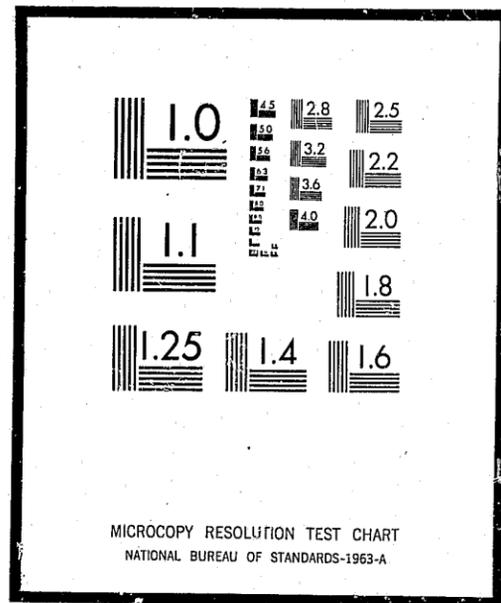


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THE VICTIM ADVOCATE
A PROPOSAL FOR COMPREHENSIVE
VICTIM SERVICES

by
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Overview

The plight of victims is being addressed worldwide, mostly through monetary compensation measures and scientific studies. This project attempts to add another dimension to the concern for victims. It extends a helping hand to victims who, for the most part, are ignorant of what services or funds are available, are unfamiliar with bureaucratic procedures necessary to secure assistance, and are usually too traumatized to know how to even begin to cope with their dilemma. This project would help bridge the gap between the victim and the resources, and finally make the victim a bonafide recipient of needed services rather than a step-child who, heretofore, has only suffered at the hands of the criminal justice system.

The Problem

Every year, throughout the world, thousands upon thousands of crimes are committed upon untold numbers of victims. Billions of dollars are spent to process and rehabilitate the perpetrators of these crimes, but little is done for the victims. From a recent national survey it was found that the risk of victimization is highest among the lower income groups for all offenses except homicide, larceny and vehicle theft; it affects non-whites more often for all offenses except larceny; it is more often aimed at men except in cases of forcible rape; and the greatest risk occurs in the 20 to 29 year age group, except for larceny against women

provided for unusually vulnerable people. Other countries such as England, Canada, New Zealand and Australia have comprehensive victim compensation programs. In the U. S., legislation is presently pending designed to compensate the victims of violent Federal crimes or their survivors, plus those who intervene to prevent such crimes. A specially appointed Victim Compensation Board would administer the program through the Department of Justice. Compensation up to \$50,000 could be provided following a claim filing procedure by a victim or his surviving dependents if specific amounts of money lost were verified. Such claims could include medical expenses, physical and occupational therapy, loss of earnings, support payments for dependents, and even funeral expenses which resulted from the crime committed.

Some victims are repaid for property losses if the offender is able to make restitution. A unique notion that restitution to the victim is the personal responsibility of the offender as an integral part of the correctional process was early posited by the noted victimologist Steven Schafer.³ He also suggested that "correctional restitution" could be woven into the total rehabilitative process, underscoring the "functional responsibility" of the criminal.⁴ Another victimologist, Zvonimir Separavic, claims that compensation to victims should not be made automatically, but that the offender should be charged with the responsibility of restoring his victims to his pre-crime position. This would significantly increase the rehabilitative potential of the correctional system.⁵ President Johnson's Commission on Law Enforcement and the Administration of Justice found that only fifty percent (50%) of all crimes

and burglary, larceny and vehicle theft against men.¹ In the United States, the president's National Crime Commission stated that "One of the most neglected subjects is the study of crime to its victims."² The problem has a number of important dimensions.

The first is the immediate harm received by a victim (monetary, physical or emotional). Victims may be direct victims, (those who are the recipients of the criminal act), and indirect victims, (those who suffer as a result of the direct victim's injuries). The idea of reimbursing the victim for his injuries is not at all new. In ancient Babylonia, sections 22-24 of Hammurabi's Code specify that: "If a man has committed robbery and is caught, that man shall be put to death. If the robber is not caught, the man who has been robbed shall formally declare what he has lost...and the city...shall replace whatever he has lost for him. If it is the life of the owner that is lost, the city or the mayor shall pay one maneh of silver to his kinsfold."

