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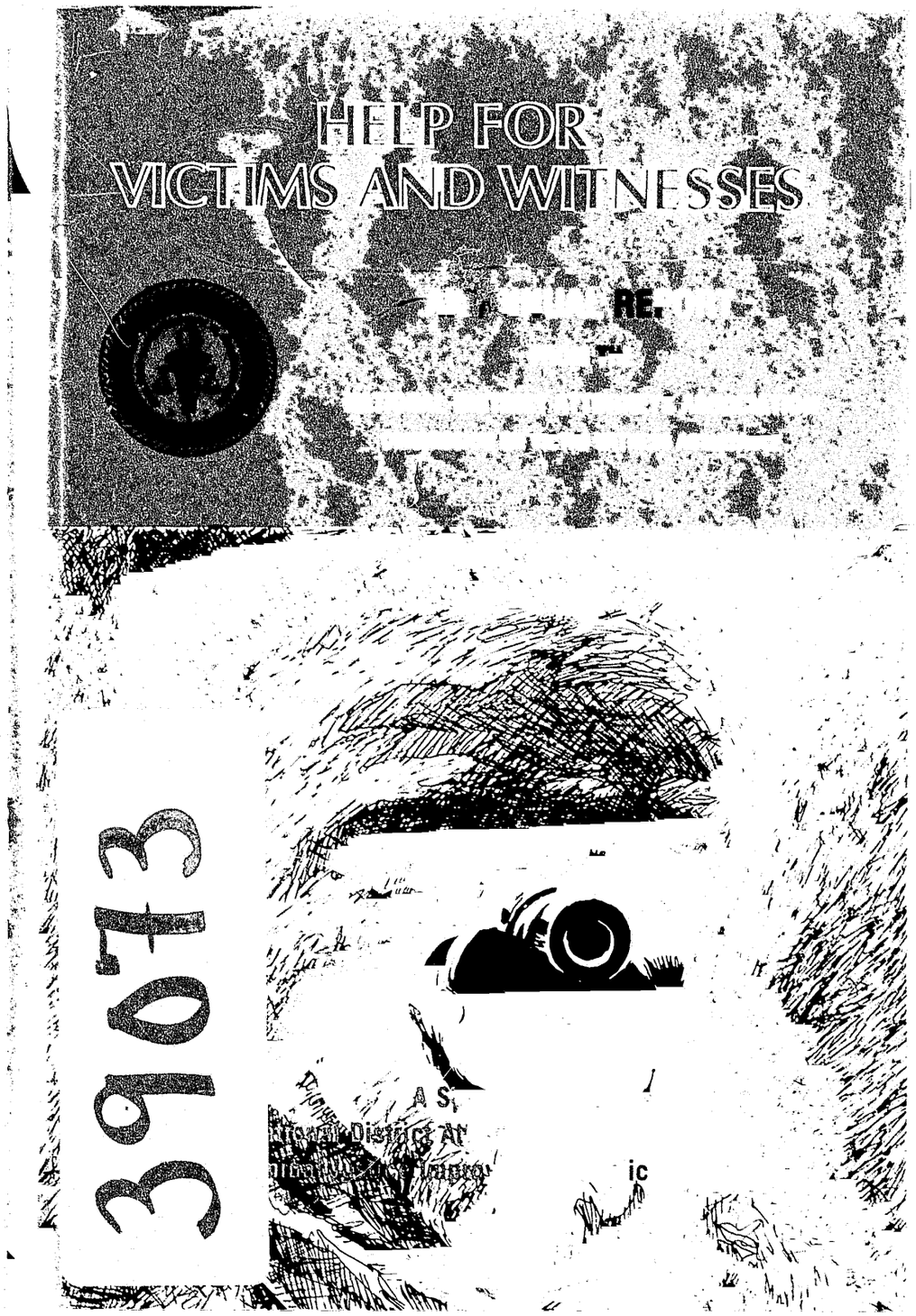

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YEAR-END REPORT
COMMISSION ON VICTIM WITNESS ASSISTANCE
of the
NATIONAL DISTRICT ATTORNEYS ASSOCIATION

THIS IS A SPECIAL CRIMINAL JUSTICE IMPROVEMENT PUBLICATION
OF THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION
WASHINGTON, D.C., OFFICES
1900 L Street, Northwest – Suite 607
Washington, D.C. 20036
(202-872-9500)

RICHARD P. LYNCH, *Director*
ROBERT E. McKENNA, *Project Director*, Commission on Victim Witness Assistance

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NATIONAL DISTRICT ATTORNEYS ASSOCIATION
EXECUTIVE OFFICES:
211 East Chicago Avenue, Suite 1515, Chicago, Illinois 60611

FOREWORD

One of government's crucial obligations is its obligation to preserve what our Constitution refers to as the domestic tranquility. In recent years rising rates of crime and delinquency have focused a good deal of public attention on the crime control efforts of the nation's criminal justice systems.

District Attorneys have witnessed marked increases in their criminal caseloads. To meet their responsibilities, District Attorneys have instituted many improvements in case management, screening and diversion. Many offices have created Major Offender Bureaus and Pre-Trial Diversion Units. We regularly send our assistants to trial institutes and other continuing professional education seminars. It is not uncommon to find District Attorneys employing such modern technological devices as closed circuit television for in-house training and computer assisted case "tracking" systems.

Still, some "improvements" in criminal justice require not modern technology but a re-examination of our fundamental responsibilities. Such is the case with our Commission on Victim Witness Assistance. Through its field offices the Commission has provided over 105,000 services to crime victims and witnesses. It has produced ideas and materials which have set the standard in this most desirable area of criminal justice improvement. I commend its Chairman and his colleagues, the Commission's professional staff and the attorneys, investigators, paralegals and support staff who have served so well in the Commission's participating offices.

I hope that District Attorneys will read this report with more than passing interest. Moreover, I urge my colleagues who have not already done so to become involved in programs to aid crime victims and witnesses.

Lou Bergna

Louis P. Bergna
President
National District Attorneys Association
San Jose, California
February 1976

National District Attorneys Association

WASHINGTON OFFICE

1900 L Street, N. W., Suite 607, Washington, D.C. 20036 • (202) 872-9500

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Honorable Richard W. Velde, Administrator
Law Enforcement Assistance Administration
United States Department of Justice
633 Indiana Avenue, Northwest, Room 1300
Washington, D. C. 20531

and

Honorable Louis P. Bergna, President
National District Attorneys Association
c/o Santa Clara County
District Attorney's Office
234 East Gish Road
San Jose, California 95112

Gentlemen:

I have the honor to transmit herewith the Final Report of the National District Attorneys Association Commission on Victim Witness Assistance.

This Report has been prepared by the Commission's staff, is submitted pursuant to guideline requirements of the Law Enforcement Assistance Administration and describes the programs and achievements of this important Association undertaking on behalf of crime victims and witnesses. The Report covers Commission activities from September 1, 1974 to November 15, 1975.

Respectfully submitted,

Carl A. Vergari

Carl A. Vergari
Chairman

cc: Honorable Roger Rook
Patrick F. Healy

EXECUTIVE OFFICE: 211 East Chicago Avenue, Suite 1515, Chicago, Illinois 60611 • (312) 944-2577
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INTRODUCTION AND SUMMARY

Crime and the fear of crime remain especially disheartening phenomena as we begin the celebration of the 200th anniversary of our national independence. Regretfully, that sense of personal independence which is the rightful heritage of all Americans continues to be stifled by crime.

For one full decade now, this nation has been engaged in a concerted federal effort to reduce, prevent and control crime. Although the shape of this national effort has changed, its motives have remained constant: the prevention and control of crime. While we must leave to historians long-range judgments as to the efficacy of the federal, state and local crime prevention programs which have operated since the mid-sixties, we know all too clearly that current crime statistics offer anything but encouragement. A full decade has -- or should have -- convinced the clear-minded that crime is a deep-rooted and intractable part of our social fabric and that there will be neither quick nor easy victories in the criminal justice arena.

Indeed, crime statistics continue to alarm both the public and law enforcement agencies alike. And now, in addition to the more traditional methods for counting crimes, we have seen the emergence of statistically sophisticated "victimization" studies. Some of these studies paint a picture far bleaker than that offered in the data supplied from law enforcement agencies. Yet, in spite of the mountains of data, little attention has heretofore focused on those who suffer most from crime: the victims. Even less attention has been devoted to those whose cooperation is essential to successful prosecution: the witnesses.

The National District Attorneys Association identified the area of victim witness assistance as one of its criminal justice improvement priorities. The Association felt that this was an area where District Attorneys could, with modest expenditures, bring about healthy changes in the criminal justice system.

The National District Attorneys Association created the Commission on Victim Witness Assistance in an effort to demonstrate that, while crime control itself may be a long-range effort, there are immediate improvements which can be made to alleviate the harsh impact of crime on victims and witnesses. The pioneer programs described in this report represent the Association's efforts to ameliorate the harm done by criminals and the subsequent harm done by sometimes indifferent and insensitive criminal justice agencies.

This report suggests that with a sense of purpose and with the application of common sense, criminal justice agencies can do much to serve the needs of citizens whose lives have been damaged and interrupted by crime.

The National District Attorneys Association Commission on Victim Witness Assistance began its operations on October 8, 1974.

The Commission had three basic goals during its first year of operations:

- Deliver help to crime victims and witnesses;
- Determine the actual extent of victim-witness problems; and,
- Encourage non-participating District Attorneys to get involved in victim witness assistance programs.

Those goals were met. During the second half of its first year, the Commission's eight participating offices rendered direct services to over 105,000 crime victims and witnesses. The Commission conducted three in-depth field surveys which are incorporated in this report. And finally, the Commission distributed over 100,000 pamphlets, brochures, reports and other materials suggesting ways to help crime victims and witnesses to District Attorneys' Offices, State Law Enforcement Planning Agencies and other criminal justice agencies.

The Commission is now serving as a de facto national clearinghouse for victim witness assistance programs and maintains liaison with numerous criminal justice agencies. Commission films "The Justice Maze" and "The Justice System and You" have been widely shown across the country.

The Commission has recently been refunded for a second year of operations. Its primary goal for the second year is to provide direct help to 440,000 crime victims and witnesses.

Direct services offered by the Commission's field offices include:

- Mail and telephone-alert court appearance notification services to reduce victim witness waiting time;
- Social service referral for crime victims to secure needed and existing help;
- Transportation services for crime victims and witnesses;
- Employer intercession services to obtain employers' cooperation, reduce chances of employee being "docked", discharged, etc.;
- Witness reception centers to provide comfortable and secure physical facilities;
- Expedited property return to reduce long, needless delays in the return of stolen property;
- Public information services to describe duties and obligations of witnesses, inform victims of their "rights" etc.; and,
- Case progress notification services to keep victims and witnesses informed of actions taken in a case.

The Commission's headquarters staff and its eight funded field units provided the following services during the third and fourth quarters of the Commission's first year:

- over 30,000 persons had initial contacts with the units which includes "walk-ins" and requests for information;
- almost 16,000 victims and witnesses were notified of their court dates while 17,300 were notified of case dispositions and received explanations regarding the dispositions;
- almost 3,500 were placed on special "alert" programs for notification;
- over 16,000 victims and witnesses used the reception centers and over 6,250 were provided escort services;
- almost 8,000 were briefed before their initial court appearances and over 3,300 were briefed for follow-up appearances;
- almost 1,200 were initially interviewed and referred for social service assistance;
- over 300 victims and witnesses were provided employee assistance services and 140 received transportation services;
- over 2,000 victims and witnesses were provided property return assistance;
- at least 250 public appearances to local citizen groups, professional and fraternal organizations, other criminal justice agencies, etc., were made by the Unit Chiefs to publicize on Commission services;
- through "Victims Rights' Weeks" conducted in only two of the Units' offices (Philadelphia and Denver) over 2.6 million were reached via media coverage.

The Commission's extensive survey research findings are included in the last section of this Report. Surveys were conducted by three of the Commission's field units and by the Commission's staff.

This Report covers all activities of the Association's Commission on Victim Witness Assistance during its first year. This Report covers the period from September 1, 1974, through November 15, 1975. The Commission began actual operations on October 8, 1974. All activities described herein were conducted with the support of a grant from the Law Enforcement Assistance Administration in the amount of $996,722. In addition, the Association's participating field offices contributed $110,747 so that the Commission's total monetary support was $1,107,469.

CHRONOLOGY OF COMMISSION ACTIVITIES

First Quarter (October - December 1974)

- conducted an orientation meeting of the District Attorney Commissioners;
- conducted a plenary Advisory Board Meeting;
- conducted a two-day orientation meeting of the eight field office Unit Chiefs;
- conducted staff site visits of all participating offices;
- prepared daily Unit Chief memoranda for distribution to each participating field office;
- hired six full-time staff for the Commission's executive headquarters;
- obtained a field office complement of 33 personnel;
- distributed approximately $98,000 in assistance in operating field offices;
- expended approximately $63,000 in other Commission operations;
- developed and distributed public information materials to all field offices;
- monitored field office performance and conferred regularly with field office staff;
- produced through the Oakland, California, Unit a brief Commission film entitled "The Justice Maze" about the Commission's program;
- appeared in several television programs designed to publicize services provided by NDAA's program;
- completed, in the Commission's Philadelphia Unit, a survey of Assistant District Attorneys; and,
- produced the Commission's first publication, a brochure entitled "A Project to Help Victims of Crime."

