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**Criminal Justice Response to Victim Harm
in the United States, 1981**

Jolene C. Hernon and Brian Forst

ICPSR 8249

CRIMINAL JUSTICE RESPONSE TO VICTIM HARM IN THE
UNITED STATES, 1981

(ICPSR 8249)

Principal Investigator

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U.S. Department of Justice
National Institute of Justice

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DATA COLLECTION DESCRIPTION

Jolene C. Hernon and Brian Forst

CRIMINAL JUSTICE RESPONSE TO VICTIM HARM IN THE UNITED STATES, 1981
(ICPSR 8249)

SUMMARY: This data collection examines the effects of victim harm on decisions regarding arrest, prosecution, and sentencing and the effect of these decisions on the victim's perception of the criminal justice system. Five types of offenses were studied: homicide, sexual assault, burglary, robbery, and aggravated assault. The victim file contains information on personal characteristics, results of victimization, involvement in case processing, use of victim assistance service, satisfaction with case outcomes, and opinions about the court system. The police file information includes personal background, screening recommendations on scenario cases, communications with victims, and opinions about the role of victims in the criminal justice system. The prosecutor file contains variables on personal background, screening decisions on the scenario cases, sentencing recommendations on the scenarios, contacts with victims, and opinions about the role of victims in the criminal justice system. Data are supplied in the judge file on personal background, sentencing recommendations on the scenario cases, communications with victims, sources of information regarding victim harm, and opinions about the role of victims in the criminal justice system. CLASS IV

UNIVERSE: Population of victims and criminal justice officials in the United States

SAMPLING: Eight sites were selected to represent regional variation in population size and types of victim services offered. The victim sample was a systematic sample selected from 1981 prosecutor files. Every tenth case up to 150 cases were taken from each site. Responses from criminal justice officials were obtained through convenience samples of police officers, prosecutors, and judges all of whom were experienced with the five target offenses.

EXTENT OF COLLECTION: 4 data files

DATA FORMAT: Logical Record Length

Part 1: Victim File

File Structure: rectangular

Cases: 392

Variables: 67

Record Length: 268

Records Per Case: 1

Part 2: Police File

File Structure: rectangular

Cases: 111

Variables: 66

Record Length: 317

Records Per Case: 1

Part 3: Prosecutor File

File Structure: rectangular

Cases: 101

Variables: 73

Record Length: 380

Records Per Case: 1

Part 4: Judge File

File Structure: rectangular

Cases: 48

Variables: 52

Record Length: 278

Records Per Case: 1

RELATED PUBLICATION:

Hernon, Jolene C., and Brian Forst. "The Criminal Justice Response to Victim Harm." Washington, DC: National Institute of Justice, 1984.

ABSTRACT

Jolene C. Hernon and Brian Forst

Criminal Justice Response to Victim Harm

Institute for Law and Social Research (INSLAW)

82-IJ-CX-0009

Purpose of the study

The purpose of the study was to examine (1) the effects of victim's harm on decisions regarding arrest, prosecution and sentencing and (2) the effect of these decisions on the victim's perception of the criminal justice system. Five types of offenses were studied: homicide, sexual assault, robbery, burglary and aggravated assault.

Methodology

Source of Information:

Data sources were (1) personal or telephone interviews with victims, police, prosecutors and judges and (2) responses to a mailed questionnaires by victims.

Sample:

Eight sites were selected to represent regional variation in population size and types of victim services offered. The victim sample was a systematic sample selected from 1981 prosecutor files. Every 10th case up to 150 cases were taken from each site. Responses from criminal justice officials were obtained through convenience samples of police officers, prosecutors and judges, all of whom were experienced with the five target offenses.

Dates of Data Collection:

Victims: January - February, 1983

Police: December, 1982

Prosecutors and judges: October, 1982

Summary of Contents

Special Characteristics of the Study:

Two complementary interview methodologies were used. In Salem and Baltimore, practitioners were asked to explain their actions in actual, recently closed cases. In the other six sites, practitioners simulated their decision making processes using scenario cases and described their typical interactions with victims. At these sites, police officers, prosecutors and judges were asked to review ten screening scenarios and/or ten sentencing scenarios. Scenarios varied by

case factors including characteristics of the victim, defendant, victim-harm, and evidence. The "real" cases were intended to validate the scenario cases.

Description of variables:

The victims file contains information on personal characteristics, results of their victimization, involvement in case processing, use of victim assistance service, satisfaction with case outcomes, and opinions about the court system.

In the police file, information includes personal background, screening recommendations on scenario cases, communications with victims, and opinions about the role of victims in the criminal justice system.

The prosecutors file contains variables on personal background, screening decisions on the scenario cases, sentencing recommendations on the scenarios, contacts with victims, and opinions about the role of victims in the criminal justice system.

The judge file contains information on personal background, sentencing recommendations on the scenario cases, communications with victims, sources of information regarding victim harm, and opinions about the role of victims in the criminal justice system.

Unit of observation:

Individual

Geographic Location:

Essex County (Salem), Massachusetts; Baltimore County, Maryland; The Thirteenth Judicial Circuit (Greenville), South Carolina; Orleans Parish (New Orleans), Louisiana; Jacson County (Kansas City), Missouri; Hennepin County (Minneapolis), Minnesota; Santa Clara County (San Jose), California; and Multnomah County (Portland), Oregon.

File Structure:

Data files:	4
Unit:	Individual
Variables:	66 - 131 (documented variables only)
Cases:	48 - 392

NOTE: Not all variables in these files are completely documented. The following columns contain data, but no codebook information is available:

<u>File</u>	<u>Columns</u>
Victim	3-4, 227-268
Prosecutor	3-5, 34-54, 73-107, 287-380
Police	3-5, 29-49, 224-317
Judge	3-5, 25-59, 185-278

Each of the four files is rectangularly structured, character-numeric (BCD) with fixed length format. Each file has one record per case.

File	Filename	Description	Recfm	Blksize	Lrecl	#Records	#Cases
1	Victim	victim	FB	32696	268	392	392
2	Police	police	FB	32651	317	111	111
3	Prosec	prosecutor	FB	32680	380	101	101
4	Judge	judge	FB	32526	278	48	48

Reports and Publications

Jolene C. Hernon and Brian Forst. (1984). *The Criminal Justice Response to Victim Harm*. National Institute of Justice, Washington, D.C.

Notes:

I. The codebooks include four files:

1. Victim file
2. Prosecutor file
3. Police file
4. Judge file

II. Coding values for types of file
(located in the first column of each file)

1. Victims - 1
2. Prosecutors - 2
3. Police - 3
4. Judges - 4

III. Coding values for research sites
(located in the second column of each file)

1. Greenville - 1
2. Minneapolis - 2
3. Portland - 3
4. Kansas City - 4
5. San Jose - 7
6. New Orleans - 8
7. Others - 9

IV. The following columns are not documented:

<u>Filename</u>	<u>Columns</u>
Victim	3-4, 227-268
Prosecutor	3-5, 34-54, 73-107, 287-380
Police	3-5, 29-49, 224-317
Judge	3-5, 25-59, 185-278

Victim Survey

INSTRUCTIONS

1. If you were involved in more than one crime recently, think about the most recent crime in which someone was arrested.

2. For some questions, you can write your answers in the blanks provided:

Example:

About how many days did you attend court? . . . 2

(12-13)

(IGNORE THE NUMBERS IN PARENTHESIS: THIS IS FOR OFFICE USE ONLY)

3. For other questions, you may choose your answer from a scale.

Example:

How much do you agree with this statement: The mayor should spend more money fighting crime.

Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
1	2	3	4	5

(14)

4. Other questions ask you to circle your answer.

Example:

Are you over 30 years old?

No 1
Yes 2

(15)

← If yes, how old are you? 33

(16-17)

5. If you want to explain your answers more thoroughly, use the "Comments" page at the end of the booklet.

6. Use the enclosed envelope to mail your completed questionnaire to:

INSLAW, Inc.
Suite 600
1125 15th Street, N.W.
Washington, D.C. 20005

T S C D

(1-4)

1. Were you or a member of your family a victim of a crime in the past two years?

Yes. 1

↓
If yes, think about the most recent crime in which someone was arrested.

No 2

(5)

↙
If no, please return the questionnaire without answering it. Thank you.

2. When did the crime occur? year / month

(6-9)

3. Was someone arrested?

No 1
Yes 2

(10)

4. What was the crime: CIRCLE ALL THAT APPLY

Burglary: someone broke into your house, you didn't see him 1
Robbery: you saw a robber. 2
Sexual assault. 3
Assault 4
Murder. 5
Kidnapping 6
Unlawful use of a weapon 7
Other, explain _____ 8

(11-18)

5. Were you or a member of your family physically injured as a result of the crime?

No .[Skip to Q7] 1
Yes. 2

(19)

↓
If yes, which of the following best describes the injury:
CIRCLE ONE

Minor-you treated the injury yourself 1
Emergency room treatment. 2
Doctor's office visit(s). 3
Someone died. 4
Hospitalized. 5

(20)

↙
How many days? _____

(21-23)

6. How much are the medical bills so far?

\$0 to \$100.	1
\$101 to \$500.	2
\$501 to \$1000	3
\$1001 to \$5000.	4
\$5001 to \$10,000.	5
\$10,001 to \$25,000.	6
Over \$25,000.	7
Don't know.	8

(24)

7. Did you lose any days of work or school as a result of the crime?

No	1
Yes.	2
Lost my job.	3

(25)

↙
If yes, how many days?

