the survivor. Crisis intervention techniques not only benefit the survivor personally, but also lessen the degree of dysfunction.

FIGURE 2

VIOLATION OF SELF IN PERSONAL CRIMES

BURGLARY	ROBBERY	ROBBERY WITH PHYSICAL ASSAULT	RAPE	HOMICIDE
(1) VIOLATES EXTENSION OF SELF	(1) VIOLATES EXTENSION OF SELF	(1) VIOLATES EXTENSION OF SELF	(1) VIOLATES EXTENSION OF SELF	(1) ULTIMATE VIOLATION: DESTRUCTION OF SELF
	(2) LOSS OF AUTONOMY	(2) LOSS OF AUTONOMY	(2) LOSS OF AUTONOMY	
		(3) INJURY TO EXTERNAL SELF	(3) INJURY TO EXTERNAL SELF	
			(4) VIOLATES INTERNAL SELF	

-----INCREASING PSYCHOLOGICAL COMPLEXITY/SEVERITY OF STRESS-----

SOURCE: "THE PSYCHOLOGICAL IMPACT OF PERSONAL CRIME" MORTON BARD PH.D., IN
VICTIM WITNESS PROGRAMS: HUMAN SERVICES OF THE 80s, EMILIO C. VIANO, EDITOR (1981)

GENERAL STAGES OF CRISIS REACTIONS

- Crisis reactions may vary with the person and the circumstances of the crime as a crisis event. There are, generally, three stages of reaction: initial disorganization, a period of struggle to achieve balance, and, finally, stability. The three stages are not discrete; there are periods of overlap; there is often movement back and forth for short periods of time.

- Stage One: Initial Impact

A relatively short period which may last from a matter of hours to days; characterized by shock and feelings of being fragmented; numb, disoriented, feelings of helplessness and disbelief; a natural reaction and not abnormal or idiosyncratic. This impact is experienced, to some degree, by all victims of personal crime.

- Stage Two: Recoil

The beginning of the process of repair and healing which never proceeds smoothly; victims may experience feeling of being discouraged and that life may not return to pre-crime levels of functioning; the beginning of being able to put the event into some form of perspective; victim begins to cope with the meaning of vulnerability, reality and loss resulting from the crime event; this waxing and waning between emotions is a normal part of the reparative process.

- Stage Three: Reorganization

The victim begins to achieve a state of balance both internally and in relation to the environment; fear and anger diminish; emotional energy is now invested in constructive pursuits. The more serious the violation, the longer it takes the victim to achieve stability.

RESPONSE BY OTHERS TO CRISIS REACTION STAGES

Responses to crisis reactions--crisis intervention by others--are best done by the supportative and positive behavior of others: on-scene officers, victim assistance personnel, friends, family, neighbors, and even strangers.

The crisis has been produced by the intentional threatening behavior of another person. The best antidote to the intentional hurtful act by another is the intentionally compassionate and helpful act by another.

But, those who would be helpful must be alert to the burdens imposed by their helping role--good intentions alone are insufficient. Supportive and positive behavior is manifested by carefully chosen words, actions, and guidance.

SOME HELPING BEHAVIOR: WORDS AND ACTIONS

LISTENING/VENTILATION

It is extremely important to allow victims to discharge their feelings. The helper should not stifle the victims impulse to speak of the crime, even if it seems repetitive at first. Listening with acceptance and without passing judgement is the single most supportive act that the helper can perform.

DIRECTION

Victims feel helpless and disordered immediately after the crime. It is difficult for them to deal with abstractions. Normally self-reliant people may need to be told what to do. The helper should avoid imposing a moral tone on what may appear to be an infantile need for direction.

SECOND GUESSING

Victims are extremely sensitive to behavior by others which seems to question their motives or behavior at the time of the crime. Helpers should not ask questions out of idle curiosity, particularly questions which may seem to the victim to be accusatory. Questions such as "Why didn't you scream?" should be avoided.

GUILT

Victims often feel guilty and ashamed, not because of complicity in the crime, but because of the need to explain what happened. Such expressions are usually temporary. Rather than attempting to argue the victim out of such feelings, the helper should accept them as a passing part of the reparative process.

ANGER

Expressions of anger are appropriate and probably beneficial. A dilemma exists for those who try to help when anger is directed at them. But the expression of anger is likely to be an acknowledgement by the victim that he or she trusts the listener enough to express the feeling. Helpers should never personalize the anger. The victim is using anger only as an avenue for needed expression.

RESCUE FANTASY

This fantasy is a common pitfall for many who help others. If helpers indulge in this fantasy, they may unwittingly encourage the victims dependence long after it is necessary. Really helping requires sensitivity and discipline. It is easy to exploit a vulnerable victim for the gratification of personal needs.

CONCLUSION

In sum, effective crisis intervention can reduce much of the pain, and long term disability that can follow in the wake of crime victimization. Supportive human relationships, informed by crisis theory, can reduce the need for intervention by mental health professionals long after the crime. In the period immediately after the threat, what others say and do has great importance. Friends, relatives and criminal justice professionals can be very effective in facilitating the reparative process for victims. Most victims--like most people--are strong and resilient; their emotional and social difficulties following victimization are natural and usually temporary. But in order to weather their difficulties with relative ease, they need the help of those who care and who know how to help.

WHAT DO VICTIMS NEED?

Both the personal and physical impact of a criminal event brought on by an arbitrary and sudden action by another can be ameliorated through supportive and positive behavior of others. The "bad" action of the criminal can be countered by the "good" action of the on-scene officers, victim assistance personnel, family members, neighbors and others. The best antidote for hurtful actions of one person is the intentionally compassionate and helpful actions of another.

Specific actions or attitudes that should be involved are:

- Victim Safety: Statements such as "I'm glad you're all right," and assurances that the victim will be no longer harmed both are important where there has been a physical attack or the threat of an attack. The responding officer can alleviate such fears.
- Listening-Ventilation: Victims should be allowed to vent their feelings and express rage, disbelief, denial and "why me?" attitudes. It can be helpful to say, "I'm sorry it happened," and "You did nothing wrong." Offenders, not victims, are blameworthy.
- Direction: Helplessness and feelings of disorientation often accompany the impact of a criminal event. Helpful actions include the quiet and firm suggestion as to actions that should be taken without imposing a moral tone.
- Second Guessing: Helpers should avoid making judgmental statements relative to the victim's actions or lack of them. Questions such as "Why didn't you fight back?" "Why didn't you scream?" "Why were you out on the street at that time of night alone?" may often lead to inappropriate guilt feelings on the part of the victim.
- Guilt: The helper should understand that guilt feelings on the part of the victim are usual and normally temporary. These feelings arise, not because of a complicity of the crime, but because of a need of the victim to explain what happened.
- Anger: This is a normal means of expression used by victims which may be directed at the helper or anyone else. Giving full rein to these expressions can have a therapeutic effect on helping the victim to focus this energy on assisting the justice system to hold offenders accountable for criminal acts.
- Rescue Fantasy: Helpers, because of their actions and attitudes, can fall into the trap of being seen as the "rescuer" by the victim, leading to long term dependency.

In short, proper, timely and helpful actions can reduce much of the pain and long term disability that may follow in the wake of crime victimization. Supportive relationships can do much to reduce the need for mental health professional intervention at a later date.

These helpful actions and attitudes require committed people, training and institutional bases...and a coordination of the efforts of all who are so involved.

Victims, families of victims and witnesses also need direction and guidance from criminal justice system officials. The justice system is a mysterious process to many victims who may never have had any prior relationship with the system. Professionals in the justice system often take for granted the terms used—such as plea bargaining or a pre-trial conference—or often understand and are familiar with legal procedures associated with an arrest—such as probable cause, warrants, search and seizure, bonds, or release on recognizance. Victims often do not understand either the meaning or purpose of such terms or procedures.

Thus, victims need information, guidance, instruction and advice about what they must do and what they can expect from the system that is designed—in theory at least—to serve and protect them.

A victim wonders:

- What happens after I report a crime?
- Who do I contact for information?
- Will I be notified about the progress of the case?
- What are the names and phone numbers I should call?
- How do I go about having stolen documents replaced, such as Social Security cards, driver's licenses, and other official materials that may have been stolen?
- Where do I go when I am interviewed?
- Will the suspect or offender harm me or my family?
- How do I get advice and help to be protected from intimidation?
- What am I expected to do in a line-up, at a pre-trial conference, at other proceedings? Who will be there? Can I have an escort who explains what is to occur?
- What is a trial? Where? Can I speak about the effects of the crime on me and my family to the prosecutor? The judge? The probation officer?
- What is victim compensation? Am I eligible?
- What are the forms to be used? Can I get help?

These and other similar questions are constantly being asked, but are often unanswered by justice system representatives. These questions must and can be easily answered if you and your colleagues in the justice system—especially your officers and deputies—were to take time to organize a response by publishing letters, and pamphlets, or by using single phone numbers to advise victims, and by continual public education and service. Through such actions many important messages are given to victims: we care; you are not to be blamed by being a victim; we in the justice system will help you. Such actions and messages will have the effect of enhancing the partnership-role of the victim in the operations of our justice system. For without these partners there is no system, no justice, and no way to hold offenders accountable, under law, for criminal actions.

EMERGING DOCTRINE ON
VICTIM RIGHTS

● **STANDING**

The right that an individual has or is given to initiate and maintain a cause of action is a proceeding at law.

The individual must have a personal stake in the outcome of the proceeding so as to assure a finder of fact and a court that there will be the presentation of concrete facts that allege and support the claim that harm has been done to one. These facts sharpen the adversary proceeding between the accuser and the accused. The proceeding, coupled with confrontation between accuser and accused and evaluated by cross-examinations, must result in a presentation of the issues so that the court can make its judgements.

Standing means, therefore, that:

- personal harm is done
- concrete information and evidence is presented
- the one harmed must participate directly
- the one harmed must have a personal stake in the outcome of the proceeding

While the doctrine of standing is usually used in reference to civil litigation, scholars have begun to promote the idea that a "standing" for criminal victims in state and local criminal justice proceedings is valid and can--and often is--granted by state statutes.

The victim is personally harmed; the victim initiates the report to authorities, the victim possess direct information; the victim may be the evidence; the victim is examined and required to testify; the victim is cross examined; the victim seeks restitution, retribution, or reparation...without the victim there is no proceeding.

VICTIM STANDING AND
RIGHT OF DUE PROCESS

- STANDING may trigger some procedural rights regarding the decision-making and the administration of the process of the victim's case through the justice system;
- DUE PROCESS rights refer to those guarantees that one has when one has standing at law. These rights, at a minimum, are:
 - Adequate and timely notice about various proceedings coupled with some form of instruction or guidance as to the role to be performed by the victim;
 - Opportunity to present evidence, information, and interests in the proceedings;
 - Adequate and timely notification about the outcomes of the proceedings.
- STANDING plus DUE PROCESS result in PARTY STATUS for a victim. This combination means, practically, that a victim may have certain specific rights. Since a right is an advantage which compels or directs a related duty or obligation, then, it may be argued that justice system representatives may have the duty to provide to the victim, notifications, advice, information, counsel, and instructions about what they are entitled to do and what they may be entitled to expect from various justice system representatives from the moment of report of the crime to the conclusion of the victim's "case" at parole.
- Examples of state laws which reinforce this notion of victim standing, due process, and victim-as-a-party-to-proceedings are presented and discussed below.

SESSION III

THE ROLE OF LAW ENFORCEMENT IN VICTIM ASSISTANCE

Summary

In this presentation, we will review the evolution of the criminal justice system, the role and responsibilities of law enforcement and prosecutors in victim assistance and provide an overview of actions to assist victims.

EVOLUTION OF VICTIM ROLE
IN THE AMERICAN JUSTICE SYSTEM

• PRE-COLONIAL/COLONIAL PERIOD: 17th - 18th Century

- No formal police or public prosecutor
- Victim hired officials (e.g. Watchman, Sheriff, Constable) to obtain an arrest, apply for a warrant, help make an arrest;
- Victim posted rewards, used paid informers, or performed his own detective work
- Victim retained a private attorney, paid to have indictment written and the offender prosecuted
- Incentives: treble damages, restitution, and reparation.

• CHANGES IN ADMINISTRATION OF JUSTICE: 18th - 19th Century

- Bill of Rights and Constitution
- Principles of public justice: Beccaria's "Essay on Crimes and Punishment" (1764)
 - Crime defined as harm done to society, the social contract, and the government.
 - Punishment should be proportionate to harm caused to society and imposed by law with little discretion by judges.
 - Purpose of the justice system is to serve societal needs primarily.
 - The system should deter criminals by imposing swift, certain, public punishments--jails and prisons emerge.

EFFECTS OF NEW DOCTRINE

- "...Beccaria's principles evidences the start of the declining role of the victim in the criminal justice system. This new system required that the victim's role as a policeman, prosecutor, and punishment beneficiary be reduced to that of informant and witness only. These ideas strongly appealed to Americans who sought to emphasize the principles of rationality and utilitarianism, and had an enormous influence on the development of the American criminal justice system during the 19th century"

--William F. McDonald, Ph. D.

"Towards a Bicentennial Revolution in Criminal Justice" (1976)

- Emergence of Public Prosecution: Attorney General's in States; District or States' Attorneys in local county governments--19th Century

- Emergence of Muncipal Police Departments: 1840s

- Development of Criminal Codes in States: 19th Century

- By the early 20th century, the system was in place and further developments were directed at improving the efficiency, effectiveness and professionalism of the various agencies of the local and state criminal justice systems.

- The effects of the reforms of the 18th and 19th century resulted in changing the role of the victim from a party to the criminal justice action to a witness in the criminal justice proceeding. Related to these reforms were the emergence of public police agencies, public prosecutors, sentencing laws, corrections institutions, the decline of restitution as a condition of sentencing, and the rationalization of the system so that the system, the state, and professionals became the formal investigators and prosecutors of crimes defined as acts against the state.

--Josephine Gittler, J.D.

"Expanding the Role of the Victim in a Criminal Action" (1984)

20th CENTURY OBSERVATIONS OF THE ROLE
OF THE VICTIM

1931: Wickersham Commission

"Hardships suffered by victims may affect in some cases the victim's whole attitude toward the administration of public justice"

1934: Supreme Court Justice Benjamin N. Cordoza

"Justice, though due to the accused, is due the accuser also. The concept of fairness must not be strained till it is a filament. We are to keep the balance true"
(Snyder v Massachusetts, 291 U.S. 97, 122)

1938: American Bar Association

"The state owes it to the witness (and victim) to make the circumstances of his sacrifice as comfortable as possible"

1951: Michigan Governor's Study Commission

"The inept handling which victims often receive following a sex crime is at the root of much of the reluctance of parents to file complaints; the experience at this stage can be worse than the experience of the crime itself"

1965: California

Enactment of the first state statute in the U.S. providing for state compensation for victims of violent crime

1967: President's Commission on Law Enforcement and the Administration of Justice

Pioneered the use of victim surveys and recommended nationwide adoption of crime compensation programs

1970-

1979: LEAA Grant Programs

Distribution of about \$50 million in grants and contracts to support research, demonstrations, training and assistance to further the objectives of improving the manner in which the local justice system serve victims and witnesses

RECENT DEVELOPMENTS

- Substantial body of literature: victim surveys; psychological studies and practices; victimology; historical studies; case law; state statutes; victim rights legislation;
- President's Task Force on Victims of Crime: 1982-1983
- Attorney General's Task Force on Family Violence: 1983-1984
- Justice Assistance Act of 1984
- Victims of Crime Act of 1984
- Victim Witness Protection Act of 1982
- Office for Victims of Crime/Office of Justice Programs
- National Association Efforts:
 - National Organization for Victim Assistance
 - National Sheriffs' Association
 - National Organization of Black Law Enforcement Executives
 - National District Attorneys Association
 - American Bar Association
 - National Conference of the Judiciary
 - National Conference of Special Court Judges
 - National Judicial College
 - National Center for Women's Policy Studies
 - National Association of State Directors of Law Enforcement Training
- 39 States: Victim Compensation Programs
- 40 States: Assistance to Domestic Violence Programs
- 14 States and the federal System require the use of Victim Impact Statements
- 15 States and the federal system, statutorily, have defined Victim's Bill of Rights
- National Crime Victims Week
- Between 1980-1983, over 270 victim related bills were introduced and enacted by states

OBSERVATION ON THE ROLE OF THE SHERIFF

There are almost 3,200 sheriffs who serve as principal elected officials in the justice system in practically all of the urban and rural counties of the United States. Their departments provide law enforcement, court-related, and corrections services to local and state justice systems and citizens.

As a constitutional official in most states, the Office of the Sheriff is especially suited to provide assistance and advice to victims within the State and local system of justice. Their influence is to be found in those departments whose duties cut across the entire system--from law enforcement through court services to corrections--as well as those whose duties are limited to court-related services or corrections.

Sheriffs are elected officials who are able to link the justice system with citizens and, particularly, with those individual citizens who are victims and witnesses. By their position the sheriff can inform and persuade others in their communities about how the system--and its representatives who are public servants--can improve upon the manner in which their system and their local communities respond to victim and witness needs. The sheriff can foster and promote changes in laws, policies, and procedures so that, where needed, the role of victims, the rights of victims, and the standing of victims can be clarified, supported and acknowledged. By the use of their own agency resources and by the adoption of new policies and procedures, the sheriff can design, develop and deliver programs to assist victims and witnesses. In time, with the acquisition of skills and knowledge about victim services, the Sheriff can become a resource center for training and assistance to other law enforcement agencies, local justice executives and staff, and community and neighborhood organizations.

By their presence in the community, in a specific judicial circuit or region as well as by their collective membership in NSA and its 46 State Sheriffs' Associations, sheriffs can become a formidable and knowledgeable group of supporters of victims and witnesses in the justice system so that victim and witness needs are met in an organized and coordinated fashion.

TASKS OF THE FIRST RESPONDER

1. Assure the victim and his family that they are safe; they will be protected.
2. Assure them that they did nothing wrong, they are not responsible for the crime; that there are people who can assist them.
3. Interview in a positive manner; avoid the impression that they are being interrogated; don't accuse them.
4. Understand and empathize with the possible crisis reactions that may be experienced by victims or families. Behave in a positive manner.
5. Stabilize the victim. Provide immediate emergency services or support as needed.
6. Focus on the victim. State: "I'm sorry it happened." "I'm glad you're all right." "You did nothing wrong."
7. Inform the victim about what is being done by law enforcement, medical personnel or other first responders; how it is being done, and why it is being done.
8. Explain your role; what you are doing and how your questions can be of help to the victim.
9. Prepare the victim for a wide range of feelings, responses, and emotions. Victims will predictably experience these reactions. Reassure them that such reactions or responses are generally normal and that "ventilation" of feelings is one way of coping and recovering from crime and its effects.

10. Advise the victim about what happens next. Victims or their families should be informed about post-investigation processes such as line-ups, mug shot reviews, court hearings, etc.
11. Provide the victim with follow-up information on the case status after the initial investigation.
12. Help the victim focus on pressing priorities that need attention. Explore options and solutions with victims so that a plan of action for assistance is created when such plans are needed.
13. Direct the victim to a support system for help. Coping skills of victims will depend on a number of factors including age, economic status, family ties, etc. Refer the victim to other support systems in the community.
14. End the interview by making sure that the victim feels safe and knows how to contact the law enforcement agency if they are threatened or intimidated.

STATE ASSOCIATION INITIATIVES

- (1) SSA/FLORIDA: General brochure about victim rights under applicable Florida law prepared in camera ready format for all Sheriffs in Florida. Format is sent to Sheriff; Sheriff inserts his own logo, phone number and address. Sheriff reprints and has each Deputy distribute to crime victims and/or uses pamphlets in public education appearances. Several million printed as a customized pamphlet by Sheriffs in Florida counties.
- (2) SSA/OHIO: General brochure about victim role and victim information about the Ohio justice system. Will be printed and distributed by BSSA to all Sheriffs in ample quantities. Sheriff stamps his agency name, address and phone number. Distribution by Sheriff and Deputies done similarly to process used in Florida.
- (3) SSA/UTAH: Bumper sticker "Victims Have Rights Too! Contact Your Local Sheriff" was prepared by the Utah SSA. Can be used by any Sheriff as a public education effort.

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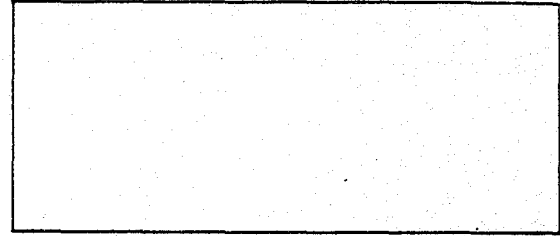
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Front Cover

Services maintains a toll-free number 24 hours a day (1-800-342-0825) for referring victims to various kinds of assistance. The Witness Coordination Office (where available) can also be helpful in referring you to the right source. The Florida Bar Lawyer Referral Service (1-800-342-8060) can assist you in locating an attorney if you need one. In addition, other local agencies may be available.

General Victim Assistance

Sheriff's Office personnel are always ready to assist victims and witnesses whenever possible. When so requested, Sheriff's personnel will assist victims and witnesses in locating accessible parking and transportation, and will direct those persons to separate pre-trial waiting areas where available. When necessary, Sheriff's personnel will also attempt to locate translators in appropriate cases.



Your rights as a victim or witness :

The Sheriff realizes that for many persons, being a victim or witness to a crime is their first experience with the criminal justice system. While the emphasis of the system has been the investigation and prosecution of crime, all too often in the past the innocent victims and witnesses have been overlooked. In an effort by the Sheriff to reduce this problem and advise victims and witnesses of help available to them, the following information is furnished.

Prepared by the Florida Sheriffs Association

Freedom from Intimidation

Section 918.14 (3) (a), Florida Statutes, provides "It is unlawful for any person (1) to cause a witness to be placed in fear by force or threats of force; (2) to make an assault upon any witness or informant; or (3) to harm a witness by any unlawful act in retaliation against the said witness for anything lawfully done in the capacity of witness or informant." Violation of this section is a third degree felony, punishable by a term of imprisonment not exceeding five (5) years and by a fine not exceeding \$5,000. If you believe a possible violation of the statute has occurred, promptly contact the Sheriff's Office.

Notification of Arrest of Suspect

When an arrest is made in a reported case, the arresting officer will make every effort to notify the victim, witnesses, relatives of minor victims and witnesses and relatives of homicide victims, where those persons have provided current addresses and telephone numbers to the Sheriff's Office.

Notification to Employers

The Sheriff realizes that victims and witnesses in criminal cases often must face additional burdens by taking time off from work to assist law enforcement and sometimes undergo serious financial strain either because of the crime or by cooperating with authori-

ties handling the crime. In cases such as these, the deputy sheriff investigating the case or the arresting deputy sheriff, if there is one, shall assist the victim or witness in explaining his or her circumstances to employers or creditors when so requested.

Return of Property

The property of crime victims shall be retained only when necessary for successful investigation and prosecution. Property shall be returned as soon as possible after completion of the investigation or prosecution.

Crimes Compensation for Victims

In some cases, the victims of crimes (or their relatives where the victim is deceased) may be eligible for financial compensation from the State of Florida. Information regarding eligibility may be obtained from the office of the State Attorney, local Witness Coordination Office (where available), or from the Bureau of Crimes Compensation, Division of Workers' Compensation, Florida Department of Labor and Employment Security (904/488-0848).

Social Service Programs

In many instances, victims of crimes require professional assistance in dealing with problems arising from their victimization. These needs may include counseling, shelter, legal assistance, or other types of help, depending on the particular circumstances. The Department of Health and Rehabilitative

INTIMIDATION:

Call the law enforcement agency which investigated the case originally or the prosecutor. Do so as soon as possible so that the threats can be documented and action taken to prevent reoccurrence. Also, it might be possible to bring criminal charges of intimidation against the person making the threats and to have the court issue specific orders to protect you.

WITNESSES AND SUBPOENAS:

Witnesses are notified by subpoena when and where to appear, and what, if anything, to bring with them to court. Witnesses usually receive their subpoenas several weeks before the trial.

No action is required on your part after you receive the subpoena, other than appearing in court on the date and at the time stated on your subpoena.

TRIAL:

In a trial, the prosecuting attorney presents the case for the State, attempting to prove beyond a reasonable doubt that the defendant committed the crime as charged. The defendant may present his or her side of the case, or may present no case at all. The jury (if one has been impaneled) or the judge must decide whether the State's case has been proven by legally competent evidence.

If the defendant is found guilty, Ohio law requires the judge to fix the defendant's punishment.

As a witness for the State, you have an important part in the trial. The truth of your testimony, the manner in which you give it, and the appearance you make while on the witness stand and in the courtroom are all factors which may be weighed by the jury or judge in deciding the case. You will be questioned by the prosecuting attorney, and then "cross-examined" by the attorney for the defendant.

During cross-examination, witnesses sometimes feel that their personal motives for testifying are under attack, but the process is not meant to demean you, nor as a personal attack upon you. The defense attorney is charged by law with representing his client will, and this often involves closely scrutinizing the testimony of witnesses.

RETURN OF PROPERTY:

Property which has been stolen during an offense can often be restored to the owner prior to the trial. However, there are times when this cannot be done, particularly if the property is currency or if it in some manner directly identifies the perpetrator of the offense (for example, it may have the defendant's fingerprints on it.) The investigating law enforcement officer will be able to tell you whether your property can be returned to you before trial.

Property held until trial, used as evidence in the trial, can usually be returned after trial.

VICTIM COMPENSATION:

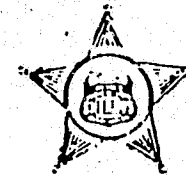
If you are a victim of criminal conduct, or in some cases a dependent of a deceased victim, you may be eligible to receive compensation for certain losses. These include compensation for medical expenses, loss of income from work, lost because of the injuries, funeral expenses and dependents' economic loss. The Court of Claims of Ohio administers this program and can award up to \$25,000.00.

The Sheriff's Office will provide you with the appropriate forms which can be used to make a claim under these provisions of law.

VICTIM RIGHTS:

1. Victims and witnesses have a right to be treated with dignity and compassion.
2. Victims and witnesses have a right to protection from intimidation and harm.
3. Victims and witnesses have a right to be informed about the criminal justice process.
4. Victims and witnesses have a right to counsel.
5. Victims and witnesses have a right to reparations.
6. Victims and witnesses have a right to preservation of property and employment.
7. Victims and witnesses have a right to due process in criminal court proceedings.

Sheriff's personnel are always ready to assist victims and witnesses whenever possible. When so requested, Sheriff's personnel will assist victims of crime in dealing with problems arising from their victimization. These needs may include referrals to counseling, shelter, legal assistance or other types of help, depending on the particular circumstances.



SHERIFF'S VICTIMS/WITNESS INFORMATION

-- Helping The Victims of Crime --

As Sheriff, I realize crime has a demoralizing effect on everyone. The victim, in particular, can suffer severe effects for weeks, even months, after the crime. Being a victim of a crime may be your first experience with the criminal justice system. In an effort to help you better understand the operation of the criminal justice system and your rights, the following information is furnished.

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For Stamp

HOW THE CRIMINAL JUSTICE SYSTEM WORKS:

What happens when you are the victim of a criminal act, or a witness to a criminal offense?

If the person or persons responsible can be identified, the incident is brought to the attention of the criminal justice system. This system includes the Sheriff's Department, municipal police, prosecutors, the Courts and judges, and the correctional and probation systems of our State. The system is a complex one and can be confusing as well.

The criminal justice system of Ohio, like that of other states, is closely attuned to providing constitutional safeguards for persons accused of crime. Recently, legislation has been passed creating certain rights for the victims of crimes.

REPORTING CRIMES:

First, call the Sheriff's office or police and make a full report. In most cases, a law enforcement officer will meet with you in person to obtain important details.

CLASSIFIED CRIMES IN OHIO:

Ohio law classifies criminal offenses into the two broad categories: misdemeanors and felonies. Misdemeanor offenses are less serious offenses which are punishable by a fine and incarceration, if any is ordered, in a county jail. Misdemeanor offenses are handled in the Municipal court. Felony offenses are more serious and involve possible incarceration in the State prison system. Felony cases are prosecuted in the Common Pleas Court of this State.

The table below shows the punishment range of felony offenses in Ohio:

Degree	Typical Offense	Penalty Range
Fourth	Passing bad checks or theft over \$300, breaking & entering	6 mos. - 1 1/2 yrs. Fine: 2,500
Third	Theft of motor vehicle or property valued over \$5000	1 - 1 1/2 - 2 yrs. Fine: \$5,000
Second (Aggravated)	Burglary, assault causing serious physical harm	3 - 15 yrs. Fine: \$7,500
First	Aggravated arson	5 - 25 yrs. Fine: \$10,000
Murder		15 yrs. - life, Fine: \$15,000
Aggravated Murder	Murder while committing certain other offenses, mass murder	Death penalty

WARRANT OF ARREST:

A warrant of arrest is an order signed by a judge, authorizing a law enforcement officer to arrest a person charged with having committed a crime.

THE ACCUSED:

The person accused of the crime is now called the defendant. Soon after arrest by a law enforcement officer, the defendant is taken before a judge who informs the defendant of the reason he has been arrested, and of the facts contained in the complaint. The judge is required to set an amount of bail and to advise the defendant of his rights, which include the right to a preliminary hearing if the arrest is made before the Grand Jury has heard the case. Unless the defendant can post bail in the amount set by the judge, he remains in custody and is normally transferred to the County jail to await further action in the case.

PURPOSE OF BAIL:

Bail is allowed in virtually all criminal cases, including felonies. The amount of bail is set by the judge. Its sole legal purpose is to guarantee the defendant's appearance in court for later proceedings. In setting the amount, the judge is required to consider not only the seriousness of the offense charged against the defendant, but also the defendant's ability to raise money to make bail. Bail may not be set so high as to punish a defendant by keeping him in jail pending his trial.

PRELIMINARY HEARING:

A preliminary hearing is a hearing before the judge of the Municipal court to determine whether probable cause exists to send a felony case on to the Grand Jury. In Ohio, a preliminary hearing must be held unless waived by a defendant. Once the Grand Jury has returned an indictment, the defendant loses the right to a preliminary hearing. If such a hearing is set in your case, you will be notified of the date and time and asked to appear if your testimony is necessary.

GRAND JURY:

In Ohio, a person is charged with a serious offense (felony) only when indicted by a Grand Jury. If the Grand Jury believes that there is sufficient evidence to prove that a felony has been committed and that the accused person probably committed the felony, it votes to issue what is called a "true bill", or indictment. The Grand Jury is composed of nine citizens, and at least seven of them must vote in favor of an indictment or the case is "no-billed", which terminates the case.

The actual deliberations on cases are secret, and only the grand jurors are present when voting is in progress.

Grand Jury proceedings are not open to the public.

PRETRIAL HEARING:

After the felony case has been considered by a Grand Jury and an indictment returned, the case will be scheduled for pretrial hearing. This hearing will normally be two weeks or more after indictment. The pretrial hearing the defendant and the attorney usually advise the judge whether the defendant wants a trial or will plead guilty, and if a trial is desired, whether jury is required. Certain motions concerning legal issues may be heard at the pretrial hearing. Occasionally, a witness may be needed on a pretrial motion. If your presence is required, you will be notified well in advance of the hearing.

DISMISSALS/PLEA-BARGAININGS:

If the prosecuting attorney handling the felony case determines there is not sufficient evidence to obtain a conviction, he may file a motion with the Common Pleas Court judge asking that the case be dismissed. This action is taken only after the case has been completely investigated and normally after the police have exhausted all avenues for obtaining additional evidence. The judge may grant the motion to dismiss if he is satisfied the case cannot be proven in a trial.

The reduction of charges or the dismissal of some counts in an existing charge occurs from time to time. Commonly called "plea bargaining", this procedure plays an important part in the criminal justice system. As a case develops, certain facts may develop which require the reduction of charges against a defendant. In some instances it is because things not known at the time of charging are brought to light, sometimes it is because evidence statements made by the defendant though to be available at the trial are not available. In any event, when plea bargaining is used by the prosecutor's office, it is only after careful determination that justice is being served.



VICTIMS HAVE RIGHTS TOO!!

CONTACT YOUR LOCAL SHERIFF

1. SHERIFFS' VICTIM RESPONSE UNITS

- (1) Davis County, Utah Sheriff's Victim Response Unit *
- (2) Chesapeake City, Virginia Sheriff's Office *
- (3) Monroe County, Georgia Sheriff's Department *
- (4) Page County, Iowa Sheriff's Department *
- (5) Washington County, Utah Sheriff's Department *
- (6) Montgomery County, Texas Sheriff's Department **
- (7) Pinellas County, Florida Sheriff's Department **
- (8) Arapahoe County, Colorado Sheriff's Department **

* = Departments with up to 50 employees

** = Departments with more than 400 employees

SESSION IV

VICTIM ASSISTANCE LEGISLATION

Summary

An overview of the following:

Justice Assistance Act

Victims of Crime Act

New Mexico Victim Assistance Legislation

Selected State Statutes

JUSTICE ASSISTANCE ACT

On October 12, 1984, President Reagan signed the Comprehensive Crime Control Act of 1984. This anti-crime package contains legislation covering many justice areas including provisions for the reauthorization of the Office of Juvenile Justice and Delinquency Prevention, a new center for missing and exploited children and a crime victim's fund in the U.S. Treasury Department. There are a total of twenty-three chapters included in the anti-crime package. Of particular importance to law enforcement agencies is Chapter Six of the Bill, which is entitled The Justice Assistance Act.

The Justice Assistance Act provides for federal financial assistance to state and local criminal justice agencies, similar to the program sponsored by the Law Enforcement Assistance Administration (LEAA). The new act continues several other programs including the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS). The primary responsibility of NIJ will be to conduct research and demonstration efforts; the purpose of BJS is to collect and analyze crime data. The new legislation makes no major programmatic changes for these agencies. As in the past, the Directors of NIJ and BJS are appointed by the President and confirmed by the Senate. The Justice Assistance Act also contains the Public Safety Officer's Death Benefit and expands it to include federal law enforcement officers and firefighters.

There are several new programs authorized by the Justice Assistance Act, including an Office of Justice Programs, a Criminal Justice Facility Pilot Program and an Emergency Federal Law Enforcement Assistance Program. The Office of Justice Programs replaces the Office of Justice, Assistance Research and Statistics. It has the responsibility to provide staff support and coordinate the activities of NIJ, BJS and OJJDP, and it will have direct responsibility over a new Bureau of Justice Assistance. The Office of Justice Programs will continue to be headed by an Assistant Attorney General who is appointed by the President with Senate confirmation.

The new Bureau of Justice Assistance will have direct responsibility for administering the federal financial assistance program. Allocations will be made in the form of state and local allocations and discretionary grants.

The purpose of the state and local allocations is to help state and local units of government in carrying out specific programs of proven effectiveness or which offer a high probability of improving the justice system. There are eighteen specified program areas including: victim assistance, jail overcrowding, serious juvenile crime, combating arson and crimes against the elderly. Each participating state is to receive a base allocation of \$250,000 with remaining monies to be distributed on a population formula basis.

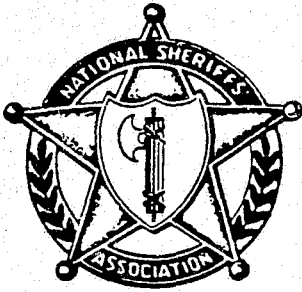
The discretionary grants will be available to states, local government and private non-profit organizations. These monies are to provide additional federal assistance for the training of law enforcement personnel and technical assistance.

The Facility Pilot Program will make grants available to the states to relieve overcrowding and substandard conditions at state and local correctional facilities. A limit of one grant per state per fiscal year has been set. Grants will be awarded for up to 20 percent of the construction costs. The grants will be subject to a determination by the Director of the Bureau of Justice Assistance and with the concurrence of the Director of the National Institute of Corrections. Projects requesting funds must demonstrate a prototype of new and innovative methods of advanced technology. The legislation also creates a clearing-house on construction and modernization of criminal justice facilities.

The Emergency Assistance Program will provide training and technical assistance, upon request by a state to the Attorney General for assistance with a state or local law enforcement emergency. An emergency is defined as an uncommon situation in which state and local resources are inadequate to protect the lives and property of citizens or to enforce the criminal law. These funds cannot be used to supplant state or local funds or for local criminal justice salaries.

Congress has appropriated \$69 million for the federal assistance program to the states and local units of government. Of this amount, 80 percent has been designated for the block grants and 20 percent for the discretionary grants. An additional \$25 million has been authorized by Congress for the Criminal Justice Facility Pilot Program. At this time, however, these funds have not been appropriated.

The U.S. Department of Justice advises that the guidelines for the federal assistance program will soon be published in the Federal Register. In early 1985, regional workshops will be held to review the guidelines for state and local criminal justice planners.