In ancient Arabia, the responsibility for the dependents of homicide victims was placed on the community. In the Bible, Deuteronomy 21:1-9, recognition is made to the shedding of innocent blood as defiling the land until some form of atonement is made. This notion continued on through Middle English history to provide a murdered man's family with a werguild of four pounds (at that time a large statutory sum given to his kinsfolk).

From a monetary standpoint, many states and the Federal government have developed victim compensation legislation. In some instances, a reimbursement is provided for specific types of injury resulting from a crime. In other instances, a special insurance is

are ever reported. The F.B.I. concluded that of those crimes reported only 20% are cleared by arrest. Of those cases cleared only 28% of the offenders are convicted. This 28% represents 3% of the total number of persons committing crimes. Of these 3% few are able to make even token restitutions to the victim. The majority of these offenders come from the lowest income groups.⁶ Leroy Lamborn points out that:

"All types of crimes are committed by persons from all economic levels of society, but a substantial proportion of crime is committed by persons with little property. Forty-three percent of the persons tried for all felonies are found to be indigent for the purpose of court appointment of defense counsel and fifty-six percent are not released prior to trial because they cannot raise bail. Whatever assets there are of those able to afford counsel are often consumed by the legal costs of the defense and finally fines reduce or eliminated the assets of the criminal while imprisonment restricts his earning power."⁷

Thus, little real aid can be seen coming from the offender. Yet, each criminal should at least be made to give a token restitution.

Local community assistance to victims of both property and personal crimes is almost non-existent. The emotional upheaval of a person assaulted, a girl raped or a family who has had one of their members murdered, has been virtually ignored by the criminal justice system. One exception is in Chicago at the University of Chicago's Billings Hospital. Special treatment is provided to rape victims dealing both with immediate and long-term problems. In an article by Ronald Kotulak of the Chicago Tribune Service a program was explained dealing with the emotional needs of an assault and/or rape victim and the physical needs.⁸ Child victims of adult sex offenders are the community's least protected children. Vincent De Francis notes that most of our communities fail to answer the

needs of children who are victims of sex crimes.⁹ The physical needs of victims have always been available as a matter of course. Yet, for the poor, even minimal medical attention is often avoided due to expenses the victim must pay. Thus, free medical services, though available through local clinics, are usually not known to those who require these services.

The second dimension concerns the protection of the victim from resultant social stress. This may result from either direct exploitation by the media in the promotion of sensationalism and/or community rejection due to distorted information surrounding the incident and harmful stereotyping of certain victim types. Especially relevant to victims of personal crimes is the community's response and its effect on the injury frequently compounded and prolonged inadvertently by the media. Not only does this tend to perpetuate the emotional injury but it also weakens the rational treatment of offenders. It generates excessive hostility, accentuating retribution at the expense of rehabilitation.

Much of the retribution meted out toward offenders by the system is a formal attempt to collectively carry out vengeance on a criminal to compensate for the injury done to the victim. In large part, the punitive attitude toward an offender is expressed in proportion to the degree of perceived injury to the victim. It is reasonable to hypothesize that if victims were systematically treated for their actual injuries, the degree of perceived injury would be effectively reduced and the resultant hostility toward the offender (especially in the sentencing process) significantly mitigated. Thus, the process of sentencing and classification could

be more objective and less emotionally clouded, affording more rational decisions with offender treatment programs.

A third dimension concerns the victim/offender relationships. In many instances victims play a significant role in the commission of crimes. Franz Werfel, in his well known novel *Der Ermordete Ist Schuld* (The Murdered One is Guilty), goes so far as to claim that in some instances the victim is the guilty party. However, most victims are innocently involved in crimes and should be given all the assistance necessary to restore them to their original state. In many cases, victims are found to be repeatedly involved in crimes. Yet, this "victim recidivism" continues unchecked, creating situations which produce further crime. Thus, in many instances, the attention to the victim/offender relationship could have been of relevant preventive value. Victim files need to be kept. Presently, few municipalities have files on the extent of victim involvement in a crime. In many instances, victims need therapeutic services in order to alter their criminogenic behavior. In Yugoslavia, if a victim is found to have contributed to his fate, no restitution is made.¹⁰ Specific treatment modalities need to be developed for this type client who is inextricably a part of the crime problem. In Schafer's Florida study, it was found that six percent of the cases studied involved direct provocation by the victim, and an additional four percent involved passivity by the victim.¹¹ In words of the noted victimologist Von Hentig, the crime precipitant victim is an "active sufferer" and modifier of the offender's criminal behavior.¹² Another victimologist, Wolfgang, states that "except in cases in which the victim is an innocent bystander, the victim may be one of the major precipitating

