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A REPORT ON THE CITY OF NEWARK VICTIM/WITNESS STUDY

TO: The Ohio Department of Economic and Community
Development Administration of Justice

FROM: Bill L. Slocum, Chief/Criminal Division
Office of the Newark City Solicitor

DATE:

RE: City of Newark Victim/Witness Study
Project No. 75-BC-E01-5475

On March 29, 1977 the office of the Newark City Solicitor received a federal grant award from the Ohio Department of Economic and Community Development to conduct a survey of crime victims and criminal court witnesses who had appeared in some phase of a criminal court proceeding in the Licking County Court system within the calendar years 1974-1976. Enclosed in this report is the results of that survey and a model surveying technique which may be used by other Ohio communities who are concerned with the attitudes of crime victims and court witnesses towards the criminal justice system. We hope that the results of the survey will be of interest to those who are troubled by the lack of attention given to the problems of crime victims and court witnesses as they move through a court system best described as the "Justice Maze".

NCJRS

MAR 8 1978

ACQUISITIONS

45693

I. PROBLEM STATEMENT

Licking County is the home of 108,000 residents according to the 1970 census. In a given year, a certain portion of the population of Licking County will suffer personal or economic harm as a result of being the victim of a crime. Yet another portion of the population will come into contact with the criminal justice system as witnesses to the criminal act. Both categories of individuals are essential to the effectiveness of the system. Crime victims must report crime to law enforcement agencies if the offender is to be apprehended, and witnesses must provide testimony if the offender is to be held accountable. Unfortunately, police and prosecutors have tended to view crime victims and/or court witnesses as "pieces of proof" necessary to solve the crime and convict the culprit. While this approach is functionally true, it overlooks the simple fact that crime victims and/or court witnesses are also people who have very distinct human needs. If the system responds to those needs, more people may tend to "buy into" the system when a crime has been reported and the perpetrator apprehended. "Buying into" the system means that the system can be more effective in accomplishing its stated purpose.

As is true of many governmental units, the criminal justice system may have a profound and long lasting impact upon crime victims and court witnesses depending upon how the crime victim or court witness is treated by the system. For example, to what extent does the criminal justice system make participants aware about the process by which a crime is converted into a criminal charge and the guilt or innocence of the perpetrator established? Are crime victims or witnesses briefed as to what their functions are in that process, and does the system attend to the human needs of victims and witnesses as they move through the process? Finally, if so, by whom?

Since the criminal justice system helps to shape public attitudes and perceptions toward that system based upon the attention given to, or the neglect of, human needs, it is obvious that the system must begin to address the question "what does our system do to and for witnesses and victims?"

II. THE MECHANICS OF SURVEY DESIGN

Before one can begin to design a surveying technique, it is essential to proximate the number of persons who comprise the potential survey population. Determining the number of crime victims within a given jurisdiction is a task fraught with inherent difficulties. National Criminal Victimization studies have shown that one cannot measure the incidence of crime solely upon reports made to law enforcement agencies.¹

Despite these limitations, one can postulate that for every reported crime there is at least one victim² and perhaps several witnesses to the criminal act. While 13 law enforcement agencies have jurisdiction within all or some portion of Licking County, only 5 agencies report crime data to the Uniform Crime Reporting System. Moreover, such reports do not include motor vehicle related crimes other than thefts which may be yet another source of victimization or involve individuals as witnesses in trials where a motor vehicle traffic offense is in issue. However, for the limited purpose of estimating the number of crime victims who make claims upon the system for assistance, reports to the UCR may provide a source of estimation.

Table 1 in the Appendix sets forth a summary of crimes as reported to UCR by five law enforcement agencies within Licking County. From the data set forth, we assume that in any given year in Licking County, there will be 3,421 instances of criminal victimization. We assume further that each instance of victimization involves at least one person who is, a) a crime victim, and, b) a potential court witness. The potential survey population as to crime victims is therefore estimated at 3,421

1. "Criminal Victimization in the United States;" A National Crime Survey Report "The United States Department of Justice Law Enforcement Assistance Administration No. SD-NCP-N-4, December 1976. According to the results of comparisons between the results of personal interviews with members of the general population, Nation-wide criminal victimization studies indicate that only 28% of crimes against persons are reported to law enforcement agencies. While the incidence of crime reporting is higher for commercial establishments (80%), the same is not true of crimes against households (37%) or offenses involving personal theft (22%) or violent crimes (45%). "Criminal Victimization in the United States:" A National

victims per year keeping in mind the fact that the UCR reports probably underestimate actual crime incidents along the proportions suggested in the national study; that the reports do not include traffic related offenses; and, finally, that the reports only reflect the activities of 5 of the 13 law enforcement agencies in Licking County.

Since court systems are required by law to record the names and addresses of all subpoenaed witnesses in criminal cases, one may approximate the number of witness appearances³ by counting the number of witness appearances before the Grand Jury, Common Pleas Court and Municipal Court.

Table 2 in the Appendix lists the tabulation results based upon inspections of the records of the Licking County Common Pleas and Municipal Court. Based upon the data set forth in Table 2, we have concluded that in any given year there will be 2,206 witness appearances in the Licking County Criminal Court System.

For purposes of determining the impact of the criminal justice system upon lay witnesses as contrasted with "professional witnesses" such as police officers, it is necessary to further refine the tabulations to distinguish between these two categories of witness types. Accordingly, we segregated witness appearances into two categories, law enforcement officers (LEO) and lay witnesses (CIV) and determined that of the 2,206 witness appearances per year, 1,411 are lay witnesses and 795 are professional witnesses.

Crime Survey Report": Law Enforcement Assistance Administration
Publication No. SD-NCP-N-4, December, 1976 pp. 57-63.

2. As used in this report the definition of "victimization" is drawn from the National Crime Victimization studies. As used in this context, victimization means a specific criminal act as it affects a single victim, whether a person, household, or commercial establishment.