NATIONAL SHERIFFS' ASSOCIATION

SUITE 320 • 1250 CONNECTICUT AVENUE • WASHINGTON, D.C. 20036

TELEPHONE: CODE 202: 872-0422

TO: All Interested Parties
FR: Susan P. Keegan
RE: Victims of Crime Act of 1984
DT: February 4, 1985

L. CARY BITTICK
EXECUTIVE DIRECTOR

On October 12, 1984 President Reagan signed the Victims of Crime Act of 1984. This act establishes a Crime Victims Fund in the U.S. Treasury to be administered by the Attorney General. Money for the Fund will be generated primarily through federal criminal fines and penalty assessments. The U.S. Department of Justice anticipates that between \$75 and \$100 million will be deposited in the Fund annually.

The Attorney General will make grants from the Fund to the states for victim compensation programs and for local crime victim assistance programs. A formula has been developed to distribute the funds. The Attorney General may allocate a percentage of the Fund each year for programs to assist victims of Federal Crime.

The major features of the legislation are:

- I. Fund Formula
 - A. \$100 million cap
 - B. 50% allocated for victim compensation
 - 1. 35% match on State's prior year compensation payout
 - 2. Excess over 35% match added to victim assistance allocation
 - C. 50% allocated for victim assistance
 - 1. Attorney General may expend 5% of Fund for assistance to Federal victims
 - D. Fund sunsets 9/30/88
 - E. Money not spent by State, or program in 2 fiscal years returns to general Fund

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II. Fund Sources

A. Federal criminal fines

1. Six specific exceptions earmarked by other statutes

B. New penalty assessment fees

1. Individual misdemeanants: \$25
2. Organizational misdemeanants: \$100
3. Individual felons: \$50
4. Organizational felons: \$200

C. Forfeited appearance bonds, bails bonds, and collateral security

D. Special forfeiture of collateral profits of crime

III. Eligibility Requirements for Compensation Grants

A. Existing State compensation program which reimburses victims for medical expenses (including mental health counseling), lost wages, and funeral expenses

B. Program promotes victim cooperation with law enforcement

C. Program will not use Federal funds to supplant available State funds

D. Program will compensate non-resident victims on same basis as residents

E. Program will compensate victims of Federal crime on same basis as victims of State crime

F. Program will provide other information and assurances reasonably requested by Attorney General

IV. Eligibility Requirements for Assistance Grants

A. Chief executive requirements

1. Certifies priority for programs assisting victims of sexual assault and domestic violence
2. Certifies Federal funds will not supplant available State and local funds
3. Provides other information and assurances reasonably requested by Attorney General

B. Program requirements

1. Operated by public agency, non-profit organization, or combination
2. Demonstrates record of effective services to victims and financial support from other sources or "substantial" financial support from other sources
3. Utilizes volunteers unless and to extent State finds compelling reason to waive requirement
4. Promotes coordinated public and private efforts in community to aid victims
5. Assists victims in seeking compensation
6. Federal funds can be used only to provide services to victims of crime

C. "Services to victims" includes:

1. Crisis intervention services
2. Emergency transportation to court, short-term child care services, and temporary housing and security measures
3. Assistance in participating in criminal justice proceedings
4. Payment for forensic rape exams

V. Federal Victims Assistance Program

A. Federal Administrator appointed or designated by Attorney General

1. Monitors compliance with Federal Victim-Witness Guidelines established under VWPA
2. Consults with heads of other Federal law enforcement agencies dealing with victims
3. Coordinates Federal victim services with local victim services
4. Salaries of Federal victim services providers

VI. Special Forfeiture of Collateral Profits of Crime ("Son of Sam")

- A. U.S. Attorney may move court to forfeit "literary profits" of Federal criminal whose crime resulted in physical harm to another

- B. Court may order profits held in escrow in Victims Fund:
 - 1. After notice to criminal, victim, publisher, and any transferee of profits; and
 - 2. If interest of justice or restitution to victim so requires
- C. Within 5 years, profits may be levied upon to satisfy:
 - 1. Damages won by victim in Federal suit against criminal;
 - 2. Federal fine against criminal, or
 - 3. If court finds in interest of justice, damages won by victim in State suit against criminal and legal fees of criminal (up to 20% of profits)
- D. After 5 years, court may order profits paid into Victims Fund
- E. U.S. Attorney shall post notice of availability of profits in local newspaper 30 days after order and at such other times as Attorney General may require

VII. Administrative Provisions

- A. Broad Attorney General rulemaking and delegation authority
- B. Attorney General Audit authority
- C. Research information obtained under Act confidential and immune from legal process or other use
- D. Nondiscrimination on grounds of race, color, religion, national origin, handicap, or sex in use of Federal funds
- E. Attorney General funding termination authority
- F. Attorney General report to Congress 12/31/87

VIII. Parole Proceedings Amendment

- A. Victims statement at parole hearings, about financial, social, psychological, and emotional impact of crime

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B. U.S. Attorneys to notify victims of parole hearing dates

C. Parolee appeals heard by National Appeal Board without reconsideration by regional commissioner

IX. Effective Dates

A. 30 days after enactment except establishment of Fund, grant award sections, and administrative provisions take effect 10/1/84

Category		Citation
8.3	Testimony at Sentencing Hearing	
8.4	Written Statement at Parole Hearing	
8.5	Testimony at Parole Hearing	
8.6	Comment on Plea Bargain	
8.7	Participation in Other Proceedings	
9.	Employment Assistance	
9.1	Employer Intercession Services	
9.2	Criminal Sanction for Penalizing Employee-Witness	
10.	Return of Seized Property	29-1-14
11.	Victim-Witness Assistance	
11.1	Ombudsmen	
11.2	Support Attendants	
11.3	Funding for Local Victim-Witness Groups	
12.	Elderly Victims	
12.1	Sentencing for Offenses Against Elderly	
12.2	Abuse, Neglect, Exploitation - Criminal Penalty	
12.3	Abuse, Neglect, Exploitation - Reporting	
12.4	Abuse, Neglect, Exploitation - Protective Services	
13.	Sexual Assault Victims	
13.1	Payment for Medical Services	29-11-5
13.2	Special Programs	29-11-1 et seq.
13.3	Child Sexual Assault Victim - Closed Proceedings	
13.4	Child Sexual Assault Victim - Admissible Depositions	30-9-17
14.	Domestic Violence	
14.1	Protective Orders	
14.2	Domestic Violence Shelters	
14.3	Domestic Violence Reporting	
15.	Privacy and Security of Victim Information	
15.1	Statistical Information on Victims Maintained	
15.2	Authority of Victim Compensation Agency to Request Data from Law Enforcement Agencies	
15.3	Confidentiality of Victim Information Held by Victim-Assistance Agencies	31-22-18 (victim compensation records)
15.4	Sexual Assault Counselor Privilege	

Category	Citation
1. Victim Compensation Program	31-22-1 et seq.
1.1 Responsible Agency	31-22-4
1.2 Eligible Claimants	31-22-7, 31-22-10, 31-22-11
1.3 Losses Covered	31-22-9
1.4 Minimum and Maximum Award	31-22-14(B)
1.5 Required to Show Financial Need	
1.6 Required to Report Crime - Time Limit	31-22-14(A)
1.7 Filing of Claim - Time Limit	31-22-14(A)
1.8 Emergency Award	
1.9 Funding	31-22-21
2. Restitution	31-17-1 et seq.
2.1 Sentencing Option	31-20-6A, 31-21-10(D)(7)
2.2 Mandatory Condition of Probation	31-17-1(B)
2.3 Mandatory Condition of Parole	31-17-1(B)
2.4 Mandatory Sentence	
2.5 Administration/Enforcement	31-17-1(C),(G)
3. Escrow and Forfeiture of Offender Profits	31-22-22
4. Witness Fees	38-6-4, 10-8-4(A)
5. Victim's Bill of Rights	
6. Protection from Intimidation	
6.1 Crime Defined	30-24-3(C)
6.2 Protective Orders	
7. Victim Notification	
7.1 of Compensation Program	
7.2 of Witness Fees	
7.3 of Final Disposition	
7.4 of Plea Agreement	
7.5 of Cancelled Proceeding	
7.6 of Right to Participate in Sentencing Hearing	
7.7 of Parole Hearing	31-21-25(E)
7.8 of Release of Offender	
7.9 of Escape of Offender	33-2-48
8. Victim Participation in Proceedings	
8.1 Victim Impact Statement in Presentence Report	31-17-1(D) (impact on victim considered in creating restitution plan)
8.2 Written Statement at Sentencing Hearing	



Bureau of Justice Statistics Bulletin

New State Laws and the System's Response

Victim and Witness Assistance

Traditionally, the criminal justice system in this country has been offender-oriented, focusing on the apprehension, prosecution, punishment and rehabilitation of wrong doers. Victims and witnesses have been considered only when they play a role in the identification and prosecution of offenders. The justice system cannot function without the assistance and cooperation of victims and witnesses, yet little if any recognition has been given to their rights and less has been done to assist them in overcoming the frustrations and economic sacrifices that involvement in criminal proceedings causes.

This attitude has begun to change in the last decade, particularly in the last few years. A strong national victim and witness assistance movement has had remarkable success in establishing programs to assist victims and witnesses and in increasing the public's awareness of their problems and rights. Hundreds of local assistance programs have been established throughout the country to respond to the special needs of crime victims and witnesses. Community organizations, church groups, bar associations, service groups and national lobbying groups have been active in the field. At the national level the President last year appointed a Task Force on Victims of Crime and the Congress enacted the Federal Victim and Witness Protection Act of 1982.

State legislatures have been active in responding to victim and witness needs. Legislatures in 38 states have enacted measures to provide compensation to victims of crime. Others have enacted specific authority for courts to order criminal offenders to make restitution to their victims. States have also enacted legislation to assist victims and witnesses in understanding and participating in the criminal justice process. A few states have enacted comprehensive legislation recognizing a "bill of rights" for crime victims and witnesses. Further efforts are

The administration of American criminal justice has acquired a new focus: victim and witness assistance. In seeking the cooperation of victims and witnesses, criminal justice agencies are increasingly sensitive to the need of victims for information, notification, compensation, participation, and simple understanding. Concerns of victims, witnesses, and their extended families are here framed in the context of issues treated by the Bureau of Justice Statistics over the past decade—(1) developing computer-based information systems in support of operational law enforcement agencies, (2) acquiring statistical data for national purposes from such systems and from other administrative records, and (3) assuring the privacy and security of data present in such systems and records.

When the expectations of the victim assistance movement are reviewed—expectations best summarized in the December 1982 report of the

President's Task Force on Victims of Crime—it is clear that a substantial alteration is expected in the practices of police, prosecutors, judges, probation and parole officials, members of the bar, and health and support agencies. Requirements for notifying victims of the status of their cases, for reflecting the views and experiences of victims, and for facilitating the participation of victims at each stage of the criminal proceeding will place new burdens on both law enforcement and social service agencies. Policymakers at all levels of government as well as the major participants in the criminal justice system—law enforcement, courts, and corrections—will need to ponder their responses to the expectations of the victim assistance movement.

On the next page is a statement by Lois Haight Herrington, Assistant Attorney General Designate.

Steven R. Schlesinger
Director

necessary, however, to ensure that the broad scope of victim/witness concerns are met in a comprehensive and effective manner in all jurisdictions.

The implementation of new programs in this area will impose substantial operating demands upon all components of the criminal justice system. For this reason, it is critical that prompt recognition be given to the technical, administrative and policy changes which may be required in order to ensure that new programs meet the objectives established in current and future victim/witness legislation.

Specifically, the new programs will require rapid availability of information describing the criminal justice process and the individuals involved as victims and/or

witnesses. To ensure program effectiveness, such data must be accurate, complete and timely.

There will also be an added demand for statistical information about criminal victimization and victim/witness programs for use in research and planning as well as in evaluating existing programs and services. Since the mission of the Bureau of Justice Statistics includes the collection and production of statistical data of this type, this agency is interested in the victim/witness movement and has monitored its progress.

Provision must be made also to ensure that policies regulating data disclosure are modified where necessary to best balance the data needs of victim/witness programs

We as a nation are faced with a dangerous and often deadly menace. It affects every one of us regardless of our age, race, gender or economic group. While some are more vulnerable than others, none of us is immune, no matter who we are or where we live. This threat is violent crime.

Every 23 minutes one of us is murdered. Every 6 minutes a woman is raped. While you read this, two Americans will be robbed and another two will be shot or stabbed or seriously beaten. Yet only 9% of the crimes reported to police in four major states resulted in a criminal going to jail or prison. These numbers capture our attention, but when we focus on the numbers, we forget the central fact that for every statistic there are

victims whose personal tragedies should be the focus of our concern.

Untold hours and uncounted millions of dollars have been spent trying to understand and reform the criminal. Yet often little or nothing has been done to assist the innocent victim. When a child is brutalized, when an elderly person is robbed and knocked to the ground breaking a hip, when a woman is raped and tortured, their lives are forever changed. In a moment or an hour of terror honest people lose property; suffer injuries that may last a lifetime; sustain physical scars that may mar them forever; become incapacitated and unable to work; or, in the most tragic cases, leave behind a family to mourn, pay funeral expenses and wait years to see the killer tried

and brought to justice. People are victimized in their homes or on the street and then the more insidious victimization begins when the criminal justice system starts to grind away at them.

This indifference to the suffering of the innocent must stop. We must restore a balance to a system that tries to be both responsive and fair but is often neither. We must bear in mind that when we take the justice out of the criminal justice system we leave behind a system that serves only the criminal.

Lois Haight Herrington
Chairman, President's Task
Force on Victims of Crime;
Assistant Attorney General
Designate

and the privacy interests of individual victims and witnesses.

This Bulletin is intended to provide an overview of new legislative programs in the states which respond to the needs of victims and witnesses. It describes those programs that provide financial assistance to victims and witnesses as well as programs that recognize the rights of victims and witnesses and seek to protect them and help them to understand the criminal justice process and their role in it.

The Bulletin also discusses some of the informational ramifications of the new programs, both in terms of their immediate impact on law enforcement agencies, as well as their possible long-range influence on the development of criminal justice information systems. The final section of the brief discusses some of the security and privacy questions raised by the information impact of the new initiatives.

This Bulletin is not intended to, and does not, present a comprehensive or in-depth description or analysis. Rather, the Bulletin presents a brief summary of relevant law and policy and a brief analysis of relevant policy issues. Accordingly, the issues posed are not explored in great detail.

Overview of legislation to aid victims and witnesses

Financial assistance programs

The majority of the states have enacted legislation providing some form of financial assistance for crime victims who suffer economic loss--medical bills, loss of income or earning capacity or lost money or property. These legislative reforms have included principally crime victim compensation programs which establish state funds to compensate crime victims in specified circumstances, and

restitution programs under which offenders are required to reimburse their victims. A few states have enacted legislation giving victims access to revenue realized by offenders because of publicity about their crimes. Other states have enacted a variety of legislative initiatives aimed at reducing the financial burden of court appearances by victims and witnesses. The following sections briefly describe these legislative reforms.

Victim compensation programs

At least 38 states have enacted legislation providing for compensation of victims of violent crimes under specified circumstances. Payments are made from state-administered funds upon application by eligible claimants. Payment does not depend upon the arrest and conviction of the offender and there is no need for the claimant to secure a civil judgment.

Coverage generally extends to both victims and dependents of victims, and the laws generally define both terms broadly. Most of the statutes condition eligibility on the victim's having reported the crime to the police and some also require that the victim have cooperated in the investigation and prosecution of the case. Commonly, the laws require the claimant to show financial hardship.

Compensation generally is provided for unreimbursed medical expenses, funeral expenses, loss of earnings and support of dependents of deceased victims. Property loss generally is not reimbursed. A few states provide compensation for such additional expenses as psychiatric services, occupational training and required household services. Most of the laws set a ceiling on the amount of recovery by an individual claimant, in a few states up to \$50,000, but more commonly in the range of \$10,000 to \$15,000.

Most of the victim compensation programs are financed from general revenue funds, although some are financed in whole or in part from offender assessments.

Some states have created new agencies to administer the programs, while others have incorporated the programs in existing administrative structures or designated existing agencies (such as the courts) to administer the programs.

Restitution

Restitution is a sanction imposed by the court upon an offender who has been apprehended and convicted. As a condition of probation or in addition to incarceration, the offender is ordered to compensate the victim for injury or loss caused by the offense.

Although judicial authority to order restitution has long been explicitly established by legislation in many states and is generally thought to be inherent in the sentencing power of criminal courts, it has been sparsely utilized as a sanction until recently. In the past few years, however, pressure from victims' rights groups and other factors have caused a marked increase in the utilization of court-ordered restitution. In the states without victim compensation programs, restitution may be the only practicable means by which a victim can obtain any financial assistance and, in virtually every state, it is the only means of recovering for property loss or damage without going to court and obtaining a civil judgment (since victim compensation laws do not cover property loss).

Most state laws authorizing restitution permit the court to impose restitution or not in its discretion. A few laws make restitution mandatory in certain cases, and others require the court to consider restitution as a condition to probation and in some cases to state the reasons for not ordering restitution.

A significant problem with the increased use of restitution is the additional expense to court systems, particularly the cost of administrative follow-up to insure that restitution orders are not ignored by offenders. A few states (including Wisconsin

sin and Maryland) impose a surcharge on convicted offenders to support court administration of the restitution program.

Lien on offender profits

A number of states (including Georgia, Illinois, New York, Oklahoma, South Carolina and Tennessee) have enacted legislation granting victims access to income generated by offenders as a result of publicity about their crimes. The legislation generally provides that any profits made by an offender through books, articles, movies or other publications exploiting the criminal offense shall be paid into an escrow fund to cover successful civil judgments by victims of the crime. Victims are given periodic notice of the existence of the fund. Commonly, if no victim civil action is filed within a specified period, the funds are paid into the state's victim compensation fund.

Return of seized property

At least one state (Kansas) has enacted legislation to expedite the return to victims of recovered property. Commonly such property is retained as evidence until the prosecution of the case is concluded--a period of months in many cases. The Kansas law provides that the seized property may be photographed and then returned to the victim/owner. The photograph, with a description of the property endorsed on it, is authenticated under oath by the investigating police officer and is subsequently admissible in evidence.

Increased witness fees

In most states witness fees are so low as to be little more than symbolic--commonly \$5 to \$10 a day and in some states as low as 50 cents a day. These modest fees do not begin to compensate witnesses for the financial burden involved in being a witness in a criminal case, particularly if the case is lengthy and involves numerous appearances. To reduce this burden, several states (including Florida, Nebraska and Nevada) have enacted legislation to significantly increase witness fees and other states (including California and New York) have similar legislative proposals pending. The California proposal would increase witness fees to \$35 per day and the New York proposal would set the fee at the prevailing minimum wage and would include parking expenses.

Employer obligations to victims and witnesses

Other states (including Hawaii, Illinois, New York and Wisconsin) have enacted or are considering legislation to protect the jobs of victims and witnesses while they are participating in criminal proceedings. The Hawaii proposal would prohibit an employer from dismissing or penalizing an employee absent from work in response

to a subpoena in a criminal case and would require the employer to compensate the employee for time lost in court appearances. The Wisconsin statute protects the employee's job but does not require the employer to pay for time lost in court appearances unless the crime is work-related. The Illinois law specifically states that it does not require the employer to pay for lost time.

Recognition of the rights of victims and witnesses

In addition to providing financial assistance to victims and witnesses, most states have enacted bills that seek to assist such persons in their dealings with the criminal justice system. These reforms include victim and witness notification, protection of witnesses from intimidation, providing counsel or ombudsmen for victims, facilitating the participation and impact of victims in criminal proceedings and increased use of depositions in lieu of court appearances.

Most states have enacted one or more of these reforms and several (including California, Wisconsin, Washington, Oklahoma, New Jersey, New York, Massachusetts and Maryland) have enacted or are considering comprehensive legislation establishing a "bill of rights" for crime victims and witnesses. These omnibus measures commonly include all or most of the rights and protections discussed in this section.

Victim notification programs

This legislation is aimed at keeping the victim informed of the status of court proceedings against the offender. In some states the notice requirement applies to all major activities or decisions in the case; in others it applies only to specified events such as plea negotiations, sentencing or parole decisions. The New York proposal would require the police officer or prosecuting attorney to provide the victim with a victim notice form on which he may indicate which events and decisions he wishes to receive notice of. The California law provides that victims must receive notice of an offender's sentencing hearing and, upon request, may receive 30 days' notice of the offender's parole hearing. Ohio and Iowa have proposals pending that would require the prosecutor to notify a victim of his intention to recommend a plea bargain. Connecticut law provides for notices to victims of sentencing hearings in major felony cases.

Victim participation in criminal proceedings

Some states have enacted laws that go a step further than victim notification by ensuring that the victim may participate in specified decisions affecting the disposition of the case. Most of this legislation pertains to sentencing. It allows, or in some states requires, the court to

consider the extent of the injury to the victim in imposing sentence. Some states (California, for example) permit the victim to make an oral presentation in court; in other states the presentence report is required to include a "victim impact statement" prepared by the victim or a probation officer. Indiana law permits the victim to offer his views on any recommended plea bargain. California permits victims to appear personally or by counsel at parole hearings and requires the parole board to consider the victim's statement in reaching a parole decision. South Carolina requires the victim's recommendations to be considered before an offender is admitted to a pretrial intervention program.

Protection of victims and witnesses from intimidation

Intimidation of victims and witnesses to prevent or discourage them from cooperating in the prosecution of criminal cases has long been a widespread problem. In 1980, the American Bar Association recommended a model statute to help prevent such intimidation. The model has provided the basis for anti-intimidation legislation in Pennsylvania, Rhode Island and California and at the federal level.

This legislation makes it a crime to attempt maliciously to prevent or discourage a witness from cooperating in a criminal prosecution. It also expressly authorizes criminal courts to issue protective orders forbidding defendants or other parties from communicating with or coming near witnesses and, in extreme cases, authorizes courts to order law enforcement agencies to protect threatened witnesses. The legislation is much broader and tighter than previous intimidation statutes and closes loopholes that previously existed.

Counsel for victims

Victims and witnesses are not officially parties to criminal cases and thus have no right to be represented by counsel even if their conduct is drawn into question during the proceedings. To alleviate this situation, California has enacted and New York is considering legislation to allow the victim to retain counsel (at his expense) if his conduct is alleged to be improper in the course of a criminal proceeding. The New York law would permit the victim to be represented by counsel at any stage of a prosecution where evidence is offered concerning the victim's sexual conduct or where any other improper, culpable or illegal conduct by the victim is alleged. Under both laws, the victim's counsel would be permitted to appear and offer legal arguments but would not be allowed to call or cross-examine witnesses.

Use of depositions

At least four states (Connecticut, Florida, Missouri and New York) have

recently enacted legislation to encourage the use of depositions in lieu of courtroom appearances for certain victims and witnesses. The Florida law applies to children who have been sexually abused or battered. Other laws apply to mentally disturbed or seriously injured witnesses. In some cases, the deposition may be videotaped. The purpose of the laws is to spare unstable or traumatized victims or witnesses the emotional strain of a public courtroom appearance. The deposition is sworn and is subject to cross-examination and the use of videotaping permits the judge and jury to observe the deponent's demeanor and appearance.

Ombudsman for victims

As noted above, numerous states have provided financial assistance and other forms of protection and assistance to victims and witnesses, and other states have sought to help victims understand and participate in criminal proceedings by providing notice of the status of proceedings and allowing them to participate in certain actions such as plea bargaining and sentencing. Oklahoma has gone a step further by providing for the appointment of victim/witness advocates to advise victims and witnesses of their rights in relation to the criminal justice process, and to coordinate the operation of existing victim and witness programs. The Oklahoma law allows each district attorney to appoint a victim/witness coordinator to oversee implementation of the Oklahoma Victims' Bill of Rights. These rights include notification, participation, protection and information regarding financial assistance and other social services available to victims or witnesses.

Legislation pending in Ohio would allow designated advocacy groups to hire attorneys to assist crime victims by advising them of their rights and available services and keeping them informed of the status of their cases.

The aim of this type of legislation is to facilitate more extensive recognition of victims' rights and greater utilization of programs to aid victims and witnesses, as well as to improve their understanding of the criminal justice system.

Special-victim legislation

In addition to enacting legislation aimed at victims and witnesses as a class, many states have recently enacted some form of legislation to protect or benefit certain classes of individuals felt to be especially vulnerable to crime. These "special victims" include the elderly, spouses, children, victims of sexual assaults, the handicapped or even police. Legislation to aid these special victims has taken numerous forms, such as creating new crimes (child abuse or abuse of the elderly), instituting special procedures (protective orders for domestic violence situations) or setting up programs to meet the needs of special victims (such as rape victims or child abuse victims).

Some of the more common types of "special victim" legislation include the following:

The elderly

The elderly are more vulnerable to crime and generally less able to recover from injuries or recoup financial losses. State legislatures have sought to assist elderly victims by establishing victim assistance programs to respond to the particular needs of the elderly. They have also sought to protect elderly persons against criminal conduct by stiffening criminal laws and procedures relating to crimes against the elderly. For example, a few states (including Nevada, Rhode Island and Wisconsin) have enacted laws that require or permit the imposition of an additional penalty of up to five years for an offense against an elderly person. Other states (California and New York) have prohibited plea bargaining for offenders charged with crimes against the elderly. Still other states have created a new criminal offense—to abuse, neglect or exploit the elderly. Nevada and Vermont go even further by subjecting to criminal fines any persons who have knowledge of abuse or neglect of the elderly by others and fail to report it to authorities.

Domestic violence

State legislatures have sought to deal with the pervasive problem of domestic violence in a variety of ways, including principally authorizing the issuance of protective orders, funding programs to provide domestic violence services and requiring better recordkeeping about the incidence of domestic violence.

Numerous states (including Alaska, Arizona, California, Connecticut, Georgia, Iowa, Maryland, Massachusetts, Minnesota, North Carolina, New Jersey, Pennsylvania and Wisconsin) have laws that explicitly authorize courts to issue protective orders in domestic violence cases to prevent further incidents. Most of the statutes allow any family or household member to petition for a protective order and commonly the order not only enjoins violent conduct but may also prohibit one party from coming near the other or award exclusive possession of a family residence to one party. Violation of a protective injunction can result in punishment as a contempt of court and in several states (including North Carolina and Minnesota) can result in immediate arrest on a misdemeanor charge.

Other states (including Florida, Indiana, Kansas, Michigan, Nevada, Ohio, Oklahoma, Texas, Washington and Wisconsin) have enacted legislation establishing and funding domestic violence services, such as shelter facilities, counseling and hotlines. Some of the programs are funded from general revenues, but some are funded from such sources as marriage license surcharges, divorce surcharges, or assessments against offenders convicted of domestic abuse offenses.

Several states (including Connecticut, Illinois, Kentucky, Michigan, New York, Ohio and Washington) have enacted legislation to require more complete recordkeeping of domestic violence cases. Although domestic violence is known to be a serious problem, the extent of the problem has not been very well documented. This is due principally to the fact that most domestic violence situations are resolved informally without arrest and are not recorded by police agencies. The new laws require law enforcement agencies to maintain written records of all incidents of domestic violence encountered or reported to them. In some states (New York and Washington) the courts are given responsibility for collecting data on the incidence of domestic violence. The aim of the legislation is to encourage police to treat domestic violence cases more seriously, to increase public awareness of the problem of domestic violence and to document more accurately the magnitude and nature of the problem.

Sexual assault

A number of state legislatures have enacted measures providing increased services and assistance for victims of sexual assault. New Mexico has enacted a law which requires the development of a statewide comprehensive plan to deal with the prosecution of sexual crimes and the treatment of victims. The legislation provides for free medical and psychological treatment for victims of sexual assaults. A victim need not pursue criminal prosecution of a suspect in order to qualify for treatment and the law covers all treatment needed, not just the initial examination. Florida, Maryland, North Carolina and Oklahoma also have enacted legislation to provide medical services for victims of sex crimes, although these laws are aimed more at assisting law enforcement agencies in gathering evidence for prosecution than at providing treatment for victims.

California and Pennsylvania have enacted legislation providing that communications between the victim of a sexual assault and a counselor are privileged and may not be disclosed or admitted as evidence in court. The privilege covers information concerning the victim's prior sexual experiences and personal beliefs and feelings, but does not cover information about the alleged offense.

Federal actions

The Federal Victim and Witness Protection Act of 1982

On October 12, 1982, Congress enacted an omnibus measure to protect and assist victims and witnesses of federal offenses. The legislation expressly states that the Federal Government should exercise a leadership role in the victim/witness movement and one of the stated purposes of the law is to provide a model for legislation for state and local governments.

The federal law: (1) provides for inclusion of a victim impact statement in pre-sentence reports; (2) makes it a felony offense to threaten, intimidate or otherwise tamper with a victim, witness or informant; (3) makes it a felony offense to retaliate against a victim, witness or informant for giving information about an offense or testifying in a criminal proceeding; (4) imposes a mandatory condition on the release of defendants prior to trial or pending sentencing or appeal that the defendant refrain from committing victim harassment offenses; (5) authorizes federal courts to issue protective orders to prevent harassment of victims or witnesses; and (6) provides explicit authority for federal trial courts to order offenders to make restitution to victims and requires courts to state on the record the reasons for not ordering restitution.

The legislation also requires the Attorney General to (1) report to Congress regarding any necessary law to prohibit offenders from deriving profits from publicity about their offenses, and (2) issue comprehensive federal guidelines for fair treatment of crime victims and witnesses.

The President's Task Force on Victims of Crime

On April 23, 1982, the President appointed a special Task Force on Victims of Crime. During 1982 the Task Force held hearings in Washington and in 5 cities across the country, receiving the testimony of almost 200 witnesses, including federal, state and local officials, professionals engaged in all aspects of victim and witness assistance and private organizations and individuals interested in the rights of victims and witnesses. Most important, the Task Force heard from some 60 victims of crime.

In December 1982, the Task Force issued its final report setting out comprehensive and detailed recommendations for action at the federal, state, local and private levels to assist victims of crime and witnesses. The recommendations are far-ranging, including proposed actions by state and federal legislatures, criminal justice agencies and other agencies and groups such as hospitals, schools, bar associations, mental health facilities, the ministry and the private sector. The majority of the recommendations deal specifically with the recognition of the rights of victims and witnesses and the establishment and funding of the types of assistance and services discussed above. Additional recommendations address issues which are of primary concern to victims since they relate to the victim's perception of the functioning of the criminal justice system.

For example, the Task Force recommends the abolition of the controversial "exclusionary rule," which now operates to render relevant evidence inadmissible in criminal trials if it was gathered as a result of improper police conduct. Other recommendations would

toughen bail laws, in part by allowing courts to deny bail to persons considered dangerous to the community. The Task Force also recommends the enactment of legislation to abolish parole and limit judicial discretion in sentencing, with the result that offenders would serve the full sentence imposed for their crimes reduced only by good time credits actually earned.

The recommendations of the Task Force are the most complete yet issued on the subject of victim and witness assistance. Since they bear the authority and prestige of the President, they should add significant impetus to the victim/witness movement.

Information impact of victim and witness programs

As evidenced by the above discussion of legislative activity, the victim/witness assistance movement has achieved remarkable momentum and is likely to grow. As also indicated, however, the implementation of the programs defined in existing new legislation imposes substantial new responsibilities upon the criminal justice system particularly as respects the timely production of data necessary to support program objectives.

Specifically, many of the new laws require police agencies, prosecutors or probation officials to give notice to victims and witnesses concerning the status of criminal cases and scheduled court appearances. Other laws require that notice be given to victims of particular actions or decisions, such as plea bargains, sentence hearings or parole or probation hearings. Still other laws require law enforcement agencies to maintain records of all domestic incidents, even those resolved without arrest or other formal proceedings.

To meet these notice and recordkeeping responsibilities law enforcement agencies in many jurisdictions are now required to collect more accurate and complete personal information about victims and witnesses and to maintain it in a more systematic manner. They also must maintain information about victim compensation programs in order to give required notice of the programs to claimants. Even where the responsibility for the administration of victim compensation programs is vested in other agencies, law enforcement agencies must provide or confirm information concerning the nature and circumstances of the offense and the cooperation of the victim to enable the administering agency to make eligibility decisions. Law enforcement agencies in some jurisdictions are required to advise victims of available services and they must acquire and maintain this information. Finally, pursuant to some new laws, courts and parole officials must collect and use information from victims at sentencing hearings and parole hearings.

They also must bear the added burden of the increased use of restitution orders and provide the administrative machinery and information necessary to follow up restitution orders to ensure that they are complied with.

In addition to these added operational information requirements, law enforcement agencies will most likely bear a large share of the responsibility for collecting and perhaps collating and analyzing statistical data about crime victims necessary for such purposes as predicting and assessing the seriousness of crime from the victim's perspective, developing victim profiles for identifying potentially vulnerable victims, and developing and implementing new response programs, including educational programs to enable police officers to diagnose and treat crisis symptoms in victims.

Some information of this type for some crimes is now collected by the Bureau of Justice Statistics as part of the National Crime Survey. These annual surveys include interviews with about 132,000 individuals in a probability sample of 60,000 households designed to collect comprehensive information about the circumstances and consequences of criminal victimization nationally. Information collected includes data about the crime as well as the victim's age, race, sex, marital status, education, employment and relationship to the offender. The survey also collects information about the consequences of the crime, including data about injuries, cost of medical attention, property loss and time lost from work. In addition, law enforcement agencies in some jurisdictions now routinely collect some limited statistical information about victims, such as age, sex and race. It seems certain that other agencies will need to collect such data and that other data elements will need to be collected, such as previous victimization experience, economic status, the relationship between the victim and the offender, and other data elements now included in the National Crime Survey.

In the long run, the information needs of the victim/witness rights movement will have a significant influence on the development and structure of criminal justice information systems. Certainly, the notice requirements of the new laws will give added impetus to the implementation of automated systems that track the status of criminal cases through the justice system. They may also result in significantly restructured information systems that are indexed by victim and witness identity as well as by offender identity, particularly since some of the new laws require the maintenance of information about victims of offenses for which no offender has been identified or apprehended. Finally, the need for more statistical information about victims may necessitate the redesign of existing criminal justice statistical systems to facilitate the collection of data of the kind discussed above.

Security and privacy considerations

Just as the criminal justice system has historically been offender-oriented, criminal justice information systems also have been offender-oriented. So too have state laws dealing with criminal records. These laws apply principally, and in most states exclusively, to criminal history records--to alphabetically indexed records that identify individuals charged with criminal conduct and contain information about the progress of these offenders through the criminal justice system.

Victim/witness programs require a different type of data--data concerning the identity and personal characteristics of victims and witnesses. Since these individuals have not been charged with criminal offenses, information about them is not covered by most state criminal record laws. A few states have laws governing intelligence and investigative data that might apply to victim and witness information and a few have public record laws that would apply to such information. However, in most states, questions concerning disclosure, use and security of victim and witness data are not clearly answered by existing law. State legislatures may need to deal with these issues by enacting new measures or amending existing criminal record laws. In the meantime, criminal justice agencies may be called upon to resolve some new security and privacy issues without statutory guidance.

The primary issue centers on the authority to disclose victim and witness information, and perhaps criminal record information about offenders, to victims and to organizations and individuals providing services and assistance to victims and witnesses. Timely availability of victim and witness identification data is critical to implementation of assistance and support programs. Similarly, disclosure of offender record data may be necessary to facilitate meaningful victim input to bail and parole proceedings. Where victim/witness services are provided by public agencies pursuant to legislative authority, the issue of authority to disclose may be easily resolved. Most of the state laws establishing victim compensation programs (including the laws of California, Kansas, Maryland, New York and Virginia) expressly authorize and direct criminal justice agencies to provide requested information to the agency administering the program. Where such authority is not expressly stated, it may be considered to be implied. Similarly, the laws providing for various kinds of notification to victims and witnesses of the progress of criminal proceedings against an alleged offender constitute adequate authority for the disclosure of such necessary information. The same should be true of laws providing for the appointment of counsel and ombudsmen to assist victims and witnesses in applying for services and assistance and in dealing with the criminal justice process. Since these persons are

discharging statutory duties, criminal justice agencies should run little risk in releasing to them any requested information reasonably necessary in connection with their duties. In the absence of an express law to the contrary, this probably could include the offender's criminal history record where the counsel or ombudsman needs this information to assist a victim or witness in petitioning for a protective order or in resisting release of the offender on bail, probation or parole, in states that permit victims or witnesses to participate in this way in the criminal process.

A more difficult question arises when the requestor is a private organization performing victim/witness services or assistance without statutory authorization. Literally hundreds of such organizations have sprung up around the country in recent years. Typically, they provide specialized services or assistance to particular classes of victims (and, to a more limited extent, to witnesses), including rape victims, the elderly or children who have been abused. Sometimes these organizations are sought out by victims or witnesses who can themselves provide some of the data to the organizations and can give their consent to the release of additional data. More typically, however, the service organizations seek out the victims and witnesses; and in order to do this they apply to criminal justice agencies, principally to police agencies, for victim and witness identifying data and addresses to enable them to contact persons who may need their services.