Second Quarter (January - March 1975)

- conducted a two-day Unit Chiefs' Meeting in conjunction with the NDAA Mid-Winter Meeting;
- conducted an educational program for attendees of the NDAA Mid-Winter Meeting which included screening of the Commission film "The Justice Maze," showing of a TV video tape of Commission activities produced in New Orleans and a series of four workshops on victim witness problems;
- disseminated approximately 46,000 pamphlets, brochures, police wallet cards, and buttons, to our participating field offices, to NDAA, to criminal justice agencies, other victim witness assistance programs, Members of Congress and to the public;
- distributed 46 Unit Chief Memoranda to field office Unit Chiefs dealing with a myriad of topics;
- submitted a Request for Evaluation Proposal to ten consulting firms, and contracted with the firm of Arthur D. Little, Inc. to evaluate the Commission programs.
- conducted survey research in three of the Commission field offices: Alameda County, California; Philadelphia, Pennsylvania and New Orleans, Louisiana;
- prepared in the Alameda County field office a legal memorandum suggesting ways and means for improving the existing procedures for the return of property held as evidence. Alameda County District Attorney's office proposed two amendments to the California Penal Code which would:
  (1) help expedite the return of victim property;
  (2) provide witnesses who testify on behalf of the state in criminal matters, guarantees against loss of wages and would also provide small businesses with a tax credit assistance to reduce financial hardships caused by employee absences in that regard;
- produced several copies of "The Justice Maze" and made them available for showing by all Commission field offices, non-participating District Attorneys' offices and the Law Enforcement Assistance Administration;
- appeared before a Congressional Subcommittee to describe the Commission's activities;
- participated in the Citizens Initiatives Conference sponsored by the Law Enforcement Assistance Administration; and,
- Produced the following publications: "16 Ideas to Help District Attorneys Help Victims and Witnesses of Crime;" an NDAA Criminal Justice Improvement Program brochure; Victims Rights Cards; and "Victims Are People" buttons.

Third Quarter (April - June 1975)

- disseminated over 30,000 pamphlets, brochures, police wallet cards and buttons to our participating offices, to NDAA, to criminal justice agencies, other victim witness assistance programs, Members of Congress and to the public;
- sponsored Victims Rights' Week in Philadelphia, Pennsylvania, a week officially proclaimed by the mayor of that City to be devoted to sensitizing the community to the needs of victims and witnesses. Events included several news conferences, five radio and five TV shows, a youth seminar for high school students and information booths;
- held a two-day conference of Unit Chiefs in Washington, D. C.;
- met formally with members of the Commission's Advisory Board in Washington, D. C.;
- distributed 15 Unit Chief Memoranda to the field office Unit Chiefs keeping them posted on areas of interest to victim witness programs;
- held a formal meeting of District Attorney Commissioners in New Orleans to review operations and discuss plans for continuation of Commission programs;
- designed and put into use a new special monthly field office reporting form to serve as a more reliable means of collecting data on field office operations;
- completed a follow-up survey in Alameda County Field Office; a survey of police in Philadelphia and a Judicial Survey in Philadelphia;
- purchased a technicolor showcase and reduced Commission films to super 8 mm to be shown on this equipment at conventions, meetings, victim witness assistance centers, etc.;
- produced and distributed the following publications: "16 Ideas" (second printing), Social Service Referral Cards; and,
- designed and had constructed a Victim Witness Assistance convention exhibit for use at meetings, conferences, seminars, etc.

Fourth Quarter (July - September 1975)

- held a combined conference of Unit Chiefs and District Attorney Commissioners at Asilomar Conference Grounds, Pacific Grove, California;
- conducted an educational program for attendees at the National District Attorneys Association's summer meeting in Montreal, Canada, which included the showing of Commission films, distribution of Commission brochures and pamphlets and several workshop sessions concerning the setting up of Victim Witness Assistance programs in District Attorneys' Offices;
- produced a witness information film, "The Justice System and You" which explains to a witness what is expected of him and what he should expect from the criminal justice system in fulfilling his role as a witness;
- prepared and submitted a proposal for second-year funding to the Law Enforcement Assistance Administration;
- produced and distributed the following publications: "A Compilation of Existing Victim Witness Programs - July 1975," "A Primer for Model Victim Witness Assistance Centers," and "Social Service Referral," a brochure;
- distributed new Commission publications to all field offices, to the National District Attorneys Association, other Victim Witness Programs, members of the criminal justice system and to all members of the U. S. House of Representatives; Committee on the Judiciary;
- mailed a complete packet of Commission published materials to every Law School Library in the United States; and,
- prepared and submitted a First-Year Final Report to the Law Enforcement Assistance Administration.

COMMISSION ADVISORY BOARD

During its first year of operations, the Commission was fortunate to have been served by a most distinguished Board of Advisors, representing a wide range of criminal justice disciplines.

First-year Advisory Board members were:

Preston Trimble
President
National District Attorneys Association

Patrick F. Healy
Executive Director
National District Attorneys Association

Carl A. Vergari, Chairman
Commission on Victim Witness Assistance

Honorable Sylvia Bacon, Judge
Superior Court for the
District of Columbia

Patrick V. Murphy
President
The Police Foundation

Courtney A. Evans, Esquire
Washington, D. C.

In addition to President Trimble, Executive Director Healy and Chairman Vergari, the Advisory Board includes impressive criminal justice credentials. Judge Bacon served as an Assistant Director of a Presidential Crime Commission, was Executive Assistant United States Attorney for the District of Columbia, and brings both prosecution and judicial experience to the Board. Patrick V. Murphy who now serves as President of the Police Foundation served with distinction as Commissioner of Police in three of the nation's major cities: Washington, D. C., New York, and Detroit. Mr. Murphy was also the first Administrator of LEAA. Courtney A. Evans is engaged in the practice of law in the District of Columbia. His distinguished law enforcement career includes service as an Assistant Director of the FBI and service as the Director of the Justice Department's Office of Law Enforcement Assistance.

The Advisory Board had its initial meeting on October 21, 1974, at Commission Headquarters, at which time the problems of victims and witnesses as they pass through the criminal justice system were discussed. Possible methods for dealing with these problems were put forth by Advisory Board members and some of these methods laid the foundation for the services now being offered in Commission field offices.

The Board met again on April 1, 1975, and members were briefed in detail on Commission activities and accomplishments to that time. Mr. Michael D. Tate, Evaluation Director, Arthur D. Little, Inc., outlined for members of the Board, the evaluation plan and methodology his team was using to measure the overall effectiveness of the Commission's work and solicited interviews with Washington, D. C., based members of the Board. Items generally discussed and commented upon by members of the Board at this meeting included: Commission expansion, second-year funding, the use of volunteers in Commission programs and Commission publications.

PUBLIC INFORMATION AND LIAISON

In addition to these published public and professional information materials, the Commission during its first year of operations received a great deal of attention from the press. Strong emphasis was placed on the importance of accurate and ample news coverage of the Commission's programs and each Unit Chief was urged to seek such coverage within his own jurisdiction. It was felt that appropriate newspaper stories, coupled with other media treatment would supplement the distribution of Commission materials and would assist in making local victim witness assistance programs known to the public. The increase in the number of "clients" in each of the field offices would seem to indicate the success of that endeavor.

We recognized from the beginning the danger of "advertising" services which may not, in fact, exist. We do not think we have done so. Media coverage has tended to describe our efforts in a relatively precise fashion.

The Commission's public awareness campaign was structured to deliver its message by describing for the public:

- how the criminal justice system has traditionally ignored victims and witnesses;
- what needs to be done; and,
- what the Commission -- through its field offices -- is doing to remedy the criminal justice system's failures.

TV -- RADIO COVERAGE

In addition to the extensive coverage in the press, members of the Commission staff, District Attorney Commissioners and Commission Unit Chiefs have appeared on a number of TV and radio talk shows explaining the general philosophy and goals of the Commission as well as the specific services being offered by the field offices.

PUBLIC APPEARANCES

During the third quarter of operations of the Commission, the field offices' Unit Chiefs made an average of 36 public appearances per month before local citizen groups, professional and fraternal organizations, other criminal justice agencies, etc., in order to publicize Commission activities and in particular specific services available in their respective jurisdictions. In addition, members of the Commission staff were invited to appear before a Subcommittee of the Government Operations Committee of U. S. House of Representatives to brief Committee members on the Commission's programs. The Commission conducted educational programs at the

National District Attorneys Association's winter and summer meetings for all attending District Attorneys, attended press conferences, gave speeches and appeared on TV and radio talk shows with members of the Commission and Unit Chiefs.

VICTIMS RIGHTS' WEEK

The most ambitious undertaking sponsored by the Commission in the area of Public Information was Victims Rights Week (May 26 - June 1, 1975), proclaimed as such by the Mayor of Philadelphia. The week's events included several news conferences, five radio and five TV shows, a youth seminar for high school students and information booths.

The Philadelphia field office estimates that as many as 1.4 million people were reached. Suggestions were, in fact, received from citizens, and many business and community leaders came forward with questions and offers of assistance to the Unit.

LIAISON ACTIVITIES

The Commission has established and maintained liaison with organizations representing all facets of the criminal justice system including prosecutors, courts, police and the private bar. The Commission has maintained contact with the Law Enforcement Assistance Administration, members of Congress, the Office of the Attorney General of the United States, the Office of the White House Counsel, other known victim witness assistance programs, State Law Enforcement Planning Agencies, volunteer organizations, members of the media and the public at large. Close to 100,000 copies of Commission publications have been distributed to such organizations throughout the United States.

COMMISSION PUBLICATIONS

Distribution of Commission publications has been widespread within the criminal justice system, including District Attorneys, court personnel, police departments, members of the private bar, the Law Enforcement Assistance Administration, Members of Congress, the Office of the Attorney General, the Office of the White House Counsel, State Law Enforcement Planning Agencies, volunteer organizations, members of the media, other victim witness assistance programs and to the public at large.

Following is a brief description of each of the Commission's materials designed for the purpose of public and professional education.

- "A Project to Help Victims of Crime" brochure. This brochure was designed by the Commission to inform the public that the Commission's participating jurisdictions had established programs to help crime victims. Field units, which assisted in the distribution of this brochure stamped the last page of the brochure to inform local citizens of the address and phone number of their local Victim Witness Assistance Unit. Twenty-five thousand brochures were distributed.

- "Victims Are People" button. This button was designed to remind people who work within the criminal justice system that victims are people.

- "Victims Rights" cards. This wallet-sized card, designed as a sample for distribution to police officers in jurisdictions where the District Attorney is conducting a Victim Witness Assistance Program, serves the primary purpose of enlisting the active support and cooperation of the police in providing service to victims of crime. Specifically, cooperation of police departments was sought so that crime victims and witnesses could be referred to the District Attorney's Victim Witness Assistance Units. Over eight thousand cards were distributed.

- "The Justice Maze" film. This brief film was produced by the Commission to demonstrate the plight of the victim and witness within the criminal justice system and to bring that plight to the attention of District Attorneys, courts and other criminal justice agencies. An eleven minute, 16 mm color, sound production, the film depicts the system's indifference toward a typical crime victim. The film was shown at the National District Attorneys Association's Mid-Winter Meeting and the Montreal Conference as well as other conferences in the area. Five additional copies, available on request, were produced.

- "National District Attorneys Association Commission on Victim Witness Assistance" brochure. This brochure was written, designed and published by the Commission to provide District Attorneys across the United States

with information regarding the Commission's programs and to further provide istrict ttorneys with the names, addresses and phone numbers of all Commission Advisory Board Members, all participating District Attorney Commissioners and all Commission Unit Chiefs.

- "16 Ideas to Help District Attorneys Help the Victims of Crime." A brochure designed, written and published by the Commission to provide District Attorneys with ideas for the establishment of modest victim witness assistance programs. The brochure's premise is that many effective victim witness assistance programs can be implemented without great expense. Because of the demand for these pamphlets, a second printing was made. Ten thousand copies were distributed.

- "A Primer for Model Victim Witness Assistance Centers" brochure. This pamphlet describes how and why a District Attorney should establish a victim witness reception center. It provides architectural drawings and designs for such centers and gives estimated budget data for construction and furnishings. Four thousand copies were distributed.

- "Social Service Referrals" brochure. This pamphlet suggests to District Attorneys ways they can inexpensively establish and operate social service referral systems for victims of crime. The pamphlet provides a step-by-step model for the establishment of the system and contains a model social services referral card. Six thousand copies were distributed.

- "Summary Report -- May 1975." This is a formal report to the National District Attorneys Association which summarizes the objectives, operations and programs of the Commission on Victim Witness Assistance.

- Witness Information Film -- "The Justice System and You." This film, featuring Victim Witness Information for one of the Commission's field units is designed for use in a Victim Witness Assistance Center. The film is designed to explain the criminal justice system, to describe procedures and to tell citizens about the various kinds of help available in the District Attorney's office.

- Convention Exhibit. A portable exhibit has been designed and constructed for use at conventions and other public appearances. The exhibit contains informational items concerning the Commission's services as well as pertinent Commission survey findings and items of national interest. The exhibit is maintained at Commission headquarters in Washington, D. C., and is available to all participating District Attorneys' offices on request.

- "Compilation of Existing Victim Witness Programs." As the result of a survey, this booklet of programs was compiled showing programs existing as of July 1975. Over 500 copies were distributed. The Compilation contains a form on which information discussing any other known programs can be relayed to Commission headquarters. The Commission is now updating this Compilation and will distribute a new publication soon.

SOCIAL SERVICE REFERRAL

The victims of crime are often in need of social service assistance. While in recent years many programs have offered various forms of rehabilitative social service assistance to offenders, the needs of crime victims virtually have remained ignored.

No criminal justice official -- with the exception of police -- has more frequent and regular contact with crime victims than does the District Attorney. No criminal justice official is in a better position to "screen" victims in order to determine the extent to which they might benefit from existing social services available within their jurisdictions.

Indeed, District Attorneys can play an important leadership role in focusing public attention on governmental indifference to the victims of crime.

To encourage District Attorneys to play an active role in seeking affirmative help for crime victims, the Commission prepared a special brochure entitled Social Service Referral: an Idea to Help District Attorneys Help Crime Victims. This brochure contained a model referral card which can be modified for use in any jurisdiction. The card is reproduced below:

TO: _____

_____

_____

FROM: District Attorney Carl A. Vergari, Chairman, National District Attorneys Association Commission on Victim Witness Assistance funded by the Law Enforcement Assistance Administration.

VICTIM-WITNESS
ASSISTANCE BUREAU

914-682-2827

The bearer of this card was recently the victim of a crime. Initial interviews with our legal staff indicate that _____

_____

is in urgent need of services provided by your agency.

Please extend every courtesy and make every effort to promptly provide all services for which _____ is eligible.

Thank you.

Carl A. Vergari
District Attorney
Westchester County, New York

EMPLOYEE ASSISTANCE

Many crime victims and witnesses are required to take time off from work in order to appear for interviews and give testimony at criminal proceedings. In many instances this causes conflicts with victims' and witnesses' employment responsibilities.

Victim Witness Assistance Units can provide an important service by contacting employers to explain the necessity for the employees' presence.

