



**NEW DIRECTIONS  
FOR CORRECTIONS**  
Creative Concepts for Future  
Criminal Justice Planning

**"Restitution and Victims of Crime"**

Baton Rouge, Louisiana  
February 23-25, 1977

*Co-Sponsored by:*

Governmental Services Institute  
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Louisiana State University  
Baton Rouge, Louisiana

*and*

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RESTITUTION AND VICTIMS OF CRIME

Louisiana State University  
Baton Rouge, Louisiana  
February 23-25, 1977

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## ACKNOWLEDGEMENTS

This is the second of a five (5) volume set of conference proceedings produced as an aspect of a Law Enforcement Assistance Administration (LEAA) grant. The project goal is to enhance citizen efforts to address criminal justice issues. The conferences in this series were designed to be a dynamic research process which encouraged input by criminal justice professionals and practitioners, as well as the lay public and ex-offenders.

The people responsible for the success of this conference and preparation of this volume are numerous. Billie Townsend and Deborah Saucier, Louisiana State University, coordinated the physical arrangements for the conference and made sure we were comfortable. Dr. Fred Wrighton, Governmental Service Institute, L.S.U., served as the Conference Convenor; working long hours to secure a balance of professionals, ex-offenders, practitioners, and lay citizens for our sessions.

Brenda Bradshaw managed the preparation of these presentations, working with the material which Dalene Bagby and Georgeanne English had transcribed and drafted. Isabelle Collora and I did the final work on concept retrieval and clarity while Barbara Neylon labored over manuscript design, proofing, and production. If this sounds like a confusing situation, please consider that the other four volumes were in various stages of the same process. I am grateful to have been associated with these people.

One final note. The proceedings are intended to paraphrase the presentations instead of reproduce them word-for-word. We strived to remain faithful to the concepts which were shared in the conference while conveying the nature of the interaction. Human and machine fallibility may have caused some mistakes, for those we apologize. However, overall good fortune has aided in the high quality of this publication.

Douglas W. Denton  
Project Director  
NEW DIRECTIONS FOR CORRECTIONS

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## RESTITUTION AND VICTIMS OF CRIME

Pleasant Hall  
Louisiana State University  
Baton Rouge, Louisiana

February 23-25, 1977

### February 23, 1977

#### Welcome/Introductions:

Dr. Fred Wrighton, Governmental Services Institute, Louisiana  
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Dr. Mary S. Knudten, Professor, Department of Sociology/Anthropology  
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Louisiana Judicial Commission, Baton Rouge Louisiana  
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- Workshops:
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    - a. Victim Compensation Statutes
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## WELCOMING ADDRESS

Lloyd Barbee

National Conference of State Legislatures

*Lloyd Augustus Barbee serves as a Representative to the Assembly for the Wisconsin Legislature and is the representative of the National Conference of State Legislatures for the New Directions for Corrections project. Mr. Barbee also has a private law practice in Madison, Wisconsin, and acts as a lecturer, commentator, and consultant. He has won numerous awards and is a member of many organizations. Mr. Barbee is known for his humanitarian efforts for the poor, to provide quality education to all students, and for equality for all.*

This is the second in a series of five conferences sponsored by the Institute of Urban Studies of The University of Texas at Arlington, entitled "Restitution and the Victims of Crime." The project is funded by the Law Enforcement Assistance Administration. In these conferences, we are trying to identify ways in which citizen groups can involve themselves in the process of creating an effective criminal justice system. I feel that people should realize that Wisconsin is not alone in State Legislatures in concern for the system; this group here is also concerned.

The National Council of Catholic Laity of the United States Catholic Conference is a basic force at this conference. The balance of this meeting will center around people who practice and apply the art of planning for criminal justice reform, among them other members of the "New Directions for Corrections" National Coalition: American Federation of Labor and Congress of Industrial Organizations (AFL-CIO); The American G.I. Forum; The American Jewish Committee; The National Alliance of Businessmen; and the NAACP. We have committed ourselves to utilize the results of not only this conference, but also the other conferences in the series to concentrate on how corrections is working. The information gathered in the proceedings from these conferences will be shared with the organization sponsors and their constituencies. Questions will be raised regarding the criminal

justice system by persons participating in this conference, and some of the scholars and law enforcement people, the professionals, feel they are as objective as they can be; however, all of us are not experts at having solved the problem of victims of crime in terms of solicitation by the government based on what happens to them.

Crime is on the increase and individual victims suffer as society suffers. Often the victim of crime is totally left out of the criminal justice system. This conference will explore programs and policies which will promote restitution and compensation for these victims. Although many approaches to restitution are new to us, they were often common practices centuries ago in various countries.

We welcome your questions and comments, and hopefully in this conference, we will all gain a better understanding of what restitution is and what it involves, and insight into the fact that we can all be victims of crime.

Introduction  
Fred Wrighton

My name is Fred Wrighton, and I represent the Governmental Services Institute which teamed with the Institute of Urban Studies to bring you this seminar and workshop for the next three days. We're very pleased tonight to have a gentleman who I believe will be able to give a very good perspective on this whole matter. Our first speaker is Cecil Eubanks, who was born in Saginaw, Michigan, and earned a Doctor of Philosophy degree in Political Science from the University of Michigan. His academic experience includes university positions in Michigan and Tennessee, and he is presently an Assistant Professor of Political Science here at LSU. Dr. Eubanks is widely published in the area of political theory, has chaired several panels dealing with the subject of political consciousness, and has presented many papers before on the subject of political science to the National Political Science Association. But despite his widespread professional activities, Dr. Eubanks is active in several community-based service organizations and university committees and boards, and is often found as a guest lecturer around the country. He has been the recipient of several honors and awards, including a citation for excellence in teaching, Outstanding Faculty Award, and the Veteran Professor Award, which I would judge as perhaps the most meaningful, as it is an award from the students themselves,



STATUS CHANGE AND CITIZEN IMPACT  
ON POLITICS

Dr. Cecil Eubanks  
Louisiana State University

*Dr. Cecil Eubanks earned his Ph.D. in Political Science from the University of Michigan at Ann Arbor. He has held university positions in Michigan and Tennessee. Dr. Eubanks is currently an Assistant Professor in Political Science at Louisiana State University. He has authored several publications on political theory, and has presented several papers on the subject.*

I have been asked to address my remarks this evening to the questions of what political science calls the status change and citizen impact on politics. So tonight I am not going to talk very much about restitution or victims of crime, but I am going to try to provide the kind of theoretical base upon which specific discussions can rest. I am going to look, very briefly, at some of the ways that political systems do change, make some general observations about the American political system and change, and address it to the subject of citizen impact on change. There are two different kinds of methods of changing the political environment in which we live and work, both of which the American experience knows something about: revolutionary change, and authoritative change.