Assuming that the state criminal record law does not cover such a disclosure request, other state laws may provide the answer or guidance. As noted, some states have public record laws that make many criminal record files available to the public. Other states have laws expressly providing that the names and addresses of certain victims and/or witnesses shall be made public. For example, California has a law making the names and addresses of all crime victims publicly available, with the exception of the addresses of victims of sexual assaults. On the other hand, some state laws expressly forbid the public release of certain types of victim information, typically personal information about rape or sexual assault victims. Other states have exemptions to their public record laws that authorize the withholding of certain types of information, such as police investigative information, if release of the data would cause enumerated types of harm, such as an unwarranted invasion of privacy. The U. S. Department of Justice has interpreted the federal Freedom of Information Act¹ and the federal Privacy Act² to permit federal agencies to make selected disclosures of victim identification data. Agen-

cies are instructed to balance the requestor's need for the data against the potential harm caused to the individual by the release.

In the absence of statutory guidance, disclosure of victim and witness information will depend upon local agency policy and agency officials may need to follow a similar balancing-of-interests procedure. To date, there is little case law to guide them. No court has yet squarely resolved the question of whether a victim or witness has a privacy interest in personal identifying data that outweighs the public's interest in seeing the data or the state's public safety interest in supporting victim/witness programs. The Supreme Court has said that a rape victim does have a constitutional privacy interest in maintaining confidentiality and has suggested that a state law forbidding any disclosure of information concerning the identity of such victims would be constitutional.³ Other state and federal courts have upheld state statutes making certain other types of criminal justice data non-public, including cumulative criminal histories,⁴ non-contemporaneous arrest data,⁵ and intelligence and investigative data.⁶ On the other hand, the Supreme Court's decision in *Paul v. Davis*⁷ has been widely interpreted to mean that there are no constitutional privacy interests that forbid the disclosure by criminal justice agencies of information about individuals arrested for criminal offenses.

The import of these decisions seems to be that there is no constitutional interest that dictates agency policy with respect to disclosure of victim and witness information. The public (including victims and victim/witness support organizations) has a constitutionally based right to be informed about the operation of the criminal justice process. However, statutory or policy standards that limit the disclosure of particular types of records normally are permissible. It is likely that a reasoned policy forbidding or limiting the disclosure of victim or witness information based upon potential harm caused by disclosure would not be viewed by the courts as an unconstitutional impingement on the public's right to obtain information about the functioning of the criminal process. On the other hand, a soundly based policy of disclosing such information also probably would be

³ *Cox Broadcasting Corporation v. Cohn*, 420 U.S. 469 (1975).

⁴ *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W. 2d 177 (Tex. Ct. App. 1975).

⁵ *Menard v. Mitchell*, 430 F.2d 486 (D.C. Cir. 1970).

⁶ *Houston Chronicle case and Congressional News Syndicate v. Department of Justice*, 438 F.Supp. 538 (D.D.C. 1977).

⁷ 424 U.S. 693 (1976).

¹ The Freedom of Information Act, 5 U.S.C. §552.

² The Privacy Act of 1974, 5 U.S.C. §552a.

viewed by the courts as constitutionally permissible.

Victim and witness assistance organizations should be able to make strong policy arguments in favor of obtaining necessary information from criminal justice agencies. Although victims and witnesses arguably do have a privacy interest in maintaining the confidentiality of information about them, this interest may not be particularly compelling since for most crimes (sexual assaults and child abuse offenses are exceptions) identification as a victim or witness does not result in stigma, embarrassment or loss of opportunities. In addition, the degree of potential harm caused by disclosure of victim or witness identification data to service organizations is slight, particularly if the organizations have procedures to protect the confidentiality of the information. Indeed, disclosure may serve the interests of the data subjects since the purpose of the organizations is to assist them and provide services to them. For these reasons, victim and witness organizations can argue persuasively that their identity and purpose entitle them to greater access rights than the public generally, and criminal justice agencies can defend policies that permit disclosure to such agencies of information that is not available to the public, including the news media.

The Report of the President's Task Force on Victims of Crime did not deal directly with the issue of confidentiality of criminal justice agency data on victims, although it is clear that the Task Force expected data to be made available where necessary. The report did, however, include two recommendations raising security and privacy considerations of interest to criminal justice policymakers. In its recommendations for legislative action, the task force proposed that state criminal record laws be amended, if necessary, to make available to employers the sexual assault, child molestation or pornography arrest records of prospective and present employees whose work will bring them into regular contact with children. And in its recommendation for federal action, the task force recommended that a study be commissioned at the federal level to evaluate the juvenile justice system from the perspective of the victim, and urged specifically that reconsideration be given to policies supporting the sealing of juvenile records. In its commentary, the task force stated that the juvenile records of serious juvenile offenders should be available in adult criminal proceedings if the offender continues to commit crimes as an adult. This recommendation is consistent with research data now becoming available that indicates that juvenile misbehavior is a predictor of adult criminal conduct.

Conclusions

The victim/witness movement has achieved considerable success in the state legislatures in recent years. Little

attention has been paid however, to the operational implications inherent in such programs or to the substantial financial and administrative responsibilities which programs impose on both the overall criminal justice system and those components having primary responsibility for the collection and analysis of information.

In order to ensure the successful development of nationwide victim/witness programs therefore, it is critical that attention be directed at this time to the operational and policy implications new programs will have on existing criminal justice information systems and capabilities.

In particular, it would seem advisable for state legislatures and criminal justice record system administrators to give some consideration to the impact of the new programs on criminal justice record systems. These officials might also consider whether presently structured information systems and practices are adequate to collect and make available the kind of information necessary to support victim/witness programs and research. As in the case of all major program initiatives, major system changes may be necessary in order that the criminal justice system can effectively respond to the newly identified data requirements of expanded victim/witness programs.

Other publications

Victim/Witness Legislation: Considerations for Policymakers, American Bar Association, Section on Criminal Justice, 1800 M St., N.W., Washington, D.C. 20036. Sept. 1981. (The descriptions of state legislative programs set out in this issue brief are based largely on this publication. The publication contains the text of sample laws and an extensive bibliography.)

Restitution to Victims of Personal and Household Crimes, Bureau of Justice Statistics, U.S. Department of Justice. 1980.

Crime Victim Compensation: Program Models, National Institute of Justice, U.S. Department of Justice. 1980.

Final Report of the President's Task Force on Victims of Crime, December 1980.

Bureau of Justice Statistics Bulletins are prepared principally by the staff of the Bureau. Carol B. Kalish, chief of policy analysis, edits the bulletins. Marilyn Marbrook, publications unit chief, administers their publication, assisted by Julie A. Ferguson and Lorraine Poston. This bulletin was prepared by Paul Woodard and Gary Cooper of SEARCH Group, Inc., under the direction of Carol G. Kaplan of BJS.

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SESSION V

GUIDELINES FOR SPECIAL VICTIMS

Summary

This section will provide suggestions for improving services to victims who may require special attention due to the seriousness of the offense, or a limiting condition of the victim.

Victims of Domestic Violence

POLICE FOUNDATION REPORTS

The Minneapolis Domestic Violence Experiment

By LAWRENCE W. SHERMAN and RICHARD A. BERK

Under a grant from the National Institute of Justice, the Minneapolis Police Department and the Police Foundation conducted an experiment from early 1981 to mid-1982 testing police responses to domestic violence. A technical report of the experiment can be found in the April 1984 issue of the *American Sociological Review*. This report summarizes the results and implications of the experiment. It also shows how the experiment was designed and conducted so the reader may understand and judge the findings.

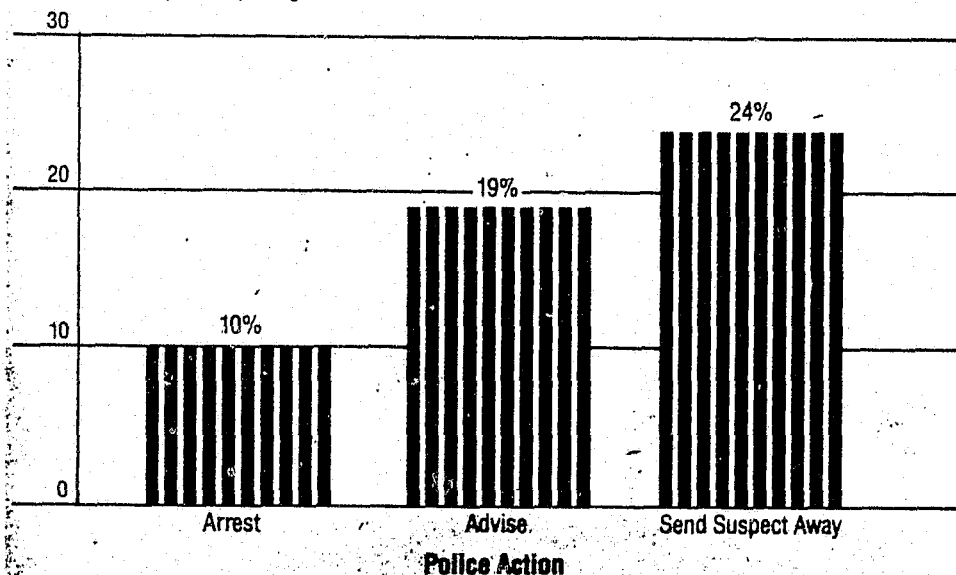
Findings in Brief

The Minneapolis domestic violence experiment was the first scientifically controlled test of the effects of arrest for any crime. It found that arrest was the most effective of three standard methods police use to reduce domestic violence. The other police methods—attempting to counsel both parties or sending assailants away from home for several hours—were found to be considerably less effective in deterring future violence in the cases examined. These were not life-threatening cases, but

Figure 1 Percentage of Repeat Violence Over Six Months For Each Police Action:

OFFICIAL RECORDS N = 314

Percent of Suspects Repeating Violence



When I was a young police officer in Oakland, California, nothing perplexed or concerned me more than dealing with domestic assault cases, the staple and bane of every patrol officer's work life. I sensed that my colleagues and I were not doing enough to deter future violence. We had little guarantee that when we left the scene of a violent domestic assault, it would not recur. But, frankly, like other police officers, we did not know what we could do to prevent new eruptions of violence in domestic settings.

I believe the nation's almost half million police officers are tired of responding with the same old non-effective prescriptions to the plight of the battered victims who get caught up in domestic fights. So when I was appointed director of the National Institute of Justice, I was determined to help find the answer to what the police could do to deter domestic violence. The job of NIJ is to get practical answers to important, policy relevant problems such as this one.

The answer, as this report documents, appears to be that the police should use arrests quite frequently in typical domestic violence cases if they want to reduce assaults. More research, of course, is needed before we can say that only arrest should be used in cases of domestic assault. But the Minneapolis research is very useful in guiding our way.

How the research was obtained is a landmark in policing about which readers should know. For the first time in the history of police research, a police department permitted experimentation with officers' responses to a situation involving a specific offense. As this report notes, to permit the experiment to happen, the responses were determined through a lottery method. In that way, the three typical police responses to domestic violence calls received a fair test. The Minneapolis Police Department deserves immense credit for being the laboratory in which we could gain, in the most effective way possible, important new information about a common, serious police problem.

James K. Stewart
Director, National Institute of Justice

rather the minor assaults which make up the bulk of police calls to domestic violence.

The findings, standing alone as the result of one experiment, do not necessarily imply that all suspected assailants in domestic violence incidents should be arrested. Other experiments in other settings are needed to learn more. But the preponderance of evidence in the Minneapolis study strongly suggests that the police should use arrest in most domestic violence cases.

Why the Experiment Was Conducted

The purpose of the experiment was to address an intense debate about how police should respond to misdemeanors, cases of domestic violence. At least three viewpoints can be identified in this debate:

1 The traditional police approach of doing as little as possible, on the premise that offenders will not be punished by the courts even if they are arrested, and that the problems are basically not solvable.

2 The clinical psychologists' recommendations that police actively mediate or arbitrate disputes underlying the violence, restoring peace but not making any arrests.

3 The approach recommended by many women's groups and the Police Executive Research Forum (Loving, 1980) of treating the violence as a criminal offense subject to arrest.

If the purpose of police responses to domestic violence calls is to reduce the likelihood of that violence recurring, the question is which of these approaches is more effective than the others?

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Policing Domestic Assaults

Police have been typically reluctant to make arrests for domestic violence (Berk and Loseke, 1981), as well as for a wide range of other kinds of offenses, unless a victim demands an arrest, a suspect insults an officer, or other factors are present (Sherman, 1980). Parnas' (1972) observations of the Chicago police found four categories of police action in these situations: negotiating or otherwise "talking out" the dispute; threatening the disputants and then leaving; asking one of the parties to leave the premises, or, very rarely, making an arrest.

Similar patterns are found in many other cities. Surveys of battered women who tried to have their domestic assailants arrested report that arrest occurred in only ten percent (Roy, 1977:35) or three percent (see Langley and Levy, 1977:219) of the cases. Surveys of police agencies in Illinois (Illinois Law Enforcement Commission, 1978) and New York (Office of the Minority Leader, 1978) found explicit policies against arrest in the majority of the agencies surveyed. Despite the fact that violence is reported to be present in one-third (Bard and Zacker, 1974) to two-thirds (Black, 1980) of all domestic disturbances police respond to, police department data show arrests in only five percent of those disturbances in Oakland (Hart, n.d., cited in Meyer and Lorimer, 1977:21), six percent of those disturbances in a Colorado city (Patrick, Ellis, and Hoffmeister, n.d., cited in Meyer and Lorimer, 1977:21), and six percent in Los Angeles County (Emerson, 1979).

The best available evidence on the frequency of arrest is the observations from the Black and Reiss study of Boston, Washington, and Chicago police in 1966 (Black, 1980:182). Police responding to disputes in those cities made arrests in 27 percent of violent felonies and 17 percent of the violent misdemeanors. Among married couples (Black, 1980:158), they made arrests in 26 percent of the cases, but tried to remove one of the parties in 38 percent of the cases.

The apparent preference of many police for separating the parties rather than arresting the offender has been attacked from two directions over the past 15 years. The original critique came from clinical psychologists who agreed that police

should rarely make arrests (Potter, 1978: 46; Fagin, 1978: 123-124) in domestic assault cases and argued that police should mediate the disputes responsible for the violence. A highly publicized demonstration project teaching police special counseling skills for family crisis intervention (Bard, 1970) failed to show a reduction in violence, but was interpreted as a success nonetheless. By 1977, a national survey of police agencies with 100 or more officers found that over 70 percent reported a family crisis intervention training program in operation. Although it is not clear whether these programs reduced separation and increased mediation, a decline in arrests was noted for some (Wylie, *et al.*, 1976). Indeed, many sought explicitly to *reduce* the number of arrests (University of Rochester, 1974; Ketterman and Kravitz, 1978).

By the mid-1970s, police practices were criticized from the opposite direction by feminist groups. Just as psychologists succeeded in having many police agencies respond to domestic violence as "half social work and half police work," feminists began to argue that police put "too much emphasis on the social work aspect and not enough on the criminal" (Langley and Levy, 1977:218). Widely publicized lawsuits in New York and Oakland sought to compel police to make arrests in every case of domestic assault, and state legislatures were lobbied successfully to reduce the evidentiary requirements needed for police to make arrests for misdemeanor domestic assaults. Some legislatures are now considering statutes requiring police to make arrests in these cases.

The feminist critique was bolstered by a study (Police Foundation, 1976) showing that for 85 percent of a sample of spouse killings, police had intervened at least once in the preceding two years. For 54 percent of those homicides, police had intervened five or more times. But it was impossible to determine from the data whether making more or fewer arrests would have reduced the homicide rate.

How the Experiment Was Designed

In order to find which police approach was most effective in deterring future domestic violence, the Police Foundation and the Minneapolis Police Department agreed to conduct a classic experiment.

A classic experiment is a research design that allows scientists to discover the effects of one thing on another by holding constant all other possible causes of those effects. The design of the experiment called for a lottery selection, which ensured that there would be no difference among the three groups of suspects receiving the different police responses (Cook and Campbell, 1979). The lottery determined which of the three responses police officers would use on each suspect in a domestic assault case. According to the lottery, a suspect would be arrested, or sent from the scene of the assault for eight hours, or given some form of advice, which could include mediation at an officer's discretion. In the language of the experiment, these responses were called the arrest, send, and advise treatments. The design called for a six-month follow-up period to measure the frequency and seriousness of any future domestic violence in all cases in which the police intervened.

The design applied only to simple (misdemeanor) domestic assaults, where both the suspect and the victim were present when the police arrived. Thus, the experiment included only those cases in which police were empowered, but not required, to make arrests under a recently liberalized Minnesota state law. The police officer must have probable cause to believe that a cohabitant or spouse had assaulted the victim within the past four hours. Police need not have witnessed the assault. Cases of life-threatening or severe injury, usually labeled as a felony (aggravated assault), were excluded from the design.

The design called for each officer to carry a pad of report forms, color coded for the three different police responses. Each time the officers encountered a situation that fit the experiment's criteria, they were to take whatever action was indicated by the report form on the top of the pad. The forms were numbered and arranged for each officer in an order determined by the lottery. The consistency of the lottery assignment was to be monitored by research staff observers riding on patrol for a sample of evenings.

After a police action was taken at the scene of a domestic violence incident, the officer was to fill out a brief report and give it to the research staff for follow-up.

As a further check on the lottery process, the staff logged in the reports in the order in which they were received and made sure that the sequence corresponded to the original assignment of responses.

Anticipating something of the background of victims in the experiment, a predominantly minority, female research staff was employed to contact the victims for a detailed, face-to-face interview, to be followed by telephone follow-up interviews every two weeks for 24 weeks. The interviews were designed primarily to measure the frequency and seriousness of victimizations caused by a suspect after police intervention. The research staff also collected criminal justice reports that mentioned suspect's names during the six-month follow-up period.

Conduct of the Experiment

As is common in field experiments, the actual research process in Minneapolis suffered some slippage from the original plan. This section recounts the difficulties encountered in conducting the experiment. None of these difficulties, however, proved finally detrimental to the experiment's validity.

In order to gather data as quickly as possible, the experiment was originally located in two of Minneapolis's four precincts, those with the highest density of domestic violence crime reports and arrests. The 34 officers assigned to those areas were invited to a three-day planning meeting and asked to participate in the study for one year. All but one agreed. The conference also produced a draft order for Chief Anthony Bouza's signature specifying the rules of the experiment. These rules created several new situations to be excluded from the experiment, including whether a suspect attempted to assault police officers, a victim persistently demanded an arrest, or both parties were injured. These additional exceptions allowed for the possibility that the lottery process would be violated more for the separation and mediation treatments than for the arrest treatment. However, a statistical analysis showed that these changes posed no threat to the validity of the experiment's findings.

The experiment began on March 17, 1981. The expectation was that it would take about one year to produce about

No call for service is more familiar, challenging, and personally disheartening to a police officer than the summons to a domestic assault. Once again, two people living together are engaged in physical violence; once again, there are bruises, blood, and, perhaps, broken bones; once again, there has been an assault, and the officer fears that worse might occur. Often, terrified children witness the battle and pick up an early lesson that violence is somehow an appropriate way of dealing with problems and frustrations.

What does the officer do?

The common police tradition has been to do little. Physical violence within the home was thought to be exempt from the same laws which keep acquaintances or strangers from assaulting each other on the streets. The battered partner in the typical domestic fight was unlikely to sign a complaint, the officer learned from experience. The problems which caused the violence were probably chronic and unsolvable. So the officer restores a semblance of order, warns the assailant to behave, perhaps sends him out of the home, and goes on to the next call.

However, an increasing public awareness of the toll of domestic violence—of its injury to women, as a harbinger of possible homicide, and for its damaging psychological effects on children—has called into question the traditional police response of doing little or nothing when they intervene. But on what could the police rely if they sought to change their response to domestic violence? Hunch, supposition, tradition had been their guides and they seemed insufficient.

So the Police Foundation, through scientific inquiry, sought to supplant tradition with fact in resolving the question: How can the police deter future domestic violence?

The answer to the question and how it was obtained are in this report which I urge the police, policy makers, government officers, and concerned citizens to read and consider. Domestic violence, along with child abuse, is the quiet criminal plague of American life and must be curbed. I believe the Minneapolis experiment makes substantial progress in suggesting how the police can deter such violence.

Patrick V. Murphy
President, Police Foundation

300 cases. In fact, the experiment ran until August 1, 1982, and produced 314 case reports. The officers agreed to meet monthly with Lawrence W. Sherman, the project director, and Nancy Wester, the project manager. By the third or fourth month, two facts became clear: Only about 15 to 20 officers either were coming to meetings or turning in cases and the rate at which the cases were turned in would make it difficult to complete the project in one year. By November, it was decided to recruit more officers in order to obtain cases more rapidly. Eighteen additional officers joined the project. But like the original group, most of these officers turned in only one or two cases. Indeed, three of the original officers produced almost 28 percent of the cases, in part because they worked a particularly violent beat and in part because they had a greater commitment to the study. A statistical analysis showed that the effects of police actions did not vary according to which officer was involved. Since the lottery was by officer, this condition created no validity problem for the cases in the study.

There is little doubt that many of the officers occasionally failed to follow fully the experimental design. Some of the failures were due to forgetfulness, such as leaving report pads at home or at the police station. Other failures derived from misunderstanding about whether the experiment applied in certain situations; application of experimental rules under complex circumstances was sometimes confusing. Finally, there were occasional situations that were simply not covered by experimental rules.

Whether any officer intentionally subverted the design is unclear. The plan to monitor the lottery process with ride-along observers broke down because of the unexpectedly low frequency of cases meeting the experimental criteria. Observers had to ride for many weeks before they observed an officer apply one of the treatments. An attempt was made to solve this problem with "chase alongs," in which observers rode in their own car with a portable police radio and drove to the scene of any domestic call dispatched to any officer in the precinct. Even this method failed.

Thus, the possibility existed that police officers, anticipating from the dispatch

Table 1
Designed and Delivered Police Treatments in Domestic Assault Cases

Designed Treatment	Delivered Treatment			
	Arrest	Advise	Separate	
ARREST	98.9% N=91	0.0% N=0	1.1% N=1	29.3% N=92
ADVISE	17.6% N=19	77.8% N=84	4.6% N=5	34.4% N=108
SEPARATE	22.8% N=26	4.4% N=5	72.8% N=83	36.3% N=114
TOTAL	43.3% N=136	28.3% N=89	28.3% N=89	100% N=314

call a particular kind of incident and finding the upcoming experimental treatment inappropriate, may have occasionally decided to ignore the experiment. In effect, they may have chosen to exclude certain cases in violation of the experimental design. Such action would have biased the selection of the experiment's sample of cases, but there is little reason to believe it actually happened. On the other hand, had they, for example, not felt like filling out extra forms on a given day, this would not affect the validity of the experiment's results.

Table One shows the degree to which the three treatments were delivered as designed. Ninety-nine percent of the suspects targeted for arrest actually were arrested; 78 percent of those scheduled to receive advice did; and 73 percent of those to be sent out of the residence for eight hours actually were sent. One explanation for this pattern, consistent with experimental guidelines, is that mediating and sending were more difficult ways for police to control a situation. There was a greater likelihood that officers might have to resort to arrest as a fallback position. When the assigned treatment is arrest, there is no need for a fallback position. For example, some offenders may have refused to comply with an order to leave the premises.

This pattern could have biased estimates of the relative effectiveness of arrest by removing uncooperative and difficult offenders from mediation and separation treatments. Any deterrent effect of arrest

could be underestimated and, in the extreme, arrest could be shown to increase the chance of repeat violence. In effect, the arrest group would have too many "bad buys" relative to the other treatments.

Fortunately, a statistical analysis of this process shows that the delivered treatments conformed very closely to the experimental design, with no problems of bias.

Things went less well with interviews of victims; only 205 (of 330, counting the few repeat victims twice) could be located and initial interviews obtained, a 62 percent completion rate. Many of the victims simply could not be found, either for the initial interview or for follow-ups. They had left town, moved somewhere else, or refused to answer the phone or doorbell. The research staff made up to 20 attempts to contact these victims and often employed investigative techniques (asking friends and neighbors) to find them. Sometimes these methods worked, only to have the victim give an outright refusal, or break one or more appointments to meet the interviewer at a "safe" location for the interview.

The response rate to the biweekly follow-up interviews was even lower than for the initial interview, as response rates have been in much research on women crime victims. After the first interview, for which the victims were paid \$20, there was a gradual falloff in completed interviews with each successive wave: only 161 victims provided all 12 follow-up interviews

over the six months, a completion rate of 49 percent. Whether paying for the follow-up interviews would have improved the response rate is unclear; it would have added over \$40,000 to the cost of the research. When the telephone interviews yielded few reports of violence, every fourth interview was conducted in person.

Fortunately, there is absolutely no evidence that the experimental treatment as-

signed to the offender affected the victim's decision to grant initial interviews. Statistical tests showed there was *no* difference in victims' willingness to give interviews according to what police did, race of victim, or race of offender.

In sum, despite the practical difficulties of controlling an experiment and interviewing crime victims in an emotionally charged and violent social context, the experiment succeeded in producing a promising sample of 314 cases with complete official outcome measures and an apparently unbiased sample of responses from the victims in those cases.

Results

The 205 completed initial interviews provide some sense of who the subjects involved in domestic violence are, although the data may not properly represent the characteristics of the full sample of 314. They show the now familiar pattern that domestic violence cases coming to police attention disproportionately involve unmarried couples with lower than average educational levels, who are disproportionately minority and mixed race (black male, white female) and who are very likely to have had prior violent incidents with police intervention. The 60 percent unemployment rate for the experiment's suspects is strikingly high in a community with only about five percent of the workforce unemployed. The 59 percent prior arrest rate is also strikingly high, suggesting (with the 80 percent prior domestic assault rate) that the suspects generally are experienced law-breakers who are accustomed to police interventions. But with the exception of the heavy representation of Native-Americans due to Minneapolis' proximity to many Indian reservations, the characteristics in Table Two are probably close to those of domestic violence cases coming to police attention in other large U.S. cities.

Two kinds of measures of repeat violence were used in the experiment. One was a police record of an offender repeating domestic violence during the six-month follow-up period, either through an offense or an arrest report written by any officer in the department or through a subsequent report to the project research staff of an intervention by officers participating in the experiment. A second

Police handling of chronic, thorny problems such as domestic violence cases usually has been characterized by seat-of-the-pants adoption of remedies thought to work. But little lay behind such cures except an untested belief in their efficacy. Domestic violence provided a fine example of the way police approached difficult problems. Clearly productive answers based on hard evidence were needed.

The Minneapolis domestic violence experiment not only provides new insights into the spouse assault problem and its solutions, but it highlights the general need for analysis, experimentation, and evaluation in law enforcement.

A number of factors traditionally have worked against a belief that arrest works best in both gaining leverage over assailants and deterring future violence. These factors included the absence of legislation that would enable officers to make arrests in misdemeanor assault cases that did not occur in their presence; the male dominated psychology of a police world that did not relish interference in a "man's castle" and affairs; and the notable reluctance of cowed women to come forward or, having found the courage, to see the process of arrest and prosecution through.

The domestic violence experiment, by demonstrating the efficacy of an arrest policy, influenced the Minneapolis legislature to make necessary changes: reshaped the policies of the Minneapolis Police Department to force more arrests; and reinforced the feminist thrust calling for stricter adherence to an arrest policy in domestic violence cases.

All of this combined to change dramatically the way the Minneapolis Police Department looks at, and responds to, domestic violence cases. The policy will be to arrest. The law enables us to do so and women, the usual victims, are being persuaded to come forward.

We believe an important step has been taken and that this step will influence police handling of domestic violence cases nationally. This experiment, in which the National Institute of Justice, the Police Foundation, and the Minneapolis Police Department participated, has, we think, blazed a new trail for law enforcement's progress.

Anthony V. Bouza
Chief of Police,
Minneapolis Police Department

Table 2
Victim and Suspect
Characteristics: Initial Interview
Data and Police Sheets

A. Unemployment

Victims	61%
Suspects	60%

B. Relationship of Suspect to Victim

Divorced or separated husband	3%
Unmarried male lover	45%
Current husband	35%
Wife or girlfriend	2%
Son, brother, roommate, other	15%

C. Prior Assaults and Police Involvement

Victims assaulted by suspect, last six months	80%
Police intervention in domestic dispute, last six months	60%
Couple in counseling program	27%

D. Prior Arrests of Male Suspects

Ever arrested for any offense	59%
Ever arrested for crime against person	31%
Ever arrested on domestic violence statute	5%
Ever arrested on an alcohol offense	29%

E. Mean Age

Victims	30 years
Suspects	32 years

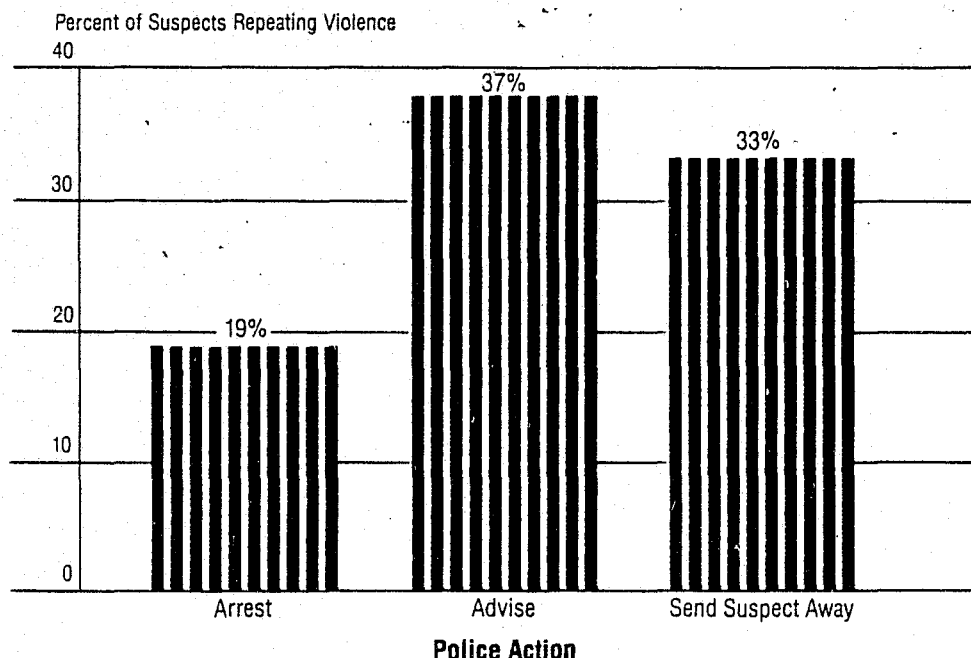
F. Education	Victim	Suspect
< high school	43%	42%
high school only	33%	36%
> high school	24%	22%

G. Race	Victim	Suspect
White	57%	45%
Black	23%	36%
Native-American	18%	16%
Other	2%	3%

N=205 (Those cases for which initial interviews were obtained)

Figure 2 Percentage of Repeat Violence Over Six Months For Each Police Action:

VICTIM INTERVIEWS N = 161



kind of measure came from the interviews in which victims were asked if there had been a repeat incident with the same suspect, broadly defined to include an actual assault, threatened assault, or property damage.

The technical details of the analysis are reported in the April 1984 *American Sociological Review*. The bar graphs in Figures 1, 2, and 3 approximate equations presented in that article, which made statistical adjustments for such problems as the falloff in victim cooperation with the interviews. Figure 1 shows the results taken from the police records on subsequent violence. The arrest treatment is clearly an improvement over sending the suspect away, which produced two and a half times as many repeat incidents as arrest. The advise treatment was statistically not distinguishable from the other two police actions.

Figure 2 shows a somewhat different picture. According to the victims' reports of repeat violence, arrest is still the most effective police action. But the advise category, not sending the suspect away, produced the worst results, with almost twice as much violence as arrest. Sending the suspect away produced results that were not statistically distinguishable from the

results of the other two actions. It is not clear why the order of the three levels of repeat violence is different for these two ways of measuring the violence. But it is clear that arrest works best by either measure.

Additional statistical analysis showed that these findings were basically the same

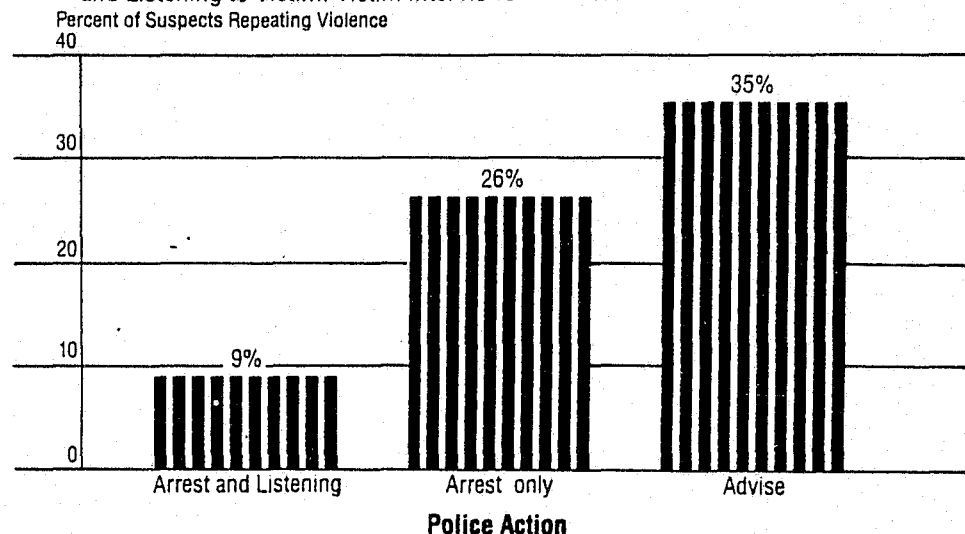
for all categories of suspects. Regardless of the race, employment status, educational level, criminal history of the suspect, or how long the suspect was in jail when arrested, arrest still had the strongest violence reduction effect. There was one factor, however, that seemed to govern the effectiveness of arrest: whether the police showed interest in the victim's side of the story.

Figure 3 shows what happens to the effect of arrest on repeat violence incidents when the police do or do not take the time to listen to the victim, at least as the victim perceives it. If police do listen, that reduces the occurrence of repeat violence even more. But if the victims think the police did not take the time to listen, then the level of victim-reported violence is much higher. One interpretation of this finding is that by listening to the victim, the police "empower" her with their strength, letting the suspect know that she can influence their behavior. If police ignore the victim, the suspect may think he was arrested for arbitrary reasons unrelated to the victim and be less deterred from future violence.

Conclusions and Policy Implications

It may be premature to conclude that arrest is always the best way for police to handle domestic violence, or that all suspects in such situations should be arrested. A number of factors suggest a

Figure 3 Percentage of Repeat Violence Over Six Months For Each Police Action and Listening to Victim: Victim Interviews* N = 194



*All bars are approximate, and drawn from a multivariate model that includes the effects of the prior number of arrests for crimes against persons.

cautious interpretation of the findings:

Sample Size. Because of the relatively small numbers of suspects in each subcategory (age, race, employment status, criminal history, etc.), it is possible that this experiment failed to discover that for some kinds of people, arrest may only make matters worse. Until subsequent research addresses that issue more thoroughly, it would be premature for state legislatures to pass laws requiring arrests in *all* misdemeanor domestic assaults.

Jail Time. Minneapolis may be unusual in keeping most suspects arrested for domestic assault in jail overnight. It is possible that arrest would not have as great a deterrent effect in other cities where suspects may be able to return home within an hour or so of arrest. On the other hand, Minneapolis seems to have the typical court response to domestic violence: only three out of 136 of the arrested suspects ever received a formal sanction from a judge.

Location. Minneapolis is unusual in other respects: a large Native-American population, a very low rate of violence, severe winters, and low unemployment rate. The cultural context of other cities may produce different effects of police actions in domestic violence cases.

Interviewer Effect. Strictly speaking, this experiment showed the effects of three police responses *plus* an intensive effort by middle class women to talk to victim's over a six-month follow-up. It is possible that the interviewers created a "surveillance" effect that deterred suspects. Whether the same effects would be found without the interviews is still an open question.

A replication of the experiment in a different city is necessary to address these questions. But police officers cannot wait for further research to decide how to han-

dle the domestic violence they face each day. They must use the best information available. This experiment provides the only scientifically controlled comparison of different methods of reducing repeat violence. And on the basis of this study alone, police should probably employ arrest in most cases of minor domestic violence.

Legislative Implications. The findings clearly support the 1978 statutory reform in Minnesota that made the experiment possible. In many states the police are not able to make an arrest in domestic violence cases, without the signed complaint of a victim. In at least one state (Maryland), police cannot make an arrest without a warrant issued by a magistrate. This experiment shows the vital importance of state legislatures empowering police to make probable cause arrests in cases of domestic simple assault.