Employers are understandably concerned over repeated and wastefully prolonged appearances by their employees. If municipal corporations had to reimburse employers for the loss of productivity brought about by the multiple appearances of workers, it is safe to assume that more orderly and economical systems would have been adopted long ago.

There is, in our view, no excuse for multiple court appearances by victims and witnesses.

The elimination of multiple appearances and the establishment of sensible and effective means for reducing waiting time will do much to encourage employers to grant appropriate "court leave" to their employees.

NOTIFICATION SERVICES

Victims and witnesses entangled in the often tedious criminal trial process frequently remain uninformed about case proceedings. Regretfully, victims and witnesses are also frequently uninformed about final disposition of the criminal case in which they were involved.

This is especially damaging to public confidence in the criminal justice system for it can be viewed as a tacit admission that the "system" really doesn't care about victims or witnesses. It is ironic that this kind of oversight exists in an area where easy remedies are available.

Through the simple institution of either manual or electronic data processing procedures virtually every District Attorney can establish and operate an effective victim and witness notification system. Once implemented, notification systems can achieve several desirable objectives:

- increase public understanding of and confidence in the criminal justice system by informing and advising victims and witnesses about each critical step in the criminal justice process;
- decrease the amount of time wasted by citizens who are compelled to appear for hearings which are delayed, which have already been continued or which have been set for a hearing time along with numerous other cases;
- by instituting a "telephone alert system" enabling victims and witnesses to appear promptly for hearings with the least possible interruption to their own responsibilities; and,
- by notifying and explaining the final determination of a case -- and the reasons therefor -- reduce public cynicism about the criminal justice process.

During its first year of operations, six of the Commission's eight funded District Attorneys' offices operated pre-trial notification programs for victims and witnesses. The following services were provided:

COMMISSION JURISDICTION	SERVICES
Westchester County, New York	Telephone Alert
Philadelphia	Telephone Alert
Denver	Telephone Alert and Mail System
Alameda County, California	Computer Supported Mail System

New Orleans	Telephone Alert and Mail System
Davis County, Utah	Telephone Alert

In addition to pre-trial notification, six of the Commission's eight field units operated "disposition notification" systems. They were: Westchester County, New York; New Orleans; Kenton County, Kentucky; Denver; Davis County, Utah and Alameda County, California.

VICTIM WITNESS RECEPTION CENTERS

A very real impediment facing many District Attorneys in their efforts to provide decent, courteous services to crime victims and witnesses is the lack of acceptable physical facilities. Indeed, the victims and witnesses of crime are typically interviewed in less than acceptable facilities in most criminal justice institutions. Most victims and witnesses -- as they pass through the criminal justice system -- end up being interrogated on the street, in small and badly furnished offices and in the hallways of courthouses across America.

The victims and witnesses of crime are -- or at least should be -- the real "clients" of the criminal justice system. Without witnesses no District Attorney could fulfill his responsibilities as a prosecutor. Moreover, witnesses who fulfill their responsibilities as citizens should be accorded the best possible treatment by all of us who serve the public interest. Those witnesses who are also the victims of crime should receive humane and considerate treatment from all law enforcement officials whose function it is to protect society.

Victim Witness Reception Centers should be located in District Attorneys' offices and in Court Houses. They should be constructed and furnished in a manner to provide the maximum amount of comfort and security to citizens who have been injured or traumatized by criminal acts. In providing Victim Witness Reception Centers, emphases should be on "non-institutional" settings, on providing a place where victims and witnesses may leave their small children and on providing privacy to spare embarrassment to those who have already been injured or shocked. The goal should be to provide decent, desirable and friendly surroundings for people who have been preyed upon by crime.

In August 1975, the Commission published A Primer for Model Victim Witness Assistance Centers. That document contained model floor plans, provided estimated budgets for constructing, furnishing and decorating such centers, and included artists renderings for model rooms. The Primer was widely distributed and should serve as a helpful guide to District Attorneys who are engaged in the task of planning for Victim Witness Reception Centers. Concepts contained in the Primer may be altered to suit local needs and conditions.

We do not suggest to District Attorneys that creating and staffing Victim Witness Assistance Centers will produce startling reductions in crime: we do, however, suggest that the creation of Victim Witness Assistance Programs, staffed by trained and competent personnel, can, in the long run, serve to strengthen our criminal justice system. Crime victims cannot be treated merely as "objects of proof" for the commonwealth or the state, and, if rehabilitation of criminal offenders is a

goal to be desired, then it is equally important that we, as prosecutors, pay attention to the "rehabilitation" of crime victims. We can begin this fundamental reform by establishing clean, comfortable and decent surroundings for those of our citizens who must undergo the trauma of trial through no fault of their own. We think that Victim Witness Assistance Programs should enjoy a very high priority in the criminal justice world and that prosecutors have a special responsibility to lead the way in bringing about such a reordering of our priorities.

Five of the Commission's eight field units operated Victim Witness Reception Centers. These Centers served crime victims and witnesses in Denver; Davis County, Utah; Chicago; Alameda County, California; Westchester County, New York. A Center is scheduled to open in Philadelphia in February 1976. The remaining two field units, Kenton County, Kentucky, and New Orleans have private offices in which their respective Victim Witness Assistance Units are located. These offices serve dual purposes and, while they are not devoted exclusively to reception purposes, they do provide at least limited facilities where witnesses may await court appearances.

LEGISLATION

Several participating District Attorneys' offices have been actively engaged in developing model criminal justice legislation addressing problems in the victim witness assistance area. These legislative efforts grew out of the District Attorneys' participation in the National District Attorneys Association Commission on Victim Witness Assistance.

The Alameda County District Attorney's office has drafted several bills to improve the treatment accorded to crime victims and witnesses. While the State of California has implemented a victim compensation program, the Alameda County District Attorney's office is developing a bill providing for witness compensation. The bill would give witnesses who testify on behalf of the State in criminal matters guarantees against loss of wages and would also provide small businesses with tax credit assistance, thereby reducing financial hardships suffered because of employee absences. The bill would offer an incentive to employed persons to testify and simultaneously encourage employers to allow employees to testify without a loss in pay.

Other legislation proposed by the Alameda County District Attorney's office is an amendment to the California Penal Code which would help expedite the return of victims' property. A bill providing for the photographing of evidence in lieu of retention of that evidence by police became law in California in January 1976.

The Kenton County Commonwealth's Attorney has been seeking victim compensation legislation in Kentucky based on the Uniform Crime Reparations Act. In August 1975, Commonwealth's Attorney John J. O'Hara, Commission Chairman Carl Vergari and Unit Chief Robert Core testified at the hearing on the bill before the Kentucky legislature.

The Philadelphia District Attorney, F. Emmett Fitzpatrick, has actively encouraged the adoption of a proposed victim compensation bill for the State of Pennsylvania.

FIELD OFFICE PROGRAMS

The Commission on Victim Witness Assistance operates out of the National District Attorneys Association Washington, D. C., Offices and the Commission's headquarter's staff is responsible for planning, coordinating and directing the Commission's activities.

Still, the real work of the Commission -- delivering actual assistance and services to crime victims and witnesses -- is performed in the Commission's field offices.

To record field office activities the Commission devised a simple reporting form. Experience dictated that the form be revised in order to reflect more accurately actual field office activities. Revisions were made and the following table reflects victim-witness services rendered by our eight funded field units during the third and fourth quarters of the Project's first year. A total of 105,419 services were rendered:

Field Office Services to Victims and Witnesses

Initial Contacts	30,403
Reception Center	16,089
Social Service Referral	1,192
Property Return	2,014
Employer Intervention	306
Transportation	140
Escort Services	6,253
Witness Briefings	7,939
Follow-up Briefings	3,321
SUB-TOTAL	67,657
Notification Services:	
Initial Court Appearances	
Case Dispositions	
Disposition Explanations	
Alert Programs	
SUB-TOTAL	37,762
TOTAL	105,419

These services were delivered by the 67 attorneys, investigators, paralegals, administrative support and volunteer personnel who worked in the Commission's field units. The units operate in eight separate jurisdictions which have a combined population of 10,740,142 and the field units represent a cross section of urban, suburban and rural prosecution jurisdictions.

A description of the programs and activities of each Commission field office appears below.

ALAMEDA COUNTY, CALIFORNIA

DISTRICT ATTORNEY: D. LOWELL JENSEN

VICTIM WITNESS ASSISTANCE UNIT CHIEF: DEPUTY DISTRICT ATTORNEY HOWARD A. JANSSEN

POPULATION SERVED: 1,073,384

VICTIM WITNESS ASSISTANCE UNIT STAFF COMPLEMENT:

1 Attorney
1 Investigator
2 full-time clerical
3 part-time clerical and support staff

ESTIMATED TOTAL OF VICTIM WITNESS SERVICES BY UNIT: 6,433
(APRIL 1975 - OCTOBER 1975)

NARRATIVE SUMMARY OF UNIT's ACTIVITIES

During the course of the Alameda County Victim Witness operations, the following projects have been developed:

SURVEY

Two surveys were undertaken to determine the views and attitudes of victims and witnesses who were involved in Alameda County's criminal justice system. The sample was drawn from randomly selected completed felony cases occurring during 1974 and the first half of 1975 and 515 victims and witnesses were contacted.

DISTRICT ATTORNEYS WITNESS NOTIFICATION (D.A.W.N.)

The D.A.W.N. Program was created in response to the Alameda County Survey and is a simple yet effective procedure. A letter is sent to each victim and witness, communicating the results of their case, informing them that property held as evidence can be released and thanking them for their cooperation. Since beginning, over 1,800 victims and witnesses have been notified and a second survey indicates the D.A.W.N. Program to be an overwhelming success. Due to this success, the program will soon be extended to cover misdemeanor trials.

PROPERTY DISPOSITION

Complaints most often voiced by the police department's property section personnel were that they were not being notified of case dispositions so as to be able to respond to the numerous requests from victims regarding the release of their property and that they had overcrowded property rooms.

In response to these complaints, the following procedure was developed. Each police agency receives a bi-weekly computer sheet consisting of all felony cases completed in Superior Court. The cases are listed by the policy agency number allowing quick and simple identification. This elementary procedure has enabled police agencies to return wanted property to the owner, destroy illegal or unwanted items and refer unclaimed goods to the proper authorities for auction.

Computerization does not extend to misdemeanor cases. Therefore, in misdemeanor cases, rather than destroying the police reports of completed cases, they are returned to the property sections of the various police departments so the property involved can be quickly and properly disposed of. The Alameda County Victim Witness Assistance Bureau has handled over 1,100 misdemeanor property cases in the last four months of the Commission's first year of operations.

SHOPLIFTING PROCEDURES

The merchant, like the property owner, is a continuous victim of crime. Property recovered in shoplifting cases must be retained as evidence. The property must frequently be stored for long periods of time which reduces inventory, causes loss of value, etc.

Accordingly, a program has been developed in which all recovered items are photographed and then returned to the shelves for immediate sale. As a result, the merchant not only has better rapport with the District Attorney's office and police departments, but the merchandise is out of circulation for only a short time.

This program has been adopted as accepted county-wide procedure due to its overwhelming success on a trial basis.

LEGISLATION

Legislation was drafted by the Alameda County District Attorney's office which provided for the photographing of all evidence in lieu of retention by police agencies. A bill was formally introduced in the California Legislature (Senate Bill 1212) and became law on January 1, 1976.

A model "Witness Compensation Act" was also drafted to ensure that employees required to testify in criminal proceedings will not lose pay or vacation time as a result of their participation in the criminal justice system. The employers in turn will be allowed a tax deduction to cover this expense.

POLICE OFFICER NOTIFICATION

A bi-weekly computer printout sheet is sent to all police agencies advising the assigned officer of the results of the cases he has investigated. This program originated from complaints made by police officers who had not been informed of the outcome of a case in which they had investigated or made an arrest. This lack of information wasted the investigating officer's time when trying to determine whether to include an individual as a suspect. Because of the success of this program this procedure will be expanded from the Superior Court to include all Municipal Courts in the near future.

WITNESS SERVICE BUREAU

In an attempt to bridge the communication gap between the District Attorney's office and the victim or witness, a service bureau is being organized in Oakland Municipal Court. This bureau will provide victims and witnesses with a waiting area prior to being called upon to testify, advise them of what may take place while testifying and when to appear. Additionally, this bureau will handle questions people have regarding the progress of their case and will refer them to the proper Deputy District Attorney when needed. This program will be extended to Superior Court and all outlying offices.

REFERRAL SERVICE -- CENTRAL INDEX

Social service agencies were contacted to determine what programs they could provide to help victims and witnesses. From this a central index is being developed for simple and quick referral to aid those victims or witnesses needing specialized assistance. This is an ongoing project which contacts newly formed agencies for inclusion as well as continually updating those agencies previously incorporated.

SUBPOENA BY MAIL

Data compiled by our office indicated much time and money was being expended needlessly through the use of the traditional personal subpoena system. Accordingly, a subpoena by mail procedure was instituted in the Berkeley Branch Office on a trial basis. This procedure has proven to be efficient in saving both time and money.

A conservative estimate of the time needed to personally serve a subpoena is 30 minutes with a success ratio of 85%. By comparison, approximately 80 subpoenas, each requiring about 4 1/2 minutes to complete, are served per week by mail, with a success ratio of 87%. Because of the success of this system, subpoena by mail is being extended to the Fremont Office with plans to further extend the program to all Municipal Courts.

WITNESS HANDBOOK

Included with the subpoena is a witness handbook which informs victims and witnesses of court procedures, location of courts, courtrooms and parking. This brochure attempts to answer frequently asked questions as well as providing clear directions to the Court House. Brochures will soon be available for all local District Attorney's offices.

VIDEO TAPE

A video tape was also made for merchants to inform them of the proper procedures to use in shoplifting cases and in particular the proper way to photograph evidentiary merchandise.

Two video tapes were made to explain the Victim of Violent Crimes Compensation Act to District Attorneys and police officers, respectively.

POLICE OVERTIME

Procedures are currently being developed to cancel officers' appearances if not needed to testify prior to their coming to court. This program was created in response to a request for assistance from the police departments with the problem of excessive overtime required of subpoenaed police officers. This program should result in considerable savings to the public and greater police efficiency.

COMPLAINTS AND REQUESTS

The Alameda County Office has handled over 650 special complaints and requests from citizens. These include inability to contact the Deputy District Attorney assigned to the case, failure of police departments to respond to the needs for further case investigation, information regarding the "Victim of Violent Crimes Compensation Act" and requests for return of property.