(26-26)

8. Was your money, or property lost, damaged or stolen as a result of the crime?

No	1
Yes.	2

(29)

↙
If yes, please estimate the value:

Under \$100.00.	1
\$101 to \$250	2
\$251 to \$500	3
\$501 to \$1000.	4
\$1001 to \$5000	5
\$5001 to \$10,000	6
Over \$10,000	7
Don't know	8

(30)

9. Did you see a weapon or did you think the offender had a weapon?

No.	1
Yes	2

(31)

↙
If yes, what type of weapon?

Gun	1
Knife	2
Other, explain.	3

(32)

10. What was your relationship with the offender at the time of the offense? IF MORE THAN ONE OFFENDER, CIRCLE ALL THAT APPLY.

Strangers1
I hardly knew him2
I knew him quite well3
He is a relative, namely, my _____4

(33-36)

11. Have you had any contact with the offender since the crime, other than at court?

No.1
Yes2

(37)

←
If yes, please explain

(38)

12. Do you think the offender or someone he knows will return to harm you or your family?

No1
Yes2
Maybe3

(39)

13. Do you know how your case ended?

No [Skip to Q15]1
Yes2

(40)

←
If yes, what happened?

Offender arrested, but prosecutor
did not take my case1
Case dismissed later.2
Offender found guilty.3
Offender found not guilty.4
Something else happened, explain:5

(41-45)

↓
Was this a jury trial?

No.1
Yes2

(46)

14. How did you first learn how your case ended?

Police officer told me . . . . .	.1
Prosecuting Attorney told me . . . . .	.2
Victim-assistance told me. . . . .	.3
I attended the trial/hearing . . . . .	.4
I found out from the newspaper, radio, or TV . . . . .	.5
Other, explain _____ . . . . .	.6

(47)

15. Do you know the sentence?

No	1
Yes	2
There was no sentence	3

(48)

16. How much influence do you think you had in deciding the outcome?

None at all. . . . .	.1
Some influence . . . . .	.2
A great deal of influence. . . . .	.3

(49)

17. People have many feelings about being a victim. Can you rate the strength of your feelings shortly after the crime happened? CIRCLE THE NUMBER ON THE SCALE THAT GOES WITH YOUR ANSWER. SOME FEELINGS LISTED BELOW MAY NOT APPLY IN YOUR CASE. IF IT DOESN'T APPLY, CIRCLE 8 ON THE SCALE.

<u>Reaction</u>	<u>Doesn't Apply</u>	<u>Very Weak</u>	<u>Weak</u>	<u>Strong</u>	<u>Very Strong</u>
Anger	8	1	2	3	4
Depression	8	1	2	3	4
Fear that you will be victimized again	8	1	2	3	4

(50-52)

Guilt	8	1	2	3	4
Loneliness	8	1	2	3	4
Revenge	8	1	2	3	4

(53-55)

Shame	8	1	2	3	4
Shock/disbelief	8	1	2	3	4
Nervousness	8	1	2	3	4

(56-61)

Relief	8	1	2	3	4
Confusion	8	1	2	3	4
Inconvenience	8	1	2	3	4

Grief	8	1	2	3	4
Violated	8	1	2	3	4
Frustration	8	1	2	3	4

(62-64)

Other feeling, explain:

_____	8	1	2	3	4
-------	---	---	---	---	---

Other feeling, explain:

_____	8	1	2	3	4
-------	---	---	---	---	---

Other feeling, explain:

_____	8	1	2	3	4
-------	---	---	---	---	---

(65-67)

18. Below is a list of a few common problems some people have because of crime. We would like to know if you had to deal with any of these problems. If so, how much of a problem is it?
CIRCLE THE NUMBER THAT GOES WITH YOUR ANSWER

	Not A Problem	Very Small Problem	Small Problem	Big Problem	Very Big Problem	
Loss of job	1	2	3	4	5	
Medical treatment costs	1	2	3	4	5	
Other costs you had because of the crime. . .	1	2	3	4	5	(68-70)
Recurring nightmares.	1	2	3	4	5	
Need to get away from the area where the crime was committed	1	2	3	4	5	
Problems sleeping	1	2	3	4	5	(71-73)
Divorce or separation	1	2	3	4	5	
Loss of time serving as witness	1	2	3	4	5	
Difficulty with relationships	1	2	3	4	5	(74-76)
Other, explain _____ . .	1	2	3	4	5	
Other, explain _____ . .	1	2	3	4	5	(77-78)

19. In your area is there an agency or office that gives service or assistance to victims like yourself?

No. (Skip to Q21).1
Don't know.2
Yes3

(79)

← If yes, how did you find out about the agency?
CIRCLE ALL THAT APPLY.

Police told me.1
Prosecuting Attorney told me.2
A friend told me.3
I knew about it from newspaper,
TV, or radio.4
They called me5
Other, explain _____6

(80-85)

20. Did you use any of the services?

No.1
Yes2

(86)

↙
If yes, what is the agency called? _____

(87)

↙
What services did you use? CIRCLE ALL THAT APPLY.

Help dealing with emotions 01
Help with transportation to attend court 02
Help with parking fees while attending court 03
Payment of witness fees 04
Financial assistance other than witness fees 05
Information about court dates. 06
Help understanding the legal process. 07
Went to courthouse with you 08
Shelter for the night(s). 09
Referral to other community services 10
Went to hospital with you 11
Other, explain _____ 12

(88-111)

21. We would like to know about how many times you talked to court officials about your case. Can you estimate the number of times you had contact with the following persons--at court, by telephone, in-person, or by letter:

Police _____
Prosecutor _____
Judge _____
Victim Assistance Staff _____
Probation Officer _____
Parole Board (Prison Officials) _____
Anyone else? Explain _____
Anyone else? Explain _____

(112-127)

SPECIAL INSTRUCTIONS FOR Q. 22, 23, and 24:

When you were in touch with court officials by telephone, in-person, or by letter, what did you talk about?

Can you estimate the percent of time you spent on each of the following topics. Divide up the time you spent on each topic so the total adds to 100%.

EXAMPLE:

With the POLICE:

Telling the facts of the case
--what happened, how much money was
taken, etc. 50

Talking about your feelings or
problems you had because of the crime 40

Talking about court matters and
what was happening with the case 10

Anything else? Explain: _____

Total = 1 0 0%

PUT 000 IN THE BLANKS IF YOU DID NOT SPEAK TO ANYONE
IN Q22, 23 OR 24.

REMINDER: PUT 000 IN THE BLANKS IF Q22, 23 OR 24 DOES NOT APPLY
IN YOUR CASE.

22. POLICE: About how much time did you spend on each topic with
the POLICE?

Telling the facts of the case—what
happened, how much money was taken
etc. _____

Talking about your feelings or problems
you had because of the crime. _____

Talking about court matters and what
was happening with the case _____

Anything else? Explain: _____

Total = 1 0 0

(126-139)

23. PROSECUTING ATTORNEY(S): About how much time did you spend
on each topic with the PROSECUTOR

Telling the facts of the case—what
happened, how much money was taken
etc. _____

Talking about your feelings or problems
you had because of the crime. _____

Talking about court matters and what
was happening with the case _____

Anything else? Explain: _____

Total = 1 0 0

(140-151)

24. VICTIM ASSISTANCE STAFF: About how much time did you spend on each
topic with the VICTIM ASSISTANCE STAFF

Telling the facts of the case—what
happened, how much money was taken
etc. _____

Talking about your feelings or problems
you had because of the crime. _____

Talking about court matters and what
was happening with the case _____

Anything else? Explain: _____

Total = 1 0 0

(152-163)

25. Who would you say kept you most informed about the progress of your case? CIRCLE ONE

Police1
 Prosecuting Attorney2
 Victim Assistance3
 I was never told about the progress of my case4
 Other, explain _____5

(164)

26. Use the scale below to show how satisfied you are about what happened in your case. CIRCLE THE NUMBER THAT GOES WITH YOUR ANSWER.

Don't Know Very
Doesn't Apply Dissatisfied Dissatisfied Satisfied Satisfied
 1 2 3 4

HOW SATISFIED ARE YOU ABOUT:

The first decision about bail/no bail 9. 1. 2. 3. 4

How your case ended 9. 1. 2. 3. 4

(165-166)

HOW SATISFIED ARE YOU ABOUT
 HOW THE FOLLOWING PEOPLE
 RESPONDED TO YOUR NEEDS:

The Police Department 9. 1. 2. 3. 4

The Prosecuting Attorney 9. 1. 2. 3. 4

The Judge 9. 1. 2. 3. 4

The Victim Assistance Staff 9. 1. 2. 3. 4

(167-170)

27. What could the legal system have done to make you more satisfied?
 CIRCLE ALL THAT APPLY

Make offender get treatment 01
 Make offender pay me back 02
 Make offender stop bothering me 03
 Put offender in jail 04
 Give a longer sentence 05
 Make offender serve his full sentence 06
 Make offender go to trial 07
 Don't reduce the charges 08
 Keep me better informed of the progress of the case 09
 Let me express my opinion more 10
 Other, explain _____

_____ 11

(171-192)

28. Now that you've been through this experience, would you go to court if something like this happened to you again?

{ No.1
 Yes2
 Why?