Impact of the Experiment. As a result of the experiment's findings, the Minneapolis Police Department changed its policy on domestic assault in early March of 1984. The policy did not make arrest 100 percent mandatory. But it did require officers to file a written report explaining why they failed to make an arrest when it was legally possible to do so. The policy was explained to all patrol officers in a roll call videotape. The initial impact of the policy was to double the number of domestic assault arrests, from 13 the weekend before the policy took effect to 28 the first weekend after. On one day in mid-March there were 42 people in the Minneapolis jail on spouse assault charges, a record as far as local officials could remember.

The experiment apparently has done more than contributed to knowledge. It also has helped to change police behavior in Minneapolis, and possibly in other cities as well. If the findings are truly generalizable, the experiment will help ultimately to reduce one of the most common forms of violent crime.

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The success of the Minneapolis domestic violence experiment depended on the dedication and hard work of both the project staff and many police officers.

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Elderly Victims

TRENDS IN VICTIMIZATION

National surveys show that the elderly are not necessarily victimized by more crime than the rest of the population. However, there are *certain crime types*—robbery, purse snatching, fraud and bunco, burglary, and vandalism—which are more frequently committed against older persons than against younger age groups. Other crimes in which older persons are not frequent victims now—assault, auto theft, murder, and rape—may become crime problems in future years for this age group. Overall victimization rates, trends, and tendencies will shift with the growth of the older population and changing demographics. In the communities which experience dramatic changes in the size and composition of their older populations, law enforcement agencies will need to clearly identify the crime problems, accurately assess the causes and effects of the victimization of the elderly, and be capable of confronting the problem.

The causes and effects of the victimization of the elderly are compounded by the general attitudes, characteristics, and needs of the aging population. Many of these attributes also increase the elderly person's vulnerability to crime. Five key factors in understanding the victimization of the elderly are described below:

1. *Economic.* The high incidence of reduced income among the elderly underlies their needs and problems—present and future. Any loss of economic resources has a greater impact when the economic status of the victim is low. The future elderly, who will have worked in higher-paying occupations and will have greater retirement benefits and other financial resources, still may not be able to keep up with inflation and higher costs of living.
2. *Environmental.* The high concentrations today of elderly residents in central cities and the greater likelihood that older persons will live in high crime neighborhoods puts them in close proximity to the groups most likely to victimize them. However, this trend is not likely to continue in the future for two reasons. First, the future older population will be urbanized, but not as concentrated in the central city; they will reside in the suburbs (but, if the suburbs become high crime areas and the same situation develops, then the problem will continue). Second, the offender profiles for the typical perpetrators of crimes against the elderly are mainly young opportunists. There will probably not be as many juveniles to commit crimes in the future because of declining birth rates.
3. *Situational.* About one-third of all older persons live alone and the current trend is for more elderly persons to maintain independent households. In addition to being more vulnerable to crime and repeated victimization, older persons who live alone lack many of the social supports which can help them overcome the consequences of the victimization experience. The need for community support systems and increased police service delivery is likely to increase in the future if even more older persons choose to live alone.
4. *Physical.* Physical aspects of aging increase the vulnerability of the elderly to crime. Older persons experience sensory perception changes and may not perceive threatening situations quickly enough to avoid them. Reduced physical strength and longer reaction times help explain why older persons may be reluctant to defend themselves or be unable to escape. Potential offenders are aware of these facts and readily target older persons as victims. A more vigorous older population will probably reduce vulnerability and victimization in this respect.

5. *Psychological.* The elderly person's fear of criminal victimization is greatly influenced by the media. As an example, when the newspapers depict a violent crime committed against an older person, the older readers' level of fear will increase and they will respond by restricting their daily living activities. Some studies suggest that the elderly person's fear of crime leads to self-imposed confinement, resulting in a reduction of the number of victimizations which might have otherwise occurred. The overall effect of this is to seriously diminish the quality of many older persons' lives. However, the changing attitudes and values of the future older generation indicates they will increase their demands that law enforcement agencies be responsive to their needs and concerns.

ATTITUDES OF THE ELDERLY TOWARD LAW ENFORCEMENT

Older persons in general have positive attitudes toward law enforcement. They are more satisfied with the performance of their local police agencies than are younger age groups. The findings in an attitudinal study of over 900 persons aged 60 and over conducted by the University City Science Center reinforce previous research results. This study found that:²⁸

- 88.7 percent of the older persons surveyed feel that the police have one of the most difficult jobs in our society.
- 74.2 percent feel that they can always turn to the police for help regardless of the type of problem they are facing.
- 73.4 percent believe that the police are doing the best job they possibly can.

These attitudes are subject to change, however, depending upon the effectiveness of police interactions with older persons who are requesting assistance.

CRIME REPORTING BY THE ELDERLY

As in the general population, about 50 percent of the elderly report crime. The major variables in crime reporting are the amount of money involved, clues as to who committed the crime, or the feeling that reporting would aid in the apprehension of the criminal. The majority of the elderly non-reporters do not report crime because they tend to feel that either the police will not or cannot do anything about it or that the crime is not worth reporting. On the other hand, there are older persons with a high propensity to call law enforcement for assistance with a wide variety of problems. Typically, this group has strongly perceived fears of victimization, spends time alone, and lives on a low fixed income. There are also some older chronic callers who contact police departments repeatedly.

To enhance the ability to provide effective service, law enforcement agencies need to develop approaches to each of these groups—the non-reporters, callers with unrealistic expectations, and the chronic callers. Suggestions for dealing with these groups include:

1. *Non-reporters.* The barriers or obstacles to reporting should be removed. One major barrier can be standard police reporting procedures, such as sending a uniformed officer to the

victim's residence (in some inner city areas, victims are threatened with physical harm by the criminal if they notify the police—the arrival of a uniformed officer at the victim's residence would be observed by neighbors; because the victim fears the criminal will learn of the officer's visit, they avoid the problem by not reporting). Another barrier to reporting is a failure on the part of older victims to understand exactly what constitutes crimes and what they should or should not report. For example, older victims of vandalism may not realize they should report this crime.

2. *Unrealistic callers.* The police can overcome this problem to a great extent by educating the public and older residents in particular. Give older persons more realistic pictures of what types of services they can expect from the police department.
3. *Chronic callers.* This small group of older persons may have psychological problems or may simply be lonely. They should be referred to appropriate programs—either for medical assistance or social contact, such as a telephone reassurance program staffed by older volunteers.

Once a call has been taken, the police department has accepted a responsibility to do something about the problem and to satisfy the citizen, even if the call bears little relationship to traditional law enforcement activities.

Strategies For Effective Police Service Delivery

The ways and means to provide improved police service delivery to the elderly will require *proactive* organizational strategies. These strategies should confront four problem areas: actual victimization of the elderly, older persons' fears and perceptions about victimization, attitudes toward law enforcement, and crime reporting by the elderly. Possible strategies include:

- *Crime Analysis.* Each department should collect, analyze, and disseminate the facts about local patterns and trends of the victimization of older persons. Department personnel can act *only when the problems are identified*.
- *Victimization Surveys.* Such surveys can augment reported victimization information to provide a more realistic picture of crime problems. Surveys can also help identify barriers to crime reporting, the actions taken by older crime victims, and the various support services older victims or witnesses may need.
- *Programs.* Crime prevention programs specifically designed for older audiences and targeted to help older individuals and groups to deal with actual and perceived victimization problems should be top priority. Other programming can educate the older public about law enforcement capabilities and advocate crime reporting. Community service programs (such as Vial of Life) and safety programs can further enhance the lives of older persons.
- *Police Training.* Officers need training to understand and be able to communicate effectively with older persons in both crime and noncrime situations. When communicating with older persons, the officers may be required to spend more time than they would with younger persons. If comprehensive community support systems are unavailable, law enforcement officers

can provide the help and reassurance that some older persons, particularly those who live alone, may require.

- *Police Operations.* In order to provide effective service delivery to older persons, some departmental operating procedures might need to be modified. For example, if an officer is handling a service call to an older person, the department will need to recognize that he may need to spend more time on this call than standard operating procedures generally allow.
- *Support Services.* Providing support services to older persons will further the department's mission, enhance the image of law enforcement, and develop stronger links among the department, older persons, and the community. Law enforcement officers should have a complete understanding of existing community services—they should refer older persons to these agencies and vice versa. They can also identify the need for additional support services or for changes in existing ones. Most importantly, law enforcement professionals should increase their involvement with the elderly. Organizing neighborhoods and older groups to help one another restores the older community's acceptance of their responsibilities to assist law enforcement. Older workers and older volunteers can help augment law enforcement. Older persons are generally available, skilled, conscientious, dependable, influential, and informed about their community; they are also, as a group, supportive of the law enforcement mission. They can perform valuable community services, certain police services, and court services. Not only will the department and the older person derive benefits, but the community as a whole will be able to have support services which could not normally be provided through existing resources.
- *Legislation.* Efforts to reduce crimes against the elderly and reduce their fear of crime must be carried out at both the state and community levels. Few states, however, have made much progress in implementing programs designed to deal effectively with crimes against the elderly.

In view of the elderly's fear of crime and the responsibility of the state to protect its citizens, the National Retired Teachers Association and the American Association of Retired Persons advocate:²⁹

1. Establishing comprehensive programs of indemnification to victims of crime, including restitution by the offender to the victim or the state with a prohibition against recovery of damages for injuries sustained by a perpetrator of a crime;
2. Establishing orientation services and special assistance for elderly handicapped victims/witnesses to facilitate their appearances in court;
3. Sponsoring crime prevention programs aimed at increasing citizen participation in an effort to reduce crime and improve police training programs; and
4. Encouraging personnel of the criminal justice system to expand law enforcement training to include segments on communicating with and understanding older persons in order to enable such personnel to deal effectively with the elderly.

FUTURES IN LAW ENFORCEMENT

The issues involved in the future role of law enforcement in America over the next five to 50 years are necessarily dependent upon a great many assumptions about the society the police will serve. However, there is considerable disparity in the amount of empirical data supporting these many assumptions. For example, it is clearly evident that the American population is aging as a group, and should continue to do so at a rapidly accelerating pace. It is also evident that the economic growth of America has slowed, and may continue to do so for the foreseeable future. The interrelationship of these projections could have a significant impact upon the law enforcement role.

No statement about the future in America can be cast in stone, with one notable exception—American society, and its law enforcement function, *will* change. How it will change is largely a matter of who is doing the talking and what data is being drawn upon.

What can be done, however, is to identify specific areas related to law enforcement, and to present a variety of possible ways they and the law enforcement function are subject to change.

Crime Types and Frequencies

Particular categories of crime, including the personal crimes of robbery, assault, and purse-snatching, along with such property crimes as burglary, vandalism, and larceny, have skyrocketed in frequency over the last 15 years. Many factors may be involved in this increase, but it is known that a significant percentage of these crimes are committed by juveniles and young adults—the very age categories which have greatly swelled in numbers over the last 15 years.

If these criminal acts are at least to a degree age-related, the aging of the population will result in a decline in numbers within the younger categories and a potential decrease in these identified crime types. The advent of the credit card and increasingly computerized financial transactions could further remove the opportunity for gain from such acts, which are traditionally targeted against cash and liquid assets.

Acceptance of these assumptions could lead to the conclusion that these personal and property crime types will decline in frequency over the next several decades. O.C. Foster, at the time deputy director of the National Crime Prevention Institute, held that in the not-too-distant future, armed robbery and burglary will become virtually non-existent.

There are other conclusions which could be reached about these particular crime types, but perhaps more important is the realization that the very conditions which could decrease one crime type could increase another.

The potential for computer-enacted crimes, such as fraud, theft, and embezzlement, is rapidly increasing. Along with computer crimes, increases are being noted in a variety of white-collar crime types, including fraud and bunco. What is known about these crime types is that the offender is generally older and more established—the age categories that are rapidly increasing in number.

In conclusion, crime frequency patterns may change in future years, but more apparent is a change in crime types. The traditional crime problems of the last few decades may be replaced with

the white-collar and computer crimes of the next decades. Again, there are no absolutes in these projections but the possibility is very real.

Victim Characteristics

Crime statistics over the past several years have shown a steady increase in the victimization of the elderly by certain crime types. Many reasons are apparent for this increase, including the physiological, economic, psychological, and situational aspects of aging. Each of these factors contributes to the vulnerability of this age group to the opportunistic crime types perpetrated upon it.

As the older population increases in future years, victimization of the elderly can be expected to increase as well. This is another departure from the traditional law enforcement problems faced in America, in both the victim characteristics and the crime types perpetrated. It may also follow that additional crime types may increase against this age group, as the opportunity for victimization becomes greater.

Tax Resource Base

As the American economy is impacted by a continued economic slow-down, coupled with increasing inflation, the resources necessary for the delivery of all services to its communities can be expected to decline. This creates increasing competition among all governmental agencies, including law enforcement, for the dwindling fiscal allocations necessary for effective service delivery.

Tighter budgets have already had a profound impact upon the operations of law enforcement agencies. Faced with ever-increasing demands for service and continued budget-cutting, law enforcement will necessarily change many traditional approaches to dealing with crime problems. Increased use of community resources for fiscal and manpower needs may become the only method of effectively dealing with community problems.

Police Service Delivery

The very nature of the law enforcement function has been steadily shifting toward one of social service delivery. The separation of crime from all other social ills within a community has always been impossible, and officers have always dealt with these myriad problems to some degree. The trend of American society, however, has been to adopt greater social responsibility for individual problems.

What this social responsibility brings about is an increasing awareness and need to act upon an ever-increasing *range* of problems. The community mechanisms that deal with these problems have become more and more reliant upon the law enforcement officer to immediately respond and refer them to the appropriate agency. As this continues, the task of the line officer increasingly becomes one of social service delivery and referral, as opposed to strict enforcement of the laws.

Arguments have surfaced that within 20 years police forces will metamorphose into police services, contracting with social services agencies for cooperative work.³⁰ In actuality, the propagation of crime prevention and community relations has significantly increased the community interaction with law enforcement. This interaction is becoming a primary facilitator of social services delivery.

Law Enforcement Impact and Response

The four future areas examined—crime types and frequencies, victim characteristics, tax resource base, and police service delivery—will tremendously influence all operations of a law enforcement agency.

The patrol function will deal less with traditional 'street crime' and more with service delivery, if assumptions made earlier bear out. One change most likely to occur is the increased reliance upon crime data and its analysis for patrol allocations and methods of operation.

The investigative function will be forced to cope with the highly sophisticated white-collar and computer crimes in future years to a much greater degree. These crime types are complex in their design and implementation, and will require comprehensive and detailed investigative work to bring about resolution.

Crime prevention, at one time considered to be outside the realm of law enforcement, will become ever more critical in its ability to effectively organize communities to share the responsibility for law and order. The cost-effectiveness of law enforcement will continue to be a major concern of communities. Further, the changing population make-up and resultant problems will bring about more crime-specific targeting, drawing again upon the increased use of crime data and analysis.

These changes in law enforcement can come about only through effective education and training. Standardization of training at all levels of law enforcement, along with increased practitioner impact in college curricula, will lead to a comprehensive and organized system of skill development and awareness. The patrol officer must acquire the abilities of effective social interaction, particularly in non-crime situations, just as the investigator will require the complete understanding of white-collar and computer crime.

The responsibility for the new directions of law enforcement will continue to lie in its administration. The administrator must establish the parameters of this social service referral function within the interdepartmental roles and relationships. Further, effective implementation of law enforcement operations will demand a systematic crime data collection, analysis, and dissemination function.

This establishment of new law enforcement roles and the adaptation of existing ones will depend upon the ability of current and future administrators to bring about the comprehensive training and education needed. What is generally considered to be a "future" issue is in reality today's problem. Clear direction now will ensure the success of future operations.

CONCLUSIONS

There are many ways to define growing old. There is a chronological component. There is also a physiological component. A person's ability to adapt or cope with aging adds a psychological component; this includes learning abilities, attitudes, and personality. The family and living situations add a sociological component. Finally, there is a cultural component. The interrelationships among these components make up the process of aging.

The graying of America proceeds slowly, but on a massive scale. The problems it engenders are complex, and public awareness of its influence lags. Reporting ongoing trends, including monitoring important data and analyzing what has changed and what the changes mean, can help prod public recognition. Political action can then be more profound and the decisions a little wiser.

SUMMARY

1. *The population of America is aging, resulting in important demographic changes which will require police administrators to move away from a reactive to a proactive role.*

Crime is the most serious issue identified by the elderly in national surveys. Law enforcement agencies must address the "perception of crime" problem among the elderly in their communities, regardless of actual victimization rates. In addition, each law enforcement officer must understand his personal attitudes about aging in order to work effectively with the elderly.

2. *National surveys show that the elderly are not necessarily victimized by more crime than the rest of the population, but there are certain crime types which are more frequently committed against older persons.*

The causes and effects of the victimization of the elderly are compounded by the aging population's general attitudes, characteristics, and needs. Many of these attributes also increase the elderly person's vulnerability to crime. As the population grows older and demographics change, overall victimization rates, trends, and tendencies will shift. In the communities which experience dramatic changes in the size and composition of their older populations, law enforcement agencies will need to: (1) clearly identify crime problems; (2) accurately assess the causes and effects of the victimization of the elderly; and (3) be capable of confronting the problem.

3. *The nature of the law enforcement function has been steadily shifting toward one of social service delivery.*

What this social responsibility brings about is the increasing need for the police to act upon an ever-increasing range of problems. The task of the line officer is becoming one of social service delivery and referral, as opposed to strict enforcement of the laws. To be effective in the future, the police will need to rely more upon crime analysis and crime-specific targeting, with administrators taking a leadership role to establish the parameters of the social service referral function within the department.

Excerpted from Law Enforcement and Older Persons by
National Retired Teachers Association
American Association of Retired Persons

SESSION VI

ACTIVITIES TO ASSIST CRIME VICTIMS

Summary:

This session will review examples of activities that have been implemented in criminal justice agencies to assist crime victims. These examples serve two purposes: 1) to illustrate the kinds of activities that can be undertaken and 2) to provide examples of pamphlets for adaptation and duplication in other jurisdictions.

General Information Booklets

On the following pages are brochures from law enforcement and prosecutor's offices that provide victims and witnesses with information about resources and the criminal justice system.

CRIME VICTIMS AND WITNESSES INFORMATION BOOKLET



Compliments of
**Montgomery County
Sheriff's Department**
300 Main Street
Conroe, Texas 77301
(409) 756-0571
(713) 443-0689



-18-

Dear Victim/Witness,

For too long the victim or witness of a crime has been taken for granted, completely ignored and greatly inconvenienced by our criminal justice system. The whole system has been so preoccupied with defendant's rights that it has forgotten that victims and witnesses also have their rights.

Now it is time to balance the scales. The Montgomery County Sheriff's Department Victim Witness Assistance Program is designed to do just that. By making the criminal justice system more accessible to you, easier for you to understand, and more responsive to your needs as a victim or witness, we recognize and can more effectively enforce your rights.

I hope you are never the victim of a crime. If you are this brochure explains how the Victim / Witness Assistance Program can help you and describes the requirements and procedures for filing a claim under the Texas Crime Victim Compensation Act. I hope it will be of help to you.

Thanks again for "helping us to serve you better".

Respectfully,

Joe Corley
Joe Corley
Sheriff

THE CRIMINAL JUSTICE PROCESS

You have had the misfortune of being a victim or witness of a crime. Most likely your first contact was with one of your uniformed patrol deputies who made a report of the crime you have reported or witnessed.

Your case is then investigated further by a Detective in our Criminal Investigation Division. Should an arrest(s) be made the Detective completes a case file, refers it to the County Attorney if it is a Misdemeanor case or to the District Attorney if it is a Felony case.

The following information is provided to you in an effort to acquaint you with the Criminal Justice System and the processes in which you may be participating.

CASE NUMBERS

Each Sheriff's Department case is assigned a number. The first two numbers indicate the year in which the offense occurred and the series of numbers that follows is your number. This number helps gain you assistance much faster. Example 87-12345. The Patrol Officer or Investigator should be able to provide you with this number when he first handles your case.

CASE REVIEW BY THE COURT OR GRAND JURY

After criminal charges are filed, the case often is sent to court for a preliminary hearing. The judge examines the case and decides whether there is enough evidence to go to trial.

Sometimes, evidence is presented to a Grand Jury. If a majority of the citizens who sit on the Grand Jury decide there is enough evidence against the defendant, they return an indictment against the defendant.

ARRAIGNMENT AND ASSIGNMENT OF THE CASE

If the Court or Grand Jury decides there is enough evidence to try the defendant, the defendant appears before the Court to plead either guilty or not guilty. This hearing is called the arraignment. If the defendant pleads guilty, a date is set for sentencing. If the defendant pleads not guilty, the Judge assigns the case to a trial Court and decides the amount of bond.

TRIAL

In a trial, the prosecutor presents the case on behalf of the people and the defendant presents his side through a defense attorney. There are two kinds of trials - bench trials before a Judge without a jury and trials with twelve jurors. The defendant decides which kind of trial he or she wants. There are six jurors in a County Court of Law case.

DISPOSITION

At the trial the jury, or if there is no jury, the Judge, decides whether the defendant is guilty beyond a reasonable doubt. If the defendant is found not guilty, he or she is acquitted and allowed to go free. If found guilty, the Judge

sets a date for imposing a sentence on the defendant. The sentence can include probation or a prison term.

COURTS

Depending on the severity of your case you may be called to testify in either the County Courts at Law or the District Courts. All Courts are located either in the main courthouse or the courthouse annex. The County Operator or Information Booth Personnel may be able to assist you in finding the right courtroom. Call 756-0571 or 713/443-0689, 8:00 am - 5:00 pm.

HOW DO I FIND OUT WHAT'S HAPPENED TO MY CASE?

Sheriff's Detectives are required to contact victims and update them on their case. This process takes awhile at times (usually 2-4 days) depending on the individual case. If you are not contacted after 7-10 days you may wish to call our Criminal Investigation Division (CID) during business hours Monday through Friday, 8:00 am - 5:00 pm at 409/756-0571 or 713/443-0689 and inquire about your case and its progress. Providing your case number is helpful when you make any inquiries regarding your case.

INTIMIDATION

If you are threatened by the defendant accused or anyone else in regard to your case please call the Sheriff's Department at 409/756-0571 or 713/443-0689.

SOME SERVICES PERFORMED BY THE VICTIM/WITNESS ASSISTANCE PROGRAM

409/756-0571 OR 713/443-0689

Call the Above Number.....

1. If your personal property is being held by the Sheriff's Office and need assistance in its return.
2. If you have witnessed a crime but don't know where to report it.
3. If you have any questions about what to expect in Court or any other matter in regards to your case, no matter how unimportant you may think it is.
4. If questions about victims compensation for personal injuries.
5. If you need someone to speak to your employer on your behalf to allow your appearance as a witness.
6. If you move or change your telephone number.

IMPORTANT POINTS TO REMEMBER AS A WITNESS IN COURT

1. Dress well and be courteous. The way you dress and present yourself is a direct reflection on you. It is to your advantage to dress neatly and conduct yourself in a courteous manner.
2. Be attentive. You should remain alert at all times so that you can hear and understand and give a proper response to each question. If the Judge or jury get the impression that you are bored or indifferent, they may tend to disregard your story.
3. Think before you speak. Make sure you understand each question, then give an accurate answer to the best of your ability. Hasty and thoughtless answers may be incorrect and cause problems for all concerned. If you don't know the answer to a question, say so. It is the duty of the attorney to make the question understandable.

4. Speak clearly. There is nothing more annoying to a Court than a witness that refuses to speak clearly enough to be heard and understood. An inaudible voice detracts from your testimony and may make the Court think that you are not certain of what you are saying.
5. If you don't understand a question ask that it be explained. This will save time and confusion. If you try to answer a question without fully understanding it, it may confuse the Court, the jury and the lawyers.
6. Answer all questions directly. Too often a witness will be so anxious to tell his story that he will want to get it all out in the answer to the first question. If you can answer the question with a simple yes or no, do so. Never volunteer information - it may have no bearing on the case and may serve only to delay the proceedings.
7. Be fair. Though you may be testifying in favor of a friend and would like to see him win, don't exaggerate your testimony or try to slant it in his favor. Justice will be served only if you make your testimony as objective as possible.
8. Be helpful, not funny. A trial is a very important matter to the parties involved. The defendant's money or freedom is at stake. The Court is interested only in facts, not comedy.
9. Above all never lose your temper. When the witness loses his temper, he has placed himself at the mercy of the cross-examiner. Courts are interested only in the facts of the case. Hold your temper and your testimony will be much more valuable.
10. Be prepared to wait. The Court or District Attorney's Office has significantly reduced the amount of time a witness spends in Court. However, occasionally a witness may be requested to remain nearby for a period of time. You may want to prepare for this by bringing a book to read or some handwork to help you pass the time.

Where is the Montgomery County Courthouse? The Courthouse is located at West Davis (Hwy 105 East) and Main Street. The Courthouse is open for business from 8:00 am to 5:00 pm, Monday through Friday. See resource page for telephone numbers.

Where is the Sheriff's Department? The Sheriff's Department is located on the first floor of the Courthouse. See resource page for telephone numbers.

Where is the County Attorney's Office? The County Attorney's Office is located on the second floor of the Courthouse. The telephone number is 756-0571 extension 7828. They are open 8:00 am to 5:00 pm Monday through Friday.

Where is the District Attorney's Office? The District Attorney's Office is located on the first floor of the Courthouse. The telephone number is 756-0571 extension 7800. They are open 8:00 am to 5:00pm Monday through Friday.

RESOURCE LIST

Sheriff Joe Corley's Office.....	539-7872
Montgomery County Sheriff's Department.....	756-8811
<i>Area Numbers</i>	
South County & Houston.....	353-9791
Willis.....	856-5151
Cleveland.....	689-3133
The Woodlands.....	367-3435
Montgomery County Courthouse	
All Departments.....	756-0571
Fire Department.....	539-2111
Ambulance Conroe.....	539-3321
Houston.....	353-3758
Family Crisis Hotline.....	292-4444
Woodlands Community.....	364-2400
Doctor's Hospital.....	756-0631
Medical Center Hospital.....	539-1111
Houston Northwest Hospital.....	440-1000
Poison Control.....	539-7700
Crime Stoppers.....	1-800-392-STOP
Conroe.....	539-STOP
Texas State Child Abuse Hotline.....	1-800-252-5400
Conroe Police Department.....	756-5588
Montgomery County Attorney.....	539-7828
Montgomery County District Attorney.....	539-7800
Crisis Action Line - Conroe.....	539-2373
Montgomery County Health Department.....	539-7830

CRIME VICTIMS COMPENSATION

The "Declaration of Purpose" (Sec.2) of the *Texas Crime Victims Compensation Act* says in part:

"Crime victims and persons who intervene in crime on behalf of peace officers may suffer disabilities, incur financial burdens or become dependent on public assistance. The legislature finds and determines that there is a need for indemnification of victims of crime and citizens who suffer personal injury or death in the prevention of crime or the apprehension of criminals."

Claims filed under the Act are investigated by the Attorney General and administered by the Texas Industrial Accident Board.

THOSE ELIGIBLE FOR BENEFITS

You may be eligible for benefits if you are a Texas resident and.....

1. you sustained personal injury on or after January 1, 1980:
 - A. as a victim of a crime; or,
 - B. as a result of going to the aid of another person or peace officer, or while attempting to prevent a crime, or violence; or,
2. you are the surviving spouse, child or other dependent of a deceased violent crime victim who was a Texas resident; or,
3. in the event of a victims death, you legally assume the obligations or voluntarily pay the medical or burial expenses incurred as a direct result of the crime.

THOSE NOT ELIGIBLE FOR BENEFITS

1. An individual injured in a motor vehicle accident, unless the injury was intentionally inflicted by the operator of the vehicle, or the driver was D.W.I., or the driver failed to stop and render aid.
2. The offender and/or an accomplice.
3. A victim living in the same household with the offender or an accomplice.
4. A victim whose own misconduct either caused or contributed to the criminal act. An award may be denied or reduced, depending on the degree of such misconduct.

CONDITIONS FOR ELIGIBILITY

In order to receive compensation under the Act, the following conditions must be met:

1. The injury must have occurred in Texas.
2. The victims must report the incident to law enforcement officials within 72 hours unless there is a valid reason for reporting later.
3. The victim must cooperate with law enforcement officials in their investigation and prosecution.
4. A claim must be filed within one year of the attack.

OTHER SOURCES OF COMPENSATION

The *Crime Victims Compensation Fund* is a secondary source which pays for loss not covered by other sources. These sources include:

1. Health insurance
2. Sick leave paid by employer
3. Disability insurance
4. Worker's Compensation
5. Social Security

AVAILABLE BENEFITS

Approved claims can provide compensation for the following reasons:

1. Loss of earnings or support
2. Funeral expenses
3. Reasonable medical, drug, counseling, and rehabilitation expenses.
4. Care of minor children, enabling a victim or spouse, but not both of them, to continue gainful employment.
5. Care of minor children, enabling the surviving spouse of a deceased victim to engage in lawful employment, where that expense is not otherwise compensated for.

LIMITS ON AWARDS

The Act Stipulates that:

1. Total recovery may not exceed \$25,000.
2. Wage loss may not exceed \$150 per week.
3. Child care to enable a victim or spouse to work is limited to \$30 per week per minor child and may not exceed \$75 per week for three or more children.

RECOVERIES FROM OFFENDERS

Under certain circumstances victims may be required to reimburse the fund:

*If, as part of the criminal sentence, the court orders the offender to make restitution, that portion of the restitution covering expenses paid by the Fund must be reimbursed to the Fund.

*In the event of a successful civil suit against the offender, the victim may have to reimburse the Fund for expenses already paid, or a claim may be denied in the event that the recovery was more than the victim's economic loss.

PROCEDURES

Verification. After receiving the proper claim forms, the Attorney General conducts an investigation. Witnesses, law enforcement officers, physicians, hospitals and employers may be contacted for reports. The Industrial Accident Board then makes a decision on the claim, and the claimant is notified.

HOW TO FILE A CLAIM

If you wish to file a claim, applications may be obtained from:

*Any local law enforcement agency

Crime Victims Compensation Division

*Texas Industrial Accident Board

P. O. Box 3536
Austin, Texas 78704
(512) 475 - 8362

REHEARING AND APPEAL

If a claim is denied, or if it is accepted on a reduced basis, a dissatisfied claimant may petition the Board for a hearing or may appeal the decision to a district court.

NOTICE

This State Information is only a summary of the statutory provisions applicable to the Crime Victims Compensation Fund administered by the Texas Industrial Accident Board. It is not in itself binding on the Board. For the actual provisions, please refer to the Crime Victims Compensation Act, Article 8309-1, V.T.C.S.

Deputy: _____

Case Number: _____

If You Need Protection.....

IF YOU ARE THREATENED IN ANY WAY,
CALL:

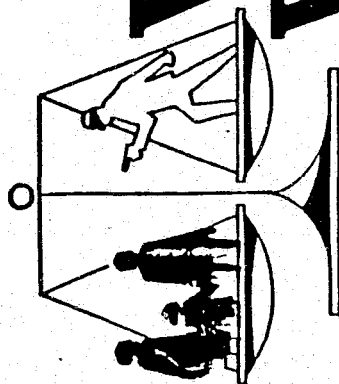
OR

IF YOU NEED ASSISTANCE FROM THE
VICTIM WITNESS ASSISTANCE PROGRAM
CALL:

MONROE COUNTY SHERIFF'S DEPT.
912-994-5267 or 912-781-8555
Ask for Lt. James W. Roquemore, Jr. or
Deputy Beverly Aldridge.

As a victim or a witness, it is easy to feel you have no rights. The Victim-Witness Assistance Program helps you deal with these feelings. It gives you moral support by providing someone to talk to. It Also:

- Helps you if you are intimidated, harassed, or afraid.
- Informs you of the status and progress of your case.
- Gives you adequate notice of all court hearings and procedures including scheduling changes.
- Assists you in preparing for court appearances and proceedings including briefing about the Criminal Justice System.
- Provides a companion to attend court with you.
- Helps you as soon as possible to get back your property that is being held as evidence by the police.
- Tells you about social service agencies and other groups and individuals who can help with your personal problems.
- Assists you with solving problems caused by the necessity of court appearances—for example, talking with your employer about a leave of absence from your job, helping you find transportation, or arranging for child care.



VICTIM WITNESSES

INFORMATION

A PUBLICATION OF THE MONROE COUNTY SHERIFF'S DEPARTMENT — J.C. BITTICK, SHERIFF



Dear Citizen,

No one likes to think about crime, and certainly no one wants to be a victim of crime. But, the fact remains that we are ALL potential victims. Crime knows no bounds. It affects the old, the young, the rich and the poor. Being a victim of a crime can be a very traumatic experience, and all too often it is the poor forgotten victim whose rights and needs are not being met.

It is for these reasons that I and the Monroe County Sheriff's Department are committed to ensuring the rights of victims and meeting their needs through the Victim Witness Assistance Program in an effort to reduce the trauma of victimization.

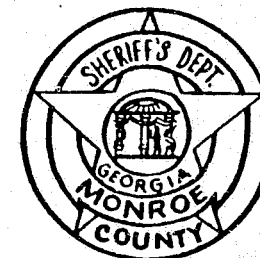
J.C. Bittick
SHERIFF

Public Awareness Presentations

Presentations are available to area community groups. Topics include Victim Assistance/Witness, Child Abuse (children oriented and Adult oriented) Neighborhood Watch Program, Drug Abuse, Alcohol Abuse, Arrive Alive, etc.

For aid or information call:

MONROE COUNTY SHERIFF'S DEPT.
912-994-5267 or 912-781-8555
Ask for Lt. James W. Roquemore, Jr. or
Deputy Beverly Aldridge.



Victim's Bill Of Rights

You, as a victim of a crime, are entitled to the following rights:

1. To be free from intimidation.
2. To be treated as a client of your criminal justice system.
3. To be told about social service agencies which can help you and,
4. To be assisted by your criminal justice agencies.

**DO YOU UNDERSTAND YOUR RIGHTS
AS A VICTIM?**

VICTIM — WITNESS ASSISTANCE PROGRAM

Monroe County Sheriff's Department • 60 Chambers Street • 912-994-5267 • 912-781-6155 • P.O. Box 276 • Forsyth, Georgia 31029

If you are a witness, you know something about a crime that has been committed. You may, in fact, also be a victim of a crime.

No one expects to be a victim of, or a witness to, a crime. But it happens. It could happen to you because one American in three becomes a victim of a crime every year. Every day:

13,000	homes are robbed
11,000	larcenies are committed
1,400	children are abused
450	women are raped
55	people are murdered

If you are affected by any of these crimes either as a victim or a witness, you will be shocked and miserable. You may be humiliated, shamed, angered. You most certainly will feel helpless.

And you may think what you know is not important. But it may turn out to be essential. You, as a witness, can help judges and juries gather information about what REALLY happened.

No crime can be solved without the help of witnesses. No court system can work without witnesses.

How the Criminal Justice System Works

The accused must be arrested. Usually for this to happen, a warrant, the document giving the police the authority to make an arrest, must be issued by a judge. This means you must tell the police or judge as clearly as possible exactly what happened. You may be required to obtain a copy of the police report and go to the county courthouse for a warrant.

The accused must be identified. As a witness, you may be asked to accompany a police officer to a lineup to identify the suspect.

Usually the accused asks the court to set bail. Bail, sometimes called bond, is an amount of money which allows the accused to be released from jail until his trial. Its purpose is to insure that the accused will appear for trial.

Pre-Trial Hearings

In most cases, a series of pre-trial hearings will be held after the arrest of the accused and before the trial. Victims and witnesses sometimes need not attend. If you are needed at any of these pre-trial hearings, you will be notified in advance. A representative of the Victim-Witness Assistance Program may also talk to you to help you understand exactly what will happen and what will be expected of you.

Even more importantly, cooperation of victims and witnesses in the investigation and prosecution of crimes can be a leading factor in the reduction of crime.

So you should report crime, and you should agree to testify as to what happened.

The major purpose of the Criminal Justice process is to protect you — and people like you. The process takes time — your time and the time of others.

If witnesses and victims do not appear in court and testify, there can be no trial. By your willingness to get involved, you are working with other citizens, the Sheriff, the District Attorney and the courts to reduce crime. If you do not cooperate, the criminal may go free to find another victim.

Every person in our country is presumed innocent until proven guilty beyond a reasonable doubt, and every accused person has the right to face his or her accusers in a court of law.

To protect these rights, the Criminal Justice System requires many painstaking, logical steps, easy to understand when taken in order.

At a preliminary hearing held within a few weeks of the arrest of the accused, evidence is presented to the judge who decides whether that evidence is sufficient for a full trial.