A revolutionary change can be both peaceful and violent, although the word usually connotes the latter. We have gone through at least one revolution, although we have put the label on others (the Civil Rights Revolution, and the Revolution of 1800). We have gone through some peaceful revolutions as well (the writing of the Constitution of 1787, or Thomas Jefferson's own election of 1800). But I'm more interested, for obvious reasons, in what I call authoritative methods of change. These are changes

that come about as a result of the use of regulated, constituted procedures in the system, most likely through the dictates of the tribal chieftain in the primitive system, or the rules made by a high level administrative agency in a more complex system. It should be remembered at the outset that systems and institutions in these systems do not like change. Indeed, what characterizes institutions is that once they are created, they more than likely spend the major part of their energy justifying their existence, and keeping themselves within the bounds of what they see to be the status quo. That alone should be a lesson to those who wish to change the systems and policies within them. Keeping all this in mind with the notion of authoritative change in the United States, and the caveat that institutions are so divided in "push," we need to ask and answer the questions: How does the United States political system change? What are the general characteristics of political change?

I have six or seven labels which, in one way or another, characterize the way we approach policy making. The first label which characterizes political change in the United States is incrementalism. Incremental change is merely piecemeal adjustments to already existing policies. This means that overall maximum planning is not likely. It is not likely, in other words, that tomorrow or the next day we will sit down and create a plan of restitution for victims of crime, and see it enacted within the next 30 days. Secondly, not only is change incremental in a system, but it occurs as a response to crisis, or at least perceived crisis. One of the things that organized groups in our system have learned all too well is that the creation of a crisis, or the perceived crisis in the eyes of those who make policy, is one of the better ways of gaining attention. It is similar to the man who hits the mule between the eyes with a two by four and says, "Now I have your attention."

Another level that characterizes change in the United States is elitism. We are a system that restrains majorities from ruling. We have always been such a system. One outstanding example of it is that for at least two decades, from sixty to eighty percent of the adult population of the United States favors strict gun control legislation. We do not have strict gun control legislation, and the reason of course is because those

who are powerful represent vested interested and simply have more power, more access, and more resources, than those who favor gun control measures.

A third characteristic is legalism; we are a system that enjoys making laws. In the 18th century, a Republican philosopher in our own megalopolis stated, "What characterizes constitutional government is a government of laws and not of men." What we have is a government more accurately described as being of lawyers, and not of men. Any citizen or citizen group that proposes to change the political system must be prepared to deal with a plethora of rules and regulations, and books and laws covering many particular areas of policy. It is not unusual (for example, in the state of Illinois), to find oneself under the jurisdiction of sixteen different taxing entities, all of which have governmental control. It is not unusual, either, to find oneself under an equally numerous number of agencies dealing with crime and law enforcement.

The fourth characteristic of political change is that we have in our system many points of access and many decision making entities (this is an extension of what I said just a moment ago. There are some advantages and disadvantages of that. Now on the one hand, if you're not satisfied with what you're getting at one level, you can go to another. The NAACP, for example, in the thirties and forties got an unresponsive nod from Congress, a little more response, but not sufficient, from the President, and turned to the courts with much greater, but slower, success.

So there are different levels of access, and different opportunities to change; however, they also need more consistency and less contradiction. It is not unusual to find that in our system one set of agencies propulgate policies are directly contradictory to another set of agencies. A classic example in the fifties and sixties is the Green Revolution. The Department of Agriculture paid people rather great sums of money to not produce certain crops; at the same time the Department of the Interior spent rather great sums of money to put more land into invested agricultural production.

The sixth characteristic is the process of making policies. Making change in our system is lengthy. It requires infinite patience. The time lag between introduction of an idea and its eventual formation into a policy is likely to be 25 to 40 years (that is the average). For example, National

Health Care Insurance was proposed in the Roosevelt administration. Many of the proposals of that era came to fruition in the Congress under Lyndon Johnson's administration. Once again the time lag has its disadvantages. One advantage is that there is a considerable length of time in which public discussion can occur. The disadvantage is that due to lack of patience, you may choose to follow routes of change that are not as socially acceptable as others. If you do not recognize that a system cannot handle conflict quickly enough, it begins to fester and erupts in violent form (once again, the sixties are an example of that).

Finally, in terms of general characteristics of change in our political system, you will have to admit that much of what we call change is symbolic. Indeed, one of the dangers that citizen groups particularly face is feeling that they have won victories, and finding out that they are symbolic victories lacking substance. An example of this is tax reform; it is not real and not substantial.

What do these general characteristics of the United States political system mean, particularly in terms of citizen impact? What can we say about the extent to which citizens participate in our political system, and what can we say about the kinds of tactics you and I can use to get the attention of those who make policy, or indeed to make it ourselves? We must begin with the lamentation that citizen participation, in the profoundest extent of the word, is minimal in our system. It is minimal, not only in the sense that in most elections less than sixty percent of those who are eligible do vote. It is more minimal, and more serious, in terms of the amount of public discussion, knowledge, and information about public policy matters, such as the ones which you are going to consider in the next few days. With that in mind, and with the knowledge that the system operates reasonably in the fashion which I have described, the watchword for American politics seems to have been the advice of the erstwhile IWW organizer, Joe Hill, who just prior to his execution said, "Don't mourn for me. Organize." Organization seems to be the most effective tactic for making policy changes in our system; political scientists characterize it as one of the system's faults. This means that there are a multiplicity of groups, each of which has a single set of policy goals, each of which pushes for their goals in

the marketplace of politics, compromising, bargaining, negotiating in the arena, and coming away with half a loaf, or a quarter of a loaf, or at least a little piece of crust, depending on how much power their little groups hold.

What are the tactics of these kinds of groups, and how do they relate? This is what you and I are concerned with this evening. The first tactic, which seems to me to be most crucial to the issues of law and justice, is the public relations or political socialization law of citizen groups. We could begin with the latter, and move to the former. But just to organize, as Joe put it, in terms of socializing those around us to our particular point of view, persuading them that there is a restitution alternative, that there is a problem with the victim of crime, or that the local Rape Crisis Center is not functioning in the way it ought, the crucial aspect of this first tactic, the public relations and socialization of members of your groups, is that of education and information. There is no more critical goal (in a citizen group) it seems to me than the acquiring and dissemination of good, sound information. An example of what I am talking about is in an area that I feel particularly intense about, capital punishment. Justice Marshall, in a recent Supreme Court decision where he was the dissenter with the decision which he in effect said that capital punishment was not cruel and unusual punishment, made this seemingly idealistic statement: "I am convinced that if the American people had knowledge about capital punishment, they would not approve it." He went on to say that when he used the word "knowledge," he meant knowledge, not prejudice, not misinformation. Several enterprising professors, I believe in Wisconsin, decided to test Justice Marshall's words. Two groups of people were asked how they felt about capital punishment. To one group they presented all of the technical and legal arguments against deterrence, etc. To the other group, they presented the technical and moral arguments. The level of support for capital punishment in the second group went down sixty percent, suggesting that Mr. Marshall knew whereof he spoke, and suggesting of course that the process of education and information is not an easy one.