3. The number of "witness appearances" is not necessarily synonymous with the number of separate appearances by witnesses in a given year. One may appear in two phases of a criminal case such as testimony before a grand jury and appear again to give testimony when the case comes to trial. In such a situation two "appearances" would be noted; yet there is only one witness appearing. On the

We, therefore, concluded that our sample survey population was 4,234 lay witness appearances in the Licking County Criminal Court System during the 1974-76 time interval.

III. SELECTION OF THE SURVEY INSTRUMENT

Depending upon the resources of the community, the ideal survey technique should be in the form of personal interviews with crime victims and court witnesses. Personal interviews maximize the opportunity for feedback on a variety of court related subjects. Unfortunately, the costs of conducting personal interviews are prohibitive not only in terms of dollars, but also in terms of time and manpower. Therefore, we concluded that a written survey questionnaire presented the best possible medium for obtaining information from crime victims and court witnesses.

Our objective was to determine if a relationship existed between a witnesses perception of his or her participation and the extent to which the witness received information about the process in advance of appearance; was made to feel comfortable during the pre-testimony waiting period; and received post-appearance information about the outcome of the case.

We also felt that it was important to determine the visibility of various actors in the system (law enforcement officers, judges, prosecutors and court officials) to the witnesses since those persons were sources of assistance and information.

A portion of our grant funds paid for the service of two consultants who designed a survey questionnaire which appears in the appendix as "SURVEY QUESTIONNAIRE". It is our opinion

other hand, court records indicate witnesses who appeared in response to a subpoena and will not include those witnesses who appeared without benefit of court process (voluntarily). Yet, it is valid to base estimations upon the number of witness appearances since each separate appearance presents an opportunity to influence the witnesses attitude toward the court system based upon the services given to witnesses by that system during the course of the appearance.

that communities wishing to evaluate the attitudes of crime victims and court witnesses may likewise use this survey questionnaire.

IV. WEIGHTING SURVEY DISTRIBUTION

Since the survey population included witnesses who had appeared in two separate court systems (Common Pleas Court and Municipal Court) we determined that it would be desirable to separate the two court systems such that it would be possible to identify which problems were peculiar to a given court system. Also, we deemed it desirable to distribute more surveys to recent witnesses (1976) than to more remote witnesses (1974) so that the survey returns would tend to reflect fresher preceptions.

We, therefore, distributed:

250 questionnaires to 1976 Common Pleas Court witnesses,
250 questionnaires to 1976 Municipal Court witnesses,
186 questionnaires to 1975 Common Pleas Court witnesses,
186 questionnaires to 1975 Municipal Court witnesses,
84 questionnaires to 1974 Common Pleas court witnesses, and
84 questionnaires to 1974 Municipal Court witnesses, or a ratio of 3 + 2 + 1 survey distribution through the three year survey period.

We also wished to identify the survey respondent according to the year of his or her testimony. To accomplish this, we typed a symbol on the back of the survey questionnaire which would allow us to identify the respondent according to the year and court system of his or her appearance. Table 3 lists the symbols used to identify survey respondents.

V. MAXIMIZING SURVEY RETURN

Having reviewed the records of the Common Pleas Court and Municipal Court, we had obtained the names and listed addresses of all lay witnesses who had been subpoenaed to testify in a criminal case in either of the two court systems. In order to increase the probability that a given survey questionnaire would be received by the person to whom it was addressed, we first subjected our witness list to a cross referencing procedure to obtain current mailing addresses where possible. The names and addresses

of past lay witnesses were compared to telephone directories for all communities in Licking County. Current addresses were noted and the field of potential survey recipients was narrowed to include only those with validated current addresses. Since only approximately 100 of the 1,000 survey questionnaires were returned to our office for defective addresses, this procedure would seem to be a necessary step in order to maximize the potential for survey return.

Letters containing the survey questionnaires included a stamped return envelope. A cover letter (see appendix) identified the purpose for the survey and congratulated the recipient for having been selected to participate in the survey.

Further efforts to maximize survey return were made in the form of the timing of press releases to coincide with the receipt of the survey questionnaire by the witnesses selected. On May 9, 1977 the surveys were mailed. We anticipated that most households would receive the survey by May 11, 1977. Accordingly, a news release was published in the Newark Advocate on May 11, 1977, announcing that the surveys had been distributed. Local radio stations also carried accounts of the survey effort during the week of the survey distribution. (See appendix)

VI. COMPILATION OF SURVEY DATA

As of the date of this report, 324 completed surveys have been received and tabulated by this office. Tables 4 - 6 in the Appendix sets forth the results of the tabulations. With respect to the format of Tables 4 - 6, the following guidelines should be followed. At the left of each question the total number of persons answering that question is indicated by means of parenthesis marks. Within each scale category is the number of respondents who checked the appropriate box. Immediately to the right of that number is a number which represents the percent of respondents who checked the appropriate box when compared to the total number of persons who answered the particular question. In this respect, one can note an attitude distribution along the five intervals of the scaled questions (#1, 4 and 8 of

the witness portion of the survey and #5 of the victim portion of the survey). Table 4 represents the overall results of the survey. Tables 5 and 6 represents a division of the overall results as between the two court systems.

Based upon 324 returns, we concluded that 7.6% of our potential survey population (4,234 lay witnesses) had been surveyed. Table 7 indicates the distribution of survey respondents according to the year in which they gave testimony and the court system in which they appeared as witnesses. The data in Table 7 reveals that our system of weighting distribution (See section IV) is necessary in order to obtain current impressions of the court system. Reviewing the data in Table 7 indicates that our survey returns ranged from a high of 16.1% of the 1976 Municipal Court Witnesses to a low of 5.5% of the 1974 Common Pleas Court Witnesses.