(193)

(194)

29. In general, what are your opinions about the court system in our country? Circle the number that goes with your feeling about each of the following statements:

Statement	Strongly Agree 1	Agree 2	Disagree 3	Strongly Disagree 4	No Opinion 5
The court system is too slow and wastes a lot of time.	1	2	3	4	5
Guilty offenders are not punished enough by the courts.	1	2	3	4	5
The courts in this country do about as good a job as we can expect.	1	2	3	4	5
In general, judges make fair decisions.	1	2	3	4	5
The court system cares about the victim's needs.	1	2	3	4	5

(195-199)

30. If your area were given a lot of money or some other ways to improve relations between victims and the courts, can you suggest what the legal system could do to make victims of crime or their families happier about how their cases are handled?

(200-201)

BACKGROUND INFORMATION

For Statistical Use Only

31. What was the highest level of school you completed: CIRCLE THE NUMBER THAT GOES WITH YOUR ANSWER.

6 7 8 9 10 11 12 College: 1 2 3 4 5+ (202)

32. What was your total family income in 1981, before taxes? Include the income of immediate family members who live with you or contribute to your support.

under \$5,0001
\$5,000 - \$9,9992
\$10,000 - \$19,9993
\$20,000 - \$29,9994
\$30,000 or more5 (203)

33. Are you currently:

Working1
Homemaker2
Unemployed.3
Retired/Disabled.4
Student, full time.5
Other, explain _____6 (204)

34. How old are you? (205-206)

35. What race are you?

Black1
White2
Hispanic.3
Asian4
Other, explain.5 (207)

36. What sex are you?

Male.1
Female.2

(208)

37. In the past five years, were you a victim of a crime before this crime?

No.1
Yes2

(209)

↙ If yes, how many times?

(210-211)

What type of crime? CIRCLE ALL THAT APPLY

Burglary1
Sexual assault.2
Robbery3
Assault4
Homicide.5
Other, explain6

(212-217)

38. In the past five years, have you been arrested?

No.1
Yes2

(218)

↙ If yes, how many times?

(219-220)

What type of crime? CIRCLE ALL THAT APPLY

Burglary1
Sexual assault.2
Robbery3
Assault4
Homicide.5
Other, explain6

(221-226)

THANK YOU FOR YOUR HELP. MAIL THIS SURVEY TO:

INSLAW, Inc.
Suite 600
1125 15th Street, N.W.
Washington, D.C. 20005

WE WILL SEND YOU \$5.00 WITHIN SIX WEEKS.

COMMENTS

CODEBOOKS

12-6-82

POLICE OFFICER TELEPHONE INTERVIEW SCENARIOS VICTIM HARM PROJECT 9601 DOC ID: 05390

SITE: _____

TODAY'S DATE: _____/82 TIME BEGAN: _____ ENDED: _____

INTERVIEWER: _____

Thank you for allowing us to interview you. I want to emphasize that anything you say today is completely confidential. No one will ever be able to associate your name with your answers and no names or other identifiers will be used in any reports or presentations that result from this project. I encourage you to be as candid as possible.

As you may know, this project is being funded by the U.S. Department of Justice. The purpose is to study and explain how various aspects of a case influence how police, prosecutors and judges do their jobs.

This interview will last approximately one hour. There is quite a bit of material to cover, so I will try to keep us moving along so we can finish within an hour.

POLICE OFFICER QUESTIONNAIRE -- TELEPHONE & FACE-TO-FACE

3
 T S # # #

(1-5)

I. PERSONAL BACKGROUND

We would first like to ask you some questions about your background and current assignment in the department.

1. How long have you been an officer in this jurisdiction?

Under 1 year 1
 1 - 3 years 2
 3 - 5 years 3
 5 - 10 years 4
 Over 10 years 5

(6)

2. Have you ever been an officer/deputy with another law enforcement agency?

Yes 1
 No. 2

(7)

If yes, for how long (Months) _____

(8-9)

3. What assignments have you had during the last year and how long were you assigned to each?

Assignment	Length Months	DO NOT WRITE HERE Type
_____	____	_____
_____	____	_____
_____	____	_____

(10-12)

(13-15)

(16-18)

INDICATE IF OFFICER IS PATROL OFFICER OR DETECTIVE

I. OFFICE PROCEDURES AND POLICIES

Now we would like to ask you some questions about how your department's relationship with the prosecutors office.

We are primarily interested in crimes of robbery, sexual assault, burglary, assault and homicide. When answering these questions, please think about typical cases of robbery, sexual assault, burglary, assault, and homicide you have handled in the last 12 months.

4. Does the prosecutor have a policy or policies about the kinds of cases that should be accepted for prosecution?

No. . . . [go to Q5].1
Yes2
Don't know.9

(19)

If yes, can you describe the policy?

5. SCREENING DECISION

Now we would like to know how likely it is that certain types of cases would be accepted for prosecution by the prosecutor. We have described some case characteristics that are typical of the types of cases you probably see. Some will, of course, be more common than others, but all will be like cases you may see over a years time.

[GIVE INTERVIEWEE THE SCENARIO]

Here are the cases. Before you read through them, could you tell me what the interview number in the upper left hand corner of your packet is? [BE SURE THE NUMBER MATCHES YOUR NUMBER].

Please read the first case. [READ THROUGH THE CASE WITH THE INTERVIEWEE].

Over a period of time, if you brought a group of 100 cases with these characteristics to the prosecutor's office, how many of the cases to you think would normally be accepted for prosecution?

When you give your answer, use a scale of 0 to 100 with 0 being the condition in which no such a case would be accepted for prosecution and 100 being the condition in which all such cases would be accepted.

As you give your answers, think about the variety of cases you took to the prosecutor over the past year.

[ADMINISTER SCENARIOS]

CASE NUMBER 1

LIKELIHOOD

OFFENSE: ARMED ROBBERY ON A CITY STREET
 VIC/DEF RELATIONSHIP: STRANGERS
 PRIOR CRIMINAL RECORD: DEFENDANT HAS NO PRIOR RECORD
 PHYSICAL INJURY: INJURY REQUIRING 10 DAYS
 HOSPITALIZATION
 SEX OF VICTIM: FEMALE
 AGE OF VICTIM: 65 YEARS OLD
 PSYCHOLOGICAL INJURY: VICTIM DOES NOT NEED
 PSYCHOLOGICAL COUNSELING AS A
 RESULT OF THE CRIME
 CASH VALUE STOLEN PROP: \$20
 EVIDENCE: PROPERTY WAS RECOVERED

--- --- ---
 (20- 22)

CASE NUMBER 2

LIKELIHOOD

OFFENSE: SEXUAL ASSAULT
 VIC/DEF RELATIONSHIP: IMMEDIATE FAMILY
 PRIOR CRIMINAL RECORD: DEFENDANT HAS NO PRIOR RECORD
 PHYSICAL INJURY: INJURY REQUIRING 10 DAYS
 HOSPITALIZATION
 SEX OF VICTIM: FEMALE
 AGE OF VICTIM: 10 YEARS OLD
 PSYCHOLOGICAL INJURY: VICTIM DOES NOT NEED
 PSYCHOLOGICAL COUNSELING AS A
 RESULT OF THE CRIME
 WITNESS AVAILABILITY: NO WITNESSES OTHER THAN THE
 VICTIM ARE AVAILABLE

--- --- ---
 (23- 25)

CASE NUMBER 3

LIKELIHOOD

OFFENSE: HOMICIDE
 VIC/DEF RELATIONSHIP: STRANGERS
 PRIOR CRIMINAL RECORD: DEFENDANT HAS NO PRIOR RECORD
 SEX OF VICTIM: FEMALE
 AGE OF VICTIM: 25 YEARS OLD
 PSYCHOLOGICAL INJURY: SURVIVOR NEEDS PSYCHOLOGICAL
 COUNSELING AS A RESULT OF
 THE CRIME
 WITNESS AVAILABILITY: NO WITNESSES ARE AVAILABLE

--- --- ---
 (26- 28)

Now I am going to ask you some questions about victim harm and how victim harm affects the way you do your job.

For these questions--and for the rest of the survey as well--when I say victim harm I mean the physical, emotional, financial and social effects of the crime on the victim.

For homicide cases victim harm refers to the harm suffered by close family members who survive the death of the victim.

6. Do you use information about victim harm when you make a decision to arrest a suspect?

	No.	1	
	Yes	2	(50)
	If no, why not?		
	If yes, can you explain how victim harm affects your decision to arrest a suspect?		