The second tactic of organized groups in our society, which is proving to be rather successful, is in the area of electioneering. Fortunately

or unfortunately, however you look at it, the legal structures in our system are political structures. For the most part they are elected, i.e., district attorney, prosecuting attorneys, and many judges. That means that the citizen's opportunity for input into the selection of these individuals is there, open to the pressures that can be made and brought to bear upon the process of selection and the hard and sound questions that can be asked of these people. If my experience is anything like yours, in witnessing the elections of district attorneys, which I consider to be among the most important of local political functions, you and I will come to the same conclusion that the level of political discourse that goes on during those campaigns is abysmal. The questions asked are characteristic of the candidates who are seeking the office of implementing our criminal justice system. There is no better place than this to begin to educate ourselves and those who vote for the persons who make judicial policy decisions.

Thirdly, interest groups, organized groups, citizen groups have found that because of the multiple access centers, they have the potential for what we call lobbying. Too often we think of lobbying in everyday life in terms of how our lives are really made. The laws that concern us most are not made by legislatures; they are made by administrative agencies. If we are going to have any impact in our lobby efforts and tactics, they are going to have to be with administrative agencies as well as with the legislatures. And further, as the NAACP and the American Civil Liberties Union has taught us, judicial lobbying is possible as well. Different tactics are employed which are more costly and slower, but as a last resort, are means of putting before courts unavoidable questions of public policy.

Finally, there is a tactic which we shun because we are of the middle class: protests and demonstrations. The courthouse steps are an appropriate place to make thoughts known under certain circumstances. Religious groups and racial groups of all sorts have learned this lesson well, and practice it with some success.

I've said what groups can do. In closing, let me say what I think we must avoid, and why we must avoid it. First, I think we must avoid being one dimensional. Now that's a term used by a gentleman who wrote a book entitled One Dimensional Man. His criticism of American politics was that

in terms of the groups we allow in our midst, in terms of the alternatives we allow in our midst, we are very narrow in scope and intention. The policy of advice that would stem from the awaiting of unidimensionality is "Be outrageous." Be willing to consider outrageous alternatives. For example, in the whole field of restitution, does it make sense to speak of restitution where the state in which we live has one major prison, situated in the middle of a swamp? Does it make any sense in terms of community responsibility and restitution to bring that prison back to the center of the community in which the crime took place, decentralizing it? Of course it doesn't make sense to those who might have to live there, but it might make sense, in terms of not only restitution, but also rehabilitation, perhaps in terms of the policy alternatives that were used to accept an outrageous alternative. But not that outrageous.

The avoidance phenomenon I would counsel is the avoidance of being unwitting victims to demagogery. I said earlier that we are fortunate in one respect, and that is many of our agencies responsible for administering criminal justice were elected. That meant we could select the person to occupy the post. But the main disadvantage is that these agencies in turn are quick to read what they think the public pulse is, quick to ride the bandwagon of political success, and no greater mockery has been made of the criminal justice process than the scene of the local district attorney, prosecuting, falsifying, and distorting for political advantage. And one of the importances for citizen groups who wish to have impact on such offices, one of the avoidances that are crucial to success, is the avoidance of being used. The question of the victims of crime is a popular one, and it will be used by those who have other goals in mind.

Finally, I would counsel all of us to avoid hubris. Hubris is a Greek word, which in a Christian context is closest to the notion of pride. One of the greatest dangers of our pluralist system is the identification of our goals and our groups' interests with the public interest. At the very minimum, if we do that, we are guilty of moral myopia. But at maximum, we are guilty of neglecting what our political

system has a great and difficult time assessing, and that is what does the public interest require. So I will hope that after considering the questions of restitution and the victims of crime you will ask yourselves, "What are the interests of the victim?" But you should also ask yourselves, "What are the interests of society, and to what extent do our interests coincide? To what extent must we compromise in order to see that the public good is met?" Without compromise, we become an atomistic society of alienated individuals, powerful elitist groups, lacking all semblance of community. Thank you.



Introduction  
Fred Wrighton

The last speaker this evening is a gentleman who has for many years given his time and the benefits of his experience improving the quality of government for citizens of this state. Since 1963 Mr. Edward Stagg has been the Executive Director of the Council for Better Louisiana, and has the distinction of being the first and only Director of that organization. To his position, Mr. Stagg has brought broad political expertise gained through his experience as an editorial writer and political correspondent for state and national publications, such as Newsweek, Colliers, The New York Times, and the Saturday Evening Post, as a respected and trusted advisor to many Louisiana governors, as a Social Director of the Public Affairs Research Council, and as an active member of numerous committees in the fields of education, law enforcement, penal institutions, judiciary, and property taxes.

## HOW ORGANIZATIONS ACCOMPLISH OBJECTIVES

Edward Stagg

Council for a Better Louisiana

*Mr. Stagg has been the Executive Director of the Council for a Better Louisiana since 1963; he has been the only such director. He has been an editorial writer and political correspondent for state and national publications, such as NEWSWEEK, and THE NEW YORK TIMES. Mr. Stagg has served as an advisor to several Louisiana governors, and he has served as a member on several committees concerning law enforcement, education, mental health, and others.*

I am engaged in the business of trying to get things done. The subject that was given to me is how an organization accomplishes objectives. At the outset, I could make the subject so simple that I could cover it in a couple of minutes; on the other hand, it is so complicated that I could talk for a couple of hours. An essential element in all of this business of citizen organization is motivation, how to get people to undertake hard and full tasks that sometimes take a lot of patience to accomplish over a long period of time. The first element in any type of operation of citizen organization concerning the advancement of its objectives, which we presume to be good, is to believe that the people are good. If you can operate on the belief that what you are seeking to do is for the welfare of the people of this country, and that people will respond to you, then you are going to be in trouble, so the first thing you have to do is make the distinction that the people will respond to that sort of thing. The second thing you have to do is believe that your organization is effective, that it is well known, that there is motivation to do it, and that there is leadership. If you do not have that belief, you might just as well not begin the project.

Let me give you an idea of a basis on which you can begin to operate. You may have to lean a little bit harder, but there are specifics of what you can do and how you may begin to operate. You have to think in terms of what you are going to do, and you have to have a plan related to what

you want to do. What are the issues that are of significance? What are the priorities that we will give these ideas? What are your methods of obtaining these goals? I think people respond to a challenge. They will respond if they think there is a reasonable chance of success, not a guarantee. Find a project that is worthwhile, so that they will have some pride in it when the project is accomplished, then show them a way to do it so there will be some chance of success. You need to get down to the mechanics of some of these things, that is, don't always try to do everything the first day. Divide the project into steps. When the first step is accomplished, it gives the group confidence to accomplish the next step.

There is another aspect of success of a project. You need to create an environment where affirmative action can take place. Dedication is another factor that is needed. It takes a whole lot of work to reach your goal. You have to believe in your goal. For any person of substantial ability who will dedicate him/herself to achieving the goal, there is a strong possibility of success.

I work in the legislature a lot. A force which is interested enough to influence the legislature can do so, whether they represent ten percent or one hundred percent of the population. You can achieve a lot with a special interest or public group if you can present an item which will personally mean something to an individual. If you can combine a group with a public purpose with a private industry, there is a strong chance that you will succeed.