If the judge finds there is enough evidence for a trial, he will send the case to a higher court. The accused then becomes the defendant. Misdemeanors, less serious offenses, and felonies, more serious crimes, punishable by more than one year in jail, are sent to Superior Court.

If the case is sent to Superior Court, the next event will usually be a Grand Jury hearing, at which time witnesses and the police may give testimony behind closed doors to the Grand Jury, a group of citizens called together to decide whether or not there is enough evidence to indict (that is, formally charge) the defendant. This will take place after the preliminary hearings.

If the Grand Jury returns an indictment against the defendant, the next step will be an arraignment. In this proceeding, the defendant enters a plea of "guilty" or "not guilty" in the open court. Witnesses need not attend.

After the indictment and before the trial, various motions may be filed by the District Attorney or the

defendant's attorney for the purpose of getting the judge to settle legal issues. Once again, usually witnesses are not required to attend.

Also during this time, the defense attorney, the lawyer representing the defendant, may contact you to take your statement (that is, your remembrance of what happened in your encounter with the defendant). The defense attorney is allowed to speak with you. You have the right to decide whether or not you will talk with him. If you do, and if he takes a written statement from you, it is important to obtain a copy for yourself. You should show it to the Assistant District Attorney.

At any time before the trial, the defendant may enter a plea of guilty. If this happens, he/she will be sentenced by the judge, and the case will be closed.

Your appearance as a witness

You will be notified by subpoena, a court order directing you to be present in court on a specific date. You are required by law to attend.

The Trial

At the trial, the judge or a jury of citizens will decide whether the defendant is guilty or not guilty. First the State will present its evidence, which may include your testimony. Then the defense will present its evidence. Attorneys for each side will have a chance to ask questions of every witness.

The burden of proof is on the State to prove the defendant's guilt beyond a reasonable doubt. This burden is designed to be difficult so that innocent people will not be found guilty. The State cannot carry the burden of proof without the effective cooperation of witnesses.

If the Jury decides the defendant is guilty, the judge, not the jury (except in death penalty cases) will impose the punishment. This is called sentencing.

The Sentencing

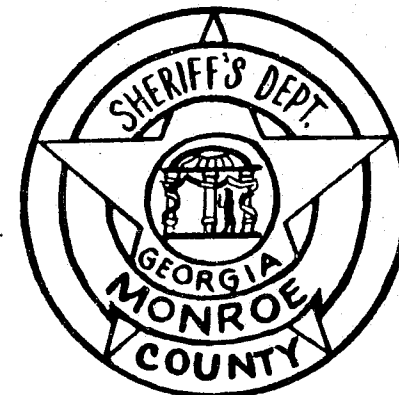
Usually sentencing will be done at a later hearing after a probation officer has conducted a pre-sentence investigation (PSI). The probation officer may talk to you, the witness, to ask how you feel about the case and how you have been affected by it. At this time, you should indicate your injury, any loss you have suffered, and how the crime has affected your life. You may be present in court to testify about these matters at the sentencing hearing.

Delays

Our courts are seriously overcrowded. Delays are often caused when various court proceedings are continued

or passed (that is, postponed) for any number of reasons.

Sometimes these delays may even mean an unnecessary trip to court for you. Please remember that every effort is made to keep you informed in advance and that your patience and cooperation are essential to successful prosecution.



If you are a witness...

Keep needed information (dates, names, addresses, telephone numbers, etc.) about the trial in your wallet or purse. Keep this brochure for future use.

Do not give out ANY information on the telephone unless you know to whom you are talking. If you have any doubts about a caller, take the telephone number and contact the Victim-Witness Assistance Office. Also call the office to report when you will be out-of-town for any reason; to report at once any change of telephone number or addresses, both home and work; and to check one working day before any court date to be certain there have been no delays.

Remember, if you are subpoenaed to be at court, you are required by law to attend. If there are special reasons that make it difficult for you to do so, call the Victim-Witness Assistance Office, which will try to make arrangements to change the date of your appearance.

PUBLIC AWARENESS PRESENTATIONS

Presentations are available to area community groups. Topics include Victim Assistance, Sexual Assault, Child Abuse, and Spouse Abuse, to name a few. For further information, please contact the Victim Advocacy Program, Special Services Division, Pinellas County Sheriff's Department.

VICTIM'S BILL OF RIGHTS

You, as a victim of a crime,
are entitled to the following rights:

1. To be free from intimidation.
2. To be told of possible financial compensation for victims of violent crime.
3. To be told of possible compensation for court appearances.
4. To be told of social service agencies which can help you.
5. To be assisted by your criminal justice agencies.

585-9911
VICTIM ADVOCACY PROGRAM
Pinellas County Sheriff's Department
Gerry Coleman, Sheriff

**FRAUD CHILD ABUSE
BATTERY ARSON
ROBBERY
LARCENY
CON GAMES
PURSE SNATCHING
INCEST
HOMICIDE
RAPE
SEXUAL ABUSE
ASSAULT
SEXUAL ASSAULT
Elderly Abuse
BURGLARY
PARENT ABUSE
KIDNAPPING
PICKPOCKETING**

VICTIM ADVOCACY PROGRAM

**GERRY
COLEMAN
Sheriff**

PINELLAS COUNTY, FLORIDA



Dear Citizen:

No one likes to think about crime, and certainly no one wants to be a victim of crime. But, the fact remains that we are ALL potential victims. Crime knows no bounds. It affects the old, the young, the rich, and the poor. Being a victim of a crime can be a very traumatic experience, and all too often, it is the poor forgotten victim whose rights and needs are not being met.

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Geny Coleman

Sheriff

ELIGIBILITY

Victims of crime always need the support of their families and friends to help them deal with the trauma of victimization. Sometimes this support is not sufficient, or additional help or information is needed. Victim assistance is available to any citizen of Pinellas County or to any victim of a crime committed within the county.

CRISIS INTERVENTION

A Victim Advocate is available 24 hours a day, 7 days a week, to assist victims of crime and/or their families. It is your right as a victim to request and utilize these services. If immediate assistance is not needed, you will usually be contacted the next regular working day by one of the Victim Advocates. Short-term crisis intervention is available when appropriate to victims and/or families.

INFORMATION AND REFERRAL SERVICES

The Victim Advocacy staff works closely with the local social service agencies. Referrals are made on the basis of the victim's specific needs. Typical referrals are made for short and long-term counseling, abuse shelters, and legal aid. Information is also available for self-referred victims.

SUPPORT SERVICES

Due to the trauma of victimization experienced by many victims, the Victim Advocacy staff provides counseling and support throughout the criminal justice process. All steps of the process are fully explained, and the Victim Advocate may serve as a liaison for the victim and the various agencies. The Victim Advocate will strive to keep the victim informed of the case status. Additionally, assistance is available for filing claims with the Bureau of Crimes Compensation and Insurance companies.

ADDITIONAL SERVICES

1. Assistance obtaining emergency food, shelter, and medical help.
2. Assistance replacing IDs, credit cards, food stamps, social security cards, etc.
3. Transportation to doctor's appointment, the courthouse, or social service agencies.
4. Assistance completing application for Crimes Compensation or Insurance claims.
5. Crime prevention information, home security surveys, and Operation ID.
6. Advocacy for the rights of victims on the local, state, and national levels.

CITIZEN'S TELEPHONE DIRECTORY

EMERGENCY

Police, Fire, Ambulance 911
 Alcoholic Beverage Control 699-2770
 Animal Control 336-3221
 Bad Check Reports 420-0180 x 340
 Better Business Bureau 656-7000
 Consumer Protection 952-4700
 Criminal Injuries
 Compensation Board (301) 321-3364
 Federal Bureau of Investigation (FBI)
 (County Office) 779-2550
 Juvenile Services 952-4780
 Maryland State Police
 Forestville 568-8101
 Greenbelt 345-3101
 Poison Emergencies 336-8800
 Prince George's Co. Hospital 341-3300
 Prince George's Co. Police
 Information 336-8800
 Sheriff's Office 952-4000
 State's Attorney's Office 952-3500
 Utility Emergencies
 Pepco 967-5350
 Washington Gas Light 752-1400
 WSSC 699-4000
 Vice Squad 249-7100
 Victim/Witness Unit 952-4830
 Voter Registration 627-2814

NOTE: To report illegal firearm possession call
 Bureau of Alcohol, Tobacco and Fire-
 arms — 24 hours service
 (202) 961-7777

State's Attorney's Office
 (Speakers Bureau)

952-3583

Office of the State's Attorney
 For Prince George's County
 Courthouse, Room 410
 Upper Marlboro, MD 20772





ARTHUR A. MARSHALL, JR.

State's Attorney's Office

Courthouse

Upper Marlboro, MD 20772

This brochure is to help you be an effective witness and to understand the procedure you must go through. If you are a victim of a crime or a witness to one, your assistance is vital to our system of criminal justice. As a witness, you have a very important job to do—important not only to us or to you, but most important, to the American system of justice.

Since most witnesses are unfamiliar with court surroundings and since most persons have certain fears or misconceptions about testifying, I would like to explain and clarify what it is like to be a witness.

You will be working with an Assistant State's Attorney while the defendant is being prosecuted. A case coordinator from the Victim/Witness Assistance Unit will keep you advised as the case progresses, and you may call at any time if you have any questions.

It is very important to keep the State's Attorney's Office informed of your current address so we can contact you about the case. If you move, be sure to let us know.

ARTHUR A. MARSHALL, JR.

State's Attorney

SUBPOENA

A subpoena is a Court Order directing you to be present at the time and place stated. You may receive your subpoena by mail or in person. After receipt of your subpoena, immediately contact the State's Attorney's Office at (301) 952-4830 if you need additional information.

CONTINUANCES

Sometimes court hearings cannot always take place as scheduled. As a witness you may be informed that your case has been continued to another day. To avoid an unnecessary trip to court, always call the Victim/Witness Unit at (301) 952-4830 prior to your scheduled appearance.

PRELIMINARY EXAMINATION

In felony cases, your first appearance may be for the preliminary examination. Here a judge listens to the evidence of the crime and determines whether the defendant should stand trial in Circuit Court. Normally, only part of the evidence is presented at this time. However, the preliminary examination is not a trial.

TRIAL

The trial of a felony case will occur after the preliminary hearing. The trial will be held at the Courthouse in Upper Marlboro, Maryland.

In misdemeanor cases your first appearance in court will be for the actual trial. There is no preliminary examination. Therefore, your testimony will be required only once.

In some cases, a trial will not be required because the defendant will plead guilty. In this instance, your testimony will not be required.

YOUR TESTIMONY

At a preliminary hearing or trial, you will be called by the Assistant State's Attorney to testify to the facts as you know them. After the Assistant State's Attorney has asked his questions the defense attorney has the right to test your memory of the facts also.

FEARS — THREATS

If you have any fears about your involvement in your case, contact the Assistant State's Attorney handling the matter at (301) 952-4800 or your case coordinator at (301) 952-4830.

On extremely rare occasions you may receive a threat. If you are threatened, immediately contact the Prince George's County Police at 336-8800.

STATE COMPENSATION

If you were injured as a result of a crime, and have suffered serious physical and financial hardship, or are an individual who depended on a victim of crime for support, you may be eligible to receive compensation from the State of Maryland. Contact the Criminal Injuries Compensation Board, One Investment Place, Suite 701, Towson, Maryland 21204, (301) 321-3364.

QUESTIONS

If you have any questions after reading this, ask the Assistant State's Attorney handling the case, or call the Office of Arthur A. Marshall, Jr., State's Attorney for Prince George's County, Upper Marlboro, Maryland (301) 952-3500.



SO YOU'RE A WITNESS

This brochure was written to answer some questions
you may have about testifying as a witness to a crime.

278-4667

VICTIM/WITNESS SERVICES

Milwaukee County

District Attorney's Office

E. Michael McCann, District Attorney

So You're A Witness

Since most people are not familiar with courtrooms and court proceedings, we in the District Attorney's office would like to give you some suggestions about testifying. We hope they will help you be more comfortable while you are here, and will also help you testify clearly and accurately so you will be more easily understood by the judge and jury.

As a witness, you have a very important job to do—important not only to you and to us, but to our whole American system of justice.

In order to make a correct decision, a judge or a jury needs to hear all of the evidence. It is very important that you tell the truth, the whole truth, and nothing but the truth. But there are different ways of telling the truth. If a person is hesitant, halting, arrogant, or appears to be very nervous, the judge or jury may not believe that s/he is telling all the facts in a truthful way. A witness who is confident and straightforward will make the court and the jury have more faith in what s/he says.

Here are some suggestions that we hope will help you.

Testifying in Court

As a witness on the stand:

1. ALWAYS TELL THE TRUTH.

Don't guess or make up an answer. You can be positive about important things which you would naturally remember. If you are asked about little details which a person naturally wouldn't remember, it is best to say so if you don't remember.

2. Try to answer questions by stating what you saw or heard. You should not give an opinion unless you are asked to do so. You should not say what somebody else saw or heard unless you are asked.
3. It is best to give positive, definite answers when at all possible. Avoid saying, "I think," "I believe," or "in my opinion" if you can be positive. If you do know, say so.
4. You should answer only the question asked and not volunteer information.
5. What to do if an attorney makes an objection: "Objection" is a legal term that means one of the attorneys feels you are being asked an improper kind of question.

First of all, whenever you are asked a question, listen to the whole question before you start to answer. Then pause briefly before answering to give the other attorney a chance to object to the question if s/he wants to. If there is no objection, then answer the question.

If there is an objection, do not answer the question—wait until the judge has "ruled" on the objection. This means that if the judge decides the question is proper, s/he will overrule the objection and you should then answer the question.

If the judge decides the question is not proper, s/he will sustain the objection and you should not answer the question. Please don't argue about whether the question is proper or not.

6. If you don't want to answer a question, don't ask the judge or the attorney if you have to answer. If it is an improper question, the District Attorney will object to it. Don't ask the judge for advice; if a question is not clear, just say that you didn't understand it.
7. When you answer, please look at the person who asked you the question.

8. Remember that when a jury is present, they are interested in your answers too. Try to direct your answers to them as well as to the attorney asking the question.
9. Speak loudly and clearly. Don't memorize what you will say beforehand. You should use your own words.
10. The court reporter must be able to hear all your answers, so please don't nod your head for a "yes" or "no" answer. Also, you will sound best if you don't use words like "yah," "nope," and "uh-huh."
11. Unless you are sure, don't say "that's all of the conversation," or "nothing else happened." Instead, say "that's all I recall," or "that's all I remember happening." It is possible that after more thought or another question, you will remember something important.
12. An angry or impolite witness will probably not be believed. Always be polite. Please don't argue with either attorney.

A Reminder

1. Please arrive in court on time so you will have a chance to talk about the trial with the district attorney and the police officers.
2. A neat appearance and proper dress are important in court.

If you have any questions, please feel free to ask the Assistance District Attorney in court or the police officer in charge of the case.

BY SERVING AS A WITNESS, YOU ARE HELPING OUR ENTIRE COMMUNITY FIGHT CRIME. YOUR INVOLVEMENT, YOUR TIME, AND YOUR CONCERN ARE GREATLY APPRECIATED.

argument to the jury. It is during this phase of the trial that the prosecutor will attempt to persuade the jury to return a verdict of guilty to the indictment based on the evidence presented to the jury.

After the prosecutor concludes his opening argument, the defense attorney has an opportunity to present an argument on behalf of the defendant. The defense attorney will urge the jury to acquit the defendant based on the evidence presented by the State and/or the defense.

When the defendant's attorney has concluded his argument, the Assistant District Attorney has an opportunity to present a closing argument, which is designed to rebut or answer any argument that has been raised by the defense.

Jury Instructions and Deliberations

After all the testimony and arguments have been concluded, the judge will instruct the jury as to the law which they must follow during their deliberations. Then the jury will retire to a jury room and deliberate in secret. When the jury has reached a verdict, they will return to the courtroom and advise the judge of their verdict.

Sentencing or Discharge

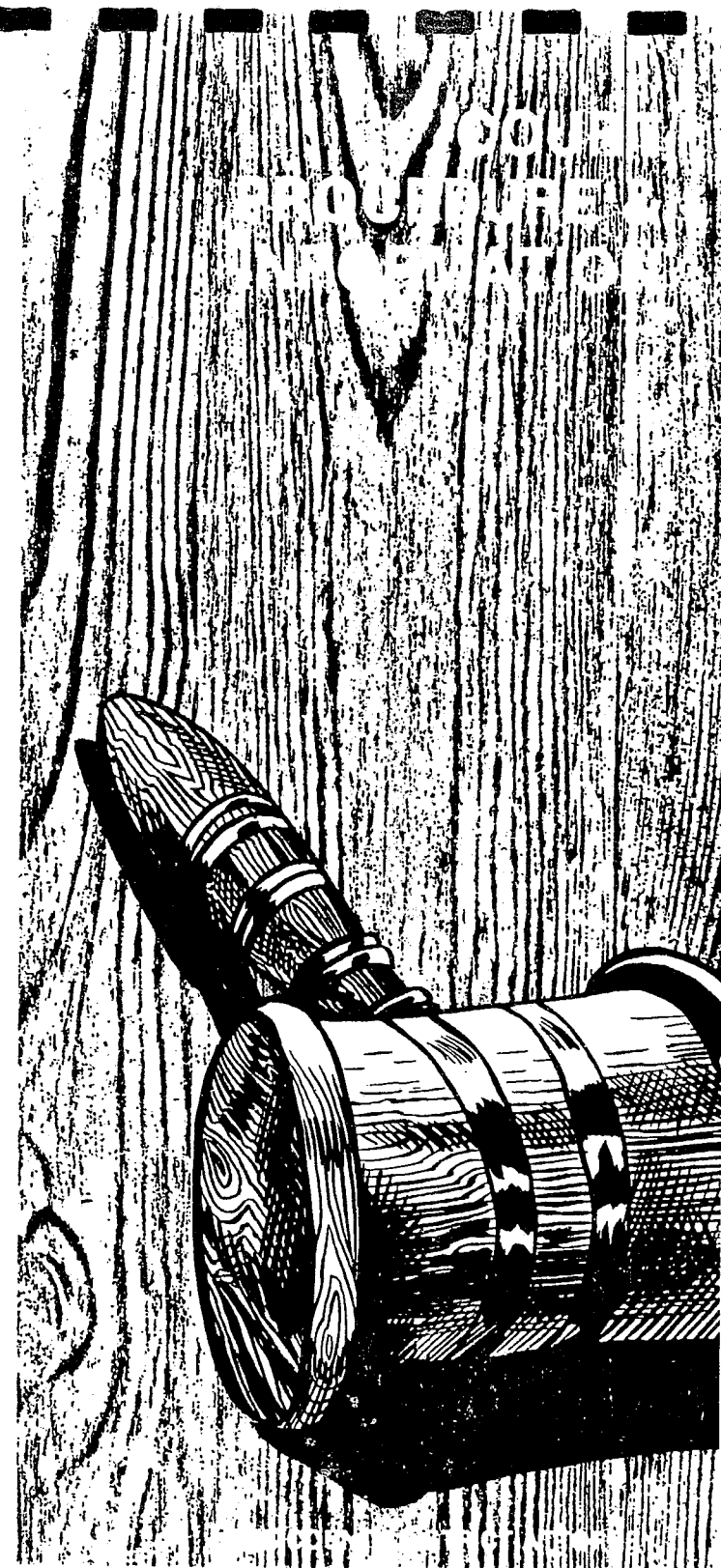
If the jury finds the defendant guilty of the crime of which he has been accused, the judge will usually ask the Parole and Probation Department to prepare background information on the defendant. This information is designed to assist the judge in sentencing the defendant. It usually takes several weeks to prepare the pre-sentence investigation report. During this three or four week period the defendant may either be held in the county jail, or he may be released on his promise that he will appear for sentencing, or he may be released on some type of bail arrangement called "security release." After the pre-sentence investigation has been completed, the

judge will sentence the defendant to probation, a suspended sentence, a fine, or confinement in a penitentiary or jail.

If the jury trying the criminal case returns a verdict of not guilty, the defendant is immediately discharged by the judge and goes free.

Restitution

If the defendant has been convicted of a crime involving theft, destruction of property or personal injury, the District Attorney's Office will attempt to obtain restitution for the victim and make it part of any sentence which the judge imposes. Many sentences include provisions that the defendant make payments of money to the victim to pay back any losses the victim has suffered.



The Courts in Lane County



For many, the criminal justice process is a confusing and, at times, frustrating system. The purpose of this pamphlet is to help the witness understand the court system in which he or she has been asked to play a part.

This brochure will explain how a criminal case progresses through the trial courts. It will help explain how a jury is selected and the various parts of the trial itself.

As a witness, you play a vital role in the criminal justice process; without your help, our system of justice as we know it could not endure. On behalf of the Lane County District Attorney's Office, we wish to extend our appreciation to the witnesses who sacrifice their time in order to participate in one of America's most cherished institutions of freedom.

J Pat Horton

Both District and Circuit Courts conduct trials to determine whether the accused is guilty or innocent of criminal behavior. Criminal trials in both courts proceed in basically the same fashion. Essentially, Circuit Courts are responsible for the trial of felony cases and District Courts are responsible for the trial of misdemeanor cases. Felonies are more serious crimes which are punishable by confinement in the penitentiary; misdemeanors are crimes which are punishable by confinement in the county jail only.

The Trial

A defendant may wish to have a jury trial or to have the judge hear the case. The choice of whether or not to have a jury trial is solely a decision of the defendant. Juries in Circuit Court usually consist of twelve people, and juries in District Court consist of six people. All trials proceed in a structured order, beginning first with the selection of the jury.

Jury Selection

If a defendant requests a jury trial, the attorneys for the defendant and the State will question prospective jurors. This questioning is designed to permit both sides to select a fair and impartial jury. Both the prosecutor and the defense attorney can excuse a limited number of prospective jurors from the jury panel. After this process has been completed, the remaining jurors are given an oath by the court to duly and fairly try the case in which they have been selected.

Opening Statements

After the jury has been selected, each attorney then makes a brief opening statement to the jury. The prosecutor first will explain in summary form what types of evidence the State will present to the jury, and will give a short synopsis of what

the prosecution witnesses will tell the jury. After the prosecutor finishes this brief introduction, the defense attorney will address the jury in the same fashion.

The State's Case

After opening statements, the Assistant District Attorney will call a series of witnesses who will testify about what they saw or heard concerning the crime of which the defendant is accused. After the Assistant District Attorney questions a witness, the defense attorney will cross-examine that witness. Cross-examination is a process whereby the opposing attorney is given an opportunity to ask questions of the witnesses. These questions are designed to test the recollection of the witness, to point out any inconsistencies in the witness's testimony, or to show bias by a witness.

The Defense Case

After the prosecutor has presented the State's evidence, the prosecution will rest its case. Next, the defense attorney will have the opportunity of calling witnesses — including the defendant. The defendant does not *have* to testify, nor can any adverse inferences be drawn by the jury if the defendant does not testify. After the defense has questioned its witnesses, and after each witness has been cross-examined by the Assistant District Attorney, the defense will rest its case.

Rebuttal

The prosecutor may wish to call additional witnesses to contradict or rebut any evidence presented by the defense. However, in some cases the prosecution may not feel a rebuttal is necessary, and will bypass this portion of the trial.

Arguments

After all the evidence has been presented to the jury, the prosecutor will make an opening

Handbook for Victims

The following pages are part of a 50 page handbook prepared by the City of Jacksonville, Florida. The handbook is comprehensive in scope and contains information on crime prevention, steps to take if you are a victim, community resources and the criminal justice process.

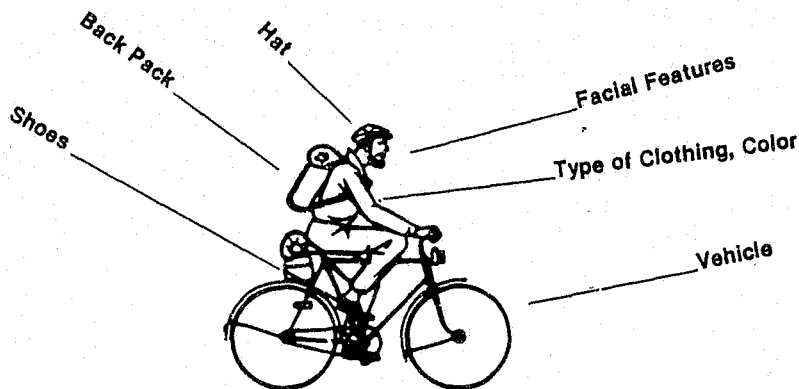
HOW TO REPORT A CRIME

Call the Police:	Jacksonville	633-4111
	Jacksonville Beach	249-2332
	Baldwin	266-4221
	Atlantic Beach	249-5606
	Neptune Beach	241-3232

Be sure to stay on the telephone until the police operator has gotten all the information needed.

The police operator will ask:

1. Location of the crime.
2. Type of crime.
3. Has anyone been injured?
4. When did the crime occur?
5. What weapon was used by the suspect?
6. How did she/he leave?
7. What direction did she/he go?
8. Give description of vehicle:
 - A. color of vehicle
 - B. type of vehicle
 - C. make of vehicle
 - D. license number
 - E. dents
 - F. aerals, stickers, etc.
9. Give description of clothing:
 - A. type of clothing
 - B. color of clothing
 - C. condition of clothing
 - D. shoes (boots, sneakers, etc.)



10. Description of suspect:
 - A. race (white, black, etc.)
 - B. Height and weight
 - C. distinguishing marks
 - D. sex
 - E. age
 - F. facial features
11. Description of money or articles taken.
12. If the suspect is still in the area be sure to tell the operator, these cases are handled differently.
13. Report the crime as soon after the incident as possible. Give as many details as you remember and add anything you think is important. If you were threatened inform the officer of this.

Details of the crime should not be discussed with anyone until after you have given the information to the police. Assist investigating officers in every way that you can. Citizens and police working together will help in reducing crime.



CRIME PREVENTION UNIT

633-4444

What You Should Know About...

THE POLICE RESPONSE

After a crime is reported, this is what you can expect to happen:



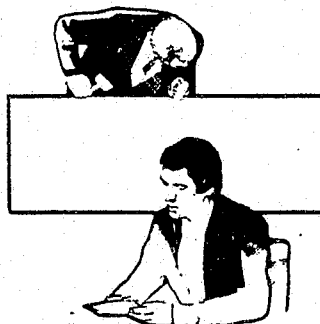
- (1) A police officer comes to the scene of the crime to make a police report and begin an investigation. This is done to gather essential information to apprehend and prosecute the suspect.

- (2) It may be necessary to question neighbors, relatives or other witnesses to get a complete report.



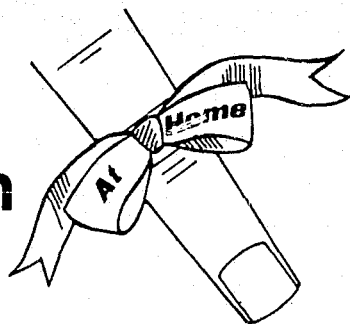
- (3) If the suspect is known/identified and located, an arrest is made on the charges of the crime committed.








- (3) If the suspect is known/identified and located, an arrest is made on the charges of the crime committed.



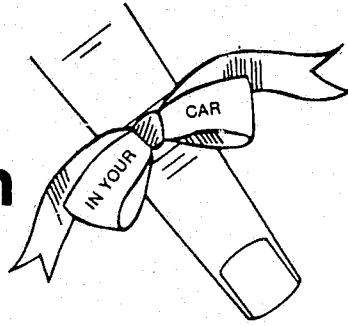
- (5) After the investigation of the crime and if an arrest is made, the case is turned over to the State Attorney's Office.

Think Prevention



-  Use good quality **deadbolt locks** on all exterior doors...including the door from the garage to the house. For specific information on what comprises good security hardware, check with the crime prevention unit of your police department or Sheriff's office.
-  Have the locks on all exterior doors re-keyed when you move into a new house or apartment. This can be done by a licensed locksmith at little cost.
-  Don't open the door to strangers. **Install a peephole viewer** with a minimum 180° angle in the front door. It is inexpensive and easy to install. Use it to check who's there — don't automatically open the door to a stranger, and don't rely on a chain lock. It is not a security device. Instruct your children to get you if the caller is someone they don't know.
-  **Good lighting is a deterrent to crime.** Install adequate exterior lighting at all vulnerable entrances to the house. In an apartment, join with tenants in demanding good lighting around the entrances and in hallways, parking areas, courtyards, laundry and game rooms.
-  Remember to **keep drapes or blinds drawn** when changing clothes, undressing or retiring for the night.
-  **Request identification by all repairmen.** Check their credentials by calling the company using the number in the phone book, **not** the one on the I.D. card. In an apartment, call the apartment manager.
-  Invite the crime prevention unit of the Sheriff's office to inspect your home for vulnerability. **The security check is free.** The police would rather prevent crimes than solve them.

Think Prevention



Have your keys in your hand when leaving home or work.



Whenever possible, park in a well lighted area.



When driving keep the doors locked and remember to lock the car when you get out.



If you have car trouble on the road, raise the hood and wait inside with the doors locked and windows up. If someone stops to help, crack your window slightly and ask the person to call police.

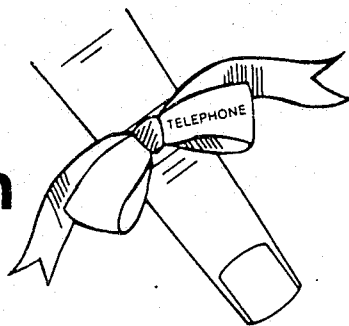



Be sure to check the floor of the back seat before getting into the car.





Don't pick up hitchhikers under any circumstances.

Think Prevention

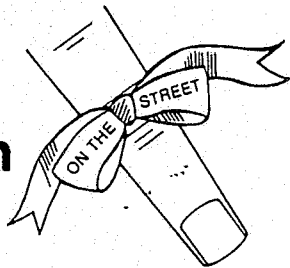



-  If you receive a disturbing or lewd phone call, hang up quietly as soon as you determine it is this type of call. A response of any kind, even slamming the phone down will encourage some callers.


-  Never give your name, address or phone number, unless you know who you are talking to. Instead ask "Who are you calling" or "What number are you calling?" and respond "No one is here by that name" or "You have the wrong number."


-  If wrong number telephone calls are being received continually, report them to the police. If the person calling asks what number he has reached, ask what number he is calling and tell him he has misdialed or looked the number up incorrectly.


Think Prevention



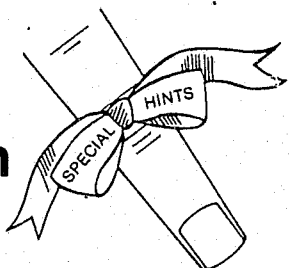
 Don't ask directions of strangers. If you should become lost, ask a policeman or pull into a service station for directions.


 Notice stores or restaurants that are open, should you need to ask for help.


 When you can't avoid walking alone at night, stay away from dark streets even if it means going out of your way.


 Don't assume that every person walking behind you is following you. However, if your suspicions become aroused even lightly, change directions or go into a store.

Think Prevention



 Don't flash big sums of money around. Never carry more money than you need, especially at night. Leave all extra money in a safe place. When carrying a large amount of cash always keep it separate from your purse or wallet (in a shoe or in your clothing).

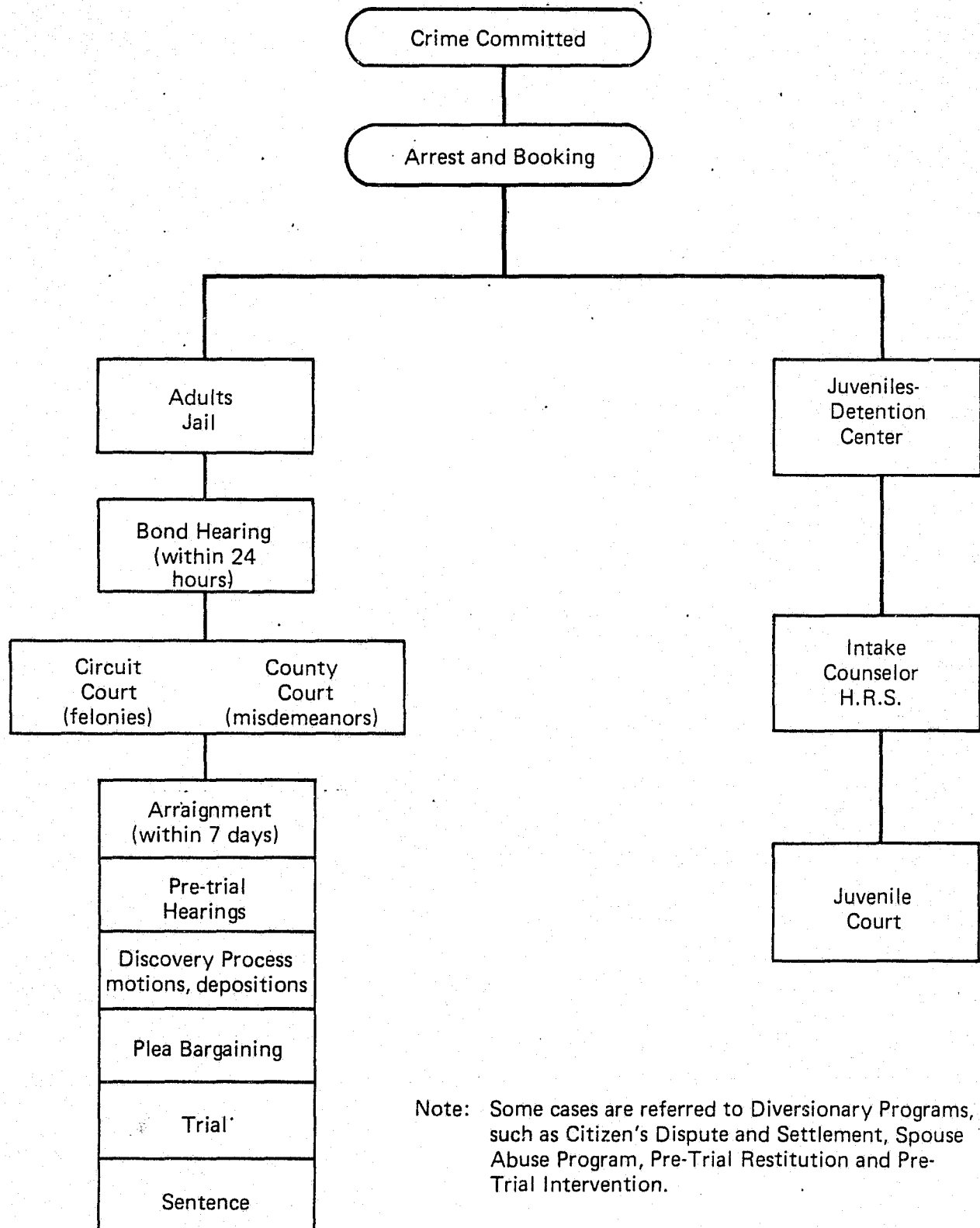
 Don't accept money from strangers. You don't get something for nothing. Don't jump into anything involving your money or property. Beware of offers like cheap home repairs, magical cures or extra money.

 Read completely any contract before signing it or check it out with family or friends. You can also call the Office of Consumer Affairs at 633-3940.

OVERVIEW

The following chart outlines the step-by-step process through the court system:

TRIAL PROCESS



Note: Some cases are referred to Diversionary Programs, such as Citizen's Dispute and Settlement, Spouse Abuse Program, Pre-Trial Restitution and Pre-Trial Intervention.

DEFINITIONS

Below is a list of common terms that may help you understand the legal process:

Adjudication: Deciding on what the facts of the case are and making a decision based on the evidence presented.

Affidavit: A written statement of fact, signed or sworn to before a person having authority to administer an oath.

Allegation: A statement of what happened, which must be proven.

Assistant State Attorney (ASA): If a crime has been committed, this is the lawyer who prosecutes the case and represents the State of Florida and the interests of the victim.

Civil Proceedings: Any action in a court which is not a criminal action.

Circumstantial Evidence: Evidence from which a fact is reasonably inferred, although not directly proven. It is often introduced when direct evidence is not available.

Competence: The characteristics of a witness which make her or him qualified to give evidence in a court of law. Particularly applicable issue when dealing with a young witness (child).

Continuance: Postponement of a hearing or trial.

Defendant: The person accused of committing a crime.

Defense Attorney: The lawyer who represents the defendant in court.

Direct Evidence: Testimony or other proof which straight-forwardly proves the existence of a fact; opposite of circumstantial evidence.

Disposition: Deciding what the best legal solution to the problem is.

Expert Witness: A person who has special knowledge about a certain subject and is asked to testify about that subject.

Hearsay Evidence: Statements made by a witness, based upon what someone else told him/her, and not upon personal knowledge or observation. Usually, this kind of evidence is not allowed in court, but there are exceptions made.

Minor: A person under the age of 18.