68 of the 324 survey respondents identified themselves as crime victims according to the second portion of the survey questionnaire.

VII. INTERPRETATION OF SURVEY DATA

Questions 1, 4, and 8 of the "witness" portion of the survey and question 5 of the "victim" portion of the survey consisted of scaled attitude responses whereby the respondent could indicate his or her attitude toward the subject matter of the question by checking the appropriate box. Essentially, respondents to these questions were asked to characterize the intensity of their attitude towards the extreme or neutral positions.

In analyzing the returns, we treated the middle box of questions 1, 4, and 8 of the witness portion and question 5 of the victim portion as the "neutral" position and clustered the two boxes to the left of the neutral position as being the "negative" response and the two boxes to the right of the neutral box as being the "positive" response. We, therefore, lumped all respondents into the negative-neutral-positive category for purposes of comparing the strength of, for example, a negative response in comparison to the strength of the positive response.

A. INTERPRETATION OF DATA: WITNESSES

In comparing the two Court systems (Municipal and Common Pleas) we made the following findings:

1. 53% of survey respondents viewed the environment in the courtroom as "very good"; 34% indicated a neutral response and only 11% characterized the courtroom environment as "very poor". Given the overall favorable impression of the courtroom environment, we determined that witnesses coming into the system initially tend to view the courtroom environment in a positive prospective. This would suggest that very little, if any, needs to be done to effect a change in the appearance of the courtrooms or in the style of its operations. Witnesses coming into the system receive a positive impression of the courtroom environment. Whether that impression remains positive is dependant upon what transpires while the witness is waiting to give testimony.
2. 64% of the Municipal Court Witnesses described the waiting area as comfortable, while only 40% of the Common Pleas Court Witnesses indicated that the waiting area was comfortable. As to sources of discomfort, Commom Pleas Witnesses identified the following factors in order of importance:
 1. The chairs were uncomfortable.
 2. They had no idea what to expect.
 3. They had nothing to do during the waiting period.
 4. They were bored.
 5. It was crowded.

Municipal Court Witnesses identified the following sources of discomfort in order of importance:

1. They had nothing to do during the waiting period.
2. They had no idea what to expect.
3. They were bored.
4. The chairs were uncomfortable.
5. It was crowded.

From this we concluded that the Common Pleas Court has a distinct problem with the physical uncomfortability of its waiting area while the Municipal Court has a problem with predominately mental sources of discomfort.

3. 68% of the Common Pleas Court Witnesses had to wait between 0 - 2 hours prior to giving testimony whereas 74% of the Municipal Court Witnesses waited between 0 - 2. We concluded that the waiting period in either court system is not presently a primary source of witness dissatisfaction with the Court system at this time. We further concluded that the fact that the waiting period is somewhat shorter than we had expected is a tribute to the efficiency of the court process and the resolve of the judges to not permit witnesses time to be wasted in the court system.
4. 26% of the Common Pleas Court Witnesses described the assistance that they received prior to the court appearance as "neutral" while 37% characterized the same as "very poor" and 41% indicated that it was "very good". Of the Municipal Court Witnesses, 24% described the pre-appearance assistance as "neutral", 26% rated the same as "very poor" and 48% labeled it as "very good".

Considering question 1 and question 4 together, we found that more often than not witnesses went into the court system generally pleased with the environment in the courtroom and receiving adequate to very good assistance prior to entering the courtroom to give testimony. We, therefore, postulated that if the remainder of the survey indicated a change in attitude towards that system, it would be because of factors peculiar to the process of giving actual testimony in court and in the time immediately following the witnesses exit from the court system.

5. In the Common Pleas Court, witnesses identified Law Enforcement officers as having the greatest degree of visibility as to the uniformed employees (law enforcement officers & Judges) and the court officials (clerks and bailiffs) as having the greatest degree of visibility among the non-uniformed employees (clerks, bailiffs and prosecutors). In the Municipal Court, the results were opposite for both categories.

We concluded that Law Enforcement Officers have the greatest impact upon the attitudes of witnesses insofar as attitudes are shaped by the degree of assistance received prior to the time

a witness actually is placed upon the stand to give testimony. Ironically, the Prosecutor in the Common Pleas Court had the lowest degree of visibility to witnesses. In the Municipal Court, the Prosecutors had only a slightly better degree of visibility than the court personnel. One of the problems suggested by the survey was that the witnesses may experience unnecessary anxiety by wondering "who is my lawyer".

6. Only 48% of the Common Pleas Court Witnesses were aware of the outcome of the cases in which they appeared to give testimony. In contrast, 61% of the Municipal Court witnesses were aware of the outcome of the case. In the Common Pleas Court, one reason for the high number of persons not knowing the outcome of the case may be due to the fact that Grand Jury proceedings are secret and that many cases conclude after a Grand Jury indictment.

We did not view the Grand Jury factor as being decisive because an equal number of surveys were distributed in Grand Jury Witnesses and witnesses who appeared in trials in the Common Pleas Court. Therefore, we suspect that the percent of Municipal Court Witnesses who were unaware of the outcome of the case (39%) is at least a fair index of the percent of Common Pleas Witnesses if the Grand Jury factor is excluded from the result. In any event, we identified one source of dissatisfaction with the court system as being the failure to advise witnesses as to the outcome of cases in which they appeared to give testimony.

7. 58% of the Common Pleas Witnesses were thanked by someone within the system for having taken the time to participate. In the Municipal Court 71% of the witnesses were thanked.

Certainly, at a minimum every person who takes the time to participate in the court system ought to receive a "thank you" from someone in that system. To the extent that the system fails to communicate an effective "thank you" this is yet another source for feeling that one's appearance did not make a significant difference to anyone connected with that system.

8. In the Common Pleas Court, 50% of the witnesses characterized their appearance as "necessary", 27% viewed it as a waste of time, and 23% regarded the experience as "very valuable".