There are three criteria for success. One, if you can't think it, you will never get it done. Second is communication; you must be able to spread the word. The third criterion is dedication. These are things which will help a group like yours or mine be successful.

## VICTIMS OF CRIME - WHO ARE THEY?

Dr. Mary Knudten  
Marquette University

*Dr. Knudten has published many papers concerning the topic of Victim-Witness Programs and Services. These papers are based on her research (in association with her husband) in the area of Victim-Witness services. Dr. Knudten has considerable experience with the evaluation of these services and the theoretical issues involved. She is currently a professor in the Departments of Sociology and Anthropology at Marquette University*

I have spent a great deal of time in the last several years trying to discover who the victims of crime are. As a result, I welcome the opportunity to share with you some of the information which I have accumulated. My topic is "The Victims of Crime - Who Are They?" Now this is a good question. I suspect that many of us think that the impetus is fairly straight forward and that victims of crime are those individuals who have been assaulted, perhaps threatened with assault, or who have had property taken, or who have been vandalized. This kind of definition is very reasonable, and is a very standard definition of a victim of crime; however, I think there are some other definitions that should be considered as well. For example, how about persons who are so fearful of being victims of crime that they restrict their activities, and suffer psychological complications perhaps more than could be expected? Or what about persons who are simply witnesses to crime and because an individual has been victimized, must spend a considerable amount of time going to court to testify? Or what about society as a whole? To a certain extent, all of us are victims of crime. When businesses suffer property loss from theft and shoplifting, each of us pays a higher price for the products and services which businesses supply. Or perhaps on a different level, if employees of a business have to appear in court, and as a result have to be absent from their jobs, this is a consequence of victimization of society as a whole. When we consider the overall application of crime, everyone is a victim at one

time or another. But not all of us are as likely to be victims, or to be victims in the same sense.

Today I would like to present some information for your consideration about which persons are more likely to be victims of crime, what the form of the victimization is likely to take, and something about the costs of victimization. Much of the information which I am going to present comes from a study in which I was involved, conducted in Milwaukee, Wisconsin, and from the National Crime Panel Victimization Surveys which are sponsored by the Law Enforcement Assistance Administration and carried out by the Census Bureau. Many of the details are specific to their community; they are used as examples of all communities in all states which would in fact have similar findings if we were to use the figures which would be applicable to that community.

I'm sure it's just a happy coincidence that the Criminal Justice Newsletter that is included in your packet here happens to include a press release concerning the study which I am referring to, the January 3rd issue. This particular study, which was done in Milwaukee, did encompass much more than what I am going to talk about today, but we will be using the result of that study to illustrate the issues that I wish to discuss.

What do we know about the typical crime victim? We know first of all that crime victims may be of any age, from very young to very old. However, the average age of crime victims is about 30 to 32 years. How does this compare to the population as a whole? I consider the fact that children are not often classified as crime victims, and may be represented by their parents if in fact they have been involved in a criminal vein. This average age compares on the younger age, that is, victims tend to be younger than the general population. For example, while the percentage of the population in Milwaukee, in Claire county, between the ages of 18 and 24 is 16%, the percentage of crime victims in this age category, as identified by a National Crime Panel Survey, was 25%. 16% versus 25% shows that the younger age category is significantly more likely to have been victimized. We also know that crime may strike regardless of racial or ethnic background, but again, in relation to the overall population, blacks are much more likely to be victimized than whites. For example, using these

same sources for comparison, the general Milwaukee county population is 10% black, and 21% of the victims in Milwaukee County are black. This is a fairly significant difference.

Now finally, to use one of the demographic variables that sociologists use, if I asked you to guess whether males or females were more likely to be victims of crime, I suspect you would have some variation of response. We all know that the split between males and females is approximately fifty-fifty in the population. As it happens, the percentage between males and females as victims is close to 50%, although males, as opposed to females, are a little more likely to be victimized. Perhaps that is a little bit counter to what you would have suspected. We can say in summary that if you happen to be under the age of 25, black and male, you are more likely to be a victim of crime than I am, and certainly this contrasts with our image of the white-haired older woman as a victim of crime.

The chances of being a victim of crime may vary, however, depending on the crime event and the type of crime itself. For example, in the same city (Milwaukee), the percentage of the population over the age of 55 is 21%, and yet 32% of purse snatchings that occurred during 1975 in Milwaukee were committed against victims over the age of 55. 21% of the population is over that age, but 32% of the purse snatching victims were over the age of 55. On the other hand, some of the crimes that elderly victims fear the most, such as murder, assault, or rape, occur much less frequently among the older age categories. In the same community, although purse snatching occurred much more frequently among the older persons, only 10% were the victims of murder, assault, and rape, again 10% as opposed to 21% in terms of population composition. In fact with rape, which is perhaps one of the most feared of criminal events, only 3% of victims of reported rapes were over the age of 55.

To illustrate in another way the variation in vulnerability to various types of crime, in Milwaukee blacks are 2.4 times more likely to be victims of a burglary than whites; they are 1.5 times more likely to be victims of household larceny. I mention those two crime, particularly because

they are the type of crimes which we frequently think about occurring more against whites. Similarly, if we look at age groupings, those under the age of 19 are 3.8 times more likely than those over the age of 65 to be victims of a burglary. Now these figures that I'm giving take into account a relative proportion of persons in those categories within the population. One more contrast which contradicts the methods which exists concerning who is more likely to be a victim, is a contrast based on income level. Households with incomes of \$25,000 or more a year are the most likely to be burglarized; however, they are only 1.2 times more likely than households with incomes of less than \$3,000 a year. In fact, the houses with the lowest income levels are the second most likely income group to be burglarized. We may have a stereotyped image of burglary occurring among persons and households which have higher income levels, but this is not necessarily the case.

As we suggested earlier, crime can have an impact upon segments of society so that it actually inhibits free movement and creates a great deal of anxiety. Thus, even though the elderly may be less likely to be victims of most types of crimes, the fear of crime makes them victims in a very real sense. The image of the fine old woman with silver hair vandalized and raped, beaten or robbed, is an emotionally shattering picture for most of us. It is especially shattering for older persons. Studies done by a number of groups have emphasized the vulnerability of older persons in terms of income, physical disability, and emotional stability. They have also indicated that fear tends to be disproportionate to actual victimization, much as I have just described. One study found that 89% of elderly persons felt crime was on the increase, and 95% considered crime of prime concern in their lives. In a study in which I participated in Milwaukee, 90% of the persons aged 50 and over said they thought crime was increasing; this compares with a percentage of persons between age 15 to 20 of 66%, or between persons aged 21 to 29 of 80%. It is interesting to note, however, that in spite of the fact that elderly persons may fear crime or expect to be a victim, or feel that crime is increasing to a greater extent than other segments of

society, age is not associated with taking greater precautions.

Among crime victims identified in the National Crime Panel Survey taken in 1974, there was virtually no association of age with a victim having done anything to protect him or herself from crime. On the other hand, women are significantly more likely to say that they would regularly avoid going out alone. 34% said that they would avoid going out at night, and 55% said that they would avoid certain places regularly. Perhaps this conforms to your own feelings. In spite of evidence that fear of crime can be effective in depriving citizens of their ability to move about, whether they are actually victims or not, being deprived of the freedom to take part in the community in any extent or fashion means that all segments of society, and some segments in particular such as the elderly and women, are victimized by the fear of crime, but not the reality of crime.