Oath: A sworn statement by a witness that she/he will tell the truth when testifying.

Case Disposition Information

The following pages are examples of how a form letter can be utilized to inform victims or witnesses of the case status.

JOHN R. NEWHART
(SHERIFF)
(date)

NOAH BYRUM, JR.
CHIEF DEPUTY

POST OFFICE BOX 15125
(804) 547-6159

六

Dear *~~47~~

-106-

City of Chesapeake



Office of the Sheriff
Chesapeake, Virginia
23320

JOHN R. NEWHART
(SHERIFF)

POST OFFICE BOX 15125
(804) 547-6159

NOAH BYRUM, JR.
CHIEF DEPUTY

*

Re: Commonwealth vs. *

Dear *:

You may be interested in knowing that the above case resulted in a plea of guilty. No witnesses were required as the evidence was stipulated and the defendant was sentenced to * years in the Virginia State Penitentiary. The Commonwealth's Attorney could not have secured this conviction without your assistance and cooperation. Your role was an important one because the availability of the witnesses was an important factor in the defendant's decision to plead guilty.

I hope you have not been inconvenienced in fulfilling your responsibility as a witness. If you have any further questions regarding the outcome of the proceedings, please do not hesitate to call me or Ms. Joyce Walsh, our Victims/Witness Coordinator.

Again, thank you for your support and cooperation in this case.

Sincerely,

John R. Newhart
Sheriff

JRN/vm

City of Chesapeake



Office of the Sheriff
Chesapeake, Virginia
23320

JOHN R. NEWHART
SHERIFF

POST OFFICE BOX 15125
(804) 547-6159

NOAH BYRUM, JR.
CHIEF DEPUTY

*

Re: Commonwealth vs. *

Dear *:

This letter is to confirm the completion of this case in which the defendant was found not guilty. I share your concern over this matter.

The burden of proving a criminal case "beyond a reasonable doubt" is not an easy one. The important thing is that, with your help, the Commonwealth's Attorney vigorously prosecuted this case within the framework of our criminal justice system.

In being a witness, you have fulfilled a most vital and necessary function within our system. You have been invaluable to us during the prosecution of this case. We thank you for your assistance and cooperation.

If you have any questions regarding this matter, please do not hesitate to contact me or Ms. Joyce Walsh, our Victim/Witness Coordinator. Our office is open to serve you.

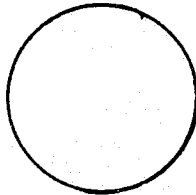
Sincerely,

John R. Newhart
Sheriff

JRN/vm

SPECIAL VICTIM/WITNESS PARKING PERMIT

The St. Joseph Police Department, and the Buchanan County Prosecutor's Office, Missouri, issue a special parking permit for victims and witnesses who are participating in the criminal justice process.



**VICTIM/
WITNESS**



Turn permit over and hang
it over rearview mirror post

From the office of
Michael A. Insko
Prosecuting Attorney
Buchanan County, Missouri

**PARKING
PERMIT**
ST. JOSEPH POLICE DEPARTMENT SPECIAL
(SEC. 21-9 TRAFFIC CODE)

Valid only:

ADVISING VICTIMS OF THEIR RIGHTS

AND CASE INFORMATION

The Pinellas County Sheriff's Department, Florida, provides victims with a card that summarizes their rights under Florida law. On the reverse side of the card, the officer fills in case information for the victim.

YOU HAVE THE RIGHT AS A VICTIM OF A CRIME:

1. To be free from intimidation.
2. To be told about possible compensation for court appearances.
3. To be told about possible monetary compensation for victims of violent crime.
4. To be told about social service agencies which can help you.
5. To be assisted by your Criminal Justice agencies.

PINELLAS COUNTY SHERIFF'S DEPARTMENT
Victim Advocate Program
If you need help, call 585-9911

REPORT NUMBER _____

DATE OF INCIDENT _____

TYPE OF REPORT _____

INVESTIGATING DEPUTY: _____

WITNESS INFORMATION

The Douglas County Sheriff's Office, Nevada, has prepared a list of pointers on how to be an effective witness.



DOUGLAS COUNTY SHERIFF'S OFFICE

P.O. Box 607



Zephyr Cove, Nevada 89448

JERRY MAPLE
Sheriff

BERNARD CLRTIS
Undersheriff

RON PIERINI
Sub Station Commander
Lead Tagger

HOW TO BE AN EFFECTIVE WITNESS

1. ALWAYS TELL THE TRUTH

A lie or even exaggeration may lose the case. Telling the truth means testifying accurately to what he/she knows. Answer to the best of your memory.

2. DRESS NEATLY

It is important to look your best in the courtroom.

3. DON'T MEMORIZE

The Judge or jury will be looking at what you say to see if it is believable. A memorized answer will make the jury have difficulty believing what you say.

4. BE PREPARED

You should think about what you are going to say. Picture the scene in your head so that you can recall it more accurately on the stand.

5. ANSWER THE QUESTIONS

You should only answer what you are asked.

6. UNDERSTAND THE QUESTION BEFORE ANSWERING

If you don't, ask the lawyer to repeat it.

7. BE COURTEOUS

Answer politely; speak clearly and loudly enough for all of the jurors to hear. Avoid distracting mannerisms. IT IS NORMAL TO BE NERVOUS IN COURT, just relax and do your best.

8. DON'T LOSE YOUR TEMPER

Avoid arguing with either attorney; or any of the other participants in the courtroom process.

9. IF YOU HEAR AN OBJECTION, STOP TALKING

Wait for the Judge and the attorney to settle the point before you continue. The Judge or lawyer will tell you to answer the question if the judge decides it is acceptable.

10. LOOK AT THE JURY

If there is one, direct your answers to the jury by looking and answering to them. This helps them to see that you are telling the truth.

11. TESTIFY TRUTHFULLY.

Any Questions?

Call,

588-3575 or 782-9800

COMMUNICATING WITH THE DEAF

The Redondo Beach Police Department, Florida, has developed a card that can help establish communication with the hearing impaired.

South Bay

DEAF ADVISORY CENTER



Sponsored by
 REDONDO BEACH POLICE DEPARTMENT
 412 CAMINO REAL
 REDONDO BEACH, CALIFORNIA 90277
 (213) 540-6066 (Voice)
 (213) 540-0636 (TDD)



				NOTES _____ _____ _____ _____	

- REMEMBER:
1. GET THE DEAF PERSON'S ATTENTION BEFORE SPEAKING.
 2. LOOK DIRECTLY AT THE PERSON WHEN YOU SPEAK.
 3. MAINTAIN EYE CONTACT.
 4. SHOW FACIAL AND BODY EXPRESSION.
 5. SPEAK SLOWLY AND CLEARLY.
 6. YOU CAN COMMUNICATE WITH A PAPER AND PENCIL.
 7. NOT ALL DEAF PEOPLE CAN READ LIPS.

FOLLOW-UP LETTER TO A VICTIM

A victim of crime may experience emotional trauma as well as confusion about the criminal justice process. This letter is designed to inform a victim of both the crisis services and provide information about the criminal justice system. It can be given by the officer at the time of initial contact.



City of Austin

Founded by Congress, Republic of Texas, 1839
Police Department, 715 East 8th Street, Austin, Texas 78701-3397 Telephone 512/480-5005

DEAR:

OFFENSE NUMBER _____

DATE: _____

AS A VICTIM OR FAMILY MEMBER OF A VICTIM OF VIOLENT CRIME; YOU MAY BE EXPERIENCING BOTH EMOTIONAL PAIN AND TRAUMA, OR SOME CONFUSION CONCERNING THE POLICE/COURT PROCESS.

VICTIM SERVICES DIVISION OF THE AUSTIN POLICE DEPT. WOULD LIKE TO OFFER YOU ASSISTANCE WITH ANY PROBLEM YOU MAY BE EXPERIENCING FROM THE CRIME.

WE CAN ASSIST YOU WITH COUNSELING AND OR A REFERRAL TO AN OTHER APPROPRIATE AGENCY, QUESTIONS OR PROBLEMS WITH FILING CHARGES WITH THE POLICE, QUESTIONS CONCERNING GOING TO COURT ON YOUR CASE, OR JUST SOMEONE TO TALK TO IF YOU NEED.

AGAIN, PLEASE FEEL FREE TO CALL US AT 480-5037 MONDAY THRU FRIDAY 8A.M.-5P.M. OR; THURSDAY THRU SUNDAY 7PM -1AM YOU MAY CALL 911 AND REQUEST THE CRISIS TEAM TO EITHER CALL YOU OR COME BY YOUR HOME.

SINCERELY,

ANN HUTCHISON
AUSTIN POLICE DEPT.
VICTIM SERVICES COORDINATOR

EMPLOYER INTERCESSION

The Sheriff of Chesapeake, Virginia sends a letter to the employer of a victim or witness asking the company not to financially penalize an employee who has been subpoenaed to testify in court.



JOHN R. NEWHART, SHERIFF

OFFICE OF THE SHERIFF

P. O. BOX 15125

CHESAPEAKE, VIRGINIA 23320

TELEPHONE 804 547-6159

(date)

Re: Court Appearance of *
Commonwealth vs: *

Dear *:

Your above mentioned employee, *, was issued a subpoena to appear in the Circuit Court of Chesapeake on *, as a witness for the Commonwealth. Your employee expressed his willingness to cooperate with us and we indeed appreciate this kind of citizen involvement. It is only by such involvement that our criminal justice system will be effective.

It is our hope that your employee will not forfeit any compensation because of the court appearances. As you may be aware, as a practical matter, the Commonwealth of Virginia does not compensate witnesses for testifying in Court. Their presence and cooperation is considered a civic duty. As a member in the business community, with a stake in good government, you can make a contribution to the criminal justice system by not forfeiting your employee's pay while he is required to be in court. While this may be somewhat of an imposition to your business, hopefully the loss will not be as serious as would be the hardship to an individual.

With your cooperation, the court system can work with a minimum of inconvenience and expense to everyone. If you need any further information, or there is any way that we in this office can assist you, please call Ms. Joyce Walsh, our Victim/Witness Coordinator at (804)547-6417.

Sincerely,

John R. Newhart
Sheriff

JRN/vm

INFORMATION SHEET ON SHELTER/FOOD

The sheet displayed on the next page provides the victim with information and instructions about emergency shelter and food. It describes the program guidelines. This is one solution for dealing with a victim's need for emergency lodging and food.

EL DORADO COUNTY



SUPERIOR COURT JUDGES

HON WILLIAM E. BYRNE
HON CHAS F. FOGERTY
HON. TERRENCE M. FINNEY

PROBATION DEPARTMENT

RALPH STANDIFORD

CHIEF PROBATION OFFICER

295 FAIR LANE

PLACERVILLE, CALIFORNIA 95667

TELEPHONE (916) 626-2321

BRANCH OFFICE

P.O. BOX 14506

1359 JOHNSON BLVD.

SOUTH LAKE TAHOE, CALIFORNIA 95702

TELEPHONE (916) 541-0312



As a victim of a crime the Victim/Witness Program will be assisting you with a maximum of two days for lodging and meals. This should allow you the time to either locate family to establish temporary residence or relocate in another area to establish permanent residency.

Meals will be provided by a restaurant in the community to be established at the time of our meeting. The following amounts have been approved for breakfast, lunch and dinner:

CHILDREN under 12 years of age

Breakfast	\$2.00
Lunch	\$2.00
Dinner	\$2.50

Children over 12 years of age or adults

Breakfast	\$5.00
Lunch	\$5.00
Dinner	\$7.50

(Alcoholic Beverages may not be purchased)

The above are maximum amounts that you can charge on meals... The servicing restaurant will bill the Victim/Witness Program at a later date.

Denise M. Strafford

Victim/Witness Assistance Coor.

EL DORADO COUNTY



SUPERIOR COURT JUDGES

HON. WILLIAM E. BYRNE
HON. CHAS. F. FOGERTY
HON. TERRENCE M. FINNEY

PROBATION DEPARTMENT

RALPH STANDIFORD

CHIEF PROBATION OFFICER

295 FAIR LANE

PLACERVILLE, CALIFORNIA 95667

TELEPHONE (916) 626-2321

BRANCH OFFICE

P.O. BOX 14506

1359 JOHNSON BLVD.

SOUTH LAKE TAHOE, CALIFORNIA 95702

TELEPHONE (916) 541-0312



PLEASE HONOR THIS VOUCHER

Victim/Witness Assistance Program

P. O. Box 14506

South Lake Tahoe, CA. 95702

(916) 541-0312

VICTIM/WITNESS EMERGENCY LODGING VOUCHER

Date: _____

Issued by: El Dorado County Probation Department, Victim/Witness
Assistance Program.

For: _____

This voucher entitles the bearer to _____
night() lodging at the _____,
South Lake Tahoe, Ca. Billing for the lodging should be forwarded to
El Dorado County Probation Department, Victim/Witness
Assistance Program. You will be completely reimbursed
for expenses incurred for the lodging.

Authorized by

Denise M. Strafford/ Deputy Probation
Officer II
Coordinator Victim Witness Program

EL DORADO COUNTY



SUPERIOR COURT JUDGES
HON WILLIAM E BYRNE
HON CHAS F FOGERTY
HON TERRENCE M FINNEY

PROBATION DEPARTMENT

RALPH STANDIFORD
CHIEF PROBATION OFFICER
295 FAIR LANE
PLACERVILLE, CALIFORNIA 95667
TELEPHONE (916) 626-2321

BRANCH OFFICE
P.O. BOX 14506
1359 JOHNSON BLVD.
SOUTH LAKE TAHOE, CALIFORNIA 95702
TELEPHONE (916) 841-0312



PLEASE HONOR THIS VOUCHER

VICTIM/WITNESS EMERGENCY MEAL VOUCHER

Date : _____

Issued by: El Dorado County Probation Department, Victim/Witness
Assistance Program.

For: _____

This voucher entitles the bearer to _____
meal() at the _____,
South Lake Tahoe, CA. Billing for the meal() should
be forwarded to El Dorado County Probation Department, Victim/
Witness Assistance Program. You will be completely reimbursed
for expenses incurred for the meal().

Authorized by

Denise M. Strafford/ Deputy Probation
Officer II

BROCHURE FOR VICTIMS OF JUVENILE CRIME

This pamphlet was prepared to provide information for victims of juvenile crime. It gives an overview of the juvenile court system and how it may affect the victim. This is a specialized brochure to be distributed in cases processed through the juvenile court system.

juvenile responsible for the offense and require it for civil action, you may contact the Deputy Probation Officer responsible for the case. The juvenile's name, address, and the parent's names can be released if you are requesting information for the purpose of seeking civil action. Call the Kern County Probation Department at 861-2241.

Q: IF I AM THE VICTIM OF A VIOLENT CRIME, IS THERE ANY SPECIAL HELP FOR ME?

A: You may be eligible for compensation through the State Victim of Violent Crime Program. This program which receives funds through a special "Restitution Fund", which comes from fines and penalty assessments, may compensate victims for "out of pocket" expenses. These expenses include losses due to medical or psychological expenses not covered by insurance, Medicare or Medi-Cal. They may also include loss of income or support due to time off of work as the result of injury or death. You may be compensated for up to \$23,000.00 in total benefits through the Victim of Violent Crime Program.

Q: HOW MAY I QUALIFY FOR THIS ASSISTANCE?

A: You may qualify if you are a resident of California and:

- 1) You were the innocent victim of a crime and suffered physical or psychological injury.
- 2) A person upon whom you are legally dependant for support has been injured or has died.
- 3) You have legally assumed or voluntarily paid the medical or funeral expenses of a victim who has been injured or has died.

- 4) You have minor children injured as the result of a violent crime.

Q: WHAT KIND OF CRIMES MAY BE COVERED UNDER THIS PROGRAM?

A: Any crime in which a victim suffered physical injury or psychological injury. This includes two vehicular offenses; driving under the influence and hit and run.

Q: ARE THERE ANY OTHER QUALIFICATIONS?

A: Yes, you must:

- 1) Report the crime incident to law enforcement.
- 2) Be cooperative with the Criminal Justice Agencies during the investigation and prosecution. This does not mean that there must be an arrest or conviction.
- 3) Have a total loss of more than \$100.00 or 20% of your monthly income. There is no minimum if you are on a fixed income for retirement or disability.

Q: IF THERE IS A POSSIBILITY THAT I MAY BE ELIGIBLE, WHAT SHOULD I DO?

A: To receive assistance in completing an application for compensation, contact the:

KERN COUNTY VICTIM/WITNESS ASSISTANCE CENTER

1415 Truxtun Avenue, Fourth Floor
Bakersfield, CA 93301
Telephone: (805) 861-2518

JUVENILE JUSTICE:

**A reference for Victims
of Juvenile Crime**

**KERN COUNTY VICTIM/WITNESS
ASSISTANCE CENTER**



**A UNIT OF THE KERN COUNTY
PROBATION DEPARTMENT**

The purpose of this pamphlet is to answer questions most frequently asked by victims of juvenile crime. This pamphlet also provides some general information about the Juvenile System.

Q: HOW DOES THE COURT DEFINE A "JUVENILE OFFENDER"?

A: A juvenile offender is a person who commits a crime prior to his/her 18th birthday.

Q: WHAT HAPPENS TO THE JUVENILE OFFENDER WHO VICTIMIZED ME?

A: The arresting agency's reports are first referred to the Probation Department for review. If the Probation Department decides that formal action is necessary, the matter is forwarded to the District Attorney for evaluation and filing of a petition (complaint). The petition lists the laws allegedly violated, the dates of the occurrence of the offenses, and sometimes the names of the victims. Once the petition is filed, a hearing is scheduled in Juvenile Court. If the Court determines that the juvenile committed the crime, the matter is referred to a Deputy Probation Officer. The Deputy Probation Officer investigates the juvenile's background and the circumstances of the offense in order to prepare a report for the Court. An important part of this report is the victim's statement which includes the exact amount of loss resulting from the crime. If this information is not reported by the victim, Court ordered restitution cannot be collected.

At a disposition hearing (a hearing to determine what is going to happen to the juvenile) the Judge considers the needs of the juvenile as well as the interest and protection of the community. The judge can place the juvenile on probation with

specific conditions including restitution to the victim and send the juvenile to a local institution, or send the juvenile to a state facility of the California Youth Authority.

Q: WHAT ARE MY CHANCES OF ACTUALLY GETTING RESTITUTION FROM THE JUVENILE?

A: When a victim suffers a loss as a result of a crime, the Juvenile Court will usually order the juvenile to make restitution. Although the restitution order applies directly to the juvenile and places no legal responsibility on the juvenile's parents, in some cases the parents volunteer to assist in the repayment of the restitution. The amount of any restitution ordered depends on the juvenile's ability to pay. The Deputy Probation Officer supervising the juvenile will try to ensure that you receive the restitution which is rightfully yours. When the juvenile does not have the means or the ability to make cash restitution, sometimes work in the community is ordered by the Judge as an alternative to incarceration. The minor will be ordered to pay a fine into a special "State Restitution Fund", this will be further explained in this brochure.

Q: WHAT HAPPENS IF THE JUVENILE DOES NOT PAY COURT ORDERED RESTITUTION OR DOES NOT FOLLOW THE TERMS OF PROBATION?

A: When the juvenile violates specific terms and conditions of probation or becomes involved in a new offense, the juvenile may be returned to Juvenile Court for further action.

Q: IF THE JUVENILE DOES NOT COMPLETE COURT ORDERED RESTITUTION, DO I HAVE ANY RECOURSE OTHER THAN JUVENILE COURT?

A: Yes, a Civil Court can order the juvenile's parents or legal guardian to pay.

Civil suits are filed in one of three Courts depending on the amount of restitution and must be filed in a timely manner.

If the amount you seek does not exceed \$1,500 the matter should be filed in Small Claims Court. There is a \$6.00 filing fee. If you wish the juvenile's parents to be personally served with a "Notice of Filing", it may be sent certified mail for a \$3.00 fee, or delivered by the Kern County Sheriff's Department for \$14.00. You may not be represented by an attorney in Small Claims Court.

If the amount you seek is between \$1,500 and \$15,000, the matter should be filed in the Municipal Court. If the amount you seek exceeds \$15,000, the matter should be filed in Superior Court. In either case, you should retain an attorney as filing procedures in these Courts are complex.

If you are in need of legal assistance, you may want to contact the Kern County Bar Association, Legal Referral Service, Suite 8, Bakersfield, CA 93301, Telephone: 327-3663.

If you have any losses as a result of crime which have not been recovered, you may have the right to deduct them on your Federal Income Tax Return and your State Income Tax Return. For additional information contact the Internal Revenue Service Office, 800 Truxtun Avenue, Bakersfield, CA 93301 or call toll free (800) 424-1040 and the State Franchise Tax Board, 1300 17th Street, Bakersfield, CA or call toll free (800) 852-5711.

Q: IF MY PROPERTY IS RECOVERED BY THE POLICE, HOW DO I GO ABOUT GETTING IT RETURNED?

A: If a juvenile is caught with property not his/her own, the arresting agency will retain that property to be used as evidence. If the police can identify the owner of the property, they will notify the owner by telephone. If the owner cannot be identified, the property becomes unclaimed which may be sold at a public auction after six months. For this reason, it is advisable for you to contact the law enforcement agency if you have any reason to believe that they may possess your property.

Once the property is identified by you, it may be released immediately, unless the District Attorney's Office wants the property held in evidence until the Court process has been completed. Property used as evidence may be held for at least sixty days following the termination of all Court proceedings. The sixty day period is the time during which the juvenile has the right to appeal the decision of the Court.

If you have any problems concerning the recovery of your property, contact the appropriate police agency or the District Attorney's Office at 861-3211 or 861-3212.

Q: WHAT ARE MY RIGHTS CONCERNING ACCESS TO CRIME REPORTS?

A: You have the right to request copies of the crime report or information pertaining directly to your particular incident, however, certain legal procedures are required prior to release of the report by the Court. In this report is a statement of circumstances of the offense and the victim's report of losses. You do not have access to arrest report, booking sheets, or any other material of a confidential nature. If you do not know the name of the

PROPERTY RETURN INFORMATION

This flyer informs a victim of the process for property return and provides a telephone number should questions or problems arise.

OFFICE OF THE
LEAVENWORTH COUNTY ATTORNEY
ROBERT E. DAVIS
COUNTY ATTORNEY
COUNTY COURT HOUSE
4th & WALNUT STREET
LEAVENWORTH, KANSAS 66048
(913) 682-7611

DAVID J. KING
CHIEF DEPUTY COUNTY ATTORNEY

FRANK E. KOHL
DEPUTY COUNTY ATTORNEY

KARL F. HELMLE
CHILD SUPPORT DIVISION

JOHN B. HUNT
ASSISTANT COUNTY ATTORNEY
CHILD SUPPORT DIVISION

PATRICK J. CAHILL
PROGRAM DIRECTOR
SPECIAL PROJECTS OFFICE

A GUIDE TO PROPERTY RELEASE PROCEDURES

You are the owner of property which has been involved in a crime and such property is now being held for evidentiary purposes by Law Enforcement Authorities. It is the intent of the County Attorney's Office and the Law Enforcement Agency to have your property returned to you as soon as possible.

Your cooperation and testimony are significant elements of this case and your property is also an important factor in the successful prosecution of this case. The evidence - your property - must be handled carefully to protect the interests of this case. This guide is to provide you with an understanding of the safeguards that are necessary to protect all interests.

Once your property has been recovered, the Law Enforcement Agency will provide the County Attorney's Office with copies of their "Property Record" cards. These cards will list all the evidence pertaining to a case. The Law Enforcement Agency will then be requested to photograph specific evidence in the case. Such photographs must be clear and accurate reflections of the property. They must clearly depict any identifying characteristics of your property, such as serial numbers, scratches, dents, and the like. You must be able to undeniably identify your property from the photographs during future Court proceedings.

Once the photographs are completed, and approved by the prosecuting attorney, the County Attorney is required, by law, to notify the defendant of our intent to release the property to you and replace the property by photographs for future evidentiary production. Upon mailing of the intent notice to the defendant (usually in care of his attorney), a hearing is scheduled.

The hearing of the State's Motion to Release Property is usually scheduled for ten days after the mailing of the intent notice. Normally, you will not be required to attend this hearing. This hearing is to provide the defendant an opportunity to object, claim, view or inspect the property prior to its release and is also to obtain the Court's ruling as to whether or not the property may be released and replaced by photographs.

Once the Judge has made a ruling (sometimes at the time of the hearing or sometimes the Judge will take the matter "under advisement"), all the attorneys and the Judge involved will sign an Order to Release Property. This signed order is then forwarded to the District Court Clerk's Office for the completion of certified copies.

Once the certified copies are obtained by the County Attorney's Office, one copy will be forwarded to the Law Enforcement Agency, having custody of your property, for final authorization of release of the property to you. You will be notified by a representative of the Law Enforcement Agency once your property may be released.

**** WHEN YOU RESPOND TO THE PROPERTY ROOM TO RECOVER YOUR PROPERTY, please ask to view the photographs of your property and compare the actual items of property to the photographs. If you can undeniably identify your property from the photographs, please sign and date the back of each photograph. (If you are not sure, please point out additional identifying characteristics to the Evidence Officer and request that additional photographs be taken of those markings.) This procedure will help to assure the authenticity of the photographs for future Court proceedings.**

Your concern for your property is reasonable and understandable. This concern is being attended to by the County Attorney's Office and the Law Enforcement Agency as quickly as possible. Although your property may not be released to you immediately, the methods outlined herein are necessary to protect the case and these procedures have improved the protection of all interests, while considerably reducing previous delays of property return to the owner.

During the time that your property is held by the authorities, it is kept in a safe, secure, and restricted area.

I hope that this information is helpful to your understanding the processes of property release. Your cooperation and patience are greatly appreciated. If you have any questions or concerns, please do not hesitate to contact me at the Victim-Witness Unit, (913) 682 - 7985, or 682 - 7611, ext. 264.

Sincerely,

Anne deShazo
Victim-Witness Coordinator
Office of the Leavenworth County Attorney

SPECIAL SERVICES FOR ELDERLY VICTIMS

The Orange County Sheriff's Department, Florida, offers elderly victims a number of services which are outlined in their brochure. These services include: referral, counseling, and home security surveys.

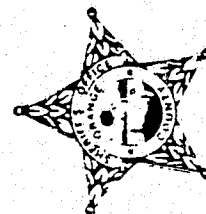
VICTIMS

O^F

CRIME

ASSISTANCE

LEAGUE



LAWSON L. LAMAR
Sheriff

420-4028

V.O.C.A.L.

The Victims of Crime Assistance League provides aid to all victims of crime 55 years of age and older in Orange County. Using senior citizen volunteers, VOCAL is targeted specifically at our community's older victims.

VOCAL volunteers contact all persons over 55 who have reported crimes to the Orange County Sheriff's Office. You do not have to report the crime to receive VOCAL'S help. Just call us at 420-4028. All information is strictly confidential.

SERVICES WE OFFER

1. Home security surveys.
2. Operation Identification — Engraving an I.D. number on your valuables.
3. Assistance in replacing critical items such as prescription eye glasses and walking aids.
4. Crime prevention information.
5. Assistance in replacement of stolen credit cards, driver's licenses, food stamps, Social Security checks and other I.D.s
6. Referrals for assistance from community service agencies.
7. Assistance in filing for financial reimbursement for medical and hospital bills through the Florida Crimes Compensation Act.
8. Vial for Life — A vial with your important medical information in it, in case of emergency.
9. Assisting a crime victim through a court proceeding.
10. Counseling.

CRIMES AGAINST CHILDREN

These brochures provide parents with crime prevention tips and describe the characteristics of child abuse.

Make sure that your child knows that if someone does something confusing to them, like touching or taking a naked picture or giving them gifts, that you want to be told about it. Reassure the child and explain that he or she will not be blamed for whatever an adult does with the child.

Observe Physical and Behavioral Signs

Children who may be too frightened to talk about sexual molestation may exhibit a variety of physical and behavioral signals. Any or several of these signs may be significant. Parents should assume responsibility for noticing such symptoms including:

Extreme changes in behavior such as loss of appetite.

☐ Recurrent nightmares or disturbed sleep patterns and fear of the dark.

☐ Regression to more infantile behavior such as bedwetting, thumb sucking, or excessive crying.

☐ Torn or stained underclothing.

☐ Vaginal or rectal bleeding, pain, itching, swollen genitals, and vaginal discharge.

☐ Vaginal infections or venereal disease.

☐ Unusual interest in or knowledge of sexual matters, expressing affection in ways inappropriate for a child of that age.

☐ Fear of a person or an intense dislike at being left somewhere or with someone.

☐ Other behavioral signals such as aggressive or disruptive behavior, withdrawal, running away or delinquent behavior, failing in school.



**DENVER
MOCK, JR.**
Sheriff
Williams County, Ohio



CHILD SEXUAL ABUSE PREVENTION

Tips to Parents



Listen and Talk With Your Children

Perhaps the most critical child sexual prevention strategy for parents is good communication with your children. This is not only challenging to every parent but also can be difficult, especially for working parents and parents of adolescents.

[] Talk to your child every day and take time to really listen and observe. Learn as many details as you can about your child's activities and feelings. Encourage him or her to share concerns and problems with you.

[] Explain that his or her body belongs only to them alone and that he or she has the right to say no to anyone who might try to touch them.

[] Tell your child that some adults may try to hurt children and make them do things the child doesn't feel comfortable doing. Often those grownups call what they're doing a secret between themselves and the child.

[] Explain that some adults may even threaten children by saying that their parents may be hurt or killed if the child ever shares the secret. Emphasize that an adult who does something like this is doing something that is wrong.

[] Tell your child that adults whom they know, trust and love or someone who might be in a position of authority (like a babysitter, an uncle, a teacher or even a policeman) might try to do something like this. Try not to scare your children—emphasize that the vast majority of grownups never do this and that most adults are deeply concerned about protecting children from harm.



Choosing a Preschool or Child Care Center

Although the vast majority of this nation's preschools and child care centers are perfectly safe places, recent reports of child sexual abuse in these settings are a source of great concern to parents.

[] Check to make sure that the program is reputable. State or local licensing agencies, child care information and referral services, and other child care community agencies may be helpful sources of information. Find out whether there have been any past complaints.

[] Find out as much as you can about the teachers and caregivers. Talk with other parents who have used the program.

[] Learn about the school or center's hiring policies and practices. Ask how the organization recruits and selects staff. Find out whether they examine references, background checks, and previous employment history before hiring decisions are made.

[] Ask whether and how parents are involved during the day. Learn whether the center or school welcomes and supports participation. Be sensitive to the attitude and degree of openness about parental participation.

[] Ensure that you have the right to drop in and visit the program at any time.

[] Make sure you are informed about every planned outing. Never give the organization blanket permission to take your child off the premises.

[] Prohibit in writing the release of your child to anyone without your explicit authorization. Make sure that the program knows who will pick up your child on any given day.

If You Think That Your Child Has Been Abused.

[] Believe the child. Children rarely lie about sexual abuse.

[] Commend the child for telling you about the experience.



[] Convey your support for the child. A child's greatest fear is that he or she is at fault and responsible for the incident. Alleviating this self-blame is of paramount importance.

[] Temper your own reaction, recognizing that your perspective and acceptance are critical signals to the child. Your greatest challenge may be to not convey your own horror about the abuse.

[] Do not go to the school or program to talk about your concern. Instead, report the suspected molestation to a social services agency or the police.

[] Find a specialized agency that evaluates sexual abuse victims—a hospital or a child welfare agency or a community mental health therapy group. Keep asking until you find a group or an individual with appropriate expertise.

[] Search for a physician with the experience and training to detect and recognize sexual abuse when you seek a special medical examination for your child. Community sexual abuse treatment programs, children's hospitals and medical societies may be sources for referrals.

[] Talk with other parents to ascertain whether there are unusual behavior or physical symptoms in their children.

[] Remember that taking action is critical because if nothing is done, other children will continue to be at risk. Child sexual abuse is a community interest and concern.

Finally, do not blame yourself. Sexual abuse is a fact in our society. Many individuals who molest children find work through employment and community activities which give them access to children. The vast majority of abuse occurs in situations where the child knows and trusts the adult. Do your homework well, but remember a community and national consciousness is needed before we can stamp out sexual molestation in our society.

A Child's Bill Of Rights

All children are entitled to the following rights:

1. The right to be loved unconditionally.
2. The right to be protected from physical/mental harm.
3. The right to be provided for (i.e., food, shelter, clothing).
4. The right to develop spiritually, physically, mentally, morally, socially with freedom and dignity.
5. The right to be assisted by any of the referral agencies, if any type of abuse occurs.
6. Society and public authority shall endeavor to guarantee these rights to all children.

-137-

**We All Share
In The
Responsibility
CALL
585-9911**

CRIMES AGAINST CHILDREN UNIT
Pinellas County Sheriff's Department
Gerry Coleman, Sheriff

585-9911



CRIMES AGAINST CHILDREN

**GERRY
COLEMAN
Sheriff**

PINELLAS COUNTY, FLORIDA



Child abuse hurts everyone. Every year it affects the lives of thousands of children and adolescents. Abusive behavior is frequently passed on from generation to generation. Since children model their behavior after their parents' . . . a child who is exposed to violence and/or verbal, emotional, or sexual abuse may be robbed of the opportunity to become an independent, productive citizen. We, as guardians of the children, have a moral and legal responsibility to help break the circle of abuse.

What Is Child Abuse?

Child abuse is a nonaccidental injury or pattern of injuries to a child. Child abuse is damage to a child for which there is no reasonable explanation.

Child abuse includes physical abuse, physical and emotional neglect, sexual molestation, and emotional abuse.

- Physical abuse might include severe beatings, burns, or human bites.
- Physical neglect is the failure to provide a child with the basic necessities of life: food, clothing, shelter, medical care.
- Sexual abuse occurs when a parent or other person actively engages in sexual acts with a child, or when a parent's silence allows it to occur.

- Emotional abuse is unseen damage resulting from a negative environment in which criticism, lack of love and guidance, and unreasonable demands occur.

The emotional damage resulting from all forms of abuse and neglect has long-lasting effects on both the individual and society.

FL. State Stat. 827.04

What Is Incest?

Incest may be broadly defined as any sexual activity between a child and an individual serving in a parental or guardian role with a child.

An adult relative might seduce or violently assault younger family members. The most frequently reported type of incest is the father (or step-father)/daughter incest. Although, there are cases of mother/son incest.

Legal Obligation To Report:

REPORTS OF CHILD ABUSE AND NEGLECT REQUIRED — Any person, including, but not limited to, any:

- (a) Physician, osteopath, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care or treatment of persons.

- (b) Health or mental health professional other than those listed in paragraph (a).
- (c) Practitioner who relies solely on spiritual means for healings.
- (d) School teacher or other school official or personnel.
- (e) Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker.

FL. State Stat. 827.07

Characteristics Of The Abused Child

1. Injuries in different stages of healing (i.e., different colored bruises).
2. Imprint of objects on the skin (i.e., belt buckles, belts, cords).
3. Injuries under clothing (school age especially).
4. Nutritional neglect & improper clothing.
5. Medical and dental neglect.
6. Daughter becomes pregnant or has venereal disease.
7. Runaway or truant.
8. Suicide attempts.
9. Frequently engages in vandalism, sexual misconduct, or use of drugs or alcohol.
10. Apathetic behavior (withdrawn or depressed) or "acting-out" behavior.

VICTIM IMPACT STATEMENT

This is a written report prepared by the victim to inform the court about the effects of the crime. It contains information about the psychological, physical, social, and financial impact of the crime on the victim. It also includes a recommendation to the court on sentencing of the offender. This form may be given to a victim by the sheriff or other representative of the criminal justice system. This is an example of a form used by a law enforcement victim assistance program.



City of Austin

Founded by Congress, Republic of Texas, 1839

Police Department, 715 East 8th Street, Austin, Texas 78701-3397 Telephone 512/480-5000

VICTIM IMPACT STATEMENT

1. STATE VS. _____
2. CASE# _____ D.A.# _____ PROB. FILE#: _____
3. DATE OF OFFENSE: _____
4. TYPE OF OFFENSE: _____
5. THIS STATEMENT IS YOUR OPPORTUNITY TO INSURE YOUR INPUT IS A PART OF THE SENTENCING PROCESS. WE REQUEST YOUR VOLUNTARY COOPERATION IN COMPLETING THIS FORM.
6. NAME OF VICTIM: _____
IF VICTIM DECEASED, NAME OF FAMILY MEMBER: _____
(B.) IF VICTIM IS A MINOR, NAME OF PARENT OR GUARDIAN _____

(C.) RELATIONSHIP OF VICTIM TO OFFENDER. _____
7. PRESENT ADDRESS: _____ ZIP _____
8. LONG TERM PERMANENT ADDRESS: _____ ZIP _____
9. TELEPHONE-HOME: _____ TELE. WRK _____ PERMANENT: _____
10. DATE OF BIRTH: _____
11. PLEASE DESCRIBE THE NATURE OF THE INCIDENT IN WHICH YOU WERE INVOLVED: _____

12. AS A RESULT OF THIS INCIDENT, WERE YOU PHYSICALLY INJURED? _____
IF YES, PLEASE DESCRIBE THE EXTENT OF YOUR INJURIES. _____

13. DID YOU REQUIRE MEDICAL TREATMENT FOR THE INJURIES SUSTAINED? _____
IF YES, PLEASE DESCRIBE THE TREATMENT RECEIVED, THE TREATMENT FACILITY USED, AND THE LENGTH OF TIME TREATMENT WAS OR IS REQUIRED. _____

14. AMOUNT OF EXPENSES INCURRED TO DATE AS A RESULT OF MEDICAL TREATMENT RECEIVED:

\$ _____

ANTICIPATED EXPENSES: \$ _____

- 15 (a) WERE YOU PSYCHOLOGICALLY INJURED AS A RESULT OF THIS INCIDENT?