UNIT STATISTICS (APRIL 1975 - OCTOBER 1975)

Initial Contacts		374
Reception Centers		4
Social Service Referrals		15
Property Return		1,897
Follow-up Briefings		60
Notification:		
Initial Court Appearance	2,204	
Case Dispositions	1,441	
Disposition Explanations	438	
Total Notification		4,083
TOTAL		6,433

COOK COUNTY (CHICAGO), ILLINOIS

STATE'S ATTORNEY: BERNARD CAREY

VICTIM WITNESS ASSISTANCE UNIT CHIEF: ASSISTANT STATE's ATTORNEY PATRICK J. DELFINO

POPULATION SERVED: 5,488,328

VICTIM WITNESS ASSISTANCE UNIT STAFF COMPLEMENT:

1 Administrator
3 Investigators
4 Paralegals
2 Clerical
6 Volunteers

ESTIMATED TOTAL OF VICTIM WITNESS SERVICES BY UNIT: 59,761
(MAY 1975 - OCTOBER 1975)

NARRATIVE SUMMARY OF UNIT's ACTIVITIES

Because of the heavy volume of cases confronting the Cook County courts every day, the Chicago field office must necessarily direct victim witness services toward a limited number of people. The office focuses on persons who testify in Branch 44, the Felony Preliminary Hearing Court. As many as 1,700 people each month may pass through this court, making the Unit's impact substantial in spite of its limited scope.

WITNESS RECEPTION CENTER

A comfortable waiting room is available to all witnesses who appear in Branch 44. Witnesses are instructed upon initial notification of the preliminary hearing to go directly to the Reception Center where they register. The register enables the Assistant State's Attorney in the hearing court to determine if all witnesses are present to testify.

The Reception Center is reasonably comfortable and provide some modest amenities. Coffee and reading materials (including information regarding community social services and common sense rules regarding court appearances and witnesses' responsibilities) are available. Paralegals employed by the Victim Witness Assistance Unit are present to answer questions.

Before the Reception Center was created, witnesses simply waited in the building's crowded hallways. There they mingled with defendants, defense witnesses and were subjected to harassment. The Center has, to some extent, relieved tension in this regard. It has also helped to remove unnecessary apprehension on the part of victims and witnesses.

WITNESS BRIEFINGS

Before actual court appearance, each witness is briefed by an Assistant State's Attorney in a small private office which is part of the Center. Here the witness is informed about what to expect in Branch 44. Further court proceedings are also explained.

ESCORT SERVICES

Once the witness is briefed, he is escorted directly to the court room. The court house is large, crowded and handles a massive volume of people, escort services are therefore important.

Paralegals serve as escorts and they see that the witness is actually led to the court room and seated to await his turn to testify.

TRANSPORTATION

When a witness is unable to find transportation to court, several investigators are on hand to bring the witness to court. The investigators also assist in locating "no-show" witnesses.

SOCIAL SERVICE REFERRAL

One paralegal in the Unit is specifically employed to provide assistance to witnesses in need of social services. The paralegal has many community resources available for referrals.

The paralegal also assists in contacting employers who will not pay their employees for work days when they must testify. The unit contacts such employers by phone and by letter.

NOTIFICATION

Paralegals are assigned the task of notifying all witnesses of their court dates several weeks in advance. A card is kept on each witness recording necessary personal information, case information, court dates, continuances and the like. This simple and easily maintained card file system enables the unit to operate its phone and mail notification systems.

UNIT STATISTICS (MAY 1975 - OCTOBER 1975)

Initial Contacts	22,879
Reception Centers	12,967
Social Service Referrals	423
Property Return	18
Employer Intervention	174
Transportation	39

Escort Services		6,015
Witness Briefings		6,994
Follow-up Briefings		827
Notification:		
Initial Court Appearances	6,015	
Case Dispositions	2,803	
Disposition Explanation	564	
Alert Program	43	
Total Notification		9,425
TOTAL		59,761

DAVIS COUNTY (FARMINGTON), UTAH

COUNTY ATTORNEY: J. DUFFY PALMER

VICTIM WITNESS ASSISTANCE UNIT CHIEF: LOREN E. LANDWARD

POPULATION SERVED: 99,128

VICTIM WITNESS ASSISTANCE UNIT STAFF COMPLEMENT:

1 Unit Chief
1 Secretary

ESTIMATED TOTAL OF VICTIM WITNESS SERVICES BY UNIT: 801
(MAY 1975 - OCTOBER 1975)

NARRATIVE SUMMARY OF UNIT's ACTIVITIES

SERVICES OFFERED

Services provided by the Davis County Victim Witness Assistance Unit are generally as follows:

VICTIM ADVOCACY

The victim now has an ally who can provide information regarding his case and how it stands. The Unit notifies the victim of changes in appearance schedules, speaks on his behalf to employers, provides transportation for interviews or court appearances when necessary, supervises the return of property held in evidence, refers the victim to social service agencies if the need arises, counsels with the victim in areas of concern, escorts the victim to court appearances, informs the victim of case disposition and explains what that disposition means.

WITNESS SERVICES

The Unit developed a system of telephone alert for court appearances by witnesses (this allows individuals to remain at work and leave on short notice for their appearance, thus reducing the inconvenience). The Unit also gives one-week notification of trial dates and times, information about cases in which witnesses are involved, provides transportation when necessary, gives case briefings, pre-court preparation sessions, notification services including case dispositions and explains the necessity of court appearances to employers where that is necessary.

COUNTY ATTORNEYS

The Unit serves as auxiliary investigator, interviewer, coordinator of witness appearance at interviews and court sessions.

TRAINING PROGRAM FOR POLICE

The Unit has contracted for a series of training sessions for law enforcement personnel within the County, the subject of which is "prosecution testimony." Officers are the most common witnesses in criminal matters before the court and, as such, need expert training in the areas of testimony presentation.

Four independent sessions will be held at various locations throughout the County and all County police will be invited to attend. There will be P.O.S.T. (Utah Police Officer Standards and Training) credits given for participation. There will be four instructors for each session (including the local city judge). This will satisfy needs of prosecution and law enforcement agencies as well as upgrade total prosecution of crimes committed in the County.

PUBLICATIONS

There were two major publications by the Davis County Project. The first, which was printed in April, was a brochure of general court information entitled, "So You're Going to Testify - A Brief Introduction to Your Criminal Court System." It is used as a primer for victims and witnesses who are preparing for their court experience. It is also used as a handout by Unit personnel as it generally introduces the Victim Witness Assistance office, its duties and services.

The second publication, distributed September 30, 1975, was a "Social Services Guidebook for Law Enforcement Personnel." This guidebook outlines all social service agencies and licensed personnel in Davis County. It clearly describes the services available, who qualifies, how to refer, costs (if any), names and telephone numbers of contact persons. Licensed personnel are listed under headings of Certified Social Workers, Psychologists and Marriage Counselors. It is felt that all police, judges and attorneys - plus their various staff members - should have such a guidebook for that special occasion when they need to refer victims and witnesses to a helping agency or counselor.

TRAINING FOR VOLUNTEERS

Sex Crime and Child Abuse Response Unit: In September 1975, a very sophisticated course of instruction was initiated by the victim witness program in Davis County for a volunteer corps of eight women from throughout the County. This corps will be trained as a para-professional backup

for law enforcement personnel in responding to reported crimes of assault or sexual attack on women and children. It is felt that this training will develop an effective unit of women to handle responsibilities including on-the-spot care and counseling of female and child victims, dealing with the stress, fear and confusion of the victim in times of crisis, attendance at (or thorough explanation of) physical examinations and evidence gathering sessions, aid in photography and being in attendance as a source of support to the victim at the scene and in subsequent situations where emphatic support from persons of the same sex is necessary.

The training includes, but is not limited to, Understanding and Dealing with Stress, Communication Skills, Hearing and Speaking Skills, Maladaptive Communication, Perception of Feelings, Counseling Skills, Interviewing Techniques, Empathic Counseling, Respect, Reflective Communication, Desensitization, Sex Crime Investigation, Evidence, Evidence Gathering, Prosecution Needs, Sex Crime Statutes, Photography, Sex Perversions and Treatment of Sex Offenders.

UNIT STATISTICS (MAY 1975 - OCTOBER 1975)

Initial Contacts		94
Social Service Referrals		5
Property Return		5
Employer Intervention		2
Transportation		6
Escort Services		12
Witness Briefings		47
Follow-up Briefings		64
Notification:		
Initial Court Appearances	399	
Case Dispositions	107	
Disposition Explanations	45	
Alert Program	15	
Total Notification		566
TOTAL		801

DENVER, COLORADO

DISTRICT ATTORNEY: DALE TOOLEY

VICTIM WITNESS ASSISTANCE UNIT CHIEF: CHIEF DEPUTY DISTRICT ATTORNEY NORMAN S. EARLY, JR.

POPULATION SERVED: 514,678

VICTIM WITNESS ASSISTANCE UNIT STAFF COMPLEMENT:

1 Attorney
6 Paralegals
1 Clerical

ESTIMATED TOTAL OF VICTIM WITNESS SERVICES BY UNIT: 23,075
(APRIL 1975 - OCTOBER 1975)

NARRATIVE SUMMARY OF UNIT's ACTIVITIES

PUBLIC INFORMATION

In addition to providing valuable services directly to victims and witnesses, the Denver office has concentrated on informing the public about the office's activities. Liaison has been established with numerous community agencies. One of these is the South East Neighborhood Services Bureau. This organization, a witness serving agency, treats referrals from the Unit for victim trauma.

A rape prevention brochure was printed by the office and another brochure provided information on the rights available to victims of crime.

Another important publication is the "Witness Testimony Kit" which contains most of the basic information needed by witnesses unfamiliar with the criminal justice system. Twenty-five suggestions to witnesses are included.

NOTIFICATION

The primary service furnished by the Denver office is its comprehensive notification system. Notification of court appearance and of case dispositions including explanation is provided in all three of the Denver courts -- Juvenile, County and District. In addition, the District Court has devised an on-call program whereby witnesses can be placed on alert

to reduce their in-court waiting time. The District Court also sends an accompanying "subpoena letter" with each subpoena issued to a witness. If three phone calls do not result in a conversation with victim or witness, a letter is forwarded.

The office has maintained liaison with police officers by notifying them of continuances as well as outcome of their cases. When the Unit began its operations, written permission was secured from all judges. No adverse comments were received from judges concerning the Witness Unit's operations. Work sheets compiled by the Unit's paralegals are placed in the trial deputy district attorney's files allowing trial deputies to know the status and whereabouts of witnesses. Deputies also bring special matters to the attention of the paralegals for special action.

VOLUNTEERS AND CITIZENS ADVISORY COMMISSION

The Unit has promoted the concept of use of volunteers in the District Attorney's office. Throughout the year, student interns from local high schools have assisted the paralegals in office operations. Another important use of volunteers is through the Denver District Attorney's Crime Advisory Commission. This Commission, composed of 50 Denver citizens, is divided into sub-committees, one of which is designed to act as advisor to the Victim Witness Assistance Unit. The Advisory Committee has continued throughout the year, to meet with the District Attorney and the Unit Chief to recommend additional projects for the staff.

WITNESS RECEPTION CENTERS

Another courtesy service available to victims and witnesses is the Witness Reception Center. A small office in the court house was renovated in April 1975. Carpeting, drapes, furniture, air conditioning and telephones were installed. The Reception Center is staffed by a receptionist who answers questions about forthcoming proceedings and escorts witnesses to appropriate court rooms. When needed, the receptionist also makes community referrals. Should any witness or victim be unable to provide baby-sitting for children, the receptionist is also available to handle this chore.

VICTIM WITNESS RIGHTS WEEK

The first week in December has been declared Victim Rights Week in Colorado. The Victim/Witness sub-committee of the Crime Advisory Commission, in conjunction with the Victim Witness Project staff has planned a series of seminars and each day of the week will be devoted to the plight of elderly victims; the plight of the youthful victims and witnesses; the difficulties encountered by business persons as victims, and the "community" as a victim. There will be extensive media coverage and the Unit has secured cooperation of the Colorado Broadcasters Association and the Colorado District Attorneys Association. District Attorneys throughout the state will be having similar programs within their own jurisdictions during the week of December 1 through 8.

LEGISLATION

During the year, the Denver Unit worked in support of new rape legislation which was developed by several groups, the Colorado District Attorneys Association and the Denver District Attorney's office. That legislation has passed and is now law. The new legislation more effectively protects the rights of victims.

The Denver Unit was very active on the Systems Task Force for the State Standards and Goals Commission. In this capacity, the Unit drafted and worked on standards pertaining to victims and witnesses.

UNIT STATISTICS (APRIL 1975 - OCTOBER 1975)

Initial Contacts	3,804
Reception Center	1,893
Social Service Referrals	643
Property Return	18
Employer Intervention	40
Transportation	10
Witness Briefings	370
Follow-up Briefings	2,064
Notification:	
Initial Court Appearances	
Case Dispositions	
Disposition Explanation	
Alert Programs	14,233
TOTAL	23,075

KENTON COUNTY (COVINGTON), KENTUCKY

DISTRICT ATTORNEY: FRANK O. TRUSTY II

VICTIM WITNESS ASSISTANCE UNIT CHIEF: ROBERT T. CORE

POPULATION SERVED: 129,440

VICTIM WITNESS ASSISTANCE UNIT STAFF COMPLEMENT:

1 Unit Chief
1 Secretary

ESTIMATED TOTAL OF VICTIM WITNESS SERVICES BY UNIT: 1,628
(MAY 1975 - SEPTEMBER 1975)

NARRATIVE SUMMARY OF UNIT's ACTIVITIES

EMPLOYEE ASSISTANCE

The Unit contacts employers of victims and witnesses when it is necessary to confirm for employers that their employees are actually in court. The Unit also requests employees to refrain from docking employees' pay because of work lost through court appearances. The Unit determined that many employers were under the impression that the state pays witnesses a substantial amount for appearing in court. Once employers were advised that this is not the case, they appeared to be much more cooperative in not penalizing their employees for lost wages due to court appearances.