In the Municipal Court, 43% of the witness respondents indicated that their participation in the process was "necessary", 33% evaluated their participation as "a waste of time" and only 23% described their experience as being "very valuable".

In designing the survey, we felt that question number 8 of the witness portion of the survey was perhaps the most critical question of all those contained in the questionnaire. Whether a witness is willing to cooperate with the criminal justice system in the future may be a direct function of that witnesses prior experience with that system. Also, question number 8 was structured within the survey such that by the time the respondent was asked to evaluate his or her participation in the case, all of the variables such as waiting time, assistance, courtroom environment, post appearance information, and expressions of thanks for their appearance would have been exposed to the respondent before question 8 was asked and answered.

In considering the responses to question number 8 in relation to questions 1 - 7, we found that witnesses initially come into the system feeling "good" more often than not about the court room environment, feeling "good" about the assistance they received prior to their testimony, and not having to wait an inordinate amount of time prior to giving testimony. However, between the time the witness arrived at the court house, was sworn in and gave testimony, and subsequently left the court system, there was a decided shift in attitude toward the court system. We have concluded that factors such as physical or mental comfort, the need to know more about the process and the outcome, and being able to identify ones lawyer (prosecutor) are critical services which must be offered to witnesses if they are to feel that their participation in the process is meaningful to themselves and to society.

B. INTERPRETATION OF DATA: CRIME VICTIMS

The second portion of the survey was intended to identify the needs of crime victims and to assess how well the criminal justice system was responding to those needs.

1. 79% of our crime victim respondents were the victim of a property crime.
2. Of those respondents who were property crime victims, 45% felt that their property had been returned to them within a reasonable period of time.
3. 63% of the crime victims responding to the survey had been given precise information as to what would occur once the crime had been reported to a law enforcement agency.
4. An equal distribution of crime victims (33% in each category) indicated that the prosecutor had represented them very poorly, adequately, or very well.
5. 57% of the crime victims indicated that the prosecutors office should have given them more assistance outside of the courtroom.

One of the more curious findings in the victim portion of the survey was the equal distribution associated with the representation of crime victims by the prosecutors office. On scaled questions one would expect to find a bell curve distribution whereby the bulk of the respondents would tend to cluster around the mean position and gradually taper out toward the extremes. Yet on question number 5 (listed above as #4) crime victims fell equally into one of the three categories (negative-neutral-positive) when asked to rank the representation they received from the prosecutor's office.

One possible interpretation may be a function of the low visibility of the prosecutors to witnesses in general (see question number 3 and the discussion under heading #5 in the Witness portion of the report). If prosecutors have low visibility among witnesses in general, the same may be true with respect to witnesses who are also crime victims. This interpretation is consistent with the findings in relation to question 6 where crime victims identified a need to receive more

out of court assistance from the prosecutors. Our survey indicates that prosecutors need to communicate more effectively with crime victims and to render services to them prior to the time that victims are called upon to give testimony in court. Similarly, while law enforcement agencies are doing a commendable job of providing detailed information to crime victims at the time of investigating a crime, a significant portion of the respondents (37%) had not received this information.

However one may interpret the results of question number 5, it is clear that the interests of crime victims are not met by the contemporary criminal justice system. Crime victims, like witnesses in our survey, are lacking information about how the system functions and who will be representing them within that system.

VIII. CONCLUSIONS

So long as the Constitution of the United States endures, adversarial trials will be the bench mark of the American criminal justice system. Though the fact finding process may be improved in years to come through the introduction of scientific techniques and experts to interpret such information, lay persons will continue to play key roles in the reporting of crime and in the effort to hold perpetrators accountable for their actions. It is therefore imperative that the criminal justice system begin to inquire of its crime victims and witnesses how they are treated by that system and to make increased efforts to respond to their needs. We hope that this report suggests one means of assessing witnesses attitudes toward the criminal justice system and identifying the factors which contribute toward the formulation of attitudes whether positive or negative. Its utility in that respect awaits similar efforts in other Ohio communities.

APPENDIX

- 1) TABLE 1: Summary of Crimes in Licking County as Reported to UCR
- 2) TABLE 2: Witnesses' Appearances in Licking County and Municipal Courts 1974-76
- 3) SURVEY QUESTIONNAIRE
- 4) TABLE 3: Symbols used on Questionnaire to Identify Survey Respondents According to Year of Appearance and Court System
- 5) Cover Letter Accompanying Survey Questionnaires
- 6) News Release in Newark Advocate
- 7) TABLE 4-6: Tabulation of Survey Responses
- 8) TABLE 7: Distribution of Respondents According to Year of Appearance and Court System

TABLE 1

CRIME PROFILE LICKING COUNTY

(Source: Bureau of Criminal Identification and Investigation)

(Reporting Agencies:)

(Licking County Sheriff's Office, Newark Police Department,)

(Heath Police Department, Granville Police Department, Johnstown Police Department)

	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>TOTAL</u>
Homicide	3	2	2	7
Manslaughter	3	2	0	5
Rape	24	13	13	50
Robbery	72	65	56	193
Assault	193	146	189	528
Burglary	1056	1130	862	3048
Larceny	1614	2183	2158	5955
Vehicle Theft	<u>160</u>	<u>176</u>	<u>142</u>	<u>478</u>
TOTAL	3125	3717	3422	10264

TABLE 2
 LICKING COUNTY COURT SYSTEM
 WITNESS APPEARANCES 1974-76
 SUBPEOANED WITNESSES ONLY

LICKING COUNTY COMMON PLEAS COURT:

<u>GRAND JURY</u>	(1976)	305	LEO	565	CIV.	<u>870</u>	Total
	(1975)	277	LEO	417	CIV.	<u>694</u>	Total
	(1974)	276	LEO	295	CIV.	<u>571</u>	Total