7. In your jurisdiction who usually learns the most detail about the harm the victim suffered as a result of the crime? [Circle only one]

Arresting officer	1	
Investigating officer	2	
Prosecutor.	3	
Victim services representative.	4	
Other, specify _____	5	
Don't know.	9	(51)

8a. Now I would like you to think about all the various ways you learn about victim harm--both formal and informal ways, documents, conversations, etc.

What would you say are the two or three sources that give you the most complete and useful information about victim harm?

[DO NOT PROMPT. Check all that apply]

<u>Q. 8a Check</u>	<u>Q. 8b Rank</u>	<u>Q.9 Available</u>	
_____ Medical report in assault, rape.	_____	_____ %	(52-55)
_____ and homicide cases			
_____ Conversation with arresting officer	_____	_____ %	(56-59)
_____ and/or investigating officer.			
_____ Conversation with the victim.	_____	_____ %	(60-63)
_____ Police report.	_____	_____ %	(64-67)
_____ Conversation with non-victim witnesses. _____		_____ %	(68-71)
_____ Photographs.	_____	_____ %	(72-75)
_____ Trial testimony.	_____	_____ %	(76-79)
_____ PSI.	_____	_____ %	(80-83)
_____ Observation.	_____	_____ %	(84-87)
_____ Other, specify _____		_____ %	(88-91)

8b. And how would you rank those three sources in terms of their completeness and usefulness?

9. Of those three sources, can you estimate how often each source is available, that is in what percentage of your cases you have an opportunity to use each source.

Now I would like to ask some general questions about contact with victims.

10. In your jurisdiction who would you say keeps the victim most informed about the progress of his case? [Circle only one]

Arresting officer. 1
Investigating officer. 2
Prosecutor 3
Victim assistance program staff. 4
Other, specify _____ 5
Don't know 9

(92)

Think about the type of cases we've been discussing and the contacts you've had with victims in these cases-- both formal and informal contacts--including: telephone, correspondence, or in person.

11. For cases involving the following crimes, how many times, on average, do you or other prosecutors have contact with the victim or victim survivors about his/her case?

Robbery _____ (93-94)
Sexual Assault _____ (95-96)
Burglary _____ (97-98)
Assault _____ (99-100)
Homicide _____ (101-102)

12. Over the past year, what percentage of your contacts were by telephone, in-person, or by written correspondence?:

Telephone conversation _____% (103-104)
In-person conversation _____% (105-106)
Correspondence _____% (107-108)
Total 100%

13. In what percentage of your cases do you have verbal or written contact with the victim after conviction? _____% (109-111)

14. Now I would like to ask you about the nature of your communications with victims. We have listed three major areas of conversation or correspondence you may have with victims. These are: 1) getting specific evidentiary facts about the case; 2) asking the victim about any kind of non-evidentiary harm s/he suffered, for example, problems or concerns h/she has had to deal with because of the crime, psychological needs and so forth; and 3) telling the victim general information about court procedures, and where and when to appear next.

Are there any other topics of conversation you might have with the victim?

Now think about all the contacts you've had with the victims in the type of cases we have been discussing.

We would like to get a broad picture of the nature of your contacts with victims. Of those three (or more) topic areas how much of the time do you spend with victims on each topic? Please try to apportion your time among the three topics so your total time spent adds up to 100%.

- a) Getting specific evidentiary facts about the crime ____ % (112-114)
- b) Asking about any kind of non-evidentiary harm the victim experienced eg. problems or concerns resulting from the offense, psychological needs as a result of the crime. ____ % (115-117)
- c) Telling the victim general information about court procedures, and where and when to appear next. ____ % (118-120)
- d) Other, specify _____ ____ % (121-123)
- Total= 100%

15. In what percentage of the cases do you tell the victim how the case turned out:

- a) When the case is not accepted for prosecution. ____ % (124-126)
- b) When the case is initially accepted, but later dismissed. ____ % (127-129)
- c) When the case results in a guilty plea ____ % (130-132)
- d) After sentencing ____ % (133-135)

16. On average, about how many attempts (calls or in-person by police or investigator) do you make to contact victim-witnesses when they have not appeared at an important court event? _____

(136-137)

17. Can you estimate the percentage of ^{dismissed} cases that are dismissed because the victim/witness did not appear or was unavailable? _____ %

(138-140)

III. VICTIM IMPACT STATEMENTS

18. Some jurisdictions use a victim impact statement, which is a written, formal statement about harm to the victim. It generally describes the extent of injury to the victim, what effect it has had on the victim's life; it may also contain the victim's opinion about sentencing, and so forth).

Your jurisdiction doesn't use a victim impact statement.
Do you think a victim impact statement would be useful?

No. 1
Yes 2

(141)

Why do you think that? [PROMPT RESPONDENT ABOUT HOW HE CURRENTLY GETS INFORMATION ABOUT THE VICTIM AND HOW OFTEN HE GETS IT AND IF IT IS USEFUL].

NOW SKIP TO Q24

19. Who prepares the victim impact statement?

Probation Department 1
Victim assistance program staff. 2
Victim 3
Other, specify _____ 4
Don't know. 9

(142)

20. I am going to read a list of people who may use the victim impact statement. Can you tell me if they use it and at which stage of prosecution. (Circle all that apply)

	Don't Know	Not Used	Plea Brng	Sent	Parole	Other, spec. _____	
Prosecutor	9	1	2	3	4	5	(143-148)
Judge	9	1	2	3	4	5	(149-154)
Probation Officer	9	1	2	3	4	5	(155-160)
Parole Board	9	1	2	3	4	5	(161-166)
Victim Assistance Staff	9	1	2	3	4	5	(167-172)
Other, specify _____	9	1	2	3	4	5	(173-178)

ASK Q20-22 ONLY IF PROSECUTOR USES THE VICTIM IMPACT STATEMENT.

21. Now look at the scale on Card B. Using the choices on Card B please indicate how reliable the information in the victim impact statement is? By reliable I mean accurate and complete. . . . _____ (179)

CARD B

- 1 - Never or rarely reliable
- 2 - Often reliable
- 3 - Always or nearly always reliable
- 4 - Don't know/never or rarely used

22. In what percentage of cases of the type we have been discussing was a victim impact statement available for you to read? _____% (180-181)

23. Please describe how you use it.

IV. VICTIM ASSISTANCE PROGRAMS

24. Does your jurisdiction provide services to victims either through your own offices or through outside agencies? (Circle all that apply)

- No . . . [skip to Q28]1
Yes, through our office.2
Yes, through outside agencies.3
Don't know . .[skip to Q28].4

(182-185)

What is the name of the victim services agency you are most familiar with?

25. Can you tell me what services are available at that agency? [DO NOT PROMPT RESPONDENT].

- o Help dealing with emotional effects.1
- o Help with transportation to attend court events.2
- o Help with child care while attending court events.3
- o Help with parking fees while attending court events.4
- o Assistance to repair broken locks, windows or doors5
- o Financial assistance other than witness fees6
- o Notification of court events7
- o Help dealing with legal process (e.g. going to court with victims).8
- o Referral to other community services9
- o Other, specify10
- o Advocacy.11
- o Don't know.12

(186-197)

26. Do you ever refer victims to an agency that provides these services?

No [Skip to Q28]. 1
Yes 2

(198)

If yes, in what percentage of cases do you refer victims to an agency that provides victim services? . . . ____ % (199-200)

27. When you have referred victims, what services did you usually expect the victim to use? [DO NOT PROMPT. CIRCLE ALL THAT APPLY]

- ☐ Help dealing with emotional effects. 1
- ☐ Help with transportation to attend court events. 2
- ☐ Help with child care while attending court events. 3
- ☐ Help with parking fees while attending court events. 4
- ☐ Assistance to repair broken locks, windows or doors 5
- ☐ Financial assistance other than witness fees 6
- ☐ Notification of court events 7
- ☐ Help dealing with legal process (e.g. going to court with victims). 8
- ☐ Referral to other community services 9
- ☐ Other, specify 10
-
- ☐ Advocacy. 11
- ☐ Don't know. 12

(201-212)

V. ROLE OF VICTIM

For the last set of questions, we would like to ask you a few general questions about the role of the victim in the criminal justice system.

28. I am going to read a series of stages in the adjudication process and I would like you to tell me if the victim is involved a great deal at that stage, somewhat involved, or not involved at all.

By involvement, I mean non-binding involvement--the victim is consulted and may express an opinion, but the decision maker is not required to follow the victim's wishes.

- 1 - not involved at all
- 2 - somewhat involved
- 3 - involved a great deal

	<u>Q.28</u>	<u>Q.29</u>	
Screening and charging	_____	_____	(213-214)
Setting bail	_____	_____	(215-216)
Diversion decisions.	_____	_____	(217-218)
Plea bargaining.	_____	_____	(219-220)
Sentencing	_____	_____	(221-222)

29. Now I would like you to tell me if the amount of the victim's involvement is about right or if the victim should be more or less involved at each stage.

- 1 - more involved
- 2 - less involved
- 3 - current involvement is about right

30. On a scale of 1 - 5 with 1 being least effective and 5 being most effective, how would you rate your jurisdiction in the effectiveness of its response to victims' needs? By effectiveness to victims' needs, I mean help victims understand what is happening in their cases and being sensitive to the problems and concerns caused by the crime. _____ (223)

Why did you give it this rating?