15. (b) IF YES, PLEASE DESCRIBE THE PSYCHOLOGICAL IMPACT WHICH THE INCIDENT HAS HAD ON YOU.

- 15(c) DO YOU FEAR RETALIATION FROM THE OFFENDER? _____

16. HAVE YOU RECEIVED ANY COUNSELING OR THERAPY AS A RESULT OF THIS INCIDENT?

IF YES, PLEASE DESCRIBE THE LENGTH OF TIME YOU HAVE BEEN OR WILL BE UNDERGOING COUNSELING OR THERAPY, THE FACILITY USED, AND THE TYPE OF TREATMENT YOU HAVE RECEIVED. _____

17. AMOUNT OF EXPENSES INCURRED TO DATE AS A RESULT OF COUNSELING OR THERAPY RECEIVED.

\$ _____

18. HAS THIS INCIDENT AFFECTED YOUR ABILITY TO EARN A LIVING?

IF YES, PLEASE DESCRIBE YOUR EMPLOYMENT, AND SPECIFY HOW AND TO WHAT EXTENT YOUR ABILITY TO EARN A LIVING HAS BEEN AFFECTED, DAYS LOST FROM WORK, ETC. _____

19. HAVE YOU INCURRED ANY OTHER EXPENSES OR LOSSES AS A RESULT OF THIS INCIDENT?

IF YES, PLEASE DESCRIBE: _____

20. DID INSURANCE COVER ANY OF THE EXPENSES YOU HAVE INCURRED AS A RESULT OF THIS INCIDENT?
IF YES, PLEASE SPECIFY THE AMOUNT, NATURE OF REIMBURSEMENT, AND INSURANCE COMPANY. _____

21. HAS THIS INCIDENT IN ANY WAY AFFECTED YOUR LIFESTYLE OR YOUR FAMILY'S LIFESTYLE? _____
21. (b) IF YES, PLEASE EXPLAIN: _____

22. ARE THERE ANY OTHER AFTER EFFECTS OF THIS INCIDENT WHICH ARE NOW BEING EXPERIENCED BY YOU OR MEMBERS OF YOUR FAMILY? _____

23. PLEASE DESCRIBE WHAT BEING THE VICTIM OF CRIME HAS MEANT TO YOU AND TO YOUR FAMILY. _____

24. WHAT ARE YOUR FEELINGS ABOUT THE CRIMINAL JUSTICE SYSTEM? HAVE YOUR FEELINGS CHANGED AS A RESULT OF THIS INCIDENT? PLEASE EXPLAIN. _____

25. DO YOU HAVE ANY THOUGHTS OR SUGGESTIONS ON THE SENTENCE WHICH THE COURT SHOULD IMPOSE HEREIN? PLEASE EXPLAIN, INDICATING WHETHER YOU FAVOR IMPRISONMENT. _____

26. THIS FORM IS SUBSCRIBED AND AFFIRMED BY THE VICTIM AS TRUE AND CORRECT TO THE BEST OF YOUR KNOWLEDGE. THE INFORMATION AND THOUGHTS YOU HAVE PROVIDED ARE VERY MUCH APPRECIATED.

27. DATE: _____

28. _____
SIGNATURE

29. NAME OF PERSONS ASSISTING YOU IN FILLING OUT THIS FORM:

AUSTIN POLICE DEPT.	PHONE: _____
DISTRICT ATTORNEYS	PHONE: _____
ADULT PROBATION:	PHONE: _____
OTHER:	PHONE: _____

ON THE _____ DAY OF _____, 19____, THE VICTIM WAS INFORMED THAT THE RANGE OF PUNISHMENT ON THIS CASE WAS: _____ TO _____; AND THAT THE (ASST) DISTRICT ATTORNEY RECOMMENDED _____

VICTIM REACTION TO THE RECOMMENDED SENTENCE: _____

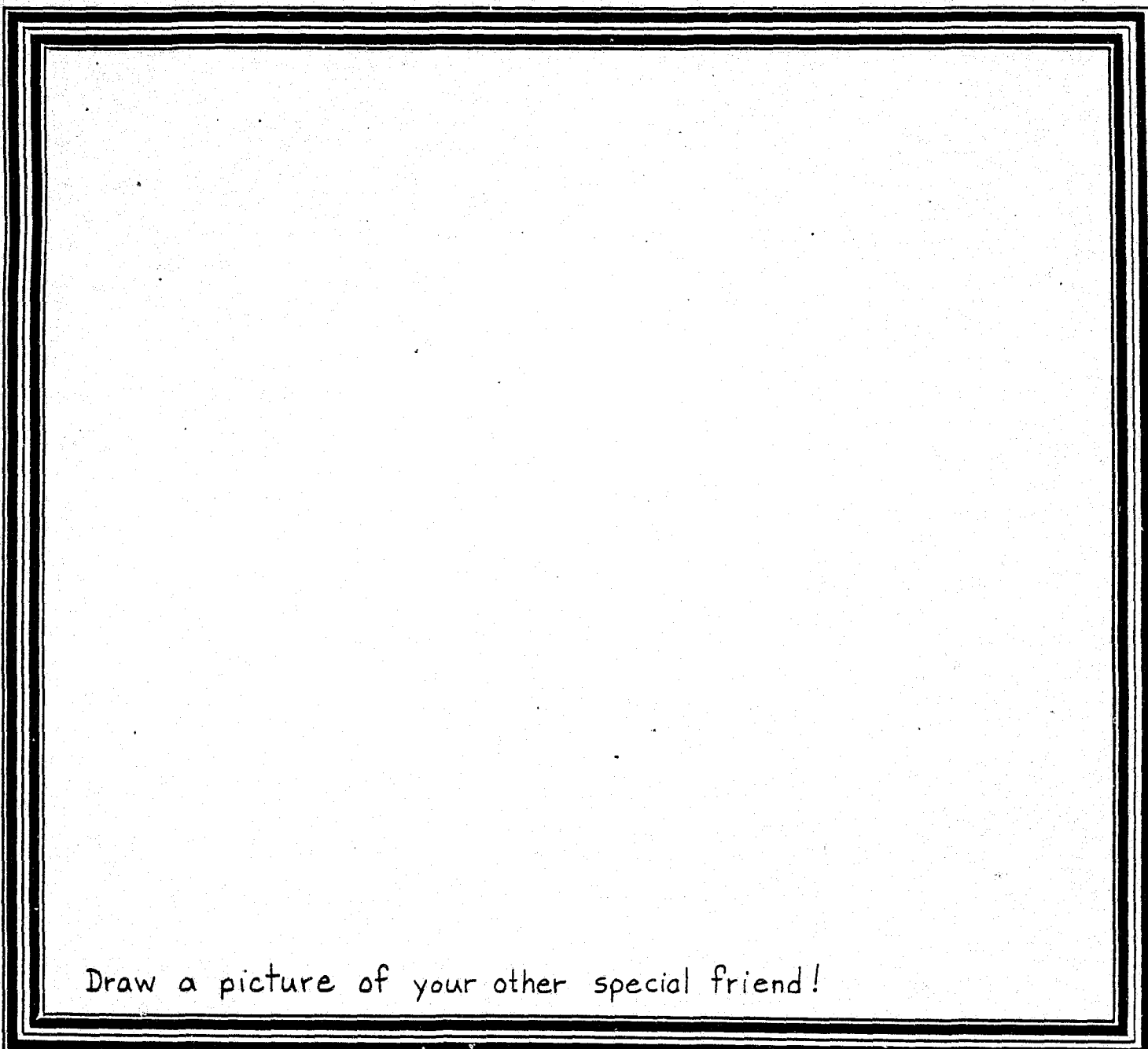
A CHILD'S GUIDE TO COURT

This book contains activities for child victims and witnesses to teach them about the criminal justice proceedings. It uses puzzles, word scrambles, and other games. A few examples from the activity book are attached.

Pgs. 145-149 may not be reproduced without permission from the District Attorney of Ventura County, CA. (805) 654-2501



MICHAEL D. BRADBURY - DISTRICT ATTORNEY - COUNTY OF VENTURA

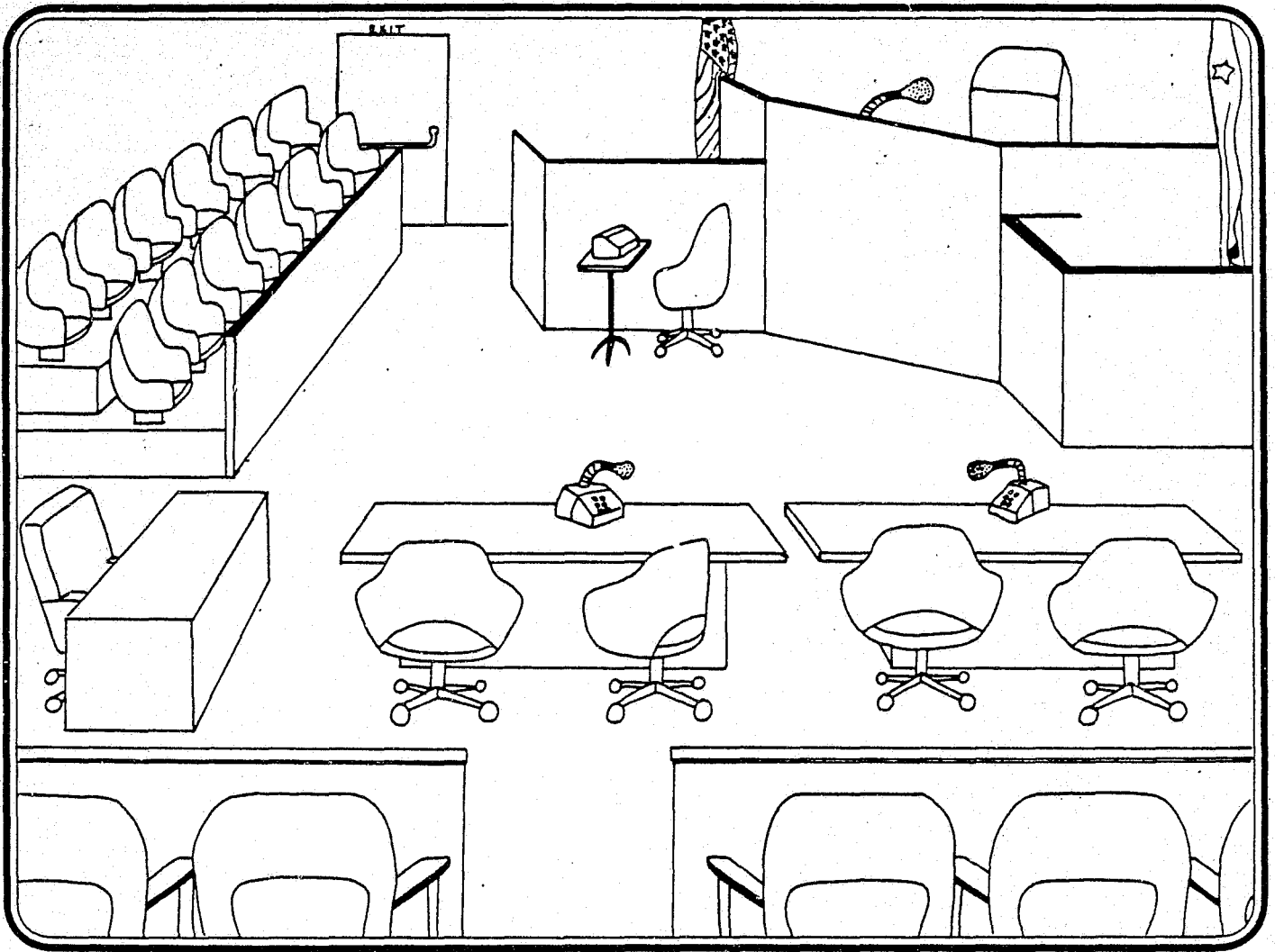


Draw a picture of your other special friend!

This is the Deputy District Attorney whose name is _____. This person helped me tell the judge about the things that happened.

_____ told me how proud he/she was of me, because I told someone about what happened.

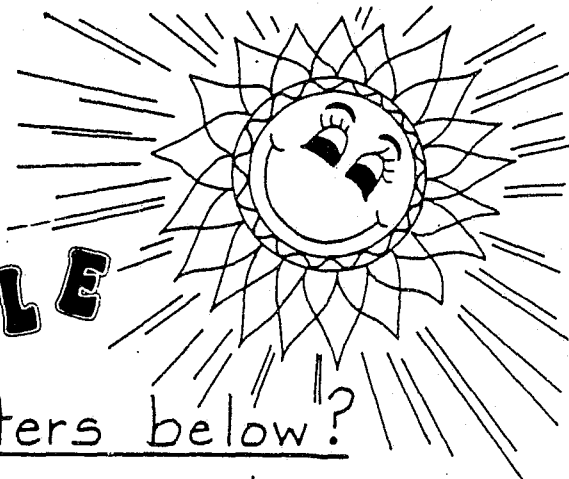
I am proud of me, too!



1. Do you remember where you sat when you told the judge what happened? _____ Draw a picture of yourself sitting there.
2. Draw a blue circle around the chair where your special friend sat on that day.
3. Color the judge's chair brown.
4. Color the Deputy District Attorney's chair red.
5. Draw a blue star on the sheriff's chair.
6. Color the defendant's chair orange.
7. Draw a green box around the defense attorney's chair.
8. Color the court reporter's chair yellow.
9. Write "CLERK" in front of the spot where he/she sat.
10. Color the jury chairs red and blue.
11. Use your favorite color to draw a circle around each flag.



WORD SCRAMBLE

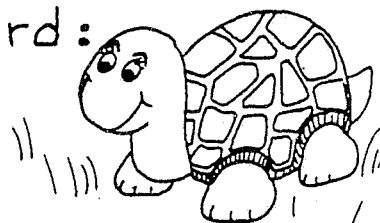


Can you unscramble the letters below?

Each word is either a person you know or
a place you've seen.

Two clues are given for each word:

1. person or place AND
2. first letter



place 1. omrotcuro: C

person 2. dgeju: J

person 3. yDpuet stDiictr ttAonrey: D

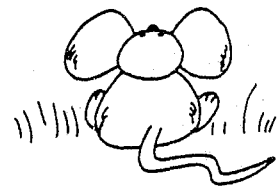
place 4. Hlla fo uJscite: H

person 5. ffehirs: S

person 6. dtannfede: d

place 7. aturVne: V

person 8. yM pScilae Fidren: M



answers:

8. My Special Friend



4. Hall of Justice

5. sheriff

6. defendant

7. Ventura



1. courtroom

2. Judge

3. Deputy District Attorney

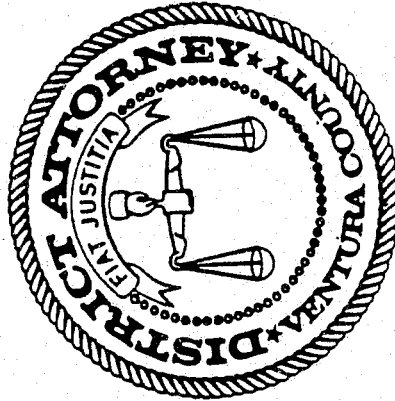
*I Told the Truth
Just Like I Promised*



Presented to:

My Special Friend

Parent or Guardian



Deputy District Attorney

*Michael D. Bradbury
District Attorney*

SESSION VII

VICTIM ASSISTANCE PROGRAM MODELS

Summary:

Arapahoe County Sheriff's Department (Colorado)

Davis County Sheriff's Office (Utah)

ARAPAHOE COUNTY SHERIFF'S DEPARTMENT
VICTIM ASSISTANCE PROGRAM

This program was begun in 1982 by Sheriff Patrick Sullivan as an expansion of a program originated by a near-by police department. The focus of the program is to provide support and information to victims of sexual assault, although there are plans to expand services to victims of their crimes. This program operates on a 24-hour basis. Approximately fifteen volunteers are utilized. They work under the direction of the Victim Assistance Coordinator who is an employee of the Sheriff's Department.

Program goals include:

- allowing officers more time for the investigation
- raising community awareness about sexual assault
- providing follow-up referrals for victims
- improving the relationship between law enforcement and the crime victim

Volunteers

This program has a large volunteer component which consists of approximately fifteen people. They are on call twenty-four hours a day to respond to the crime scene or hospital.

Arapahoe County Sheriff's Department
Victim Assistance Program

Attachments:

1. Case Contact Information Sheet
2. Procedures for the Victim Assistance Volunteer
3. Instructions for Volunteers
4. Volunteer Application Form
5. Training Outline for Volunteers
6. Training Schedule for Volunteers

VICTIM ASSISTANCE PROGRAM
ARAPAHOE COUNTY SHERIFF'S DEPARTMENT

DATE: _____

VOLUNTEER: _____

VICTIM: _____ PHONE: _____

POLICE DEPARTMENT CALLING: _____

OFFICER'S NAME _____ CASE# _____

RESPONDED TO: HOSPITAL SCENE OTHER

TIME CALLED _____ AM _____ PM TIME ARRIVED _____ AM _____ PM TIME HOME _____ AM _____ PM

SUPPORT SYSTEMS NOTIFIED OR ACCOMPANYING VICTIM: _____

FOLLOW-UP RECOMMENDATIONS(EMOTIONAL STATE/RESOURCE LIST GIVEN): _____

DISPOSITION(RETURNING TO FRIEND'S HOUSE, PARENTS', OTHER): _____

COMMENTS OF PROCEDURES(ANY PROBLEMS, EXTENUATING CIRCUMSTANCES): _____

ARAPAHOE COUNTY SHERIFF'S DEPARTMENT
PROCEDURES FOR VICTIM ASSISTANCE VOLUNTEER

1. After the investigation supervisor contacts you concerning a sexual assault, call the dispatcher back to confirm the call.
2. Respond to the location that was designated by the supervisor. This is where the victim is presently. (Response time, within thirty minutes).
3. Contact the patrol officer and/or investigator on the scene or at the hospital to let them know you have arrived.
4. See victim.
5. Give the victim Nancy Feldman's name and phone number (795-4751).
6. Fill out volunteer information sheet and leave it in the Victim Assistance box or mail it to Nancy Feldman the next day. If you feel the victim needs follow-up the next day, please call Nancy at 795-4751.
7. Contact victim by phone within one week of the assault.

DO NOT GIVE ANY VICTIM YOUR HOME
OR WORK PHONE NUMBER. THEY CAN
CONTACT YOU THROUGH THE INVESTIGATION
DIVISION OFFICE 795-4751 AND WE
WILL RELAY THE MESSAGE TO YOU.

Beginning February 1, 1982, volunteers will be on-call to provide assistance to sexual assault victims.

Procedures:

- 1) After the patrol officer responds and it has been determined that an investigator will be called out, the shift commander will contact the investigation supervisor. The investigation supervisor will contact the volunteer on-call to respond to the location of the victim or where the victim will be located in the near future (i.e. hospital).
- 2) The investigation supervisor should advise the volunteer of:
 - a. the circumstances of the case
 - b. where the victim is located
 - c. which investigator is handling the case
- 3) The volunteer will call back the dispatcher to verify the call and then respond as soon as possible (within thirty minutes) to the location of the victim.

When it is not necessary to have the on-call investigator respond to the call at the time it is being reported (i.e. if the assault happened several days ago), the shift commander should still contact the investigation supervisor on-call. On these cases, it is up to the discretion of the investigation supervisor to determine if:

1. the volunteer should be called out to the scene, hospital, or other designated place
2. the volunteer should meet the victim at the sheriff's department
3. the volunteer should contact the victim by phone at that time

When a volunteer is called to go out to the scene of a crime, a law enforcement officer must be present.

WHAT VOLUNTEERS MAY DO

The primary role of the volunteer is to offer support and information to the victim. This will include answering the victim's questions, informing the victim of the immediate events (including not to shower or wash up before the examination), hospital procedures, and questions that she will be asked by the investigator. The volunteer may also accompany the victim during the investigation. The volunteer will recommend follow-up services for the victim and her family.

WHAT VOLUNTEERS SHOULD NOT DO

The volunteer should not:

Ask the victim question concerning the actual assault unless specifically asked to do so by the investigating officer.

Disrupt any evidence at the scene.

Speak to the news media, or any group, without the permission of a command officer .

1. Each volunteer should understand that:
 - a. Whatever the victim tells the volunteer is not privileged communication.
 - b. The volunteer may be subject to a court subpoena to testify.
2. As a general rule, try to avoid having the victim make statements concerning the facts surrounding the assault or the attacker's description. No effort should be made to encourage the victim to relate the details of the attack unless specifically asked to do by the investigator.
3. If the victim makes statements which the volunteer believes may be important to investigating the case, the investigator handling the case should be notified immediately.
4. The victim's questions regarding laws, court procedures, and processing of a particular case should be referred to the investigator handling the case or the Victim/Witness Unit of the district attorney's office.

DATE _____

ARAPAHOE COUNTY
VICTIM ASSISTANCE PROGRAM
VOLUNTEER APPLICATION

Name: _____ Phone: Home _____ Work _____

Best time to call: Home _____ Work _____

Address: _____

Mailing address, if different from above: _____

PERSONAL DATE:

Are you over the age of 18, and under the age of 65? _____

Name(s) of relative(s) employed by the Arapahoe County Sheriff's Department, if any? _____

Have you ever been convicted of a criminal act (traffic offenses, juvenile offenses excluded)? _____

If Yes, please explain _____

PREVIOUS WORK EXPERIENCE:

As a Volunteer: _____

Employment: _____

Education and Training: _____

Other Pertinent Information: _____

Do you have a valid operator's license? _____

Do you have your own transportation? _____

Do you have insurance on your car? _____ What type? _____

What does volunteerism mean to you? _____

Except for vacation or emergencies, are you willing to give a full year's commitment to the Victim Assistance Program? _____

What is most important to you in a Volunteer job? _____

What skills or interests would you like to develop or learn more about? _____

Please explain why you are interested in becoming a volunteer for the Victim Assistance Program. What do you hope to achieve through volunteering?

Please list three references, other than relatives, who have known you for at least one year:

Name	Address	Phone
Name	Address	Phone
Name	Address	Phone

Please list someone to notify in case of an emergency:

Name	Address	Phone:	Home	Work
------	---------	--------	------	------

Relationship

Please mail to: NANCY FELDMAN, ARAPAHOE COUNTY SHERIFF'S DEPARTMENT
5686 SOUTH COURT PLACE, LITTLETON COLORADO 80120
795-4751

VICTIM ASSISTANCE PROGRAM
TRAINING OUTLINE

- I. Notification by Investigation Supervisor
 - A. Return call to dispatch to verify the call and information received
 - B. Responding to call
 1. Respond to location indicated
 2. Maintain neat, professional appearance
 3. Thirty minute response time
- II. Arrival at location
 - A. Determine basic situation
 1. Contact officer, identify self and determine situation
 - a. victim's name
 - b. emotional state of victim
 - c. physical injuries
 - d. family/friend notification, if present or responding
 - e. any basic elements of the incident necessary either to aid in personally relating to the victim or for obtaining information required by the officer.
 - f. determine whether there has been oral sex (ask the officer first). If there has been oral sex, victim may not have anything to eat or drink until after oral swabs have been taken.
 2. Contact the nurse after you arrive at the hospital, identify yourself
- III. Contact Victim
 - A. Address victim by name
 - B. Advise victim of your name and purpose for your presence
 1. V.A.P. volunteer, not a police officer or hospital employee
 2. Present to stay with victim, to talk, to answer questions, to be with victim.
 - C. Personally determine victim's emotional condition

Training Outline

1. If highly emotional, allow time and assistance in calming a victim down; alleviate emotional and physical fears.
 - a. reassure victim she is not at fault, etc.
 - b. reassure victim that she is safe in present surroundings
 - c. reassure victim regarding officer's presence
 2. Talk with victim
 - a. general conversation, victim's job, family, children
 - b. try to get victim to relax and begin opening up
 3. Help victim recognize and face the situation
 - a. Let the victim talk about the things that concern her
 - b. Be a good listener
 - c. prepare victim to give officer full and complete report
 1. advise victim that officer will have to ask very personal and possibly embarrassing questions and tell them why they will ask these types of questions
- D. Advise victim of hospital exam
1. Pelvic examination
 - a. to determine internal injuries
 - b. test for presence of sperm and other physical evidence
 2. Pubic and head hair combing and plucking
 - a. combed for loose hair which may belong to suspect
 - b. plucked for positive identification as belonging to victim
- E. Advise victim of Investigative interview
1. will generally be conducted later
 2. will be in more detail
 3. investigators very well trained
 4. reassure victim regarding officer's professionalism
- F. Advise victim of County Victim-Witness program in the event that a suspect is apprehended and goes to trial.
- G. Discuss possible emotional reactions

Training Outline

3. may be angry at victim
 - a. may think she was asking for it (myths of rape)
 - b. may be deeper family/marital problems
- C. Calm family member or friend
 1. try to make them understand that the victim's welfare is the priority issue
 2. looking for revenge can multiply problems
- D. Encourage family/friend to support victim
 1. advise of possible future emotional reactions for victim and/or family
 2. encourage family/friend to become support system for victim
 - a. family/friend knows victim better
 - b. can watch for behavior changes, emotional struggles, withdrawal, fears, etc.
 - c. advise family/friend of counseling services available
- VI. Give victim and/or family resource list and let her know she can contact Nancy Feldman at 795-4751 for further information or for any other questions she may have (not particularly related to the investigation of the case)
 - A. She may get ahold of you by leaving a message at the number 795-4751.

Parts of this outline were taken from the Aurora Police Dept.'s P.A.C.T. program

Training Outline

1. fear of being alone, of the dark, of similar situations or persons
 2. fear of rejection by loved ones
 3. self-blame
 4. feeling unclean
 5. embarrassment
- H. Refer victim to counseling agencies
1. advise victim to talk to someone if she feels unable to cope
 2. may be friend, family or professional counselor
 3. recognize need for assistance in dealing with the situation
 4. Give victim resource list
 5. Let victim know about crime prevention officers when appropriate
- IV. Make victim as comfortable as possible
- A. After determination on oral sex has been made and as soon as feasible, offer the victim coffee, soft drink, etc.
- B. In an emergency, work with the officer to arrange for housing for victim if she is unable to go home and has no one to stay with for the night.
1. Gateway Battered Women's Center
- V. Contact family, friends, etc. who are at the hospital, sheriff's dept., etc.
- A. Determine emotional state and ability to cope
1. Advise family/friends of possible future emotional reactions of victim as well as the reactions they may go through
 2. encourage family/friend to become support system for victim in dealing with emotions
 3. advise family/friend of counseling services available
- B. Family/friend may be going through their own emotional trauma
1. may not be able to personally cope with situation
 2. may be angry at suspect
 1. want to find suspect
 2. seek revenge

ARAPAHOE COUNTY SHERIFF'S DEPARTMENT
VICTIM ASSISTANCE PROGRAM
VOLUNTEER TRAINING SCHEDULE
FALL 1984

The Victim Assistance Program is designed to assist victims of sexual assaults and other crimes by providing information, crisis counseling, emotional support, and community resources to victims and their families.

All sessions are held at:

Arapahoe County Sheriff's Department
5686 South Court Place
Littleton
Library/Conference Room

Thursday, September 20, 1984
7:00 p.m. - 10:00 p.m.

Opening remarks and introductions. Introduction to the Victim Assistance Program (history, services, philosophy, etc.). Structure of the Sheriff's Department. General information about the crime of sexual assault. The myths of rape.

Saturday, September 22, 1984
9:00 a.m. - 4:00 p.m.

9:00 a.m. - 10:00 a.m.	Introduction to Victimization
10:00 a.m. - 10:45 a.m.	Film and Discussion
10:45 a.m. - 11:45 a.m.	Victim Assistance Policies and Procedures
11:45 a.m. - 12:00 p.m.	Tour of Sheriff's Department
12:00 p.m. - 1:00 p.m.	Lunch
1:00 p.m. - 2:00 p.m.	Police Procedures
2:00 p.m. - 4:00 p.m.	The Legal Process

Monday, September 24, 1984

5:30 p.m. - 7:00 p.m.

5:30 p.m. - 7:00 p.m.

Hospital Procedures
Rape Kit
Tour of Swedish Hospital

Saturday, September 29, 1984

9:00 a.m. - 4:00 p.m.

9:00 a.m. - 4:00 p.m.

Crisis Intervention Techniques
Counseling Skills
Role Playing

Thursday, October 4, 1984

7:00 p.m. - 10:00 p.m.

7:00 p.m. - 8:00 p.m.

8:00 p.m. - 8:30 p.m.

8:30 p.m. - 10:00 p.m.

Needs of Victims and Their Families
Resources in the Community
Current Volunteers and Wrap-up

DAVIS COUNTY SHERIFF'S OFFICE

VICTIM RESPONSE UNIT

Summary

More than 50 years ago, United States Supreme Court Justice Benjamin N. Cardozo wrote: "Justice, though due to the accused, is due the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true. Somewhere along the way the system began to serve lawyers and judges and defendants, treating the victim with institutionalized disinterest."

The role of the victim in the first 200 years of the American justice system evolved from one in which the victim alone actively initiated and managed a criminal investigation and prosecution to one in which public bureaucracies performed and acted on behalf of the state's interest in crime control, criminal investigation and prosecution.

Within the past decade, reforms have been initiated or proposed at every level of government to restore a balance to the administration of justice by granting or establishing a standing role for victims, a wide range of participatory rights for victims and a significant increase in the promulgation, by law, of due process rights for victims.

As the arm of the Criminal Justice System that is in contact with the victim immediately following the crime, the police need to place greater emphasis on his/her plight. The victim is continually revictimized by our system, leading to disinterest, bitterness and often scorn, towards their local law enforcement agency.

The mere expression of concern, coupled with sincere efforts to assist the victim in regaining his/her pre-crime state, will greatly enhance police-community relations. The process of implementing the Sheriff's Victim Response Unit for the citizens of Davis County shows a leadership role in the state of Utah. The influence of the Sheriff penetrates through the criminal justice system--from law enforcement through court services to the corrections area.

In time, with the acquisition of skills and knowledge about victim services, the Sheriff's Office can become a resource center for training and assistance to other law enforcement agencies, local justice executive and staff, and community and neighborhood organizations.

The program proposed in the following document is designed to provide a comprehensive service-oriented program to victims, witnesses and co-victims. With the inception of a "Victim Advocate", the following services will be provided to those in need:

- Immediate emotional support
- Immediate provisions for food, shelter and clothing if needed
- Transportation to the hospital for required medical examinations
- Referral to the appropriate social service or direct aid agency
- Explanations of the follow-up investigative phase of the case; as well as the arrest; prosecution; sentencing and probation/parole phases
- Accompaniment to interviews and/or court
- Employee intercession if repeated court appearances are necessary
- Child care arrangements if required
- Transportation
- Other needs and/or requirements of the victim will also be handled by the Victim Advocate, as they become apparent.

A continual, cooperative rapport among all aspects of the criminal justice systems is a must to make this a successful program.

POLICY STATEMENT

The purpose of this program is to set forth guidelines for an effective and comprehensive Victim/Witness Response Unit. It is the goal of the Davis County Sheriff's Office to provide an extensive, service-oriented support system for victims and witnesses of crime. Victims have a need and an expectation to obtain fair and humane treatment from justice system representatives. They desire to be considered as an important client and pertinent actor within the justice system, rather than appendages or passive presenters of evidentiary testimony. It is the objective of this program to meet those desires.

To insure the operation of an effective program, the Sheriff and/or his staff will periodically review and evaluate the Victim Response Unit and the volunteer victim advocates.

RESPONSIBILITIES/DIRECTION

- A. The Sheriff, as the chief law enforcement officer, is ultimately the program director.
- B. The Public Information and Crime Prevention Deputy, is responsible for coordinating the program and providing training and guidance to the volunteer victim advocates.
- C. The Detective Division Commander, is responsible for determining when there is a need for a Victims Advocate and for coordinating efforts between the investigating officer or in his absence, the officer acting in his stead and the advocate.
- D. The Victim Advocate's primary responsibility is to assist crime victims and witness (and co-victims, meaning family members) who have suffered emotional, physical or other difficulties, as a result of being victimized. He/she will insure that the victim is made aware of or involved in all social service or direct aid service agencies that are appropriate.

It will also be the responsibility of the victim advocate to assist the victim in regaining the physical and emotional well being enjoyed prior to being victimized.

Although the term "Victim Advocate" has been coined and is a common term nationwide in victim's groups, in the Sheriff's Victim Response Unit the volunteer may be called a "Victim Consultant."

DAVIS COUNTY SHERIFF'S OFFICE

DESIRABLE SKILLS

For

VOLUNTEER VICTIM ADVOCATE

The following is a list of those skills and personal characteristics that would make up the qualities desired for the ideal volunteer victim advocate. It is preferable, although not required, that the individual have a background in the criminal justice system, counseling, and/or social service agencies.

However, it should be noted that great care must be taken in choosing the volunteer whose personality is in keeping with the department policy of those who work with victims. The volunteer should be able to represent the Sheriff in a manner of the upmost professional appearance.

DESIRABLE SKILLS

1. Ability to get along well with people.
2. Ability to communicate effectively.
3. Demonstrate a willingness to learn.
4. Open, non-judgemental attitude, regardless of circumstances and victim's race, religion, age or national origin.
5. Ability to think clearly under pressure and to respond quickly.
6. Ability to make good, sound decisions.
7. Exude genuine concern and empathy for victims and their families.
8. Self-directed and motivated.
9. Ability to be assertive when necessary; passive when necessary and the common sense to know when each is required.
10. Ability to relate to child victims.

TASKS

1. Able to be on-call, on schedules that will be developed by the director of the Sheriff's Victim Response Unit.

2. Providing moral and emotional support to victims and their families and referral to appropriate social services or direct aid service agencies.
3. Learn and utilize the fundamentals of basic crisis intervention skills.
4. Become familiar with the criminal justice system and it's intricacies. (Investigatory and court process.)
5. Attend interviews, investigations, court hearings and trials with those victims that require the emotional support.
6. Assist with the maintenance of victim records.
7. Attend meetings and training sessions as provided for victim advocates.
8. Provide limited transportation to court for reluctant or disable victims.
9. Continually update their knowledge of victims rights by reading current, relevant and pertinent literature.

PROGRAM

The Sheriff's Victim Response Unit is being designed to insure that victims, witnesses and co-victims are made aware of, and introduced to all aspects of community services that are appropriate in their particular situation. Specific areas of cooperation between the various departments in the criminal justice system are a must, to appropriately support the victim, and will be addressed subsequently within this proposal.

A. INITIAL INVESTIGATION:

1. Upon receipt of a call to investigate a crime, the detective who has been assigned the case will determine if there is a need to call a victim advocate. He/she will then contact the Detective Division Commander who will confirm that decision and make the actual "call-out". The victim advocate will respond to the scene and provide crisis intervention skills for the victim, witness or co-victims.
2. Assessment of the immediate need for food, clothing and/or shelter will be the responsibility of the victim advocate. Arrangements will be made for these items as soon as feasible, without interfering with the investigative process.
3. Providing transportation and accompanying the victim to the hospital for medical care, such as in the case of sexual assault or rape, will be handled by the Sheriff's Victim Response Unit. Mutual agreement and cooperation between the investigative detective and victim advocate in this situation is a must.
4. In the case of sexual assault or rape, the need for the examination and an explanation of the evidence required will be explained by the victim advocate or the investigative detective, whichever is deemed appropriate at the time.
5. Making contact with the victim's friends, relatives or individual of his/her choice, to provide immediate support and companionship will be the responsibility of the victim advocate.

6. In the case of a crime such as burglary, where the patrol deputy takes the initial report, and it is not felt necessary to call-out a victim advocate, a brochure should be given to the victim. The information contained therein should explain the following steps taken in the case, the case number, the report taking deputy's name, who to contact next, etc.
7. If any of the victim's property is taken for purposes of investigation or evidence, a receipt should be prepared and left with him/her.