COMMON PLEAS COURT TRIALS

(1976)	^{*A} 526	LEO	^{*B} 501	CIV.	^{*C} <u>1027</u>	Total
(1975)	290	LEO	363	CIV.	<u>653</u>	Total
(1974)	436	LEO	420	CIV.	<u>856</u>	Total

MUNICIPAL COURT

(1976)	82	LEO	457	CIV.	<u>539</u>	Total
(1975)	122	LEO	644	CIV.	<u>766</u>	Total
(1974)	<u>70</u>	LEO	<u>572</u>	CIV.	<u>642</u>	Total
	2384		4234		6618	

*A: 475 not including Nabozny/Garside

*B: 338 not including Nabozny/Garside

*C: 813 not including Nabozny/Garside

SURVEY QUESTIONNAIRE

1. As a past witness in the Licking County Court system, how would you evaluate the environment in the courtroom? (Place X in the appropriate box.)

very poor			very good
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2. Was the waiting area comfortable? (Circle one) Yes No

If No, specify:

- | | |
|----------------------------------|--------------------------------|
| a. The chairs were uncomfortable | d. It was crowded |
| b. I was bored | e. I had to stand |
| c. I didn't know what to expect | f. I had nothing to do or read |

3. How many officials did you come into contact with during the case? (Please circle one or more)

- | | |
|-------------------------------------|----------------------------------|
| a. Law Enforcement | d. The Judge |
| b. Prosecutor's Office | e. Others (Please specify) _____ |
| c. Court Officials-Bailiff or Clerk | |

4. How would you rate the assistance you received prior to your appearance? (Place X in the appropriate box)

very poor			very good
-----------	--	--	-----------

5. How long did you wait at the courtroom prior to giving testimony? (Circle one)

- a. 0-2 hours b. 2-4 hours c. 4-6 hours d. 8 or more hours

6. Were you informed about the outcome of the case in which you were involved?

(Circle one) Yes No

7. Were you ever thanked for your help in the case? (Circle one) Yes No

8. How would you evaluate your participation in the case? (Place X in the box.)

Waste of time	Necessary	Very Valuable
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9. What was the greatest problem you encountered as a witness in the case?

***** !!!!!! STOP !!!!! *****
 Only if you were a victim, that is an individual who suffered physical injury or loss of property, please complete the following questions.

1. Did your case involve: (Circle one)

- a. Loss of Property b. Physical harm to someone c. Both

2. As a victim, did you get any stolen property returned to you in what you considered a reasonable period of time? (Circle one) Yes No

How long did it take to be returned? _____

3. Did the law enforcement officer who handled your case give you any specific information as to what would happen after your original complaint? (Circle one) Yes No

4. How soon after the original complaint were you contacted by the Prosecutor's Office? Please specify _____

5. How do you feel you were represented by the Prosecutor's Office?

very poor	adequately		very good
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6. Do you feel the Prosecutor's Office should have helped you more outside the courtroom? (Circle one) No Yes

If yes, please explain briefly: _____

TABLE 3

SYMBOLS USED FOR QUESTIONNAIRES

To Identify Respondents According to Year of Appearance
and Court System -

1974:	(84)	Municipal Court	"
	(84)	Common Pleas Court	#
1975:	(166)	Municipal Court	%
	(166)	Common Pleas Court	&
1976:	(250)	Municipal Court	+
	(250)	Common Pleas Court	*

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Richard Taggart
5551 Beecher Rd. S.W.
Pataskala, Ohio

Dear Mr. Taggart,

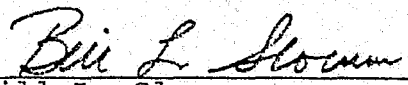
We congratulate you on being selected to be a part of a very important survey being conducted by the City Prosecutor's Office. You were selected from a list of people who have come in contact with our judicial system. We sincerely appreciate your past help.

The enclosed survey will take very little time to complete but its importance lies in developing a Witness-Victim Assistance Program. Please take a few minutes to read the questions and answer them to the best of your ability. Your identity will remain anonymous as only your honest responses are important.

Please place the completed questionnaire in the enclosed stamped envelope and drop it in the mail. Our deadline for questionnaire return is 20 May, 1977.

We expect that the results of the questionnaire and its intended goals will be discussed in the Newark Advocate sometime during mid-June. Please watch for the article. Again, thank you!

Very truly yours,



Bill L. Slocum
Chief/Criminal Division
City Prosecutor's Office

BLS/rh

Prosecutor conducts victim-witness survey

By KATHY WESLEY
Advocate Reporter

This week the city prosecutor's office mailed out 1,000 questionnaires to persons called to testify in local courts as part of an evaluation of services offered locally to court witnesses.

The persons were chosen at random from lists of witnesses appearing in Licking County Municipal Court, Common Pleas Court or Grand Jury between 1974 and 1976.

The surveys ask witnesses such questions as "How would you rate the assistance you received prior to your court appearance?" "Were you informed about the outcome of the case in which you were involved?" and "How would you evaluate your participation in the case—was it a waste of time, necessary, or very valuable?"

City Prosecutor William Slocum said a person's experience in the court system may affect his future cooperation with police and the courts. If a person has a good experience, Slocum says, that person will be more likely to help the courts in the future.

The survey was developed by Barry M. Riley, coordinator of admissions and financial affairs at Ohio State University Newark Campus, and John Bettac, of Central Ohio Technical College, and was funded by \$1,500 from the federal Law

Enforcement Assistance Administration. Of this money, the city of Newark contributed \$77.

The money, Slocum says, went to pay for the production and mailing of the surveys, as well as for the work of John Whittington, a paralegal assistant at the prosecutor's office, and research assistants Tom Galey, Rick Morgan and Kathy Wolpe, who spent several weeks compiling lists of witnesses from every court from 1974 to 1976.