causes of his own demise."¹³

The Objectives

The point of this proposal is to provide a community with victim advocates who would assist victims by intervening in the crisis and acting as community facilitators directing the victim to the community's resources.

Some specific behavioral objectives could be:

1. As part of the preparation for the project the advocate first would identify the number of victims of felony offenses that occur within a twelve (12) month period for a given community.
2. To assist victims with their plight by interviewing each, and if the case warrants following through with limited counseling and guidance. Services would not be obligatory.
3. During this initial interview the advocates would provide victims with advice as to what existing community services are available and how they can be obtained.
4. The advocate would provide victims with a community services packet that would contain directories and instruction for each separate community agency that could be of potential assistance to a victim in need (VIN).
5. In those cases where the victim is not able to help himself (due to emotional or physical trauma) an advocate would act as a resource facilitator, i.e. make contact with resource agencies, and arrange for transportation of the victim to community agencies.
6. Upon request, the advocates would provide the media with

accurate information about the victim, and if deemed necessary, act as a buffer between the victim and the media. The amount and type of information provided should be determined by its impact on the welfare of the victim.

7. Advocates would fill out a questionnaire on each victim during an initial interview to ascertain the relationship between the offender and the victim. These data would be kept on file and upon legitimate request made available to the community social and mental health agencies dealing with victims. This record keeping could be mandatory depending on local sentiment.
8. The advocates would contribute to the pre-sentence investigation, providing information on the victim that has relevant bearing on the commission of the crime in question and thus on the sentencing process.
9. The advocates would familiarize themselves with all Federal, State and local laws pertaining to victim compensation, and thus serve as a resource person for victims who need information obtaining these funds.
10. The advocates would be expected to attend professional conferences and familiarize themselves with the current literature in the field of victimology. This would help keep their knowledge and skill abreast of changes in the field.
11. The advocates would make themselves available to the community at large as a preventative resource working in

conjunction with other agencies, e.g. police, in efforts to prevent people from becoming potential victims. This would include carrying on a continuous public relations program to let the community know about the Victim Advocate program.

12. In an effort to make restitution part of the correctional process, the victim advocates would provide the courts and correctional agencies with whatever information on the victim deemed necessary to facilitate the rehabilitation of the offender.

The Recommended Procedures and Timetable

The activities of the advocates would be to act as a temporary sponsor/helper/friend to the victim in an effort to reduce the injury suffered from the crime and to prevent the possibility of a recurrence of further victimization.

Ideally, the victim advocates should be located in the immediate proximity of a law enforcement agency and establish a close working relationship with the operations section. This requirement would provide the advocates with timely information on newly identified victims. The number of advocates should be proportional to the number of victims identified in the community.

Another essential component of this project should be to obtain hard data on the nature of the victim problem in the respective community. Research should be used to tailor the early stages of the Victim Advocate Project to the respective community under consideration.

The recommended activities and time frames are as follows:

Phase I - (two months)

The hiring of the victim advocates would be the first step of this phase. At a minimum, these persons should: have at least a Bachelor's Degree in a social science related area; know the community well; and have a minimum of two year's experience in related community service work. The actual selection of the advocates would be the task of the local government.

Once advocates are hired the project should select a secretary who has also worked in a community service agency. Extensive public awareness of this new service should be exercised to the maximum extent possible.

One of the main purposes of this phase would be to develop an operating procedures manual working draft tailored to the community being served. This phase would also be concerned with devising criteria for identifying victims in need (VINS). These criteria would be related to the commission of a reported crime and necessarily depend on direct cooperation and coordination with law enforcement agencies, to provide immediate notification of a possible victim; the prosecutor, to minimize the dehumanizing impact on the victim by the judicial process; and the courts, to protect the victim from undue emotional stress resulting from the victim's appearance in court, and to encourage the use of restitution as part of each offender's sentence.