The last question asks you to think about ways the criminal justice system might be changed.

31. If your jurisdiction were given funds or other resources to create ways to improve relations between the victim and the courts, can you suggest how the funds or resources might be used?

32. Do you have any other comments on the role of the victim in the criminal justice system or do you have any questions to ask me?

THANK YOU FOR YOUR TIME AND COOPERATION

10-6-82

PROSECUTOR TELEPHONE INTERVIEW SCENARIOS VICTIM HARM PROJECT 9601

DOC ID: 0538C

SITE: _____

TODAY'S DATE: _____/82

TIME BEGAN: _____ ENDED: _____

INTERVIEWER: _____

Thank you for allowing us to interview you. I want to emphasize that anything you say today is completely confidential. No one will ever be able to associate your name with your answers and no names or other identifiers will be used in any reports or presentations that result from this project. I encourage you to be as candid as possible.

As you may know, this project is being funded by the U.S. Department of Justice. The purpose is to study and explain how various aspects of a case influence how police, prosecutors and judges do their jobs.

This interview will last approximately one hour. There is quite a bit of material to cover, so I will try to keep us moving along so we can finish within an hour.

10-6-82

DOC ID #0538C

PROSECUTOR QUESTIONNAIRE -- TELEPHONE & FACE-TO-FACE

2
T S # # #

(1-5)

I. PERSONAL BACKGROUND

We would first like to ask you some questions about your background and current position in the prosecutor's office.

1. How long have you been a prosecutor in this jurisdiction?

Under 1 year 1
1 - 3 years 2
3 - 5 years 3
5 - 10 years 4
Over 10 years 5

(6)

2. What percentage of your time during the past year did you spend on each of the following activities:

Screening cases for prosecutorial merit %
(issuing information/indictments)
Preparing cases for settlement or trial %
Trials [Time spent in court] %
Administrative responsibilities %
Other, specify _____ %

(7-9)

(10-12)

(13-15)

(16-18)

(19-21)

Total = 100%

3. During the past year, have you been assigned to a specialized crime prosecution team (e.g. career criminal, sexual assault unit)

No. 1
Yes 2

(22)

← If yes, what unit was that?

Career criminal. 1
Sexual assault 2
Robbery. 3
Burglary 4
Homicide 5
Violent crimes 6
Other, specify 7

(23)

II. OFFICE PROCEDURES AND POLICIES

Now we would like to ask you some questions about how your office operates.

We are primarily interested in crimes of robbery, sexual assault, burglary, assault and homicide. When answering these questions, please think about typical cases of robbery, sexual assault, burglary, assault, and homicide you have handled in the last 12 months.

4. Does your office have a policy about the kinds of cases that should be accepted at the screening stage?

No.1
Yes2

(24)

← If yes, can you describe the policy?

5. SCREENING DECISION

Now we would like to know how likely it is that certain types of cases would be accepted for prosecution by your office. We mailed to you some cases with characteristics that are typical of the types of cases you probably see. Please look at the packet that says "Prosecutor Screening estimates" at the top. Do you have those cases in front of you?

Some cases will, of course, be more common than others, but all will be like cases you may see over a year's time. Could you tell me what the interview number in the upper left hand corner of your packet is. [BE SURE THE NUMBER MATCHES YOUR NUMBER].

Please read the first case. [READ THROUGH THE CASE WITH THE INTERVIEWEE].

Over a period of time, if the police brought a group of 100 cases with these characteristics to your office, how many of the cases do you think would ordinarily be accepted for prosecution?

When you give your answer, use a scale of 0 to 100 with 0 being the condition in which no such a case would be accepted for prosecution and 100 being the condition in which all such cases would be accepted.

As you think about your answer keep in mind the variety of cases presented to your office over the past year in which there was probable cause to arrest an adult suspect.

Now can you tell me how many cases like the first case would be accepted?

[ADMINISTER SCENARIOS]

CASE NUMBER 1

LIKELIHOOD

OFFENSE: ARMED ROBBERY ON A CITY STREET
 VIC/DEF RELATIONSHIP: STRANGERS
 PRIOR CRIMINAL RECORD: DEFENDANT HAS ONE PRIOR FELONY
 CONVICTION
 PHYSICAL INJURY: INJURY REQUIRING 10 DAYS
 HOSPITALIZATION
 SEX OF VICTIM: FEMALE
 AGE OF VICTIM: 25 YEARS OLD
 PSYCHOLOGICAL INJURY: VICTIM NEEDS PSYCHOLOGICAL
 COUNSELING AS A RESULT OF
 THE CRIME
 CASH VALUE STOLEN PROP: \$20
 EVIDENCE: NO PROPERTY WAS RECOVERED

--- --- ---
 (25- 27)

CASE NUMBER 2

LIKELIHOOD

OFFENSE: SEXUAL ASSAULT
 VIC/DEF RELATIONSHIP: IMMEDIATE FAMILY
 PRIOR CRIMINAL RECORD: DEFENDANT HAS ONE PRIOR FELONY
 CONVICTION
 PHYSICAL INJURY: INJURY REQUIRING 10 DAYS
 HOSPITALIZATION
 SEX OF VICTIM: FEMALE
 AGE OF VICTIM: 10 YEARS OLD
 PSYCHOLOGICAL INJURY: VICTIM NEEDS PSYCHOLOGICAL
 COUNSELING AS A RESULT OF
 THE CRIME
 WITNESS AVAILABILITY: ONE WITNESS OTHER THAN THE
 VICTIM IS AVAILABLE

--- --- ---
 (28- 30)

CASE NUMBER 3

LIKELIHOOD

OFFENSE: HOMICIDE
 VIC/DEF RELATIONSHIP: STRANGERS
 PRIOR CRIMINAL RECORD: DEFENDANT HAS NO PRIOR RECORD
 SEX OF VICTIM: MALE
 AGE OF VICTIM: 25 YEARS OLD
 PSYCHOLOGICAL INJURY: SURVIVORS DO NOT NEED
 PSYCHOLOGICAL COUNSELING AS A
 RESULT OF THE CRIME
 WITNESS AVAILABILITY: NO WITNESSES ARE AVAILABLE

--- --- ---
 (31- 33)

(34 - 54)

Case #4 - Case #10

SENTENCING DECISION

Now we would like to ask you about sentencing practices.

6. Again think about all the cases of robbery, burglary, assault, sexual assault and homicide you've handled in the past year. In what percentage did you make recommendations to the judge about the sentence? _____ % (55-57)

You should have another set of case characteristics that say Prosecutor Sentencing Recommendations at the top, and a scale of possible penalties. I would like you to think about what kind of sentence you would recommend to the judge in these cases.

What is the interview number in the upper left corner? [BE SURE IT MATCHES YOUR NUMBER].

Now please read the first case. [READ IT WITH THE INTERVIEWEE].

If the judge asked you to recommend a sentence in a sample of 100 cases with these characteristics what sentence do you think you would recommend on average?

Use the sentencing scale attached to the cases to give your answer. You may choose any one of the penalties on the scale or any combination of the five types of penalties. For example, straight prison time without probation or a fine, or a combination of probation and a fine, or a "split sentence" involving some prison time followed by some probation time. You may also assume that the case has been disposed of in adult court, not juvenile court.

Please tell me what sentence you would recommend to the judge in this case.

[ADMINISTER SENTENCING SCENARIOS]

CARD E
SENTENCING SCALE

I
INCARCERATION

0 = no prison time
1 = up to 6 mos. time
2 = 7 mos. to 1 yr.
3 = 13 mos. to 2 yrs.
4 = 25 mos. to 4 yrs.
5 = 49 mos. to 10 yrs.
6 = 121 mos. to 20 yrs.
7 = more than 20 yrs.

F
FINE

0 = no fine
1 = \$1 to 100
2 = \$101 to 500
3 = \$501 to 1000
4 = \$1001 to 5000
5 = \$5001 to 10,000
6 = more than \$10,000

R
RESTITUTION

0 = no restitution
1 = restitution

P
PROBATION

0 = no probation
1 = up to 6 mos. probation
2 = 7 mos. to 1 yr.
3 = 13 mos. to 2 yrs.
4 = 25 mos. to 4 yrs.
5 = 49 mos. to 10 yrs.
6 = more than 10 yrs.