The group also sent surveys to 14 local law enforcement officials, and later interviewed them on how responsive they thought the court system was to crime victims and witnesses.

With the remaining money, Slocum said, Ms. Wolpe will telephone as many as possible of the witnesses who were not sent surveys.

Slocum's aim is to determine if the community needs a comprehensive program to help make court appearances easier for crime victims and witnesses in general.

The number of crimes reported in Licking County decreased in 1976, Slocum said, but this could be because of factors other than a decrease in crime.

Slocum says other figures he has compiled show the local

courts are "much busier than we thought."

He believes that "while we're busier, our ability to deal with the needs of witnesses is poor." He said court personnel in general do not have the training or the time to handle the problems of crime victims and persons who must appear in court.

This is the purpose, Slocum says, of the survey: "So we can look for problems, and then figure out how to change things to eliminate the problems."

An example of the effects a victim-witness assistance program can produce, Slocum said, is the program now operating in Stark County.

"They had a problem keeping up with the volume of the courts there," Slocum said. Not only was volume a problem, he added, but because so many people found court appearances unpleasant and a waste of time, the number of crimes reported went down along with the local prosecutor's conviction rate.

Since the assistance program began, Slocum says the conviction rate is up and the residents have set up a "Block Watcher" program to help reduce crime and help crime victims.

Slocum said he hopes to have all the surveys returned and the figures synthesized into a report by the end of June.

TABLE 4

VICTIM/WITNESS SURVEY RESPONSES
1974-76 TOTAL: 324

- [312] 1. As a past witness in the Licking County Court system, how would you evaluate the environment in the courtroom? (Place X in the appropriate box.)
- | | | | | |
|-----------|---------|-----------|----------|-----------|
| 24 (8%) | 10 (3%) | 109 (34%) | 60 (19%) | 108 (34%) |
| very poor | | | | very good |
- [298] 2. Was the waiting area comfortable? (Circle one) Yes No
(50%) (49%)
If No, specify:
- 82 a. The chairs were uncomfortable 47 d. It was crowded
53 b. I was bored 34 e. I had to stand
62 c. I didn't know what to expect 68 f. I had nothing to do or read
3. How many officials did you come into contact with during the case? (Please circle one or more)
- | | |
|---|----------------------------|
| 173 a. Law Enforcement 131 | d. The Judge |
| 149 b. Prosecutor's Office | e. Others (Please specify) |
| 162 c. Court Officials-Bailiff or Clerk | |
- [308] 4. How would you rate the assistance you received prior to your appearance? (Place X in the appropriate box)
- | | | | | |
|-----------|----------|----------|----------|-----------|
| 55 (17%) | 37 (12%) | 80 (25%) | 41 (13%) | 97 (31%) |
| very poor | | | | very good |
- [303] 5. How long did you wait at the courtroom prior to giving testimony? (Circle one)
- | | | | |
|----------------------|---------------------|---------------------|--------------------------|
| 215 a. 0-2 hours 71% | 39 b. 2-4 hours 13% | 36 c. 4-6 hours 12% | 13 d. 8 or more hours 4% |
|----------------------|---------------------|---------------------|--------------------------|
- [312] 6. Were you informed about the outcome of the case in which you were involved? (Circle one) 167 Yes 145 No
(53%) (46%)
- [297] 7. Were you ever thanked for your help in the case? (Circle one) 187 Yes 110 No
(63%) (37%)
- [312] 8. How would you evaluate your participation in the case? (Place X in the box.)
- | | | | | |
|---------------|---------|-----------|---------|---------------|
| 75 (24%) | 18 (6%) | 148 (47%) | 17 (5%) | 54 (17%) |
| Waste of Time | | Necessary | | Very Valuable |
9. What was the greatest problem you encountered as a witness in the case?

***** !!!!!! STOP !!!!! *****
Only if you were a victim, that is an individual who suffered physical injury or loss of property, please complete the following questions.

- [69] 1. Did your case involve: (Circle one)
54 (79%) a. Loss of Property 11 (16%) b. Physical harm to someone 4 (4%) c. Both
- [49] 2. As a victim, did you get any stolen property returned to you in what you considered a reasonable period of time? (Circle one) Yes 22 No 27
How long did it take to be returned? (45%) (55%)
- [67] 3. Did the law enforcement officer who handled your case give you any specific information as to what would happen after your original complaint? (Circle one) 42 Yes 25 No
(63%) (37%)
4. How soon after the original complaint were you contacted by the Prosecutor's Office? Please specify _____
- [66] 5. How do you feel you were represented by the Prosecutor's Office?
- | | | | | |
|-----------|--------|------------|--------|-----------|
| 17 (26%) | 6 (9%) | 22 (33%) | 2 (3%) | 20 (30%) |
| very poor | | adequately | | very good |
- [46] 6. Do you feel the Prosecutor's Office should have helped you more outside the courtroom? (Circle one) 20 No 26 Yes
(43%) (57%)
If yes, please explain briefly. _____