Victimization reaches out in another direction. The experience of crime does not stop with the event itself. It stems from the criminal justice system in that victimized individuals, as well as non-victim witnesses, may have to spend many hours testifying, or waiting to testify in court. In this Milwaukee county study, we found that victims suffered an average working day loss of 2.1 days because of time spent in court. Time loss is often accompanied by income loss, or additional out-of-pocket expenses for things such as parking, transportation, or child care. As might be expected- not all types of victims indicate the same likelihood of loss. The more highly educated white male is more likely to regard time loss as a serious problem than any other group.

Shortly, I will present some cost figures to substantiate the very real victimizations in terms of follow up costs which occur because of going to court and required court appearances. But first I would like to mention one other group to which victimization extends. These are the persons who are close to the victim, family, friends, whatever. These victims may suffer serious time and financial consequences as well as mental or emotional suffering. About 1/3 of the persons surveyed in our Milwaukee study indicated that others were seriously affected in one way or another by time loss, financial consequences, or simply anxiety.



While these persons may be considered secondary victims, it is true that victims and witnesses are not the only parties significantly affected by the commission of the crime. There is a wider network of individuals and consequent costs involved during a crime victimization.

This conference is entitled "Restitution and the Victim of Crime." It is not enough simply to talk about who crime victims are, but it is also necessary to determine the costs for the various victims of crimes. What are these costs? In addition to intangible costs, such as inconvenience, mental anxiety, and personal problems which might arise between victims and persons they must be with, there are some concrete costs which can be classified. I want to emphasize that the cost figures which I am going to present do not include the intangible costs which certainly have important consequences. First, when a victim has suffered a physical injury, there may be medical costs. Usually, persons in society have some kind of medical insurance to cover costs, and of course those are applicable in situations where a person has been a victim of crime. But not all persons in society have such insurance, or if they do have it, it might not cover adequately what costs they have.

Of the victims surveyed in Milwaukee, the mean average of uncovered medical costs was \$98.15. Actually about 20% of the victims we surveyed indicated that they had had a physical injury that required medical attention. 9% had \$10,000 in earned reimbursed medical expenses. Victims of property crimes may incur expenses in repairing or replacing the property, unreimbursed, of \$137.50. One person did not receive reimbursement for \$42,000 in property loss. Being the victim of a violent or property crime may also mean loss of time from work and consequent loss of income. This is not related to having to appear in court, it is simply going to seek medical attention, and taking care of things that need to be done to get property insurance to cover the property lost. In Milwaukee, 25% of the victims indicated that they had such income losses, and the median amount was \$85.50. Again, the range of loss may be very high. One person indicated an income loss of \$11,000.

In addition to the income loss because of the crime event itself and its consequences, income losses occur because of the need to testify in court. Approximately 1/3 of the victims in Milwaukee indicated income losses for court appearances, and they reported that the median loss was a little over \$49.00. Non-victim witnesses, persons who were not victims themselves, did not have quite as high a loss. Their median loss was \$36.34. What does this total up to? Let me give you some figures. If a victim experiences both a physical injury and a property loss, and was subsequently involved in court, the total average unreimbursed cost for that person would be \$370.70. Now being an average figure, that means that half the people had greater expenses. In terms of the total losses, they are really much greater than this. The insurance claims that many people carry do provide a fairly adequate coverage, and I have focused only on costs that would not be covered by insurance.

Another way to look at this cost situation is to focus on some expenses in a different perspective. Earlier I suggested that the community as a whole, and the business community in particular, may lose both through the actual theft as well as a loss of productive work time on the part of employees. The former situation in respect for business is in a sense centered on the category of property loss (we have included business as well as individuals). A loss of productive work time is not covered in these figures. So in order to illustrate the impact of losses of this type, let me first put forth some assumptions that are the basis for these calculations. The first assumption is that time losses incurred by victims are not all unproductive work time. Some victims are unemployed, students, housewives, whatever the case may be. So the time losses that those persons encounter are not included in the figures that I am going to give you. A reliable estimate based on considerations which will not be detailed here suggests that 50% of the losses incurred are because employees who must testify in court are affirmed productive work time. So we will only be talking about 50% of the losses incurred. Unproductive with a very strict definition will not be included. Of these productive hours, only about 2/3 are subject to personal loss as individuals. In

other words, there are persons who are salaried or whose employers continue to pay them even though they are absent from work because of time in court. Only 2/3 of the productive work time that is not actually lost to the individual is in terms of income.

To get some kind of an average cost for the hours the person spends, various sources have been studied, including the work labor statistics. Various sources would suggest that \$6.00 an hour is an average hourly wage for persons working in all types of capacities, so that is another assumption that is included in this calculation. Another assumption is that the absenteeism costs to employers are greater than the hourly wages paid to the individual. For example, a number of places, such as the U. S. Postal Service and the National Council on Alcoholism have calculated what it costs employers to have employees absent, and they suggest that a multiplier of e.5 should be added to the actual wages that have been paid to the person who is gone. The reason for this kind of multiplier is there are some kinds of business in which it is impossible to find a substitute (retail sales, for example), or persons who are self-employed cannot be replaced. Their time loss is an absolute loss. In addition, when replacement employees are used, this may include paying overtime as well as a regular hourly wage. A third factor that creates the higher multiplier for absenteeism is the fact that profits are disproportionately affected by the loss of time of employees. This multiplier of 3.5 takes into account these kinds of factors.

The final assumption that is involved in calculations is that the average waiting time, just in time testifying in a court case for each court appearance, is a little over 2-1/2 hours. I have calculated some figures both for personal income loss and business losses. Just from the income losses resulting from time spent in court, Milwaukee County has had a total for the population of about 1.5 million. 100,000 citizen appearances in criminal cases are made here. Assuming the \$6.00 an hour average wage, an additional \$.50 for extra expenses such as for parking and transportation the victim or witness may incur, and the average

length of time for a 2-1/2 hour court appearance, personal income plus expenses loss for citizens comes close to \$650,000 a year in one city in one state. Now that takes into account of the fact that we are talking about the actual income loss of productive work time, not the total income loss the victim incurs, even though they are in court. That is the figure for individual loss. Adding the multiplier for absenteeism, and subtracting the unpaid wages which we just mentioned of \$50,000 that was not paid to employees, the total losses come to about 222 million dollars a year. This is only for time spent in court. This is not time for medical costs or property repair replacement, this is for income losses that are crime related and having to go to court; it is not accounting for intangible losses, unquantifiable costs that occur.