PROPERTY RETURN PROCEDURE

The Unit also has a set property return procedure whereby property which has been stolen can be returned to its rightful owner if it does not directly link the defendant with the commission of the alleged crime. In the case where the property does not directly link the defendant with the crime, it can be released when the trial reaches the "bindover" stage. When this occurs, the Unit first obtains a release for the property and then has the owner come down and he is photographed with his property. At that point, the Unit gives the owner his property back and the prosecutor introduces the photograph as evidence when the case comes to trial.

NOTIFICATION

Another function performed by the Covington Unit is to keep the prosecutors advised of victim and witness needs in regard to setting trial dates. Frequently, local businessmen have one day during the week on which their businesses are closed. In such cases, the Unit schedules the court appearance on that date.

As of September 8, 1975, the Unit instituted a formal procedure whereby victims and witnesses are kept constantly abreast of major developments in their cases. This procedure consists of telephone notification of the results of all Grand Jury hearings to all of the witnesses summoned before that body. In addition, every witness is notified of the final disposition of his case by letter, whether or not the case ever goes to trial.

SOCIAL SERVICES

The Unit maintains a directory of community services and refers victims and witnesses to these social service agencies when assistance seems merited. Day care services are also provided for victims and witnesses on an advance notice basis. Most of the Unit's activities in this area has been directed toward informing witnesses of day care centers which charge for services on an ability to pay basis.

The Unit also maintains a close working liaison with the Cincinnati-Northern Kentucky Rape Crisis Intervention Center. The Center provides volunteer workers and trained counselors to aid rape victims during each stage of the criminal proceeding. The volunteers also counsel the victim's family and friends, if need be, in regard to this most sensitive crime. The Unit has established procedures with the Northern Kentucky Comprehensive Care Center to provide psychiatric and psychological counseling to crime victims and witnesses who have been emotionally traumatized. In many cases, the Comprehensive Care Center can have a trained worker in the Unit Chief's office within five minutes of notification to attend to the needs of the crime victim or witness.

PUBLIC INFORMATION

The Unit had a great amount of contact with local citizen groups. Since January 1, 1975, the Unit Chief and Commonwealth's Attorney spoke before 2,000 citizens in regard to this Project. In addition, there were 23 news items and feature articles concerning the Unit in local papers and a series of brief public service announcements concerning the Victim Witness Assistance Unit were broadcasted by a local radio station. The Commonwealth's Attorney taped two 40-minute radio talk shows which were aired several times on two local stations. In conjunction with other public information efforts the Unit prepared a public information pamphlet which is delivered with every subpoena. These pamphlets are also given to victims and witnesses by the police at the scene of each crime in order to inform victims and witnesses about the Victim Witness Assistance Unit and its services.

LEGISLATION

The former Kenton County Commonwealth Attorney, John J. O'Hara, prepared a Crime Victims Reparations Act for the Kentucky General Assembly. The Act basically follows the Uniform Act approved by the American Bar Association. Commonwealth Attorney John J. O'Hara and his assistants appeared twice before the General Assembly's Interim Committee on The Judiciary with regard to prefiling the Bill. In August 1975, the Chairman of the National District Attorneys Association Commission on Victim Witness Assistance, District Attorney Carl A. Vergari, testified as to New York's experiences with its Crime Victims Reparations Statute. The legislation is still before the General Assembly for its consideration.

UNIT STATISTICS (MAY 1975 - SEPTEMBER 1975)

Initial Contacts		955
Reception Center		109
Social Service Referrals		57
Property Return		18
Employer Intervention		31
Transportation		4
Escort Services		15
Witness Briefings		61
Follow-up Briefings		191
Notification:		
Initial Court Appearances	41	
Case Dispositions	73	
Disposition Explanations	65	
Alert Programs	8	
Total Notification		187
TOTAL		1,628

NEW ORLEANS, LOUISIANA

DISTRICT ATTORNEY: HARRY CONNICK

VICTIM WITNESS ASSISTANCE UNIT CHIEF: HERBERT C. JONES

POPULATION SERVED: 593,471

VICTIM WITNESS ASSISTANCE UNIT STAFF COMPLEMENT:

1 Unit Chief
2 Counselors
1 Secretary
5 Volunteers

ESTIMATED TOTAL OF VICTIM WITNESS SERVICES BY UNIT: 7,856
(MAY 1975 - OCTOBER 1975)

NARRATIVE SUMMARY OF UNIT's ACTIVITIES

SURVEY

During the first quarter of operations, two surveys were administered in an attempt to pinpoint specific problems facing victims and witnesses. The surveys revealed that the majority of victims and witnesses were poor and under-educated and were largely ignorant of and intimidated by the criminal justice system.

The respondents' overall attitudes toward the criminal justice system reflected their experience: 41% reported negative feelings about the criminal justice system and 29% rated the system as only fair.

Interviews with police officers revealed that they had the same complaints as the lay witnesses with respect to case dispositions and continuances.

NOTIFICATION

In mid-December 1974, two sections of Criminal District Court were selected to serve as pilot projects for victim-witness services.

Working closely with the Assistant District Attorneys assigned to each section, program staff developed procedures to alleviate the problems delineated in the surveys. A series of form letters was developed as a guide for informing police and lay witnesses of all case dispositions in

pilot sections. Notification services were instituted in an effort to cut down the number of unnecessary trips to the courthouse by victims and witnesses. Each time an Assistant District Attorney discovered prior to the date of appearance that the case would not be heard as scheduled, program staff contacted the affected parties and released them from their subpoenas. If possible, a new appearance date was also supplied the victim or witness. Additionally, witnesses received reminder calls 24 hours prior to their court appearance in an effort to cut down the number of continuances caused by non-appearance of state witnesses.

PROPERTY RETURN AND EMPLOYER INTERVENTION

The procedure for property return was modified to include program staff participation. If a witness wishes to retrieve property, a call or visit to the program offices sets the machinery in motion and greatly expedites the process. Employer intervention is employed in those cases where the witness requires a letter to receive compensatory pay or where the employer is not fully aware of the importance of his employee's testimony in the case.

Utilizing the experience gained in the pilot sections, these services were expanded to two additional sections of court in January 1975, and two more were added in February 1975. The program has maintained services in these six sections of court since that date.

BRIEFINGS AND INTERVIEWS

Pre-trial briefings and interviews have been conducted, with the cooperation of the District Attorney's screening division, since December 1974. Screening attorneys are responsible for evaluating every case prior to prosecution. In many cases, the process includes issuing subpoenas to victims and witnesses to conduct interviews about their knowledge of the case. Subsequent to the witnesses' interview with the screening attorney, they are received by a program staffer. The interviewer gives a concise, clear explanation of the criminal court process and the witnesses role in it. All questions are answered, and if necessary, the victim or witness is referred to a local social service agency for professional assistance.

PUBLIC INFORMATION

An important function of the program is public relations. It was recognized during the initial phase of the program that public regard for the criminal justice system was so low that a diligent effort to inform the public of the services available to witnesses would have to be made. As a result, two articles were published in magazines with a statewide circulation, two television shows (one, one-half hour appearance which was aired twice, and a five-minute public service announcement) were done, a one-hour radio interview was aired, numerous articles in the local press have appeared and several speaking appearances by program staff have established high visibility for the program in the New Orleans area.

UNIT STATISTICS (MAY 1975 - OCTOBER 1975)

Initial Contacts		447
Reception Center		254
Social Service Referral		2
Property Return		27
Employer Intervention		42
Transportation		1
Escort Services		159
Witness Briefings		156
Follow-up Briefings		105
Notification:		
Initial Court Appearances	1,362	
Case Dispositions	3,051	
Disposition Explanations	2,211	
Alert Programs	39	
Total Notification		6,663
TOTAL		7,856

PHILADELPHIA, PENNSYLVANIA

DISTRICT ATTORNEY: F. EMMETT FITZPATRICK

VICTIM WITNESS ASSISTANCE UNIT CHIEF: J. P. DEVLIN

POPULATION SERVED: 1,947,609

VICTIM WITNESS ASSISTANCE STAFF COMPLEMENT:

1 Unit Chief
1 Assistant Unit Chief
1 Detective-Investigator
1 Analyst
1 Clerical Supervisor
4 Clerical
3 Paralegals
5 Volunteers

ESTIMATED TOTAL OF VICTIM WITNESS SERVICES BY UNIT: 3,241 *
(MAY 1975 - OCTOBER 1975)

* THE PRIMARY ASSIGNED ROLE OF THE PHILADELPHIA OFFICE WAS SURVEY RESEARCH

NARRATIVE SUMMARY OF UNIT's ACTIVITIES

RESEARCH PROJECTS

The Unit conducted a number of surveys during the first year of its operation. The largest of these was an 800 questionnaire survey of victims and witnesses in the Philadelphia court system. Highlights of the survey's findings include:

- 78% of victims surveyed were not injured by the crime against them. Of those injured, however, four of five required medical attention;
- 45% of the victims said that in the crime against them property was stolen. 61% of these never recovered their property;
- 51% of the crimes reported by the survey occurred during the day and 62% took place in the victim's or witness' home or neighborhood; and,
- 53% of the witnesses and 51% of the victims saw "waiting for hours" in the courtroom was a problem. 40% of those surveyed said that unnecessary trips to court was a problem. More than half of those surveyed had to appear both at the police station and in court and similarly more than half had to appear more than once either in the District Attorney's office or in court.

Interestingly, the victim-witness survey found that respondents rated their experience with the police more favorably than with the District Attorney or judges. 73% rated their experience with the police as "good or excellent," compared with 69% for the District Attorney and 55% for judges.

The Unit also conducted a survey of Assistant District Attorneys to discover their views on victim-witness problems. The 58 respondents saw uncooperative witnesses as the most serious victim-witness problem facing them: 93% listed the problem as at least "serious"; 70% described it as "very serious." The Assistant District Attorneys felt that non-cooperation arises most frequently in gang-related crimes and rape cases. They also listed "no-shows" of witnesses after continuances and aggravation of witnesses by repeated appearances as frequent problems.

The Unit questioned 56 city judges on victim-witness problems. 89% of the judges saw the uncooperative witness as a "problem," but only 29% listed it as a "serious problem" (in contrast with 70% of the Assistant District Attorneys). Other problems listed by the judges include witnesses arriving late (36%); witnesses ignorant of procedures (33%); witnesses ignorant of legal vocabularly (17%) and witnesses feeling unimportant to the case (14%).

The uncooperative witness was also listed as the most serious victim-witness problem in a survey of 209 police officers. 41% cited this problem, while 17% mentioned ignorance of procedures and 15% an inability to recall details as problems.

To discover why these reluctant witnesses did not appear, the Unit surveyed 43 "no-shows" asking them why they did not appear. Nine said they were never notified and nine more claimed they were unable to get off from work. Seven said they wanted to drop the case, five said they were put on telephone alert and never called. Others gave a variety of reasons for not appearing.

The office also made an effort to inform the public of its services and to make it aware of the problems of victims and witnesses of crime. There were, in its first year, 33 newspaper articles on the project, ten radio shows and seven television appearances. The office sent out 1,400 reports and 8,973 information letters.

WITNESS SERVICES

As a response to its survey findings, the Philadelphia office provided a number of direct services to victims and witnesses of crime. In its second year of operation, the Unit will try to institutionalize many of these services, previously offered on an ad hoc basis.

TRANSPORTATION

For example, the surveys revealed that many people, especially the aged and infirm, have difficulty getting to court. The Unit regularly provided transportation to these people and during a strike by SEPTA, the local public transportation authority, gave rides to 204 people scheduled to attend court.

REFERRALS, WITNESS FEES

The office made referrals to social service agencies when the need was apparent and interceded for a number of victims and witnesses whose employers were reluctant to have their employees take time from work to testify or to pay the employees for their time. The Unit helps individuals get witness fees due them (the survey indicates only 19% get their fees) and is working on a method to streamline the payment process so that all witnesses get their fees.

INFORMATION

The survey also revealed that many witnesses and victims were not familiar with what their role in the criminal justice system was. The Unit distributed several pamphlets -- among them, "25 Suggestions to a Witness" -- to explain their role in the system.

APPEARANCE CONTROL

In order to avoid needless court appearances by witnesses, the Unit has established a pilot telephone alert program, which it expects to expand in its second year. It is also investigating improved means of serving process. For some years, the city has mailed subpoenas to witnesses, including a self-addressed postpaid card for the recipient to acknowledge receipt of process. Service in person is made only if the witness fails to return the card. In an October experiment, the Unit telephoned witnesses who failed to return their cards before serving them in person. The experiment found that 74% of those who returned the postcard appeared as scheduled; 78% of those telephoned by the Unit appeared. In contrast, only 56% of those personally served by a detective showed up.

UNIT STATISTICS (MAY 1975 - OCTOBER 1975)

Initial Contacts		1,052
Social Service Referrals		18
Property Return		21
Employer Intervention		8
Transportation		74
Escort Services		9
Notification:		
Initial Court Appearances	505	
Case Dispositions	106	
Disposition Explanations	106	
Alert Program	1,342	
Total Notification		2,059
TOTALS		3,241

WESTCHESTER COUNTY (WHITE PLAINS), NEW YORK

DISTRICT ATTORNEY: CARL A. VERGARI

VICTIM WITNESS ASSISTANCE UNIT CHIFF: ASSISTANT DISTRICT ATTORNEY MICHAEL R. EDELMAN

POPULATION SERVED: 894,104

VICTIM WITNESS ASSISTANCE UNIT STAFF COMPLEMENT:

1 Attorney
1 Secretary
1 Reception Center Assistant
3 Volunteers

ESTIMATED TOTAL OF VICTIM WITNESS SERVICES BY UNIT: 2,624
(MAY 1975 - OCTOBER 1975)

NARRATIVE SUMMARY OF UNIT's ACTIVITIES

VICTIM WITNESS RECEPTION CENTER

The Victim Witness Reception Center and its operation is designed to ensure that all victims and witnesses awaiting court appearances are contacted and briefed by witness relations aides. This includes victims and witnesses awaiting Grand Jury appearances.

Witnesses entering the Reception Center are registered, interviewed, briefed and then escorted to the proper courtroom. Typically, a witness entering the courthouse is directed to the Reception Center where he is registered by a witness relations aide. During a waiting period either before or after his interview, the witness would be briefed by a witness relations aide or a volunteer, who answers his questions. When it is time to go to court, the aide escorts the witness to the courtroom.

CASE NOTIFICATION

The Unit notifies all witnesses both of case progress and case disposition.