TABLE 5

- [183] 1. As a past witness in the Licking County Court system, how would you evaluate the environment in the courtroom? (Place X in the appropriate box.)
- | | | | | |
|-----------|--------|----------|----------|-----------|
| 20 (11%) | 6 (3%) | 74 (40%) | 33 (18%) | 50 (27%) |
| very poor | | | | very good |
- [169] 2. Was the waiting area comfortable? (Circle one) 67 Yes 102 No
(40%) (60%)
If No, specify:
- 61 a. The chairs were uncomfortable 30 d. It was crowded
31 b. I was bored 27 e. I had to stand
49 c. I didn't know what to expect 42 f. I had nothing to do or read
3. How many officials did you come into contact with during the case? (Please circle one or more)
- | |
|--|
| 113 a. Law Enforcement 66 d. The Judge |
| 89 b. Prosecutor's Office e. Others (Please specify) |
| 111 c. Court Officials-Bailiff or Clerk |
- [182] 4. How would you rate the assistance you received prior to your appearance? (Place X in the appropriate box)
- | | | | | |
|-----------|----------|----------|----------|-----------|
| 35 (19%) | 24 (18%) | 48 (26%) | 26 (14%) | 49 (27%) |
| very poor | | | | very good |
- [171] 5. How long did you wait at the courtroom prior to giving testimony? (Circle one)
- | |
|---|
| 117 a. 0-2 hours 23 b. 2-4 hours 25 c. 4-6 hours 6 d. 8 or more hours |
| (68%) (13%) (15%) (4%) |
- [184] 6. Were you informed about the outcome of the case in which you were involved? (Circle one) 89 Yes 95 No
(48%) (52%)
- [177] 7. Were you ever thanked for your help in the case? (Circle one) 102 Yes 75 No
(58%) (42%)
- [184] 8. How would you evaluate your participation in the case? (Place X in the box.)
- | | | | | |
|---------------|---------|-----------|---------|---------------|
| 40 (22%) | 10 (5%) | 92 (50%) | 11 (6%) | 31 (17%) |
| Waste of time | | Necessary | | Very Valuable |
9. What was the greatest problem you encountered as a witness in the case?
-

!!!!!! S T O P !!!!!!!

 Only if you were a victim, that is an individual who suffered physical injury or loss of property, please complete the following questions.

- [46] 1. Did your case involve: (Circle one)
(85%) (11%) (4%)
- [36] 39 a. Loss of Property 5 b. Physical harm to someone 2 c. Both
2. As a victim, did you get any stolen property returned to you in what you considered a reasonable period of time? (Circle one) Yes 14 No 22
How long did it take to be returned? (39%) (61%)
- [45] 3. Did the law enforcement officer who handled your case give you any specific information as to what would happen after your original complaint? (Circle one) 24 Yes 21 No
(53%) (47%)
4. How soon after the original complaint were you contacted by the Prosecutor's Office? Please specify _____
- [42] 5. How do you feel you were represented by the Prosecutor's Office?
- | | | | | |
|-----------|---------|------------|--------|-----------|
| 12 (29%) | 4 (10%) | 15 (36%) | 1 (2%) | 10 (24%) |
| very poor | | adequately | | very good |
- [24] 6. Do you feel the Prosecutor's Office should have helped you more outside the courtroom? (Circle one) 11 No 13 Yes
If yes, please explain briefly (46%) (54%)
-

TABLE 6

- [129] 1. As a past witness in the Licking County Court system, how would you evaluate the environment in the courtroom? (Place X in the appropriate box.)
- | | | | | |
|-----------|--------|----------|----------|-----------|
| 5 (4%) | 4 (3%) | 35 (27%) | 27 (21%) | 58 (42%) |
| very poor | | | | very good |
- [129] 2. Was the waiting area comfortable? (Circle one) 83 Yes 46 No
(64%) (36%)
- If No, specify:
- 21 a. The chairs were uncomfortable 17 d. It was crowded
22 b. I was bored 7 e. I had to stand
23 c. I didn't know what to expect 26 f. I had nothing to do or read
3. How many officials did you come into contact with during the case? (Please circle one or more)
- 60 a. Law Enforcement .65 d. The Judge
60 b. Prosecutor's Office e. Others (Please specify)
51 c. Court Officials-Bailiff or Clerk
- [128] 4. How would you rate the assistance you received prior to your appearance? (Place X in the appropriate box)
- | | | | | |
|-----------|----------|----------|----------|-----------|
| 20 (16%) | 13 (10%) | 32 (24%) | 15 (12%) | 48 (38%) |
| very poor | | | | very good |
- [132] 5. How long did you wait at the courtroom prior to giving testimony? (Circle one)
- a. 0-2 hours 98 b. 2-4 hours 16 c. 4-6 hours 11 d. 8 or more hours 7
(74%) (13%) (8%) (5%)
- [128] 6. Were you informed about the outcome of the case in which you were involved?
(Circle one) 78 Yes 50 No
(61%) (39%)
- [120] 7. Were you ever thanked for your help in the case? (Circle one) 85 Yes 35 No
(71%) (29%)
- [128] 8. How would you evaluate your participation in the case? (Place X in the box.)
- | | | | | |
|---------------|--------|-----------|--------|---------------|
| 35 (27%) | 8 (6%) | 56 (43%) | 6 (5%) | 23 (18%) |
| Waste of time | | Necessary | | Very Valuable |
9. What was the greatest problem you encountered as a witness in the case?

***** !!! !! S T O P !!! !! *****
Only if you were a victim, that is an individual who suffered physical injury or loss of property, please complete the following questions.

- [22] 1. Did your case involve: (Circle one)
- 15 a. Loss of Property 6 b. Physical harm to someone 1 c. Both
(68%) (27%) (4%)
- [13] 2. As a victim, did you get any stolen property returned to you in what you considered a reasonable period of time? (Circle one) Yes 8 No 5
(61%) (38%)
- How long did it take to be returned?
- [22] 3. Did the law enforcement officer who handled your case give you any specific information as to what would happen after your original complaint? (Circle one) 18 Yes 4 No
(82%) (18%)
4. How soon after the original complaint were you contacted by the Prosecutor's Office? Please specify
- [25] 5. How do you feel you were represented by the Prosecutor's Office?
- | | | | | |
|-----------|--------|------------|--------|-----------|
| 5 (25%) | 2 (8%) | 7 (28%) | 1 (4%) | 10 (40%) |
| very poor | | adequately | | very good |
- [22] 6. Do you feel the Prosecutor's Office should have helped you more outside the courtroom? (Circle one) 9 No 13 Yes
(41%) (59%)
- If yes, please explain briefly

TABLE 7

ANALYSIS OF SURVEY RETURN
ACCORDING TO YEAR AND
COURT SYSTEM

<u>COMMON PLEAS COURT</u>	<u>LAY WITNESSES</u>	<u>SURVEY DISTRIBUTION</u>	<u>RETURNS</u>	<u>% OF RETURNS</u>
1976	1066	250	101	9.4
1975	780	166	45	5.7
1974	715	84	40	5.5
 <u>MUNICIPAL COURT</u>				
1976	457	250	74	16.1
1975	644	166	36	5.6
1974	572	84	27	4.7
	4234	1000	324	7.6*

* Representing the ratio between surveys returned (324)
and the potential survey population (4234).