If you are the victim of crime, some persons suffer to a greater extent. We are all victims, and it is certainly a more costly proposition than most people realize. Let me conclude my formal remarks by telling you a true anecdote concerning the cost of victimization. In the course of the interviewing that was carried out in this Milwaukee study, an obviously pregnant woman was asked about problems she encountered as a result of her purse snatching. We ran through kind of a standard list of items, and then asked, "Did you have any other problems as a result of the crime?" She rested her hands on her abdomen, and said, "Yes. You see, I'm about 40 years old and have two teenagers, and I didn't expect to have any other children, but I carried my birth control pills in my purse." Bot to top it off, she had just been informed by her doctor that she could expect at least twins.

- - - DISCUSSION - - -

Question: Is this study replicated in other cities?

Answer: Yes, in a detailed sense, no. It was merely an initial attempt to particularly focus on who is involved in the criminal justice system, not just who are victims generally, but what are the extended costs which a victim incurs because he has to go into the criminal justice system, and

very frankly, one of the bases used for conducting this study was to set a background, and provide the kind of information which is necessary for any of the victim service organizations in which perhaps some of you are involved yourselves. But actually, when going into a court setting, what are some of the things that could be done to help the victim? For example, a rape crisis victim program, or a battered woman's program, focus on the person and the consequences regardless of whether or not the person receives financial assistance.

Question: I was wondering through your study of trying to find who the victims are, if you got any kind of handle on victim recidivism and who those people might be, or if there is any such thing.

Answer: As a matter of fact, yes, in the sense that if a victim has been victimized, they may be victimized again. About 28% of the persons we interviewed had been victims more than one time within the last year, and if possible to isolate exactly characteristics of persons who are more likely to be victimized, an educated guess is that they follow along the lines of the younger, black males.

Question: Did you take any particular look as to whether or not those people who were victims in those particular instances when you interviewed them were people who had ever been offenders themselves?

Answer: We didn't particularly inquire about this, but when you do a survey like this, you don't want to antagonize anyone by asking questions that might be threatening or hostile to them, so we purposefully did not ask this. But we know that there is sometimes a crossing of the lines of who is a victim and who is an offender.

Question: Were these elderly victims?

Answer: They were all types. Perhaps a little more detail about how we did this. We interviewed people at what we considered to be four stages in the criminal justice process. Milwaukee is rather unique in that for any charging decision that the prosecuting attorney makes, victims and witnesses are called in together and sit down and the facts are discussed, and the decision that the prosecuting attorney makes, victims and

witnesses are called in together and sit down and the facts are discussed, and the decisions are made then whether the charge will be retained.

As a result, this was a nice, handy place to talk to people. It could be very soon after the event occurred. The second stage was a misdemeanor trial. Third was a preliminary hearing for a felony case, and the fourth was at a felony trial. The study was based on actual observation, and not a guess.



Dr. Mary Knudten, Marquette University, completes her presentation, "Victims of Crime", and Dr. John Dussich, University of Southern Mississippi prepares to respond with a discussion of his experiences with the National Organization of Victim Assistance.

## Introduction

Dr. Knudten

I suppose most of you have been a victim at one time. We found that only about two thirds of moderately serious, to serious, crimes were reported. So the variation between the uniform crime report and the police reports, indicating levels of crime, and what the actual crimes are, is not quite as great as we might be led to believe.

It is fairly obvious that victimization figures can be manipulated to place trust in the police, but most police departments try to be relatively honest about these things. It is difficult to make any general judgement about the reliability of those figures.

John Dussich has had a variety of experiences in the practical aspects of criminal justice. He has had enforcement experience as a Military Police, corrections experience as a classifications officer for the Florida State Prison, and he has served for a number of years as a Criminal Justice Planner for the Governor's Council on Criminal Justice in Florida. His particular interest and his reason for being here, however, is his role in the new organization known as National Organization of Victim Assistance (NOVA). His topic is "Victim Advocate, Victim Services." It is in his role as executive director of NOVA that he has perhaps become most well acquainted with this particular subject area.



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## VICTIM ADVOCATE - VICTIM SERVICES

Dr. John Dussich

I wish to discuss victim advocacy and victim services. The victim advocate program was initially devised as a project with three main focal points. The first area of concentration was to provide direct services to the victims of crime in a very immediate kind of way so that an advocate- a victim advocate- would be called to the "scene of the crime" in order to apply direct services or to see that the service was applied. This also allowed law enforcement to engage in activities which they were primarily trained to deal with. This advocate was to be a "specialist" - one who in a crisis could deal with people by directing or taking victims to the kinds of resources that are dictated by the situation. This would range from taking them to the hospital, or home, arranging for baby-sitting, rendering first aid, etc.

The idea is to capitalize on the resources that already exist, and if necessary to develop these resources further. The first step is to set up procedures and policies, work with particular people in the community, and develop a kind of community services workbook. Once the "bridges are built" and the paperwork is in order, we can develop an organization that is 90% volunteers.

The kind of things that victims encounter after they report the crime (usually the first 24 hours) is, for the most part, very new to victims. They are not familiar with the forms they have to fill out, or court processes. They may be intimidated and re-victimized by the system. An advocate's role in this regard is to neutralize that anxiety, to funnel additional kinds of resources. If the state happens to have compensation money, victims need to know about it. One of the biggest problems of this program is that the victims never know about it; the people who need the money simply are left out of the process. In California, a law was set up establishing that police had to inform the victim of victim compensation. This is a critical issue. Secondly, the advocate helps the victim understand the court process; in many instances, they go to court with the

teer efforts in sheriffs' offices and county managers' offices. One of the things that we have found is the comprehensiveness of advocacy and the focus on what is happening and on doing something, rather than on the victim as a particular client. We have many programs for specific client groups, and I think that they serve a very important role in identifying and focusing attention on a specific crime. Ironically, we do not have a program for the victim type that is most prevalent; the black, uneducated, unemployed male. The approach that I was interested in was that of providing a resource for all victim types, regardless of their crime, or the crime they were victimized by.

Knudten: That is what we are seeking - a program for the most vulnerable.

Dussich: I have spoken to some elderly people who are really militant. There are a number of agencies around the country which provide services for the elderly victim. I know of one in Boston for victims of violent crimes out of Sinai Hospital, and that program was terminated. They could not even provide services, because there were so many victims. It was closed and the money given to a program which provided services for elderly victims. The point I am trying to make is that the provision of services and decisions that law enforcement planners are making are not necessarily responding to the actual problem at hand, but rather to the people making the loudest demands.

Question: Several times you mentioned the young, black male. Is he the victim of a certain type of crime more than others?

Dussich: Each crime has its own unique type of victim, but the elderly are usually victims of burglary, purse-snatchings, and robbery. In other words, they are usually victims of certain types of crimes. However, the black, who is young, living in the ghetto, uneducated, and unemployed, is the victim in all types of crime.

I think the point has to be made that those victim services frequently are not directed to the people who are more frequently going to be victims. They are directed toward the isolated person, not the general population. The majority of the victims are not the elderly, or the women, who are likely to get the services. Maybe the young blacks do not want services;

victim and stay with them in critical cases such as rape or child abuse. Also, they protect the victim from the media. The third component is aimed at prevention. The program that I am speaking of was designed to operate at the police level. I think information about the victim, and the kinds of things they become involved in, can be very beneficial in terms of planning what can be done in the community to prevent victimization.