B. FOLLOW-UP INVESTIGATION:

1. Assessment of the situation will be made by the victim advocate and further referral to the appropriate social service or direct aid agency will be initiated.
2. The victim advocate will explain the follow-up phase of the case to the victim.
3. The victim advocate will explain any additional procedures necessary such as fingerprinting or taking pictures of the victim; possible identification of an arrested suspect; videotaping of a child victim, etc.
4. The victim advocate will develop a rapport with the victim, especially important in the case of a child, and be in attendance at subsequent interviews or videotaping.
5. Explaining the closing of a case without arrest or prosecution, and the reasons for doing so will be handled by the investigative detective, the victim advocate and possible the County Attorney.

C. ARREST AND POST ARREST:

1. The victim and/or family member should be notified immediately when an arrest is made. Charges filed and custody status of the defendant should also be part of this notification. This may be done by the investigative detective or the victim advocate, as deemed appropriate.
2. In the case of bond-setting hearings, the victim should be notified of the date and time, as well as the role he/she may play in this hearing. If at all possible, a victim impact statement should be made a part of the decision making process in this hearing.
3. Pre-trial releases of the suspect should be made known to the victim, as well as the information on what procedure to follow to obtain other legal protection from victim intimidation, harm or harassment.

D. PROSECUTION:

1. The victim will be kept apprised of any decisions to increase or decrease the original charge, as well as the reasons for the decision. Notification should be made by the victim advocate or investigative detective.
2. The victim will also be notified, by either of the above, of any plea bargaining with the defendant, and the reasons for such.
3. The victim advocate will explain the court/trial process and the intricacies of the criminal justice system to the victim.
4. The victim advocate or investigative detective, will introduce the victim to the County Attorney handling the case; explain the logistics of the court room; how to get there; where to park; where to report and what is expected of him/her in court.
5. The victim will be kept apprised of court dates and times and of any postponements or continuances, by the victim advocate.
6. The victim advocate will accompany the victim to court and provide transportation for the reluctant or disabled individual.
7. The victim advocate will provide employer intercession if necessary.
8. The victim advocate will help to arrange child care if necessary.
9. The victim advocate will make arrangements for "special" victims. This category will include, but not be limited to: children; the blind, deaf or mute; the elderly; non english speaking individuals and the mentally or physically handicapped.
10. If a plea of guilty is entered, or the defendant is subsequently found guilty. the victim should be allowed to provide a victim impact statement prior to sentencing. This may be through Adult Parole and Probation; the individual court; or the victim advocate and will most probably vary from case to case.

E. PROBATION/PAROLE:

1. During the pre-sentence investigation conducted by the Adult Parole and Probation department, a victim impact statement will be solicited. If it is necessary for the victim to report to the AP&P office, great care must be taken to schedule his/her appointment on a different day than that of the defendant.

If at all possible, the form should be given to the victim advocate, who will then make arrangements for it's completion by the victim. This will avoid any possible confrontation between victim and defendant.

2. When parole hearings are in the offing, the victim advocate should be notified. Again, a victim impact statement should be requested and made a part of the decision making process by the parole board.
3. At any time there is a custody status change, or a change of location of the defendant which may affect the victim, the victim advocate should be notified.

GENERAL RECOMMENDATIONS

- A. The Sheriff or Coordinator of the Sheriff's Victim Response Unit should:
1. collaborate with the prosecutor and judges to implement procedures that permit seized property-as-evidence to be photographed and the photograph to be admissible for evidence. This will aid in the prompt return of property to the victim.
 2. meet with judges, prosecutors and parole/probation officers on a regular basis to discuss problems and encourage that victims be treated with fairness; courtesy and respect by all members of the criminal justice system.
 3. work with the prosecutors office to develop policies of keeping each other informed with regard to all matters relating to the prosecution process.
 4. work with prosecutors, judges and court officials to insure that the victim, witnesses or co-victims have a separate waiting area outside the court room, to avoid possible harassment by the defendant or his/her friends or relatives.
 5. meet with judges and prosecutors to establish a procedure to permit the victim advocate to accompany the victim in the court room. This procedure should be extended to include those cases where the general public and the press may not be allowed.
 6. collaborate with AP&P to develop a method for establishing a procedure to respond to victim complaints about defendant-probationer harassment or intimidation.
 7. collaborate with the Parole Board to insure that a procedure is developed to notify, within 24 hours, the victim advocate about the release on parole of a defendant.
- B. Judges are encouraged to order restitution in all cases where deemed appropriate. Restitution should be ordered whether the suspect is incarcerated or placed on probation.
- C. AP&P is encouraged to recommend to the Court, in appropriate cases, that the defendant is specifically ordered not to have contact with a victim if there have been any instances of threats or intimidation made by the defendant to the victim.

- D. AP&P is encouraged to develop a procedure for notifying the victim advocate if there are any changes in the status of a probationer that would affect the victim.

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- H. Jerome Miron, Ellen Archer, Lauren J. Goin and Susan Keegan. The National Sheriff's Association Guidelines for Victim Assistance. Washington, D.C., National Sheriff's Association, November, 1984.
- H. Jerome Miron, Ellen Archer, Lauren J. Goin, and Susan Keegan. The National Sheriff's Association Victim Assistance Training Program-A Participant's Handbook. Washington, D.C. National Sheriff's Association, November, 1984.

DAVIS COUNTY SHERIFF'S DEPARTMENT

Videotaping Policy

The Davis County Sheriff's Department has obtained the following equipment:

Panasonic WV-3240/8AF Low Light Camera

AG-2400 VCR 2-6 hour record; 2-4-6 hour playback

AG-BP202 Battery Pack with an AC/Charger

A Wireless Mic System

We have six personnel in the department who have been trained and certified to operate the equipment. We have a specially designed room that is furnished and equipped to video victim statements.

There is certain criteria that must be met in order to enter a video in court. Therefore, you must discuss your case with the County Attorney to make sure it meets the elements prior to any taping.

Only certified, trained personnel from this department will operate the equipment.

Use of the equipment or the scheduling of interviews will be set up through the detective captain.

OPERATIONAL POLICY

The Sheriff's Victim Response Unit will be administered as follows:

A. CONSULTANT VOLUNTEERS

Consultants who are involved in the system will be comprised of volunteers from within the community.

An interview board will carefully screen all applicants to insure that each volunteer is adapted for this service. All volunteers will be thoroughly trained in all aspects of this program.

B. REQUEST FOR SERVICES

1. The consultants will be used in connection with any type of major crime where victims or witnesses may be suffering from physical, emotional or personal trauma.
2. When a detective determines that he has a case that would fit the victim/witness profile, he will immediately contact the Detective Division Commander.

The Division Commander will make the determination as to which consultant will be called, and will supervise notification and assignment. The consultant will be notified to respond to the appropriate place.

3. When a consultant is assigned to a case, he/she will follow that case to its completion. Only in rare instances will cases be reassigned. If such incidents occur, the Division Commander will supervise the reassignment of the case to another consultant. The original consultant will be responsible for briefing whomever will be handling the case. The newly assigned consultant will immediately contact the detective to receive further direction on the case.

C. DOCUMENTATION

1. Specific file numbers will be assigned all victim/witness incidents, and documentation will be kept on all cases. The updated information will be submitted to the file each time a contact is made concerning the case.
2. Upon completion of the consultant's interaction with the victim, the final entry will be made indicating that the case is closed.

D. USE BY OUTSIDE AGENCIES

1. The Sheriff's Victim Response Unit is at the disposal of any police agency in Davis County. To request the services of the program, contact must be made with the Detective Division Commander, with a synopsis of the case and what the required need of the consultant will be.
2. A consultant and a file number will be assigned from this office, and he/she will maintain proper documentation of the case. That documentation will be made available to the requesting agency as needed.
3. Transportation for the consultant will be the responsibility of, and provided by the requesting agency, as well as any expenses incurred during the servicing of the victim.

E. CONFIDENTIALITY

Confidentiality is of the utmost importance. Consultants must not discuss matters pertaining to any case in which they are involved, with anyone except the detective assigned to the case or the Detective Division Commander.

SESSION VIII

IDENTIFYING RESOURCES FOR VICTIM ASSISTANCE

Summary:

In this session, we will explore funding mechanisms for victim assistance activities and programs. We will discuss grant programs, the use of volunteers, and fundraising events.

Federal Grant Programs

Justice Assistance Act

Victims of Crime Act

(Refer to pages 42-29)

SESSION IX

PLANNING FOR VICTIM ASSISTANCE PROGRAMS AND ACTIVITIES

Summary:

Whether you are planning to implement selected victim assistance activities or a comprehensive program, you need to begin by examining resources and evaluating the needs of victims in your community. The following selection will assist you in the planning process.

THE NEEDS ASSESSMENT

INTRODUCTION. Needs for victim assistance will vary according to numbers and kinds of criminal offenses. It is important to recognize that victim assistance efforts cannot be made available to all victims. Victims of insurance fraud arson are obviously excluded as are victims of corporate nature where there has been fraud or embezzlement. Otherwise, where an individual becomes a victim of crime, regardless of sex or age, he or she suffers and needs help.

OBJECTIVE. The objective of the needs assessment is to identify the scope and extent of victim assistance needs:

- how many victims are there per year?
- what kind?
- what kinds of help do each of them need?

DATA COLLECTION...WHAT.

- Needs of victim are in the county will be reflected in two kinds of data:
 - how many victims are there per year; of what kind, and
 - what kinds of assistance can normally be expected to be needed by each category of victim
- Matrices follow the recording the number of victims per year by kind of offense (8-1) and for indicating the kinds of assistance that can be expected to be needed (8-2).

NUMBERS OF VICTIM PER YEAR

KINDS OF OFFENSES

KINDS OF VICTIMS

	CHILDREN	ADULTS		ELDERLY	
		FEMALE	MALE	FEMALE	MALE
Assault					
Sexual Assault					
Rape					
Family Violence					
Mugging					
<u>FAMILIES:</u>					
-missing children					
-homicide					
Burglary					
Robbery					
Property loss,					
other					
<u>KIDNAPPING:</u>					
-victim					
-family					

**KINDS OF ASSISTANCE REQUIRED AS GOVERNED BY THE KIND OF
VICTIM AND THE NATURE OF THE OFFENSE**

(check where normal circumstances would indicate assistance would be required.)

(check where normal circumstances would indicate assistance would be required.)												
NATURE OF HELP NEEDED	KIND OF VICTIM											
	<u>Children-violent abuse, sexual abuse</u>	<u>Adult female-assault sexual assault, incl. rape;</u>	<u>burglary, robbery</u>	<u>Adult male-assault;</u>	<u>burglary, robbery</u>	<u>Senior Citizens- assault;</u>	<u>burglary, assault</u>	<u>Families of: missing children</u>	<u>Families of: homicide victims</u>	<u>Kidnapped victims</u>	<u>Families of: kidnapped victims</u>	<u>Witnesses and other victims</u>
1. Immediate medical attention												
2. Continuing medical attention												
3. Financial aid: medical costs, compensation												
4. Help in filing claims: for compensation; for insurance												
5. Counseling, personal; for family												
6. Care in questioning by law enforcement												
7. Transportation: to Department initially												
to Department during investigation												
to hospital initially												
to clinic or doctor												
to prosecutor for pre-trial meeting												
to court for trial												
to court for sentencing												
to parole board hearing												
8. Legal protection against harassment												

FROM YOUR EXPERIENCE, WHAT OTHER CATEGORIES OF ASSISTANCE SHOULD BE ADDED?

14.														
15.														
16.														
17.														
18.														
19.														
20.														

NEEDS THAT ARE BEING MET TODAY

Introduction. The kind and extent of assistance for victims in any one community will vary widely. One agency cannot provide all of the help that is needed...and a number of them should be so engaged and coordinated. For your county, it is essential in the victim assistance needs analysis to survey the kinds of assistance being provided to victims and to identify those agencies so involved.

The County and State Inventory. The scope of this study will involve:

- State level resources:

- The Victim Compensation Act...what does it provide for and how is it administered by the state; what does the statute say with respect to law enforcement responsibilities with respect to the victim?

- Does the state have a Victim Compensation Act?

At the present time there are 11 states without such Acts.
These are:

Georgia	Idaho	Utah	Arizona
South Dakota	Missouri	Arkansas	Vermont
New Hampshire	Maine	Wyoming	

- Is there someone at the state level that provides program guidance for victim assistance at the local level?

- What departments of state government provide funding for local agencies that provide some form of assistance to victims or potential victims (runaway children, battered wives, special help for the elderly, etc.)

KEY POINT--watch for changes in your state laws in response to the provisions of the Victims of Crime Act of 1984, which will provide some revenue for support of victim assistance programs in your state. Why?--Those that have documented needs and carefully prepared programs will be first in line for the funds that most probably will not be enough to meet all of the needs within the state.

- Kinds of County Resources. Assistance for victims may be provided by agencies or groups of various kinds, both public and private. Examples are:

- law enforcement agencies having organizational elements devoted to victim assistance...the Victim Response Unit (Session 9); assistance provided within context of other organizational elements...patrol, investigation, crime prevention.
- prosecutor offices which may have a victim assistance program per se or a witness notification program only.
- the clerk of the court may have the responsibility for notification of witnesses regarding trial dates.
- the probation officer may have guidelines used for the preparation of victim impact statements or similar information at the time pre-sentence investigations are made.
- parole boards may have procedures for allowing participation of victims at the parole board hearing regarding inmates convicted of specific crimes.
- hospital emergency room personnel may have established procedures and training for personnel for dealing with and treating victims of crime.
- a rape crisis center may be operated by a private group, a group at least partially funded by the state, or one associated with a mental health center or hospital.
- social services may include provision for sheltering women who are victims of family violence and children of such families.
- social service groups may exist that target services for on children, missing children, and the elderly.
- special interest groups may exist, having parallel objectives to those of a victim assistance program, such as groups against drunk drivers, child molestation, and others.
- mental health centers may have established procedures for providing counseling and other forms of mental health care for victims.
- the ministry is a source of response to various forms of trauma and anxiety and may or may not be so involved...discussions should be held with key representatives of all major denominations.
- industry...representatives of all major employers in the county may now have employee aid programs, which in many cases have been developed to help employees suffering from alcoholism and drug dependency. A logical extension of this concern is the provision of assistance to those employees who become victims of crime. Major industries in the county also may represent an essential source for funding in support of certain victim assistance activities.

- Information From County Resources. For all resources that exist obtain information indicated below. This will be needed in recording the statistical information required and also will be valuable in designing strategies for the establishment of the county-wide Coordinating Council for Victim Assistance (Session 13). which we will discuss tomorrow morning.
 - statistical data regarding work performed
 - contact name for operational purposes
 - name of person in charge
 - telephone numbers
 - number of persons working in the program, full time and part time
 - mailing address
 - what are the objectives of the agency or group
 - organizational linkages..if a part of another agency, how is the resource organized and how does it relate to other parts of the organization; who is in charge of the organization
 - source of funding; amount of funds per year needed and provided
 - are there any brochures or other printed material used by the agency or group that are made available to the public

- Examination of the scope of response now being provided to aid victims. Each agency or group now providing assistance to victims will see its role limited by certain operational, legal or functional lines. For example, the prosecutor will see his responsibility to fall within those he has for the prosecution of cases in court; the law enforcement officer will provide aid directly at the initial point in the criminal justice process; the hospital emergency personnel will treat the victim in various ways at the time the victim comes to the emergency room; and the private sector victim advocate will provide counseling and other assistance at different points in the process but will not be involved in the investigation directly. Each of the resources identified within the county should be examined to identify:
 - the method of operation of the agency or group; the special concerns or targets that they have (special categories of victims, such as children; the elderly, rape victims only, etc.); are services provided 24 hours per day; are personnel on call; is there a "hot line"; how is contact made with the victim; etc.
 - records kept by the agency or group that reflect the volume of work performed...in terms of numbers and kinds of victims, the hours of staff time spent per victim, the numbers and kinds of offenses involved.

- Coordination. At the time of the survey all persons contacted should also be asked concerning the nature and degree of coordination that exists between those agencies and groups that are involved in victim assistance at the present time. For example:
 - do representatives of the agencies and groups meet formally or

informally to discuss matters of common interest?

-do representatives of agencies or groups regularly refer victims to others for assistance when this is indicated?

-is there evidence of a "turf problem"...if so, what is this and why does it occur?

-have there been any indications of joint training for those involved in victim assistance...for example, law enforcement officers and victim advocates?

-what do the agency or group workers see as the existing means for coordination or relationship between themselves and others in the county working to help victims...what improvements would they like to see.

- Resource availability. Inquiries should be made as to the availability of the kinds of resources that will be needed for a victim assistance program. These will include:

-funding. That which is or might be available from the existing state resources agencies, from the federal government; funds from regular budgets (criminal justice agencies) and from contributions from the private sector.

-manpower. Existing trained personnel may be needed in some instances for specific purposes (sworn law enforcement personnel); the options available to the Sheriff: the Reserve and auxiliaries; the availability of volunteers. Activities in the county that now have volunteers should be examined and the source of volunteers and training provided them, if any, studied.

GAPANAYLSIS

Introduction. This is the analysis phase of program development where the specific kinds of program activities are identified that will allow the department to reach its goal.

Program Goal...Optimum Assistance for Victims. The program goal can be stated as:

The provision of optimum victim assistance for all citizens of the county.

This goal, to be reached, has certain possibly restraining factors that should be understood:

- the will of management..the sheriff..to carry forward and achieve the goal.
- availability of resources, such as manpower to carry out specific activities that will be needed,
- funding
- a commitment to the program goal on the part of county officials responsible for budget approval.

The content of the program will be governed by two main factors;

- clear understanding of what assistance is needed, and
- the existence of appropriate assistance efforts in the county now.

A key word in the definition of our goal is "optimum". This means that the assistance program should be designed to provide the most in the way of services, given the constraints facing the Department in carrying it out. Constraints may change...and in this regard, the program should be considered as dynamic and opportunities should be seized for expanding it whenever they arise.

Transactions: the Victim in the Criminal Justice System.

Beginning on page 51 of "The NSA Guidelines for Victim Assistance" are three flow charts (Figures 1, 2, and 3) depicting the steps of the criminal justice process. As each of these steps are examined, the needs of victims for assistance can be identified. Illustrations of these needs are given in the Handout provided in the Appendix of the Participant Handbook which is designed to facilitate the identification of gaps in service.

Needs and Current Resources...a Comparative Analysis. In parts 2 and 3 of this discussion we have covered the identification of needs for victim assistance and of the kinds of resources available now to meet these needs. "Gapanalysis" is a comparison...an arraying...of these needs against how

they are being met. Where a need is not being met, it represents a "gap" in the comprehensive program of assistance that should be in the place.

Analytical Processes. From the identification of the kinds of assistance that victims may need and governed by the quantitative determination of the extent of this need, list all kinds of assistance and record the agency or group that is now providing such assistance in Table 1 on the following page.

Listing of "gaps". A listing of those kinds of assistance that are not being provided at the present time represents a description by substance of the Department's Victim Assistance Program where such assistance can properly be provided by the sheriff. A judgement should be made as to whether this is possible, or that some other agency or group in the county should have the primary responsibility for providing aid.

Results of the Analysis. The analytical procedures now give us two sets of kinds of assistance that are not being provided to victims in the county at the present time: those that can and should be provided by the Sheriff's Department, and those that properly should be provided by another agency or group.

The Sheriff's "Action List". This represents those actions that should be taken by the sheriff through the use of his powers and by his department. All actions should be assessed with regard to what is the most important in terms of immediate assistance to victims and witnesses, what is next and what then follows on a listing of actions by priority. This priority list should then be examined from a standpoint of how practical it is to initiate or enhance abilities to provide the assistance indicated. It may be, for example, that one action may be considered most important, but would require more manpower and funds than can be reasonably expected in the near term. By using this yardstick to reorder, as needed, the list of actions the sheriff then achieves a list of actions that are most practical and most achievable in the shortest time period. This subject, representing the substance of the program design, will be covered in the development of the Local Agency Plan, Session 10.

Actions for Others. The sheriff should take the following steps with respect to the kinds of assistance listed in this group:

- determine if, as a fall back position, the Department could undertake the provision of assistance indicated even though it more properly should be done by others. Example, witness notification.
- meet with agency or group chief administrator and fully describe the Department's program, describe the analytical procedures used in the development of the program, and identify those kinds of assistance that the specific agency or group should plan to provide.
- prepare a document that describes the efforts involved in these discussions by the Sheriff for use and follow-up by the members of the County Coordinating Council for Victim Assistance (Session 13).

TABLE I

GAPANALYSIS RESULTS

KINDS OF ASSISTANCE	NOT BEING PROVIDED NOW	BEING PROVIDED BY	CODE*
1.			
2.			
3.			
4.			
5.			
6.			

Code: 1: Being provided fully now.

2: Provides assistance now, but improvements needed.

3: Does not provide assistance now, but could.

TABLE II

GAPS IN VICTIM ASSISTANCE

IDENTIFICATION OF RESPONSIBILITY

KINDS OF ASSISTANCE BY PRIORITY	SHOULD BE PROVIDED BY	ELEMENT OF DEPARTMENT RESPONSIBLE
1.		
2.		
3.		
4.		
5.		

SESSION X

COORDINATION

Summary:

This session examines one model for coordinating services on the county level; the establishment of a coordinating council.

ESTABLISHING A COUNTY-WIDE COORDINATING COUNCIL FOR VICTIM ASSISTANCE

SUMMARY OF SESSION

In earlier sessions we have examined the needs for victims, the kinds of assistance that can meet these needs and the role of the Sheriff in providing such aid. There is a basic reality that must be seen...the sheriff can't do it all. But, a wide range of assistance needed by victims as they progress through the criminal justice system must be provided if the goal of an optimum level of aid is to be provided to all victims.

The underlying focus of this workshop is on what help is needed and how the sheriff can provide assistance to victims beginning with the report of the offense and continuing through the aspects of the system...concentrating on those transactions described in the text "The NSA Guidelines for Victim Assistance". It will be noted that many of the GUIDELINES state that the sheriff should work with others to bring about change. This goes back to the basic reality, above, and emphasizes the importance of the sheriff and the efforts of others. All efforts, to be of maximum effectiveness, however, must be coordinated.

This session will provide opportunities for discussion with regard to:

- What is "coordination"?
- What are the pre-requisites for a successful coordinating mechanism?
- How can these pre-requisites be achieved?
- A Model County Coordinating Council for Victim Assistance (CCCVA)
- Strategies for establishment of the CCCVA

What is "coordination?" There are six major kinds of coordination:

- Informal. Two people working on the same kind of project talk together informally and agree to specific work that is complimentary and is neither conflicting nor obstructive.
- By supervision. A supervisor directs two or more workers to conduct their efforts in specific ways so that their work is not duplicative and the objectives of the efforts are reached without conflict.
- By standardization of procedures. The method of work and tasks assigned to individual workers is specified in written directives. An example is the policy and procedure documentation of the Department. This is to have the effect of drawing the lines of

effort and authority in the conduct of work so that there is no conflict or duplication in the achievement of the work goals.

- By standardization of training. The same kind and extent of training is provided to all workers so that equal preparation and skills are brought to the tasks at hand. This method contributes to coordination, but often requires another form of coordination to be successful. In other words, just because a worker is trained to perform in a certain way doesn't necessarily mean he will work in that manner...without supervision or informal coordination with others.
- By standardization of employment of victim service providers. In this form, groups or categories of workers are given specific kinds of tasks which in themselves compliment the work of other groups. For example, volunteers may be assigned the task of answering hot line telephone calls only. Their work compliments that of other service providers.
- By committee or advisory group. In this form, an oversight body has the prescribed responsibility for bringing together diverse interests and activities to achieve a common goal.

All forms of coordination will be applicable in the effective operation of the Sheriff's Victim Assistance Program. The last, the use of a committee or advisory group, is the subject of this session and with which we deal below.

Pre-requisites for coordination. The organizational structure, the method of operation and the style of functioning of a coordinating body--which we will call the Countywide Coordinating Council for Victim Assistance (CCCVA)--will be dependent on some fundamental factors of group dynamics. These, in fact, describe the factors that should exist for the CCCVA to work effectively and on a timely basis. They are:

- Actors must see that they have a role to play. Members of the group must see that their role is clear, important and how it fits within the context of the purposes of the group.
- Each actor has to feel that there is an opportunity to be heard. Effective participation in the group is dependent on each member feeling that he can participate and that others do not obstruct his doing so.
- Each actor sees how his role fits with that of others. This is important to the coordination function of the group where an actor supports the role of another member because he understands what that role is and how it relates to his own and others.
- All actors believe in the "production". Continuing with the theater analogy, they must believe that what they are doing is important...and share a commitment in reaching common goals.

- All actors must "stick to the script". Each actor's efforts should contribute to the achievement of the overall goal. Diversion of efforts leads to higher cost and less chance of goal achievement.
- Someone has to "direct the production". Any group must have a leader and, as we have pointed out, we believe the sheriff is the ideal member of the criminal justice system to provide this "direction".
- Each actor must believe that participation will contribute to achievement of his "private agenda". Candidly, everyone has his own "agenda" or a set of priorities that govern his actions. We urge, of course, that an optimum level of assistance to victims should be high on the priority list of all practitioners of the system and many others in the county. In any event, each must also see the CCCVA as meeting subjective goals.
- Each actor must see the CCCVA as allowing greater effectiveness than can be achieved by the sum of its parts. This is a major and underlying reason for the existence of the CCCVA in the creation of optimum victim assistance in the county.
- Each actor must see participation in the CCCVA as essential and productive. Unfortunately, many committees are a waste of time. Each of the actors will be busy people and the time required for CCCVA meeting will have to be fit into their otherwise crowded schedule. If meetings are not productive, or, if they are seen as not essential, members will not attend subsequent sessions.

How can these pre-conditions be reached. There are three main kinds of actions that can be taken that will enlist the support of the actors and tend to create the kind of environment needed for successful and productive CCCVA operations. They are:

- First, development of a Council Charter. This is a written document, agreed to by all members, that:
 - Defines the goals of the Council;
 - Identifies its members;
 - Specifies the authority of the Council as a body, of the Chairman any officers, and for the creation of subcommittee;
 - Defines the scope of its activities to be used in reaching the Council's goals; assigns responsibility for specific kinds of activities;
 - Provides specifics as to how it will function: who is to provide leadership and how he or she is to be selected; when meetings are to be held and how they are to be called (a written agenda may be called for); and what records of Council activities are to be kept and how and by whom;
 - Any fiscal matters: it is expected that there would be little or no added cost for the operation of the Council, but if so, such matters (such as office space, meeting place costs,

secretarial support, office supplies, etc.) should be described and the source of funding for them defined.

In the preparation of the Charter, the sheriff should seek to work with others to develop the draft language. Thereafter, each Council member should approve the draft or make such suggestions for change as are indicated. Once finalized, the document should show signatures of all members and then become the basic operational guide for the functioning of the Council.

- Second, development of a County Action Plan. Why? This is not just another written plan to put on the shelf...it is important because it:
 - forms the primary working document for the CCCVA and for coordination of its members in their efforts during the time frame of the plan;
 - illustrates the county's efforts toward increased victim assistance that will be needed when applying for grants from state or federal sources;
 - provides direct linkage between the CCCVA goals and the individual plans and budget documents of the respective members, thus lending support for the letter when submitted to those who must approve county budgets,
 - provides a ready reference at any time for the news media to see the broad range of efforts underway to enhance the service to victims and witnesses; and
 - provides the framework for the understanding of the respective members of the CCCVA of the roles and activities of each of the other members.
- Elements of the County Action Plan. The elements of the Action Plan are similar to those of the Sheriff's Victim Assistance Program, and presumably, to similar plans that may exist in other departments or offices in the county involved in such assistance. They are:
 - Goals of the Plan. What is the situation to be strived for in victim and witness assistance, in general terms?
 - Objectives of the Plan. There are targets aimed for in achieving the Plan's goals. Examples are:
 - provide council and guidance to state legislature to establish a requirement for the victim impact statement at the time of sentence determination and to provide for notification of victims at the time of a parole hearing.
 - develop an index of all possible funding sources for support of victim assistance.
 - provide for joint training of law enforcement and other service providers.
 - ensure that all assistance efforts are complimentary.

- Plan activities. This is a description of the specific actions that the CCCVA will take to reach Plan objectives; it identifies the agency or group that will take the action; specifies the time when such actions are to take place and how long the action will take; and defines issues that may be involved, such as personnel, coordination with others, training needs and funding. Such specific actions and issues become agenda items for CCCVA meetings.
- Relationship with the State Sheriffs' Association Task Force Action Plan. In the next session we will address the SSA Task Force Plan, one element of which will be the development of State Action Plans. The latter should reflect the relationship of the County Plan to the State Plan and to the efforts underway in neighboring counties and in the state overall.
- Media relations and the Public Information Program. The media, represented as a member of the CCCVA, have an important role to play in its success. The Plan should describe the Council's role in this respect and how this relates to the interests and activities of the individual members. For example, the sheriff can be expected to have an active public information program that provides information of media interest. How should this interest be blended with that of the Council and with its public information program?
- Third, Council Leadership. The third action is the provision of leadership to the Council by the sheriff. This function will be to:
 - bring together cooperative council representatives...the "actors".
 - assure that the meeting place and time are arranged
 - provide a written agenda for each meeting and for its distribution in advance, and
 - assure that meeting records, as appropriate, are complete, and prepared and distributed on a timely basis to all members.

A Model Coordinating Council for Victim Assistance

- Membership...the Principal Actors. The members of the council should reflect all of those in the county representative of agencies or groups that are active now or should be active in the provision of victim or witness assistance. The representative should be the most senior administrator of the agency or group. Examples of agencies are:
 - The criminal justice system:
 - The Sheriff.
 - Chief of Police: largest municipal police department.
 - the prosecutor.
 - the presiding judge or administrator of the criminal court.
 - probation office.
 - parole board.

- Others
 - hospitals: administrator of emergency rooms.
 - mental health: representative of psychological counseling services.
 - citizen based groups: rape crisis center, battered spouse shelter, other social services agencies or groups, and.,
 - ministry.
 - private business, such as the largest employer in the county.
 - the media.
- "Bit Players" who may be called on to participate depending upon the agenda:
 - the County Chief Executive.
 - Chairman of the County Commission.
 - State representatives, such as from the Governor's office, from state victim and witness assistance office, Attorney General.
 - federal prosecutors.
 - federal law enforcement.
 - special interest groups: MADD, Crimes Against Children, etc.
- The Charter, covering such matters as discussed above.
- Examples of Council Activities. Each Council can be expected to have a list of activities that is directly responsive to the needs for victim assistance in that county and which are mutually supportive. Some examples:
 - specific program activities focus on gaps that have been identified in victim and witness services;
 - appropriate legislation is sought;
 - provide information to the public about the activities of the Council and of individual members through the media and public speaking engagements; participation in meetings of state networks on victim assistance; and the provision of assistance in the development of victim assistance abilities in neighboring counties.

Evaluation of the Council's County Action Plan. An evaluation of the activities of the Council, as expressed in specific terms in the County Action Plan should be conducted regularly...at least each year. Such an evaluation should address:

- What actions were taken, when and what was the result; what impact did this have on services to victims and witnesses and on the criminal justice system?
- What was the cost for each of the actions taken; where did the funds come from?
- What were specific activities of the individual members of the Council that contributed to the achievement of Council objectives?
- What are the plans for the future?

The product of this review should provide the basis for:

- development of next year's County Action Plan, and
- news media releases and other documents relative to the Council's activities (brochures, grant requests, etc.)

Strategies for Getting Started

- The Sheriff's Professional Conference on Victim and Witness Assistance. The first step, and a suggested approach, is for the sheriff to host a professional one day conference for all "actors" in the county involved in victim assistance.
 - Purposes: to bring together those persons now working to provide victim and witness assistance in order that:
 - a review of victim assistance needs can be made
 - an examination of the manner in which the county now responds to such needs can be made
 - preliminary views with respect to what actions can be taken to bridge gaps in service delivery, and
 - emphasis the need for coordination and the establishment of a County Coordinating Council for Victim Assistance.
 - Procedures. A sample set of instructions and guidelines for organizing and delivery of a similar conference is provided, in the Appendix to this Handbook.
 - Product expected. Attendees at the conference should obtain:
 - increased awareness of the scope of need for assistance
 - understanding of what aid is now provided
 - awareness of the gaps in services
 - understanding of what the sheriff plans to do about the gaps in assistance and what others plan to do, if anything
 - awareness of the need for a coordinating mechanism and a preliminary willingness to participate in this respect in a coordinating body.
 - Follow-up Action. Following the conference the sheriff should:
 - prepare and send a letter to each of the principal actors that provides a rough draft of the Charter of the CCCVA; indicates what the next steps should be, including a suggestion for the agenda for the first meeting (such as the drafting of the County Action Plan); and requests addresses to participate as members of the Council.
 - Prepare a draft Charter and distribute to all CCCVA members. This may be an action that takes place after the membership has been confirmed or a rough draft may be sent with the follow-up letter, above. All differences or changes proposed in the draft should be negotiated.
 - Develop a key issues list. This provides a listing of those subjects that can be covered in the early agenda of the Council meeting and certainly represents those matters that should be addressed by the Council during its first year.

• Develop a Public Information Release regarding the CCCVA. This should be approved by the members of the Council prior to its first meeting. It should describe the Council, its membership should be identified, its purposes defined and the issues it will be addressing described. Distribution, aside to members, could be to the Governor, to state and federal legislators, to members of Congress and to the local media (electronic and print).

SESSION XI

COMPOSING A LOCAL AGENCY PLAN

Summary:

This session will be small group work by participants to develop a local plan of action that includes criminal justice agencies and community resources.

COMPOSING A LOCAL AGENCY PLAN

Instructions

The end-product of this effort should be a written plan that is directly responsive to the needs for victim assistance in a specific county. This should be in the form of a written plan covering aspects of development that have been presented in previous sessions. Each Task Force member will be expected to prepare a plan for his or her own county. Task Force members may work together in this process if they wish.

In the conduct of this work, Task Force members may work alone and chose his or her own place to do this, or may work as a group, recognizing that each member has his or her own plan to write. At the conclusion of the drafting, Task Force members may wish to share the results of their efforts with other Task Force members.

During the course of the work, Workshop Training Team members will provide assistance. In the course of this, certain Task Force members will be asked to make presentations in Session 12.

Specifically, it is requested that Task Force planning address, as a minumum, the following:

- How the agency will view and modify, as needed, policies and procedures throughout the agency so that victim/witness needs are addressed in written operating policies and procedures;
- How the agency will review and modify, as needed, its recruit training programs, and specialized management training programs so that knowledge of new policies and procedures as well as employee awareness of victim needs and rights are presented to agency staff and employees;
- How the agency will plan for the establishment of a Sheriff's Victim Response Unit or some variation of this model unit;
- How the agency will assign personnel to prepare and submit grant applications to appropriate state (or federal) agencies to obtain funds in support of agency efforts on behalf of victims.

If the Task Force member is not a sheriff, it is requested that a written strategy be included as to how the Local Agency Plan will be submitted to the sheriff and how his endorsement and commitment will be obtained.

The Local Agency Plan Worksheet. The following pages present topics for consideration in the preparation of of the Local Agency Plan.

A. Suggested planning considerations and subjects to be addressed

1. What organizational option do you chose? Why?
2. Show a rough sketch of the present organization of the Sheriff's Office:

B. What would be the relationships of the new unit with other elements of the Department?

1. With investigators:

2. With patrol personnel:

3. With crime prevention personnel:

4. With the training staff:

5. With the crime analysis personnel:

C. What should the new unit be called?

D. List the scope of assistance activities or services to be provided by the new unit:

E. How will proper relationships be established and sustained by the unit with other victim assistance resources in the county?

1. The prosecutor's office

2. The probation officer

3. The parole officer

4. Citizen based groups

F. Do you believe that your plan should include an objective to prepare the sheriff to take a lead role in the establishment of a County Coordinating Council for Victim Assistance? If so, how?

G. What is the Local Agency Plan goal?

H. What are its objectives?

I. What activities does the plan have to reach plan objectives:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

J. What resources will be needed for the operation of the unit?

1. Personnel: (numbers and kinds)

2. What capital equipment will be needed?

3. What operations costs will be required, for what purposes?

K. What is the total first year cost estimate for the unit?

- L. Draw a Work Plan showing the activities
you have selected for the unit for the first year.

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Finally, the Office for Victims of Crime of the U.S. Department of Justice has inaugurated a National Victim Resource Center (NVRC). This Center can provide you with further bibliographic information. Call the NVRC at (202)724-6134 or write: National Victims Resource Center, Office for Victims of Crime, 633 Indiana Avenue, NW, Washington, DC 20531.

National Institute of Justice publications may be obtained from the National Criminal Justice Reference Service (NCJRS), Box 6000, Rockville, MD 20850.

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