Assistant District Attorneys may notify the Unit of witnesses they must contact or inform. The Unit then notifies the witnesses either by telephone or mail.

All witnesses in all cases, including those cases in which the defendant pleads guilty at an early stage, are notified of case dispositions.

POLICE TELEPHONE ALERT NOTIFICATION

The Unit has also instituted a police telephone alert system for court appearances. This project is designed to save valuable police time and to avoid scheduling confusions.

DAY CARE CENTER

To provide day-care to parents arriving at the Reception Center with young children, the Unit uses an adjacent room as a nursery and day-care center on an ad hoc basis.

TRANSPORTATION

Transportation for the aged, disabled and indigent is provided by the unit. Although contract negotiations have temporarily brought this program to a halt, police and investigators continue to provide transportation to these witnesses.

PROPERTY RETURN

The Unit receives requests for property return before and after case dispositions. When a request is received after a disposition, the Unit contacts the police department which in turn, contacts the victim and returns his property. When requests are received before a disposition, the Unit requests that the police make photographs and return the property when possible.

SOCIAL SERVICE REFERRAL

The social service referral needs of victims and witnesses are usually determined at the Reception Center and the appropriate referrals are made. As a result of a meeting between the Unit Chief and the Commissioner of Social Services, a special victim-witness liaison officer in the Department of Social Services has been named. The officer is responsible for ensuring that victims and witnesses receive prompt and appropriate social services. An important referral the Unit often makes involves the state victim compensation program.

INFORMATIONAL BROCHURE

The Unit prepared a one-page informational sheet for victims and witnesses. This sheet was subsequently expanded into a four-page brochure by the Commission staff in Washington. The brochure is now distributed to all victims and witnesses to inform them of essential victim-witness information and services.

UNIT STATISTICS (MAY 1975 - OCTOBER 1975)

Initial Contacts		798
Reception Center		862
Social Service Referrals		29
Property Return		10
Employer Intervention		9
Transportation		6
Escort Services		43
Witness Briefings		311
Follow-up Briefings		10
Notifications:		
Initial Court Appearances	241	
Case Dispositions	273	
Disposition Explanations	16	
Alert Program	16	
Total Notifications		546
TOTALS		2,624

SURVEY RESEARCH

The National District Attorneys Association assigned several important tasks to its Commission on Victim Witness Assistance. One task was to develop and deliver affirmative services to crime victims and witnesses. In the last half of its first year of operation the Commission's field units provided more than 105,000 services to crime victims and witnesses.

The other principal task assigned to the Commission involved a charge to determine the nature and extent of problems confronting victims and witnesses as they pass through the criminal justice system.

To fulfill its survey research responsibilities, the Commission conducted surveys in three of its field units. Summaries of those field surveys appear below.

PHILADELPHIA, PENNSYLVANIA

The Philadelphia District Attorney's office compiled victim witness related data from surveys of:

- approximately 800 victims and witnesses;
- all Philadelphia Assistant District Attorneys;
- all members of the Philadelphia Judiciary;
- approximately 200 members of the Police Department;
- approximately 60 witnesses who were subpoenaed but did not appear; and,
- approximately 100 people who filed private criminal complaints.

These surveys were conducted from November 1974, through August 1975, by the staff of the District Attorney's Victim Witness Unit. Summary findings appear below:

Victims -- The great majority of crime victims (78%) were not harmed, but among those who were injured, four of five required subsequent medical attention.

In 61% of the cases, the victims reported that their stolen property was never returned but among those whose property was recovered, two-thirds (67%) reported that this recovery took place prior to the trial. Of special note is the fact that 13% of the victims claimed they did not receive their property, even though it had been recovered by the police.

Crime — 45% of the respondents said that the crime in their court case involved stolen property. The next most frequently named crime was a physical attack on a person.

Weapons were not used in most crimes; seven in ten respondents stated that a weapon was not involved. Interestingly, one-fourth of the respondents (25%) involved in incidents where a weapon was used indicated that in any future incidents they would not get involved in a court case. This contrasts with 9% in cases where weapons were not used.

57% of the crimes had more than one witness. In almost half of these cases (47%), these other witnesses talked to the police after the crime had taken place. One in five (19%), however, refused to get involved and did nothing.

The Waiting Period -- In a majority of instances (54%), victims and witnesses had to appear at the police station and court. For police station appearances, respondents said they had sufficient notice, even though many had less than a day's notice.

More than half of the victims and witnesses were required to appear in the District Attorney's office or court more than once in connection with their case. Over three-fourths of the respondents (79%) felt that they had sufficient time to rearrange their personal schedules for these appearances.

The Trial -- The majority of court cases (58%) were postponed at least once. Respondents felt that the main reasons for these postponements were that the accused did not appear at court or that the defense attorney was not prepared or not present.

Over half of the court cases (52%) were completed within six months from the time of the incident. Municipal Court cases were more likely to be completed faster than Common Pleas Court cases.

An overwhelming majority of respondents (91%) said they understood when and where to appear. However, only half of the respondents (58%) were informed that they could contact the District Attorney's office about their courtroom appearance.

The Courtroom Experience -- Respondents (13%) claimed that lost pay was the only significant problem encountered with their employers due to their courtroom experience.

More than half the victims (51%) and witnesses (53%) mentioned sitting for hours in the courtroom as a problem encountered in their court cases. The next most frequent problem mentioned was unnecessary court appearances (40%).

Even though all witnesses are entitled to receive a witness fee, only 19% of the respondents in this study said they received one.

More than eight out of ten victims (85%) and witnesses (86%) felt that their involvement was very or somewhat important to their cases.

When given an opportunity to compare how they were treated by the District Attorney, judge, and defense counsel, respondents rated the treatment by the police most favorable. The District Attorney received the second highest rating.

Respondents claimed that they were not intimidated when they testified. Victims and witnesses rarely claimed that they were afraid to testify (8%) or feared others would be hurt if they testified (7%).

Asked what changes they would like to see in the criminal justice system, both victims and witnesses suggested a speedier court process, fewer postponements and better scheduling of cases. The next most frequent suggestion was that judges should give out stiffer sentences.

UNCOOPERATIVE WITNESSES

Seriousness of the Problem -- The uncooperative victim or witness is a serious impediment to the successful prosecution of a criminal case. While all segments of the criminal justice system saw non-cooperation as a problem, it appeared to be most seriously regarded by Philadelphia's assistant district attorneys. 93% of the assistant district attorneys polled said they saw the uncooperative or reluctant witness as a problem and 70% of the assistants rated the problem as "very serious."

Nearly as many judges (83%) and police (89%) saw the uncooperative witness as a problem, but only 29% of the judges and 39% of the police saw the problem as "very serious."

Problem Areas -- Once it had been determined that victim witness non-cooperation was a serious problem, it was decided to ascertain if any particular type of case was especially troublesome. The results are illustrated by the following table:

QUESTION: In which of the following cases do you experience the most victim witness non-cooperation?

	Surveys		
	ADAs	Judges	Police
Gang-Related Crimes	16%	31%	14%
Theft where goods have been returned	8%	16%	26%
Rape	15%	21%	9%
Aggravated Assault	8%	12%	12%

The difficulties in gang-related crimes, rape and aggravated assault all seem to stem from intimidation -- either real or imaginary. Counseling of victims in these crimes may reduce problems in these areas. Counseling may also identify actual problems of intimidation.

It has been the experience of the Philadelphia Victim Witness Unit that victims of crime whose property has been returned are reluctant to become involved. This experience also indicates that when the reasons for testifying are explained to these people most are more willing to testify. This finding was reinforced by the "No-Show" Survey. The survey indicated that there is a tendency for people not to come to court when the crime deals with stolen property or an attempt to steal something. Crimes involving stolen property accounted for 32% of the total crimes in Philadelphia last year.

In this survey, 57% of those failing to appear were involved with crimes of stolen property.

This data correlates with information from Philadelphia's survey of the Judiciary, Assistant District Attorneys and Police. These surveys indicated that much non-cooperation of victims and witnesses occurs in thefts where goods have been returned.

Problems Encountered with Witnesses -- In an attempt to isolate specific problems with witnesses, the following data was collected:

QUESTION: What problems do you most frequently encounter in connection with witnesses?

ADA Survey (open ended questions)

No-show after continuances	33%
Fear of defendant	13%
Aggravation of witnesses by repeated appearances	13%

Judicial Survey

Ignorance of legal vocabulary	17%
Ignorance of procedures	33%
Witnesses not feeling important to the case	14%
Witnesses arriving late	36%

Police Survey

Ignorance of procedures	17%
Unwillingness to cooperate	41%
Inability to remember details	15%
Not feeling important to the case	11%

"No-Show" Witnesses -- One of the most serious witness problems facing the criminal justice system is the witness who has been subpoenaed but fails to appear. A survey of "no-shows" (those people subpoenaed to court and not appearing) has provided the following data:

QUESTION: Why were you not able to appear for this case?

	Responses	Percentage
Insufficient notice	1	22
Never notified	9	21
Did not want to get involved for fear of reprisal	2	5
Could not get time off from work	9	21
Other	22	51

Responses to "Other" follow:

Seven wanted to just drop the case;
Five said they were put on call and never called;
Four said they forgot the court date;
Four said they were sick; and,
Two said they could not make it because they were on vacation.

Thus, none of the respondents indicated that they just didn't want to be bothered. This may actually be their true feeling or the respondents may have been fearful of telling the truth. To seek remedies for Commonwealth Witnesses not showing, the following question was asked:

QUESTION: Is there anything the Commonwealth can do to make it easier for people to appear at court?

23% felt that the Commonwealth should try to eliminate unnecessary trips to court;

9% felt that they should be notified the day before court to verify the date; and,

One person felt that some sort of protection should be afforded witnesses.

Training -- There was consensus among those in the field that additional victim witness training is desirable. Better than 70% of the Assistant District Attorneys indicated a need for additional training. 53% of the Judiciary indicated a need for additional training of assistants. No judges indicated a need for additional Judicial training. In the survey of police, 84% indicated a desire for additional training, despite the fact that Philadelphia has a police force nationally recognized for the quality of its training.

Hypotheses -- Based on the intuitive knowledge of prosecutors, it was hypothesized a priori that four factors directly affected witness attitudes:

° trial delay;

° intimidation;

° inadequate court facilities; and,

° loss of income.

Listed below are the number of comments made by the various groups in response to open-ended questions in the various surveys:

	Police	Judges	ADAs	Witnesses
Trial Delay	74	31	35	302
Intimidation	78	*	8	42
Loss of Income	36	*	16	*
Inadequate Court Facilities	*	15	*	*

* Number of responses is too small to be significant.

Of the hypotheses listed above, only "inadequate court facilities" has little direct support. It may, however, be reflected in the fact that 44% of the victims and witnesses were disgusted by the whole system.

CONCLUSION

The objectives of this research were to determine what problems victims and witnesses have enountered with the Philadelphia criminal justice system, why people are reluctant to testify and how the system might be improved to make it easier for witnesses to testify.

The results of this study indicate:

- there is a need to improve communications between the court and victims and witnesses on:

  how to receive a witness fee;

  how to retrieve stolen property recovered by the police;

  what is involved for witnesses and victims in court processes; and,

  informing victims and witnesses of their rights.

- the need for a reception center and alert system for the Philadelphia Common Pleas Courts to help eliminate the problems of victims and witnesses sitting for hours in the courtroom and making unnecessary trips to the court.

- there is also a need to speed up the court process, which includes fewer postponements and better scheduling of cases.

ALAMEDA COUNTY, CALIFORNIA

The Alameda County, California, field unit conducted an extensive two-part survey to determine how the victims and witnesses of crime viewed their treatment by the County's criminal justice system.

The unit administered its questionnaire twice -- to 249 victims and witnesses in December 1974, and January 1975, and 266 more persons in May and June 1975. Those surveyed came from 549 felony cases, selected at random from those cases in which a defendant was charged, in which there was a civilian victim or witness, and in which the crime was committed in Alameda County. Since the survey attempted only to discover the perceptions of victims and witnesses of the County's criminal justice system, no conclusions about the nature and extent of crime in the County should be drawn from the data.

Alameda County borders on California's San Francisco Bay. Its largest city is Oakland. The County's population is 1,142,000, of whom 67.2% are causasian, 15% black, 12.6% Mexican-American or Latin-American, 3.8% Asian and 1.4% other.*

Survey results can be broken down into four basic areas: (1) notification to victims and witnesses about court appearances; (2) compensation of victims of crime; (3) difficulties attending courthouse appearances; and, (4) general impressions of those surveyed of the criminal justice system.

In most cases, the findings are a composite of the two surveys. In January 1975, however, the Alameda County District Attorney's office instituted its computerized District Attorney's Witness Notification Project (D.A.W.N.). This program tracks the progress of a case through the criminal justice system and notifies those involved of developments in the case. Where findings differed markedly pre-D.A.W.N. and after, these changes are noted in the comments following each section of the survey results.

NOTIFICATION -- FINDINGS

- 88.1% of those answering the survey said they were told that someone had been arrested in their case. In 60.1% of these cases, notice came from the police, either directly, or by police-served subpoenas;

- 87.2% were notified to appear for a court appearance or interview. 64.5% of these received notice via a subpoena hand-delivered by the police. 93.7% of those notified, however, said they would have come to court even if simply notified by mail;

* These population statistics derived from estimates of the Alameda County Planning Department, April 1975.

- although 38.7% of victims and witnesses were asked to appear more than once, only 26.7% actually did so;

- of those asked to appear, 88.4% said they had enough notice to rearrange their personal schedules. On the average, respondents had seven days' notice of their appearance;

- only 54.8% said they were told in advance what was involved in going to court;

- although 20.8% of those surveyed changed address during the pendency of the case, only 11% of the time did anyone in the District Attorney's office ask to be told of any change; and,

- 80.5% of the victims and witnesses said they would like to be notified of the outcome of their case. 91.5% said they were interested in whether the defendant was found guilty and 88.4% said they wanted to know the sentence imposed. 58.3% said they actually received notice of the final case disposition.

COMMENT

These findings underscore the need for adequate notification systems to let victims and witnesses know of court dates and the progress of the case in which they are involved. The survey indicates that mailed subpoenas would in most cases get witnesses to court -- which would save costly police time consumed by serving them. The findings also suggest that victims and witnesses want to be notified of the outcome of their cases -- a want not always met by the District Attorney's office.