There are two dimensions which I think cause people to become victimized. The first dimension is a "personalistic" factor which can cause people to become involved in crime; in other words, the way people dress or respond. There are "cues" that people give concerning their own vulnerability. Another dimension is a "lifestyle factor" patterns that people get into by virtue of their profession or of their status in our society. For example, because of their income, many elderly people live in the worst sections of town. They get their social security check at a very specific time and cash it; this pattern makes them vulnerable. Certain people work in parts of the community, get off work at a certain hour, and park their car in a dimly lit area of the city; therefore they set up patterns that render them vulnerable. Many victims become re-victimized. This is probably due to a combination of both of these dimensions. The important thing on the advocate project is that we need to identify these patterns of victimization and try to intervene to provide an understanding of the situation.

The victim-advocate program has helped to "soften" the image of the police. At first, some people would not believe when contacted by a victim-advocate, that these were bona-fide representatives of the local law enforcement who were concerned about victims. They were turned away from many homes. Many cities which tried the victim-advocate concept found the same result, so there have been problems, primarily of an administrative nature. It has been used as a kind of political device in some communities. But any new program has some difficulties. Initially, the advocate program was designed to be in the local law enforcement agency. But currently, in Florida for example, there are advocate programs as volun-

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maybe they are distrustful. Because of personal characteristics, they perhaps expose themselves more to potential crime than other groups in society and consequently are victimized. But they are still victimized, and it cannot be denied. We are providing services to those who are victimized the least.

When you talk about specialization of victim services, you run into problems. Through our program, we offer services to all people who come into the criminal justice system. We are trying to "humanize" the system through this service. We do it through a "screening area". Some cities have designed programs to help rape victims; other cities have programs to aid with narcotics-related crime where there is no victim involved. There is an enormous number of cases processed through the criminal justice system. One wonders how to handle the work load. We did a small amount of research in our program; we itemized the results gathered from interviewing forty-five people in a two week period through our screening process. The average person interviewed (in these two weeks) was unemployed, and had an income of less than \$499 a year. Eighty-two percent of the people made less than \$10,000 a year; eighty-five percent had a high school education, or less; fifty-eight percent were married. We found that the person most likely to be victimized in the city of New Orleans was a black female.

I would like to focus on the other types of victims aided by "special interest" advocacy programs. The first is the Rape Crisis Center. For the most part, they have been developed by feminists who are really responsible for the rape crisis movement. They have focused a great amount of attention on something that has been "in the closet" (rape) and as a result, just about every city in the nation has rape crisis centers. Today there are many rape crisis programs that have become part of the system. They are receiving tax money (before, the programs were run by volunteers). Many of the workers are those who themselves have been victimized by rape. These programs have made tremendous progress and have evolved into bona-fide service of the community. I think we need to understand where rape crisis centers have been, and what they are doing. A lot of rape crisis centers, for example, are changing their names. The whole issue sur-

rounding the name of "rape crisis" presents a stigma focusing on the sexual nature which is thought to be the reason for rape. This is not the case. Those of you who have been involved in this know that rape is a crime of power; it is an aggressive act. Sex is simply a "vehicle" for the expression of that power. Then we have the issue of crisis. The sign tells you it is a crisis, whether it is or not. I think we need to focus on the victim and where they are going, and on victim suffering. More neutral terms such as "refuge centers", "women's resource centers", etc., are being used.

A lot of attention today focuses on providing or doing victimization surveys. The whole measurement of victimization is evolving as a very specialized area. We just completed a victimization pilot study in Mississippi using a new kind of survey technique referred to as "random digit dialing", using the telephone as a survey. It was very effective, especially where the area is very urbanized. You can get tremendous results in terms of cost effectiveness and in terms of the number of victims.

I wish to briefly discuss victim services for children. Most of the services for children who are victimized focus on child abuse. Of course, child abuse usually is concerned with three areas: sexual assault; physical assault; and neglect. There are other kinds of victimization that children suffer from which are usually not part of what they call the "battered child syndrome". Many of the child abuse programs are handled by social welfare people in the communities and mental health agencies. I think it is safe to say that they have less difficulty in receiving necessary publicity because child abuse is such a revolting thing; it gets an emotional reaction when you see a photograph and hear about child abuse. One of the issues concerning child abuse is motivating people to report it. Ironically, the people who have been most neglectful in this area have been doctors. They have simply ignored the criminal justice system in treating children who have been abused. They have been treating the abused child in a very physical way, noting the symptoms (multiple fractures and scars), and returning the child healthy again to an unhealthy situation, doing nothing about the emotional situation in

in the family. The approach that is being used more and more is to deal with the family as a unit, bringing them all into therapy together. The reporting process means they must be reported to an authority. In many instances, they should not be punished, because of what the punishment will do to the family.

In a recent study, it was found that seventy-five percent of the rapists that were being evaluated in this program had themselves been sexually abused as children. So the influence for providing services for abused children goes far beyond the here-and-now. We must find these families, and we cannot find them unless they are reported by the police as well as the physician. Usually the first step in setting up programs in communities which have nothing for child abuse, is to get an agreement between the doctors and law enforcement people. This agreement states that there will not be an arrest, but an intervention by the welfare department so as to get an assessment of the situation from a family standpoint (the unit) and to see if something can be worked out.

Wife abuse is the most recent focal point in regard to victims. It is tied in with child abuse and with rape, and involves the whole family. The approach that is being pursued is the setting up of refuge centers for these battered women where they can seek shelter. "Hotlines" are also being used so that these women can get help and answers to aid them in their dilemma. There are many men who are also being abused by their wives, violently so; thus, the term is becoming the "battered spouse". The approach is to establish these refuge homes and work with the family as a unit. The feminist movement is most responsible for getting this movement "off the ground".

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## VICTIM-WITNESS PROGRAM

Herbert C. Jones  
New Orleans

*Herbert C. Jones was named director of the National District Attorneys Association Commission on Victim-Witness Assistance in Washington, D.C., in May, 1977. Since the inception of the Commission in October, 1974 under a one million dollar Law Enforcement Assistance Administration grant, Mr. Jones has served as one of the Commission's original eight Unit Chiefs in the Parish of Orleans, New Orleans, Louisiana.*

Our program was started two and one-half years ago through the National District Attorney's Association. We are funded federally by the Law Enforcement Assistance Administration. We have a national commission of victim-witness assistance located in Washington, D.C. When the program began, there were only eight such programs throughout the United States. These eight pilot programs were developed in order to discover some of the problems that victims and witnesses face once they get into the criminal justice system, and to design a program to curtail some of the problems that these people have. The program itself was divided up into three workable objectives: 1) survey and research; 2) victim and witness; and 3) the witness reception center.