CS
COMMUNITY SERVICE

0 = no community service
1 = community service

INTERVIEW NUMBER 10 PROSECUTOR/SENTENCING RECOMMENDATIONS

CASE NUMBER 1

I P F R CS

OFFENSE: ARMED ROBBERY ON A CITY STREET
 VIC/DEF RELATIONSHIP: STRANGERS
 PRIOR CRIMINAL RECORD: DEFENDANT HAS ONE PRIOR FELONY
 CONVICTION
 PHYSICAL INJURY: INJURY REQUIRING 10 DAYS
 HOSPITALIZATION
 SEX OF VICTIM: FEMALE
 AGE OF VICTIM: 25 YEARS OLD
 PSYCHOLOGICAL INJURY: VICTIM DOES NOT NEED
 PSYCHOLOGICAL COUNSELING AS A
 RESULT OF THE CRIME
 CASH VALUE OF STOLEN PROP: \$20
 CONVICTION TYPE: GUILTY

(58 - 62)

CASE NUMBER 2

I P F R CS

OFFENSE: SEXUAL ASSAULT
 VIC/DEF RELATIONSHIP: IMMEDIATE FAMILY
 PRIOR CRIMINAL RECORD: DEFENDANT HAS NO PRIOR RECORD
 PHYSICAL INJURY: VICTIM WAS NOT PHYSICALLY
 INJURED
 SEX OF VICTIM: FEMALE
 AGE OF VICTIM: 10 YEARS OLD
 PSYCHOLOGICAL INJURY: VICTIM NEEDS PSYCHOLOGICAL
 COUNSELING AS A RESULT OF
 THE CRIME
 CONVICTION TYPE: GUILTY BY JURY

(63 - 67)

CASE NUMBER 3

I P F R CS

OFFENSE: HOMICIDE
 VIC/DEF RELATIONSHIP: STRANGERS
 PRIOR CRIMINAL RECORD: DEFENDANT HAS NO PRIOR RECORD
 SEX OF VICTIM: FEMALE
 AGE OF VICTIM: 25 YEARS OLD
 PSYCHOLOGICAL INJURY: SURVIVORS DO NOT NEED
 PSYCHOLOGICAL COUNSELING AS A
 RESULT OF THE CRIME
 CONVICTION TYPE: GUILTY BY JURY

(68 - 72)

(73 - 107)

Case #4 - Case #10

Now I am going to ask you some questions about victim harm and how victim harm affects how you do your job.

For these questions--and for the rest of the survey as well--when I say victim harm I mean the physical, emotional, financial and social effects of the crime on the victim.

For homicide cases victim harm refers to the harm suffered by close family members who survive the death of the victim.

7. In your jurisdiction who usually learns the most detail about the harm the victim suffered as a result of the crime? [Circle only one]

- Arresting officer 1
- Investigating officer 2
- Prosecutor 3
- Victim services representative 4
- Other, specify _____ 5
- Don't know 9

(108)

8. Do you use information about victim harm when you make a decision about cases you handle?

- No. 1
- Yes 2
- If no, why not? [GO TO Q.9a]

(109)

In the next question, I am going to ask you to measure the impact that victim harm has on your decision making. I would like you to think about a scale of 1 to 5 where one means victim harm has no impact and 5 means victim harms has a great deal of impact. I am going to read a series of stages of case processing and I would like you to tell me where on the scale you would place victim harm as a factor in decisions you make at each stage. If you do not make decisions at a particular stage, just say you don't participate at that stage.

No Impact 1 2 3 4 5 A Great Deal of Impact

(9=PROSECUTOR DOES NOT MAKE DECISIONS AT THIS STAGE)

How much impact does victim harm have:

- o when you decide to accept or reject a case. _____
- o when charges are filed _____
- o at the time bail is set. _____
- o during plea negotiations _____
- o when you recommend a sentence to the judge _____

(110-114)

9a. Now I would like you to think about all the various ways you learn about victim harm--both formal and informal ways, documents, conversations, etc.

What would you say are the two or three sources that give you the most complete and useful information about victim harm?

[DO NOT PROMPT. Check all that apply]

<u>Q. 9a Check</u>	<u>Q. 9b Rank</u>	<u>Q.10 Available</u>	
___ Medical report in assault, rape.	___	___ %	(115-118)
___ and homicide cases			
___ Conversation with arresting officer	___	___ %	(119-122)
___ and/or investigating officer.			
___ Conversation with the victim.	___	___ %	(123-126)
___ Police report.	___	___ %	(127-130)
___ Conversation with non-victim witnesses.	___	___ %	(131-134)
___ Photographs.	___	___ %	(135-138)
___ Trial testimony.	___	___ %	(139-142)
___ PSI.	___	___ %	(143-146)
___ Observation.	___	___ %	(147-150)
___ Other, specify _____	___	___ %	(151-154)

9b. And how would you rank those three sources in terms of their completeness and usefulness?

10. Of those three sources, can you estimate how often each source is available, that is in what percentage of your cases you have an opportunity to use each source.

Now I would like to ask some general questions about contact with victims.

11. In your jurisdiction who would you say keeps the victim most informed about the progress of his case? [Circle only one]

Arresting officer. 1
Investigating officer. 2
Prosecutor 3
Victim assistance program staff. 4
Other, specify _____ 5
Don't know 9

(155)

Think about the type of cases we've been discussing and the contacts you've had with victims in these cases--both formal and informal contacts--including: telephone, correspondence, or in person.

12. For cases involving the following crimes, how many times, on average, do you or other prosecutors have contact with the victim or victim survivors about his/her case?

Robbery _____ (156-157)
Sexual Assault _____ (158-159)
Burglary _____ (160-161)
Assault _____ (162-163)
Homicide _____ (164-165)

13. Over the past year, what percentage of your contacts were by telephone, in-person, or by written correspondence?:

Telephone conversation _____% (166-167)
In-person conversation _____% (168-169)
Correspondence _____% (170-171)

Total 100%

14. In what percentage of your cases do you have verbal or written contact with the victim after conviction? _____% (172-174)

15. Now I would like to ask you about the nature of your communications with victims. We have listed three major areas of conversation or correspondence you may have with victims. These are: 1) getting specific evidentiary facts about the case; 2) asking the victim about any kind of non-evidentiary harm s/he suffered, for example, problems or concerns h/she has had to deal with because of the crime, psychological needs and so forth; and 3) telling the victim general information about court procedures, and where and when to appear next.

Are there any other topics of conversation you might have with the victim?

Now think about all the contacts you've had with the victims in the type of cases we have been discussing.

We would like to get a broad picture of the nature of your contacts with victims. Of those three (or more) topic areas how much of the time do you spend with victims on each topic? Please try to apportion your time among the three topics so your total time spent adds up to 100%.

- a) Getting specific evidentiary facts about the crime__ __ % (175-177)
- b) Asking about any kind of non-evidentiary harm the victim experienced eg. problems or concerns resulting from the offense, psychological needs as a result of the crime.__ __ % (178-180)
- c) Telling the victim general information about court procedures, and where and when to appear next.__ __ % (181-183)
- d) Other, specify _______ __ % (184-186)
- Total= 100%

16. In what percentage of the cases do you tell the victim how the case turned out:

- a) When the case is not accepted for prosecution.__ __ % (187-189)
- b) When the case is initially accepted, but later dismissed.__ __ % (190-192)
- c) When the case results in a guilty plea__ __ % (193-195)
- d) After sentencing__ __ % (196-198)

17. On average, about how many attempts (calls or in-person by police or investigator) do you make to contact victim-witnesses when they have not appeared at an important court event? ____ (199-200)
18. Can you estimate the percentage of dismissed cases that are dismissed because the witness/victim did not appear or was unavailable? ____% (201-203)

III. VICTIM IMPACT STATEMENTS

19. Some jurisdictions use a victim impact statement, which is a written, formal statement about harm to the victim. It generally describes the extent of injury to the victim, what effect it has had on the victim's life; it may also contain the victim's opinion about sentencing, and so forth).

Your jurisdiction doesn't use a victim impact statement.
Do you think a victim impact statement would be useful?

No. 1
Yes 2

(204)

Why do you think that? [PROMPT RESPONDENT ABOUT HOW HE CURRENTLY GETS INFORMATION ABOUT THE VICTIM AND HOW OFTEN HE GETS IT AND IF IT IS USEFUL].

NOW SKIP TO Q25

20. Who prepares the victim impact statement?

Probation Department 1
Victim assistance program staff. 2
Victim 3
Other, specify _____ 4
Don't know. 9

(205)

21. I am going to read a list of people who may use the victim impact statement. Can you tell me if they use it and at which stage of prosecution. (Circle all that apply)

	Don't Know	Not Used	Plea Brgn	Sent	Parole	Other, spec.	
Prosecutor	9	1	2	3	4	5	(206-211)
Judge	9	1	2	3	4	5	(212-217)
Probation Officer	9	1	2	3	4	5	(218-223)
Parole Board	9	1	2	3	4	5	(224-229)
Victim Assistance Staff	9	1	2	3	4	5	(230-235)
Other, specify _____	9	1	2	3	4	5	(236-241)

ASK Q20-22 ONLY IF PROSECUTOR USES THE VICTIM IMPACT STATEMENT.

22. Now look at the scale on Card B. Using the choices on Card B please indicate how reliable the information in the victim impact statement is? By reliable I mean accurate and complete. . . . _____ (242)

CARD B

- 1 - Never or rarely reliable
- 2 - Often reliable
- 3 - Always or nearly always reliable
- 4 - Don't know/never or rarely used

23. In what percentage of cases of the type we have been discussing was a victim impact statement available for you to read? _____% (243-244)
24. Please describe how you use it.