Before D.A.W.N., 75.2% of those surveyed said they were not notified of the outcome of their case, although most said they wanted to know. D.A.W.N. has cut that figure to 9.7%.

COMPENSATION -- FINDINGS

- 15.8% of the victims sampled were physically injured by the crime. 75.2% said they lost money or property because of the crime;

- of those injured, only 27.5% were compensated for their injury -- most of these by medical insurance or unemployment compensation;

- only 39.5% of those injured even knew of existing state laws compensating victims of crime for physical injury, despite the fact that prosecutors and police are required by law to tell victims of its availability. The May-June survey indicated that fully 50% of those injured remain unaware of the compensation program. None of those surveyed actually received state compensation; and,

- in 52.9% of those cases where property was stolen, the police recovered the property. In 50.9% of these cases, victims said the property was used as evidence in court (17.2% did not know). Yet 29.6% did not get their property back even though it was recovered.

COMMENT

Obviously, many victims of crimes are not aware of compensation programs for which they might be eligible -- causing them to bear losses for which recompense might be available. Further, police and prosecutors are not informing victims of these programs as systematically as they should.

The survey also indicates that procedures for the return of recovered stolen property are inadequate. A new state law, drafted by the staff of the Alameda County unit, mandates each law enforcement agency to set up a procedure for the systematic return of stolen property receovered by the agency. The law became effective January 1, 1976.

COURT APPEARANCES -- PROBLEMS

- 80.3% of those surveyed said they used automobiles to get to the courthouse. Of these, 28.6% said they had difficulty parking. Yet, only 4.4% of those surveyed said they received a map showing nearby parking areas -- while 45.3% said such information would have been useful. 52.9% of automobile drivers said they had to pay to park;

- 8.3% of respondents said they had difficulties getting transportation to court;

- 35% said the courthouse waiting areas were not comfortable and another 34.5% gave "qualified" approval to the waiting areas;

- 17.2% said they had difficulty finding the right courthouse location;

- 6.1% said their employer was not willing to have them take time from work to testify or talk with a deputy district attorney. 22.3% said they lost pay because of their appearance as a witness; and,

- 95% said they received no witness fees, despite the fact that state law provides for such a fee.

COMMENT

These findings confirm the often intuitive belief that witnesses face numerous personal problems due exclusively to their appearances in court -- as opposed to problems stemming from their involvement in the crime itself. They also suggest that those in the criminal justice system are not aware of the minimal measures -- witness fees, for example -- available to mitigate these problems.

GENERAL IMPRESSIONS

- 40% of those surveyed claimed they feared retaliation by the defendant or others against them; 5% said they received actual threats;

- 47% said they took measures to improve their "personal security" or that of their property as a result of their experience with crime. 6.6% said they acquired guns -- most of these victims. But 44.4% (8 of 18) victims of sexual assault said they acquired guns after the crime;

- only 50.4% said "justice was carried out" in their case. 17.5% said it was not, 9.4% were not sure and 22.7% said they didn't know the result; and,

- 7.1% described their experience with the District Attorney's office as bad; 33.6% as "good"; and 59.3% as "indifferent."

COMMENT

Interestingly, the feeling that "justice was carried out" and a "good" rating of the District Attorney's office among victims and witnesses improved after the institution of D.A.W.N.

After D.A.W.N., 67.6% of those asked said they felt justice was done in their case and only 20.1% said they believed it was not. Most of the negative respondents (90.4%) said sentencing was too lenient. Only 1.9% said they did not know the results of the case.

The "good" rating of the District Attorney's office increased from 20.6% pre-D.A.W.N. to 45.6%. Only 5.1% rated their experience as "bad," down from 9.2%. The "indifferent" rating fell from 70.2% to 49.1%.

These findings point out both the need for treating victims and witnesses with courtesy and the positive effects of doing so. They also demonstrate that the experience of crime is trying to many persons, who fear often retaliation by the defendant and repetition of the crime. Those in the criminal justice system need be aware that these feelings are real to victims and witnesses, even when not based on a demonstrable reality.

NEW ORLEANS, LOUISIANA

The Victim Witness Assistance Unit of the New Orleans District Attorney's office conducted three victim-witness surveys during the first half of the Commission's first year of operations. These surveys were designed to elicit victim and witness attitudes toward the criminal justice system. The salient findings of the three surveys appear below.

First Contact Survey

Victims and witnesses have their initial contacts with the New Orleans District Attorney's office when they are interviewed by the District Attorney's Screening Division. It is at this stage of the preliminary proceedings that an Assistant District Attorney in the Screening Division makes a determination as to whether or not the District Attorney's office should reject or go forward with a proposed charge. Thirty-five crime victims were interviewed by the Victim Witness Assistance Unit after they had been interviewed by the Screening Division. At the time of interviews with the Victim Witness Assistance Unit their cases had not proceeded further than the District Attorney's Screening Division. The findings were as follows:

- 80% had no prior experience as either crime victims or witnesses;
- 70% felt that witnesses should not be reimbursed for time spent in court to testify;
- almost 95% felt, however, that victims should be compensated for their losses;
- 41% had "negative" feelings about the criminal justice system; and,
- only 29% considered the criminal justice system "fair."

Telephone Refusal Survey

The District Attorney's Victim Witness Assistance Unit conducted a random telephone survey of fifty-five victims and witnesses whose cases were "refused" by the District Attorney's Screening Division. The purpose of this telephone survey was to determine whether victims and witnesses had been properly informed of the decision to refuse prosecution and to determine what affect such refusal had on their attitudes toward the criminal justice system. Survey results revealed that:

- 30% of all respondents had not been informed as to what action, if any, had been taken on their case;
- 70% were unaware that their case had been refused by the District Attorney's office;

- few of the 70% who were aware of the refusal had been officially informed of such refusal by the District Attorney's office; and,
- of those who had been so informed, 83% reported that no explanation was given for the refusal.

Participant Survey

This survey conducted by the District Attorney's Victim Witness Assistance Unit polled 200 victims and witnesses who had completed their participation in the criminal justice system. Salient findings were:

- 58% stated that they did not receive an adequate explanation of court procedures;
- only 43% felt that victims and witnesses were given adequate notice regarding court appearances;
- 48% of the respondents thought the criminal justice system was "good" while the remainder thought it was, at best, "fair";
- 67% felt victims should be compensated for their losses;
- 24% said they were not satisfied with the overall operation of the criminal justice system;
- 36% said they were "satisfied" and 12% said that they were "sometimes satisfied."

Based on these partial findings, the New Orleans District Attorney's Victim Witness Assistance Unit attempted two operation programs to rectify some of the negative feelings expressed by victims and witnesses toward the criminal justice system. In particular, the District Attorney and his Victim Witness Assistance Unit staff increased efforts to notify victims and witnesses of court appearances, to explain reasons why cases were not prosecuted and to develop methods to keep victims and witnesses advised about case progress.

WITNESS COMPENSATION

During July 1975, the Commission conducted a witness compensation survey. Survey forms were sent to State District Attorney Association Directors in each of the fifty states. Data compiled indicated that:

- all 50 states have witness compensation statutes;
- the maximum witness fee rate per day allowed was $30.00 (and that was for a non-resident);
- four states have a witness compensation rate of $.50 per day;
- allowances for travel fluctuate a great deal (from $.02 to $.25 per mile);
- compensation is "automatic" in only 19 states;
- yet 38 states indicated that all witnesses received compensation;
- the manner of applying for compensation varies widely. In different states witnesses must apply through a State's Attorney's Office, obtain a court order, apply to a circuit clerk's office, sign a witness book, or present an affidavit to the Attorney General's Office.
- only three respondents indicated that their states (North Dakota, Texas and Vermont) had legislation which covered an employer's obligations to employees subpoenaed as witnesses in criminal cases; and,
- while all states have some provisions for compensation to witnesses, less than half offer significant fees and only a few compensate witnesses for lost wages, child day care, meals or lodging. Witness compensation in most states appears to be a token recognition rather than a means to fully compensate a person for testifying in court.

The following table reveals the marked disparities which exist in the witness compensation area. Blanks indicate that respondents did not answer. All data is that supplied by respondents.

WITNESS COMPENSATION

STATE	MAXIMUM PER DAY	MINIMUM PER DAY	TOTAL COMP. LIMIT	TRANSPORT.	INCIDENTAL EXPENSES	OTHER
ALA	YES			YES		
ALASKA	$21.00	$ 7.50		.12/mile	Extraordinary Travel	
ARIZ	(Entire	statute	only for out	of county	& indigent at discretion of judge.	
ARK	$ 3.00	$ 3.00		only out of county		Reasonable expenses for loss of time.
CALIF	$18.00	$12.00	None	Reasonable sum		None
COLO	$ 2.50	$ 2.00	None	.15/mile	None	None
CONN	$ .50			.10/mile		Out of state witnesses, physicians
DEL	$ 2.00	$ .50	None	.02/03 per mile	None	None
FLA	$ 5.00	$ 5.00	None	.06/mile		
GA	$ 4.00	$ 4.00		.08/mile		
HI	Nonresid't $30.00	$ 4.00		One Way: .20/mile		Boat or plane fare from another island
IDAHO	$ 8.00	$ 8.00	$ 8.00	.25/mile One Way	None	None
ILL	$ 5.00	$ 5.00		.10/mile		
IND	$ 5.00			.08/mile One Way		
IOWA	$ 3.00			.15/mile		
KANS						Fees not necessary and are paid by counties
KY	$ 5.00	$ 1.00	Out of state	.04/mile	None	.10/mile out of state
LA	Fixed by Parishes	$ 3.00		.05/mile		.10/mile out of state +$5.00 min. when out of state
MAINE	- - - -	UNANSWERED	- - - -			"Witness fees & mileage"
MD	$ 1.00	$ 1.00		.10/mile out of state	Itinerant expenses	Comp varies in counties & before justice of the peace
MASS	$ 6.00	$ 6.00		.10/mi		
MICH	$12.00	$ 6.00	None	.10/mile		Expert witness fees at discretion of court
MINN	$10.00	$10.00	$25.00/day	.12/mile	Meals, Child care	Lost wages
MISS	$ 1.50	- - -	- - - -	.05/mile Tolls		
MO	$ 4.00	$ 3.00	None	.07/mile		
MONT	$10.00			.08/mile		
NEBR	$20.00	$20.00		.08/mile		
NEV	$15.00	$15.00		.15/mile		
N.H.	$15.00			.12/mile		
N.J.	$ 2.00	.50	None	.07/mi out of county	- - NO - -	- - NO - -
N.M.	$24.00	$24.00	$24.00	.12/mile		
N.Y.	$ 2.00	$ 2.00	None	.08/mile	$3.00 per diem	10¢ per folio for transcripts of record, for witnesses not a party for EBT
N.C.	$ 5.00		State employe rate	.10/mile	Lodging, meals, etc	
N.D.	$15.00			.15/mile	$26/day for meals and lodging	
OHIO	$ 3.00			.05/mile		
OKLA	$ 2.00	$ 2.00		.05/mile		As per order of district judge

WITNESS COMPENSATION

STATE	MAXIMUM	MINIMUM	TOTAL COMP.	TRANSPORT	INCIDENTAL EXPENSES	OTHER
ORE	$ 5.00			.08/mile		
PENNA	$ 5.00			.07/mile	Travel and	sustenance when out of jurisdiction
R.I.	$ 5.00		None	.10/mile	Hotel	
S.C.	$ 1.00	$ .50		.05/mile		
S.D.	$ 4.00	$ 3.00		.15/mile		
TENN	$25.00	$ 1.00	None	.04/10 mile	None	
TEXAS	$25.00			.12/mile	In certain cases	
UTAH	$ 6.00	Not set		.20/mile one wa		
VT	$10.00	$10.00		.08/mile	None	N/A
VA	$ 1.00		None	.10/mile	None	Tolls & Ferriages
WASH	$ 4.00	$ 4.00	None	.10/mile	None	
W.V.	$ 1.00			.05/mile		
WIS	$ 5.00			.10/mile		
WYO	$ 10.00	$ 3.00	None	.10/mile	None	$25.00 for expert witnesses

VICTIM COMPENSATION

During July 1975, the Commission also conducted a Victim Compensation Survey. Replies indicate that:

- 18 states claim to have Victim Compensation;
- 10 of the 18 states with Victim Compensation programs make awards through a special compensation Board;
- the maximum award possible is $50,000 (Louisiana);
- the minimum award is $25.00 (Delaware); and,
- at the time of the survey 7 respondents reported that Victim Compensation was pending in their states.

The following two Tables provide information regarding Victim Compensation Statutes. In addition to this information District Attorneys may obtain from the Commission on Victim Witness Assistance analyses of existing State Victim Compensation Statutes and analyses of Victim Compensation Bills presently pending before the Congress of the United States.

STATE	DOES A STATUTE EXIST?	IS LEGISLATION PENDING?	IF A STATUTE EXISTS, PLEASE CITE IT COMMENT
ALA.	YES	Not Applicable*	Ala Code 1940 Recompiled 1958, Title 42 Sec 22 (condition of probation)
ALASKA	NO	NO	
ARIZ	NO	NO	
ARK	NO	NO	
CALIF	YES	*	13959-13966 Cal Code & 13970-13974
COLO	NO	NO	
CONN	NO	NO	
DEL	YES	*	11 Del C. Sec. 9001 et. seq.
FLA	NO	YES	
GA	NO	NO	
HI	YES	*	Chap 351 - HI Revised Stat Chap 70 Sec 71
IDAHO	NO	NO	
ILL	YES	*	Ill Revised Stat, Chap 70 Sec 71 et seq.
IND	NO	NO	
IOWA	YES	*	Sec. 78 9A.8 (Restitution)
KANS	NO	NO	(Legislation reported out of committee unfavorably)
KY	NO	YES	
LA	YES	*	LA R.S. 46:1801-1821
MAINE	NO	NO	
MD	YES	*	Art 26A Md Annotated Code
MASS	YES	*	MASS. Ann. Laws 258A (1968)
MICH	NO	YES	
MINN	YES	*	MINN Ann Stat. 299B.01 et seq.
MISS	NO	NO	
MO	NO	NO	
MONT	NO	NO	
NEBR	NO	NO	(But study proposal is pending)
NEV	YES	*	Chap. 217 of N.R.S.
N.H.	NO	NO	
N.J.	YES	*	N.J.S.A. 52:4B-1 (1971) Chap 317
N.M.	NO	NO	
N.Y.	YES	*	Art 22 Exec Law Sec 1620 et seq.
N.C.	NO	NO	
N.D.	YES	*	Chap 65-13, NDCC
OHIO	NO	YES	
OKLA	NO	NO	
ORE	NO	NO	(Attempt in past)
PENNA	NO	YES	
R.I.	YES	*	Title 12 Chap. 25 (Tied to enactment of federal legislation)
S.C.	NO	YES	
S.D.	NO	NO	
TENN	NO	NO	
TEXAS	NO	NO	
UTAH	NO	NO	
VT	YES	*	T28VSA Sec 252 (6) (5) Restitution)
VA	NO	NO	
WASH	YES	*	R.C.W. 7.68 (1973)
W.V.	NO	YES	
WIS	NO	NO	
WYO	YES	*	Sec 1-195 W.S. 1957 (1963)

ESTIMATED COSTS OF VICTIM COMPENSATION AND WITNESS COMPENSATION PROGRAMS

The third part of the Commission's July 1975 Survey sought data on cost estimates for operating victim compensation and witness compensation programs. Respondents self-explanatory replies appear in the Table below.