V//W SURVEY
Responses of Law Enforcement Officers

1) What do you believe are the minimal practical services that victims and witnesses should be offered?

Continuances; information on who to contact; prompt notification (short notices in most cases); possible babysitting services; information on where to go; elimination of the inconvenience (continuances, etc.); transportation to and from court; a full days pay for witnesses; educate witnesses on what to do; for victims-what insurance does not cover, court should assure that the defendant will make up; answers to the problems right then-night court; reimbursement with understanding that the money will be replaced; give them the essentials needed; restitution.

2) What type, if any, of more extensive services should be offered victims and/or witnesses?

When house robbed of food, replace it; NIGHT COURT; protect victim against hassle of defendants friends or family; get evidence back to the people; babysitting services (possibly come out of the court cost) such as thru day care center (bill goes to loser of litigation); compensation.

3) What are some of the reasons why witnesses are hesitant to become involved in the "courtroom experience" of testifying?

They're not educated on how to testify; threats; neighborhood disputes develop after court; hassle to testify; TV has given a certain stereotype to courtroom testifying; fear of reprisal; publicity; business people don't want to be involved because it will hurt business; "don't want to get involved" attitude; people don't care; losing a day's pay; no idea what they're in for; harassed on the stand by defense attorneys; court changing times and not notifying witnesses; case never heard; lose a day's work; people feel they are the ones that are on trial when they go to court.

4) To what extent do you believe the uncooperative victim and witnesses is a problem?

Their testimony will hurt you more than help you; major; people don't believe justice is done; not really a big problem-at least when it's in court, at the time-yes-they don't want to become involved; money; not a problem due to the fact the uncooperative witness isn't there when the police arrive so who is a witness; very little; victims of burglaries are mad at 1st (might influence them in being anti-police, lack of protection).

5) Which type of cases do you experience the most victim and witness non-cooperation?

Rape (humiliation); B&E-they just want their property back; burglaries; drugs; traffic accidents; assaults; no problems; neighborhood vandalism; DWI's (because they themselves drink).

6) What problems do you most frequently encounter in connection with witnesses?

Reluctance because they themselves have done the same thing (drinking then driving); witnesses scared because of probation, vandalism to witnesses after criminal put on probation; people don't want to go down to the Licking County Courts because case is never heard once they get there; see no. 3; uneducated as to what they're going to do or get into; none; finding the place; continuances; prosecutor's have made a deal and the case is resolved and their not notified; the witnesses will change abode and not notify anyone.

7) In cases of "no-show" witnesses what were, if any, some of the reasons which were given for their failure to appear?

Very little problem; no problem; it's a "domestic" thing they really don't want to testify against them.

8) Is there anything the justice system can do to make it easier for people to appear at court?

Judges should hold the defense in the same light as the prosecution-that is, the no. of continuances-more personnel on prosecutor's behalf-have them question people, read them their rights, set up case right there (this can be done the same way as a BCI agent); Night Court; Prosecutor handy in the evening; transportation; pay; briefing them; build a parking lot for the court; babysitting referrals; program in high school in which students come to court to see what it's all like; schedule cases better so their won't be as many continuances; time-anything to shorten it and the inconvenience to them.

9) What, in your opinion, are some of the problems of court appearances by (a) law enforcement officers (b) citizens?

Continuances; breathalyzer (subpoenaing calibrator); talk to Pros. when they are going to testify (this is the biggest hassle)-McElroy will call now about 15 minutes ahead of time (when officers on patrol) this helps a lot; working night shift and going to the court in the morning; none that he knows of; the way they're raked over the coals by defense attorney-therefore citizens are reluctant to become involved again-waiting in the hallways-feels the police officers should be informed of what's happening in the courtroom; no pay for court time; prosecutor doesn't do homework, leaves important things out; time scheduling; their own time (law enforcement officers); monetary (citizens); officers are being penalized by going to court-let the officers know ahead of time, at least 24 hrs.; for officers waiting, no time for eating at lunch because of juors being in the restaurants close by (this a problem for officers not acquainted with Newark).

10) Do you believe a victim/witness program is necessary in Licking County?

Yes; secondary to prosecutor's office needing more personnel to set up case; Yes, that is a Night Court; yes-long range deterrent to crime; No; yes-esp. for the witnesses; Yes but only one problem and that is federal fundings-too many strings attached; not necessary but a big help; depends on the program; a big help.

11) What problems, if any, have victims or witnesses encountered with the local criminal justice system?

See previous answers; defense attorneys postponements; prosecutors didn't do the job; prosecutor's should get together with the witnesses and officers; none; being made to look foolish on the stand by defense attorney; more personalized contact;

12) How might the system be improved to make it easier for victims and witnesses to testify?

Night Court; availability of prosecutor at night; get only the witnesses you need and get them on the stand the day they're down at court; an incentive to testify; educate public; inconvenience of day-time courts; transportation; babysitting services; notify people who testified as to the outcome of cases; extra little things to help them appear; change public attitude from non-involvement to interest; pre-trial conference; get the problem of continuances resolved.

SURVEYS DURING THE PERIOD OF APRIL 5 THRU APRIL 21, 1977.

JAW

END