IV. VICTIM ASSISTANCE PROGRAMS

25. Does your jurisdiction provide services to victims either through your own offices or through outside agencies? (Circle all that apply)

- No . . . [skip to Q29]1
Yes, through our office.2
Yes, through outside agencies.3
Don't know . . [skip to Q29].4

(245-248)

What is the name of the victim services agency you are most familiar with?

26. Can you tell me what services are available at that agency? [DO NOT PROMPT RESPONDENT].

- o Help dealing with emotional effects.1
- o Help with transportation to attend court events.2
- o Help with child care while attending court events.3
- o Help with parking fees while attending court events.4
- o Assistance to repair broken locks, windows
or doors5
- o Financial assistance other than witness fees6
- o Notification of court events7
- o Help dealing with legal process (e.g. going to court
with victims).8
- o Referral to other community services9
- o Other, specify10
- o Advocacy.11
- o Don't know.12

(249-250)

27. Do you ever refer victims to an agency that provides these services?

No [Skip to Q29]. 1
Yes 2

(261)

If yes, in what percentage of cases do you refer victims to an agency that provides victim services? . . . ____ % (262-263)

28. When you have referred victims, what services did you usually expect the victim to use? [DO NOT PROMPT RESPONDENT. WRITE DOWN THE RESPONSE.]

- o Help dealing with emotional effects. 1
- o Help with transportation to attend court events. 2
- o Help with child care while attending court events. 3
- o Help with parking fees while attending court events. 4
- o Assistance to repair broken locks, windows
or doors 5
- o Financial assistance other than witness fees 6
- o Notification of court events 7
- o Help dealing with legal process (e.g. going to court
with victims). 8
- o Referral to other community services 9
- o Other, specify 10
- o Advocacy. 11
- o Don't know 12

(264-275)

V. ROLE OF VICTIM

For the last set of questions, we would like to ask you a few general questions about the role of the victim in the criminal justice system.

29. I am going to read a series of stages in the adjudication process and I would like you to tell me if the victim is involved a great deal at that stage, somewhat involved, or not involved at all.

By involvement, I mean non-binding involvement--the victim is consulted and may express an opinion, but the decision maker is not required to follow the victim's wishes.

- 1 - not involved at all
- 2 - somewhat involved
- 3 - involved a great deal

	<u>Q.29</u>	<u>Q.30</u>	
Screening and charging	_____	_____	(276-277)
Setting bail	_____	_____	(278-279)
Diversion decisions.	_____	_____	(280-281)
Plea bargaining.	_____	_____	(282-283)
Sentencing	_____	_____	(284-285)

30. Now I would like you to tell me if the amount of the victim's involvement is about right or if the victim should be more or less involved at each stage.

- 1 - more involved
- 2 - less involved
- 3 - current involvement is about right

31. On a scale of 1 - 5 with 1 being least effective and 5 being most effective, how would you rate your jurisdiction in the effectiveness of its response to victims' needs? By effectiveness to victims' needs, I mean help victims understand what is happening in their cases and being sensitive to the problems and concerns caused by the crime. _____ (286)

Why did you give it this rating?

The last question asks you to think about ways the criminal justice system might be changed.

32. If your jurisdiction were given funds or other resources to create ways to improve relations between the victim and the courts, can you suggest how the funds or resources might be used?

33. Do you have any other comments on the role of the victim in the criminal justice system or do you have any questions to ask me?

THANK YOU FOR YOUR TIME AND COOPERATION

10-6-82

JUDGE'S INTERVIEW SCENARIOS VICTIM HARM PROJECT 9601

DOC ID: 1394M

SITE: _____

TODAY'S DATE: _____/82 TIME BEGAN: _____ ENDED: _____

INTERVIEWER: _____

Thank you for allowing us to interview you. I want to emphasize that anything you say today is completely confidential. No one will ever be able to associate your name with your answers and no names or other identifiers will be used in any reports or presentations that result from this project. I encourage you to be as candid as possible.

As you may know, this project is being funded by the U.S. Department of Justice. The purpose is to study and explain how various aspects of a case influence how police, prosecutors and judges do their jobs.

This interview will last approximately one hour. There is quite a bit of material to cover, so I will try to keep us moving along so we can finish within an hour.

10-6-82

DOC ID #1394M

JUDGE QUESTIONNAIRE -- SCENARIOS

4
T S # # #

(1-5)

I. PERSONAL BACKGROUND

We would first like to ask you some questions about your background and current position in the court.

1. How long have you been a judge in this jurisdiction?

less than 6 months 1
7 months to 1 year 2
13 months to 2 years 3
25 months to 5 years 4
more than 5 years 5

(6)

2. What percentage of your time in the past year did you spend
on criminal cases %

(7-9)

II. CASE PROCESSING AND SENTENCING

Now we would like to ask you some questions about how cases in your jurisdiction are decided.

We are primarily interested in crimes of robbery, sexual assault, burglary, assault and homicide. When answering these questions, please think about typical cases of robbery, sexual assault, burglary, assault, and homicide you have seen in the last 12 months.

3. We have described some case characteristics that are typical of the types of cases you probably see. Some will, of course, be more common than others, but all will be like cases you may see over a year's time.

[GIVE INTERVIEWEE THE SCENARIOS].

Here are the cases. Before you read through them, could you tell me what the interview number in the upper left hand corner of your packet is? [BE SURE THE NUMBER MATCHES YOUR NUMBER].

Please read the first case. [READ THROUGH THE CASE WITH THE INTERVIEWEE].

I'd like you to think about the average sentence you might give if a sample of 100 cases with these characteristics came to you for sentencing over a long period of time. As you think about your answer, keep in mind the variety of cases you have seen in the last year that had these kind of characteristics.

[GIVE INTERVIEWEE CARD E].

Use the sentencing scale of Card E to give your answer. You may choose any one of the penalties on the scale or any combination of the five types of penalties. For example, straight prison time without probation or a fine, or a combination of probation and a fine, or a "split sentence" involving some prison time followed by some probation time.

Assume that the defendant would actually serve the time you recommend, i.e., that the parole board's role is minimal. You may also assume that the case has been disposed of in adult court, not juvenile court.

CARD E
SENTENCING SCALE

I
INCARCERATION

0 = no prison time
1 = up to 6 mos. time
2 = 7 mos. to 1 yr.
3 = 13 mos. to 2 yrs.
4 = 25 mos. to 4 yrs.
5 = 49 mos. to 10 yrs.
6 = 121 mos. to 20 yrs.
7 = more than 20 yrs.

F
FINE

0 = no fine
1 = \$1 to 100
2 = \$101 to 500
3 = \$501 to 1000
4 = \$1001 to 5000
5 = \$5001 to 10,000
6 = more than \$10,000

R
RESTITUTION

0 = no restitution
1 = restitution

P
PROBATION

0 = no probation
1 = up to 6 mos. probation
2 = 7 mos. to 1 yr.
3 = 13 mos. to 2 yrs.
4 = 25 mos. to 4 yrs.
5 = 49 mos. to 10 yrs.
6 = more than 10 yrs.

CS
COMMUNITY SERVICE

0 = no community service
1 = community service

INTERVIEW NUMBER 60 JUDGE/SENTENCING RECOMMENDATIONS

CASE NUMBER 1

I P F R CS

OFFENSE: ARMED ROBBERY ON A CITY STREET
 VIC/DEF RELATIONSHIP: STRANGERS
 PRIOR CRIMINAL RECORD: DEFENDANT HAS ONE PRIOR FELONY
 CONVICTION
 PHYSICAL INJURY: INJURY REQUIRING 10 DAYS
 HOSPITALIZATION
 SEX OF VICTIM: FEMALE
 AGE OF VICTIM: 25 YEARS OLD
 PSYCHOLOGICAL INJURY: VICTIM NEEDS PSYCHOLOGICAL
 COUNSELING AS A RESULT OF
 THE CRIME
 CASH VALUE STOLEN PROP: \$1000
 CONVICTION TYPE: GUILTY BY JURY

(10- 14)

SAMPLE

CASE NUMBER 2

I P F R CS

OFFENSE: SEXUAL ASSAULT
 VIC/DEF RELATIONSHIP: IMMEDIATE FAMILY
 PRIOR CRIMINAL RECORD: DEFENDANT HAS ONE PRIOR FELONY
 CONVICTION
 PHYSICAL INJURY: INJURY REQUIRING 10 DAYS
 HOSPITALIZATION
 SEX OF VICTIM: FEMALE
 AGE OF VICTIM: 30 YEARS OLD
 PSYCHOLOGICAL INJURY: VICTIM DOES NOT NEED
 PSYCHOLOGICAL COUNSELING AS A
 RESULT OF THE CRIME
 CONVICTION TYPE: GUILTY PLEA

(10- 19)

CASE NUMBER 3

I P F R CS

OFFENSE: HOMICIDE
 VIC/DEF RELATIONSHIP: STRANGERS
 PRIOR CRIMINAL RECORD: DEFENDANT HAS ONE PRIOR FELONY
 CONVICTION
 SEX OF VICTIM: MALE
 AGE OF VICTIM: 65 YEARS OLD
 PSYCHOLOGICAL INJURY: SURVIVORS DO NOT NEED
 PSYCHOLOGICAL COUNSELING AS A
 RESULT OF THE CRIME
 CONVICTION TYPE: GUILTY PLEA

(20- 24)

(25 - 59)

Case #4 - Case #10

Now I am going to ask you some questions about victim harm and how victim harm affects how you do your job.