STATE	ESTIMATED WITNESS COMPENSATION COSTS	ESTIMATED VICTIM COMPENSATION COSTS
ALA	UNKNOWN	NONE
ALASKA	UNKNOWN	Not Applicable
ARIZ	UNKNOWN	Not Applicable
ARK	UNKNOWN	Not Applicable
CALIF	UNKNOWN	$841,895 (1974)
COLO	$40,000	Not Applicable
CONN	$400,000	Not Applicable
DEL	$16,500	No Payments to Date
FLA	$225,000	Not Applicable
GA	UNKNOWN	Not Applicable
HI	UNKNOWN	$168,353 + $32,371 operating costs
IDAHO	UNKNOWN	Not Applicable
ILL	UNANSWERED	UNANSWERED
IND	UNKNOWN	Not Applicable
IOWA	UNKNOWN	UNKNOWN
KANS	UNKNOWN	Not Applicable
KY	UNKNOWN	Not Applicable
LA	UNKNOWN	UNKNOWN
MAINE	UNKNOWN	Not Applicable
MD	UNKNOWN	UNKNOWN
MASS	UNKNOWN	UNKNOWN
MICH	$1,400,000	Not Applicable
MINN	UNKNOWN	UNKNOWN
MISS	Practically no cost	Not Applicable
MO	UNKNOWN	Not Applicable
MONT	UNKNOWN	Not Applicable
NEBR	UNKNOWN	Not Applicable
NEV	$193,846	1/1/75 -- 7/1/75 = $15,152
N.H.	$58,000 (1974)	Not Applicable
N.J.	$550,300	$796,000
N.M.	$100,000	Not Applicable
N.Y.	UNKNOWN	$3,048,300
N.C.	UNKNOWN	Not Applicable
N.D.	UNKNOWN	(New Law - 7/1/75)
OHIO	UNKNOWN	Not Applicable
OKLA	UNANSWERED	Not Applicable
ORE	UNKNOWN	Not Applicable
PENNA	UNANSWERED	Not Applicable
R.I.	$136,000	None - Statute Not Applicable
S.C.	MINIMAL	Not Applicable
S.D.	UNKNOWN	Not Applicable
TENN	$40,078	Not Applicable
TEXAS	UNANSWERED	Not Applicable
UTAH	$18,500	Not Applicable
VT	UNKNOWN	UNKNOWN
VA	UNKNOWN	Not Applicable
WASH	UNKNOWN	UNKNOWN
W.V.	UNANSWERED	Not Applicable
WISC	Not Applicable	Not Applicable
WYO	UNANSWERED	UNANSWERED

VICTIM WITNESS INTIMIDATION SURVEY

The intimidation of crime victims and witnesses is a problem which confronts District Attorneys and trial assistants. To determine the statutory framework for handling intimidation cases the Commission assigned two student interns to the task of examining the wide disparity which exists in the witness intimidation definition and treatment. Observations based upon their research appear below.

- some "intimidation" statutes note that the statute does not limit the inherent power of the court to protect itself from interference;
- often a state will have some kind of bribery statute but witnesses may not be specifically mentioned. In the Commission survey all cities of bribery statutes refer specifically to bribing witnesses;
- many different persons may be included in some intimidation and bribery statutes, e.g., judges, jurors, witnesses, referees, arbitrators, etc. Also, some of the states that do not have witness intimidation statutes cover these other persons;
- often a statute may include both bribing and intimidation. However, if these offenses are listed separately, bribery seems generally to carry a heavier penalty;
- a few states treat intimidation in a felony case as a felony, while intimidation in a misdemeanor case is a misdemeanor;
- the intimidation statutes are listed under a number of headings. Obstruction of Justice, Threats, Corruption, Intimidation, Tampering, and Bribery are the most common classifications;
- there is a correlation between the effective date of a statute and the severity of the penalty. Earlier statutes generally define witness intimidation as a misdemeanor; later statutes generally define witness intimidation as a felony;
- seven states have no discernable witness intimidation statute;
- five states have statutes that could provide either misdemeanor or felony penalties for witness intimidation;
- eighteen states consider witness intimidation a felony; and
- twenty states consider witness intimidation a misdemeanor.

The following table demonstrates state to state differences in statutes covering intimidation.

STATE	STATUTE	CITATION	EFFECTIVE DATE	FELONY	MISDEMEANOR	PENALTY	CONTENTS
Alabama	Yes	Ala Code tit. 14, secs. 76-79 (1958)	1923		X	$1,000 and/or 1 year	tit. 14, sec 76--bribery is a felony
Alaska	Yes	Alas Stat sec 11.30.320	1964	X		$5,000 or 1 to 5 years	
Arizona	Yes	Ariz Rev Stat Ann Secs. 13.548	1939	X		$5,000 or up to 5 years	
Arkansas	Yes	Ark Stat Ann sec 41.2804 (1962)	1895		X	$300 and/or 1 year	
California	Yes	Cal Penal Code Ann. sec 136 (Deering)	1967	X	X	$1,000 or 1 year or 1 to five years	Bribery is a felony
Colorado	Yes	Colo Rev Stat Ann secs. 18-8-605 (1973)	1963	X		2 to 30 thousand dollars or 1 to 10 years	
Connecticut	No	Only applies to public officials and jurors					Conn. Stat Ann sec 53-148. Bribery of a witness is a felony
Delaware	Yes	Del. Rev. Code Ann. secs. 11:1261-1263 (1974)	1953		X	Class A misdemeanor	Bribery is a class D felony
Florida	Yes	Fla Stat Ann sec 918-14	1972	X	X	Felony - up to 5 years Misdemeanor - up to 1 year	Generally a felony
Georgia	Yes	Ga Code Ann sec 26-2313	1975	X		1 to 5 years	
Hawaii	No	Only applies to public officials and jurors					See Hawaii Rev Stat sec 725-4 Obstructing justice

STATE	STAT-UTE	CITATION	EFFECTIVE DATE	FELONY	MISDE-MEANOR	PENALTY	COMMENTS
Idaho	Yes	Idaho Code secs. 18-2604-05	1947		X	Misdemeanor	Bribery of a witness is also a misdemeanor
Illinois	Yes	Ill Stat. Ann. Ch. 38, sec. 31-4	1973	X		Low Felony	
Indiana	Yes	Ind Crim Stat. Ann. sec. 10-1101 (Burn's)	1905		X	Low Misdemeanor	
Iowa	Yes	Iowa Code Ann. sec. 723.1	1939		X	$1,000 and/or 1 year	
Kansas	Yes	Kan Stat Ann. sec. 21-3809	1969	X		Felony: 1-5 years or $5,000	
Kentucky	Yes	Ky Rev. Stat. Ann. sec. 324-201 (3) (Baldwin)	1974	X		Low Felony	
Louisiana	Yes	La Rev. Stat. sec. 14-117 (West)	1896	X		Felony	Includes Bribery
Maine	Yes	Me Rev. Stat. Ann. tit. 17-A, 4.5.4	1975	X		1-3 years	
Maryland	Yes	Md Code Ann. Art. 27, Secs. 27-2d (1957)	1951		X	3 months and/or $500	
Massachu-setts	Yes	Mass Laws Ann. Ch. 268A, sec. 3	1962	X		$3,000 and/or 2 years	
Michigan	No						Mich Stat Ann. sec. 28.773. Common law offense to obstruct justice - provides felony penalty
Minnesota	Yes	Minn Stat Ann secs. 609.27, 609.275	1963		X	Misdemeanor	Under a law against threats to coerce

STATE	STAT-UTE	CITATION	EFFECTIVE DATE	FELONY	MISDEMEA-NOR	PENALTY	COMMENTS
Missis-sippi	Yes	Miss Code Ann. sec. 97-9-55 (1972)	1964	X	X	1 month - 2 years	
Missouri	Yes	Mo Stat. Ann. sec. 557.080-090	1939	X		Up to 5 years for attempt to corrupt a witness	Bribery is a felony or misdemeanor, depending on nature of case
Montana	Yes	Mont Rev. Code Ann. Ch. 1-2, sec. 94-7-207 (1973)	1973	X		Up to 10 years	
Nebraska	Yes	Neb Rev. Stat. Ch. 28, sec. 737 (1943)	1929		X	$100 or 20 days	Bribery - Chap 28, sec. 703 is a felony
Nevada	Yes	Nev Rev Stat tit 16, Ch 199, sec. 23C-24C	1967	X	X	When force or threat of force a felony, otherwise misdemeanor	Bribery is a felony
New Hampshire	Yes	N.H. Rev Stat Ann Ch 641, sec. 5	1973	X		Felony	
New Jersey	No					Misdemeanor for subornation of perjury	See N.J. Stat Ann tit. 2A, Ch 131, sec.1 (1898)
New Mexico	Yes	N.M. Stat. Ann. Ch. 40A, sec. 24-3(c)	1963	X		4th degree felony	
New York	Yes	N.Y. Penal Code Ann. sec. 215.10 (Consolidated Laws of N.Y.)	1965		X	Class A misdemeanor	Bribery is a felony
North Carolina	Yes	N.C. Gen. Stat. sec. 14-226	1891		X	Fine and imprisonment at the discretion of the court	

STATE	STAT-UTE	CITATION	EFFECTIVE DATE	FELONY	MISDE-MEANOR	PENALTY	COMMENTS
North Dakota	Yes	N.D. Code Ann tit. 12, Ch 15, sec. 06-08	1943		X	Misdemeanor	
Ohio	Yes	Ohio Rev. Code Ann. sec. 2921.31-32	1974		X	Misdemeanor	This is a general obstruction of justice clause
Oklahoma	Yes	Okla Stat Ann. tit. 21, sec. 452, 455, 456	1909	X		Deceiving - misdemeanor; preventing from attending-felony	Bribery is a felony
Oregon	Yes	Ore Rev. Stat. Ch. 162.265-285	1971		X	Misdemeanor	Bribery is a felony
Penn-sylvania	Yes	Pa Stat. Ann. tit. 18-5102	1973		X	2nd degree misdemeanor	
Rhode Island	No					R.I. Gen Laws Ann. sec. 11-33-3 Felony to incite or procure another to commit perjury	Gen. Laws Ann. sec. 11-7-1, Bribery is a felony - 7 years or $1,000
South Carolina	No						
South Dakota	Yes	S.D. Laws Ann. sec. 19-5-15	1939		X	Misdemeanor	
Tennessee	Yes	Tenn Code Ann. sec. 39-835	1970	X	X	Misdemeanor for misdemeanor cases; felony for felony cases (5 years)	
Texas	Yes	Tex Penal Code Ann. tit. 8, sec. 36.05	1971	X		3rd degree felony	

STATE	STAT-UTE	CITATION	EFFECTIVE DATE	FELONY	MISDE-MEANOR	PENALTY	COMMENTS
Utah	Yes	Utah Code Ann. tit. 76, Ch 28, secs. 37,40 (1953)	1943		X	Misdemeanor	Utah Code Ann, tit. 76, Ch 28, sec. 41, Bribery is a felony; deceiving and preventing is a misdemeanor
Vermont	No					Vt. stat. Ann. tit. 13 sec. 1701 There is a general clause against threats.	Vt. Stat. Ann. tit. 13, sec. 1103; bribery is a felony
Virginia	Yes	Va. 1975 Assembly Acts Ch. 15, Art 6-18.2-460	1975		X	$1,000 or 1 year	Bribery is a felony
Washington	Yes	Wash. Rev. Code Ann. tit. 9, Ch 9.69.080	1969	X		5 years	
West Virginia	Yes	W.Va. Code Ann. Ch. 61, sec. 5-27	1923		X	$25-200 and/or 6 months	Felony if intimidated witness is testifying for the state in a conspiracy trial
Wisconsin	Yes	Wis. Stat. Ch. 943.30(3)	1955	X		$10,000 or 10 years	
Wyoming	Yes	Wyo Stat Ann. tit. 6, sec. 187	1945		X	$1,000 and/or 10-60 days	

FOR FURTHER INFORMATION REGARDING THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION ECONOMIC CRIME PROJECT, THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION COMMISSION ON VICTIM WITNESS ASSISTANCE OR THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION CHILD SUPPORT ENFORCEMENT PROJECT, PLEASE WRITE TO:

Richard P. Lynch, Director
National District Attorneys Association
Washington, D.C. Offices
1900 L Street, Northwest, Suite 607
Washington, D.C. 20036

Frank A. Ray, *Project Director*
Economic Crime Project

Leonard R. Mellon, *Project Director*
Child Support Enforcement Project

Robert E. McKenna, *Project Director*
Commission on Victim Witness Assistance

Project Staff
Commission on Victim Witness Assistance

Thomas B. Goodbody
Mary McClymont
Glen Skoler
Deborah J. Lockett
M. Susanne Berman
Sharon Lee Potter
Ann Wesley

NATIONAL DISTRICT ATTORNEYS ASSOCIATION
EXECUTIVE OFFICES:
211 East Chicago Avenue, Suite 1515, Chicago, Illinois 60611

END

National District Attorneys Association
Washington D.C. Offices
1900 L Street, N.W.
Suite 607
Washington, D.C. 20036
202-872-9500