The direct involvement of the victim advocate in the legal process should be avoided to the greatest extent possible. The advocate is not a lawyer and should not offer legal advice nor represent the victim in any legal matters. Thus, specific legal questions surrounding the crime should not be addressed, rather the

victim's injury and the proclivity for future victimization would be the main point of concern for the project. The criteria developed would address such areas as: types of alleged crime (personal or property); type and degree of injury (monetary, physical and/or emotional); ability of victim to recover from this injury; and impact of the crime on the community.

Also during this phase the initial interview questionnaire will be completed. This document would be aimed at providing: data for the various service agencies; assistance in the speedy resolution of immediate crisis brought about by the commission of a crime; information for the media; information that would provide an understanding of the offender/victim relationship; and basic data on the victim's background for research data.

Phase II - (three months)

This phase would be concerned with limited implementation. It would require working closely with criminal justice and welfare agencies of the community. During this phase the project would test its forms and procedures possibly using only special categories of victims, e.g. property crimes, or personal crimes. One week before the end of this phase an evaluation of these three months would be conducted. This week would be used principally to revise the overall procedures manual and the project's forms in preparation for Phase III which would address services for all eligible clients.

Phase III - (seven months)

This phase will place the project into full operation using a revised procedures manual draft and new forms. At this point, all victims of personal and property felonies might be considered for inclusion as clients. Another important part of this phase, separate

from the actual services rendered, is the preparation for subsequent funding of either federal, state, or local resources.

The Available Resources

It is expected that the resources to be utilized would be extensive. Resources may be divided into: manpower; money; material; and expertise.

Manpower resources would logically involve the Victim Advocate staff, the related support agencies' staff (such as doctors, nurses, psychiatrists, counselors, police, prosecutors, judges, journalists, etc.) and volunteer workers who could assist in those cases where community resources are either non-existent or too expensive.

Money resources refer to those funds required to operate an office for the Victim Advocates as well as funds to purchase private services. These may come from a variety of sources; local government, private donors, state revenue, or federal monies.

Material resources address the physical needs of the project, to include such items as office space, furniture, office equipment and supplies; donated, borrowed or purchased.

Expertise resources refer to the knowledge that can be bought to bear on the operation of the project. How sophisticated are those who make the key decisions for the project and what auxiliary expertise is immediately available through libraries, reference services and consultants.

The two agencies that would be required to cooperate to insure the viability of this project, would be the local police agency and the local mental health agency.

The Evaluation Parameters

To assess the impact of this project a tripartite approach should be used to mirror its three main components, viz: immediate injury; media buffer; and victim/offender analysis. Thus, records should be kept on each client as he is identified; and each service received should be recorded. The client's progress should be monitored and assessed at various points during the victim's recovery.

The evaluation of the "immediate injury" component would be to determine the length of time required to restore stability of a functional level of activity commensurate to that enjoyed prior to the crime.

The evaluation of the "media buffer" component is more subjective and would be addressed in the client's record. A brief narrative evaluation would state the extent of media involvement and the role played by the victim advocate in that involvement.

The evaluation of the "victim/offender analysis" component will be reflected in the analysis per se which will also be part of the client's record. Statistics would be collected, and analyzed to determine the effectiveness of the treatment recommended for those persons identified as victims in need (VINs) or victim recidivists.

The total spectrum of victim advocate services should be evaluated, especially those relative to the subsequent behavior of the victim recidivist as well as the behavior of the offender. Practitioners who use restitution as a rehabilitative tool should make a concerted effort to publish the results of this practice so as to aid other like projects.¹⁴ The future of victimology will depend on the broad dissemination of information which ultimately has serious ramifications for the greater understanding of the

dynamics of the total crime problem.¹⁵

The necessary end product of this evaluation component would be to incorporate program changes, project modifications and new directions generated from the evaluation, into a final victim advocate manual. This document would represent a more stable set of operating procedures to guide the program until such time as another evaluation is performed.

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