For these questions--and for the rest of the survey as well--when I say victim harm I mean the physical, emotional, financial and social effects of the crime on the victim.

For homicide cases victim harm refers to the harm suffered by close family members who survive the death of the victim.

4. In your jurisdiction who usually learns the most detail about the harm the victim suffered as a result of the crime? (Circle only one)

Arresting officer	1	
Investigating officer	2	
Prosecutor	3	
Victim services representative	4	
Other, specify _____	5	
Don't know	9	(60)

5. Do you use information about victim harm when you make decisions about the cases you decide?

└─	No. [Skip to Q5]	1	
	Yes	2	(61)
	→ If no, why not?		

↓
If yes, [GIVE INTERVIEWEE CARD F]. Please look at Card F. It is a scale you can use to measure the impact victim harm has on decisions you make at various stages of adjudication. On the scale 1 means victim harm does not matter at all and 5 means victim harm matters a great deal when you make a decision about the case.

No Impact 1 2 3 4 5 A Great Deal of Impact

(9=JUDGE DOES NOT MAKE DECISIONS AT THIS STAGE)

How much impact does victim harm have:

o at the time bail is set _____ (62)

o at sentencing _____ (63)

o other, specify _____ (64)

6a. Now I would like you to think about all the various ways you learn about victim harm--both formal and informal ways, documents, conversations, and so forth.

What would you say are the two or three sources that give you the most complete and useful information about victim harm?

[DO NOT PROMPT. CHECK ALL THAT APPLY]

<u>Q. 6a Check</u>	<u>Q. 6b Rank</u>	<u>Q.7 Available</u>	
_____ Medical report in assault, rape.	_____	_____ %	(65-68)
_____ and homicide cases			
_____ Conversation with arresting officer	_____	_____ %	(69-72)
_____ and/or investigating officer.			
_____ Conversation with the victim.	_____	_____ %	(73-76)
_____ Police report.	_____	_____ %	(77-80)
_____ Conversation with non-victim witnesses. _____	_____	_____ %	(81-84)
_____ Photographs.	_____	_____ %	(85-88)
_____ Other, specify _____	_____	_____ %	(89-92)
_____ Other, specify _____	_____	_____ %	(93-96)

6b. And how would you rank those three sources in terms of their completeness and usefulness?

7. Of those three sources, can you estimate how often each source is available, that is in what percentage of your cases you have an opportunity to use each source?

8. Do you believe the quality of information you receive about harm to the victim could be easily improved? By quality we mean accuracy and completeness.

No. 1
 Yes 2

(97)

↙ If yes, can you suggest ways improvement might be accomplished?

Now I would like to ask some general questions about contact with victims.

9. When court events are scheduled or rescheduled who usually notifies the victim? (Circle only one)

Arresting officer	1	
Investigating officer	2	
Prosecutor	3	
Victim assistance program staff	4	
Court clerk	5	
Other, specify _____	6	
Don't know; not a concern of the court	9	(98)

10. In your jurisdiction who would you say keeps the victim most informed about the progress of his case? (Circle one)

Arresting officer.	1	
Investigating officer.	2	
Prosecutor.	3	
Victim assistance program staff.	4	
Other, specify _____	5	
Don't know; not a concern of the court	9	(99)

11. Do you generally have any contact with victims in typical cases that result in conviction? By contact, I mean both formal and informal, e.g. telephone, correspondence, in person, etc.?

No.	1	
Yes	2	
Sometimes	3	(100)

← If yes or sometimes, in a typical case that results in conviction how many times, on average, do you have contact with the victim about his/her case? (101-102)

12. When victims and witnesses are scheduled to appear at an initial court event and don't show up, are you generally able to find out why they did not appear?

No.1
Yes2
→Why not?

(103)

How do you usually find out?

III. VICTIM IMPACT STATEMENTS

13. Some jurisdictions use a victim impact statement, which is a written, formal statement about harm to the victim. It is often used by criminal justice officials as case processing decisions are made. Does your jurisdiction use a victim impact statement?

No.1
Yes . . [skip to Q15]2 (104)

14. Do you think a victim impact statement would be useful to you?
(A victim impact statement generally describes the extent of injury to the victim, what effect it has had on the victim's life; it may also contain the victim's opinion about sentencing and so forth).

{ No.1
 { Yes2 (105)
 ↙
 why or why not?

NOW SKIP TO Q20

15. Who prepares the victim impact statement?

Probation Department1
 Victim assistance program staff.2
 Victim3
 Other, specify _____4
 Don't know.9 (106)

16. I am going to read a list of people who may use the victim impact statement. Can you tell me if they use it and at which stage of prosecution. (Circle all that apply)

	Don't Know	Not Used	Plea Brngn	Sent	Parole	Other, spec. _____	
Prosecutor	9	1	2	3	4	5	(107-112)
Judge	9	1	2	3	4	5	(113-118)
Probation Officer	9	1	2	3	4	5	(119-124)
Parole Board	9	1	2	3	4	5	(125-130)
Victim Assistance Staff	9	1	2	3	4	5	(131-136)
Other, specify _____	9	1	2	3	4	5	(137-142)

ASK Q.17-Q.19 ONLY IF JUDGE USES THE VICTIM IMPACT STATEMENT.

17. Now look at the scale on Card B. Using the choices on Card B please indicate how reliable the information in the victim impact statement is? By reliable I mean accurate and complete. (143)

CARD B

- 1 - Never or rarely reliable
- 2 - Often reliable
- 3 - Always or nearly always reliable
- 4 - Don't know/never or rarely used

18. In what percentage of the cases of the type we've been discussing was a victim impact statement available for you to read? (144-146)

19. Please describe how you use it.

IV. VICTIM ASSISTANCE PROGRAMS

20. Does your jurisdiction provide services to victims either through your own offices or through outside agencies? (Circle all that apply)

No . . . [skip to Q24]1
Yes, through our office.2
Yes, through outside agencies.3
Don't know . .[skip to Q24].4

(147-150)

What is the name of the victim service agency you are familiar with?

21. Can you tell me what services are available at that agency? (DO NOT PROMPT RESPONDENT).

o Help dealing with emotional effects.1
o Help with transportation to attend court events.2
o Help with child care while attending court events.3
o Help with parking fees while attending court events.4
o Assistance to repair broken locks, windows
or doors5
o Financial assistance other than witness fees6
o Notification of court events7
o Help dealing with legal process (e.g. going to court
with victims).8
o Referral to other community services9
o Other, specify10

o Advocacy.11
o Don't know.12

(151-162)

22. Do you ever refer victims to an agency that provides these services?

No [Skip to Q24].1
Yes2

(163)

← If yes, in what percentage of cases do you refer victims to an agency that provides victim services? %

(164-165)

23. When you have referred victims, what services did you usually expect the victim to use? [DO NOT PROMPT RESPONDENT].

- o Help dealing with emotional effects.1
- o Help with transportation to attend court events.2
- o Help with child care while attending court events.3
- o Help with parking fees while attending court events.4
- o Assistance to repair broken locks, windows
or doors5
- o Financial assistance other than witness fees6
- o Notification of court events7
- o Help dealing with legal process (e.g. going to court
with victims).8
- o Referral to other community services9
- o Other, specify10
- o Advocacy.11
- o Don't know12

(166-177)

24. On a scale of 1 - 5 with 1 being least effective and 5 being most effective, how would you rate your jurisdiction in the effectiveness of its response to victims' needs? By effectiveness to victims' needs, I mean help victims understand what is happening in their cases and being sensitive to the problems and concerns caused by the crime

(178)

Why did you give it this rating?

V. ROLE OF VICTIM

For the last set of questions, we would like to ask you a few general questions about the role of the victim in the criminal justice system.

25. Some people believe the victim should have more non-binding involvement in the criminal justice process. I am going to read a series of stages of case processing and ask you to tell me if you think the amount of victim involvement in your jurisdiction is about right or if the victim should be more or less involved at each stage in the criminal justice process?

- 1 - more involved
- 2 - less involved
- 3 - current involvement is about right

Screening and charging	_____	(179)
Setting bail	_____	(180)
Diversion decisions.	_____	(181)
Plea bargaining.	_____	(182)
Sentencing	_____	(183)

The last two questions ask you to think about ways the criminal justice system might be changed.

26. If your jurisdiction were given funds or other resources to create ways to improve the relationship between the victim and the courts, can you suggest how the funds or resources might be used?

27. If a defendant is convicted upon a plea or after a trial do you think civil damages should be awarded to the victim?

No . . . . .	.1
Yes. . . . .	.2
Sometimes. . . . .	.3
Don't know . . . . .	.4

→ If no, why not?

(184)

↓
If yes or sometimes, can you suggest what mechanics might be used?

Do you have any other comments on the role of the victim in the criminal justice system?