When we first started this program eight years ago, no one knew exactly what victim-witness was all about. The programs had moneys available and knew they had problems in the criminal justice system, not only in New Orleans, but in and around the country. But we decided to try the survey and research first to see what the people thought about the criminal justice system, and what we could do to help them change their attitudes about the entire system. For about six months we conducted a program of survey and research designed to establish a profile on the people we would be serving. We did our "500 Survey" by going through the closed file of the district attorney's office and picking at random people who had been "processed" through the system. Next, the telephone survey

was conducted. We called about 500 people at random and talked to them. These were people who had been through the system, and people who were about to become involved in the system. Next, a screening survey was conducted, and information profiled the potential victim which, at that particular time, was a black woman between the ages of 27 and 30. Philadelphia was designated as the city which would do most of the extensive survey in order to find out the problems that victims had when they became involved. Oakland, California, also did a moderate amount of survey. We compiled this information and sent it to Philadelphia where it was compiled into a booklet which is available for your information through the National Commission.

The order of frequency that people were involved as victims in New Orleans was theft (thirty-two percent of the time); physical attacks on a person with a weapon (twenty-five percent of the time); as well as other statistics on other offenses. The attitudes of the people were that sixty-two percent of them felt that witnesses should be paid although many indicated that it was their civic duty to testify in a case if they were a victim or a witness to a crime. Eighty-eight percent felt that police were considerate in their treatment of victim-witnesses. One hundred percent felt that the district attorneys were responsive to their feelings, although we felt that this was not too valid. We found that seventy-three percent had never been a victim or a witness to a crime before. The majority of responses in the eighty-eight percent came through the screening division by way of a district attorney's subpoena rather than as complaints. Seventy-seven percent agreed to bring charges, and ninety-four percent agreed to testify. A majority of the people coming in would sooner or later drop charges and come back and say, "It really didn't happen like this." So we were experiencing many problems, especially with domestic conflicts that people were having.

Using the telephone refusal survey, we picked another five hundred people at random and questioned them as to why the case was refused, and if they had any particular feeling about the case being refused. So with the cooperation of the police officials once again, as well as the coopera-



tion of the district attorney's office, we were supplied the information leading us to victims and witnesses. The purpose of this survey was to determine if the victims and witnesses were informed of the district attorney's reason for refusing to prosecute their case.

Briefly, the results were that seventy percent of respondents knew that their cases had been refused, thirty percent had no idea that action had been taken on their case, twenty-three percent who knew their case had been refused were informed by the district attorney's office, seventy-seven discovered their cases had been refused through conversation on the streets, eighty-three percent of the respondents reported that no explanation was given to them why the case was refused. In cases where an explanation was given, it was accepted only fifty-six percent of the time. The conclusion from this particular survey was that the district attorney's office made no effort to inform victims and witnesses of reasons of refusal. If they were informed, it was usually not through the DA's office, but through a lay person. It is no surprise that fifty-four percent of respondents rated performance of the criminal justice system at this particular time as only fair or worse. So our program basically, after doing this, is designed to improve the efficiency and effectiveness of the criminal justice system, to serve or benefit victims and witnesses of crime, and to increase the citizen respect of the criminal justice system.

After this particular survey was conducted, we designed particular services for victims and witnesses who were about to become involved in the justice system. The crime is committed, the police officer comes out, does his investigation, writes his report, informs the victim that he or she will be subpoenaed, takes the witnesses' names; etc., and brings his report, after the person has been arrested, to the district attorney's office where the seven DA's review every case that the police officers bring in. These are the persons in conversation with the police officers; they decide if the case warrants prosecution. They either accept or refuse the case based on the information brought in, and after talking with police officers or with the witnesses or the victims themselves. Once this takes place, our duties begin. There are five people on our staff.

If a person is in the office itself, we will send one of the volunteers down to the screening area and escort the victim and the witnesses (or whoever) to our office and talk with them. They will be assigned to one of the counselors. The counselor will discuss whatever problems he/she may foresee with their participation in the criminal justice system. They will go over the procedures of the court system without going into the testimony itself. The program is designed to make the victim and witnesses feel at ease and feel that the staff is there for their benefit and for their relaxation. They know that if something should come up, they can call us. The staff is not there to go into the testimony itself; if you go into that, you get into a trouble area.

Three days after we talk to the particular witness and/or victim, we will find out to which section of court the case has been allotted. The people are called in order to: 1) reassure the victims and the witnesses that we are there for their benefit; 2) to make sure that we have the correct address and phone number and other information that they may give us. It was discovered in our first year's operation that on some of the police reports, the victims and witnesses were giving fictitious addresses; therefore some cases were refused because we could not find the victims or the witnesses. Our program staff developed an extensive notification system in order to communicate with every victim and witness who is involved in the case itself. If a person (witness or victim) does not come to the district attorney's office, we have a computer "read out" sheet which enables us to call and give the same information as if he/she was in the office itself. We make an effort to make one-hundred percent contact. Volunteers are very beneficial to the program in the telephone communication process. There are approximately five people involved in a case: the victim, about three witnesses, and one police officer, so there are a lot of calls to make.

We offer transportation services, basically for the elderly people to enable persons to get to court or to the district attorney's office if they lack transportation. We also have a twenty-four hour service call notice. Twenty-four hours before a case goes to trial, at the DA's

request, we will call everyone involved and remind them that they are supposed to be in court the next day at a certain time, finding out if they have a problem getting there, or whatever. There is a tour of the courtroom for those persons who have never been in a court. We also have a property return. In our research, it was found that property return was one of the greatest problems that people face. When property was confiscated, it was put into a property room, held for six months or longer, according to when the case went to trial.

All persons who come into our office are asked if they have been threatened or intimidated in any way. The first priority is to call their district attorney where they live; the second thing they should do is call us. What we would then do is to inform the chief investigator and his assistant DA who was trying the case. They in turn will make a decision of what should happen; whether an investigator should be sent out, and whether to subpoena the person who was doing the intimidating.

Within the last year some of the judges in our courts have decided to use our office as a means of restitution. They have found that most of the defendants will respond more readily in paying restitution through our office because we are located in the district attorney's office itself, under the jurisdiction of the DA, and a judge is right there. Our office has been instrumental in getting probations revoked because of failure to pay this restitution.

Once we found out that there would be a continuance invitation to call the people and tell them not to show up; we call people and tell them to show up. In the first year, there were about 55,000 wasted man-hours; people came to court and waited two or three hours, then a person told them to go home and come back next week. We try to make contact with the district attorney each day to find out what cases are on the docket. There is a special alert system that we have which places victims on alert; they can go to work, but they must be near a phone between 8:30 a.m. and 3:00 p.m. If they do not receive a call to come to court during that time, they know they were released from their subpoena. But they must also be at a distance no greater than one hour from the courtroom.

When we have victims and witnesses who have been through a chaotic experience that our office and counselors cannot handle, contact is made with the United Way in New Orleans and with the social service agencies there. A person is placed into a counseling situation as soon as possible. We also have contact with a psychiatrist in one of the local hospitals who will accept some of our victims.

In conclusion, I wish to mention volunteers in our program. They have been very beneficial to us. In our first year's operation, our program had approximately fourteen volunteers, most of these at the college level, and most were considering law school. These persons were most beneficial in helping us with our surveys, phone calls, escort services, and just being there to help people once they get into the system.

#### Discussion

Question: Do your people train as court advocates, going in and making recommendations?

Herb Jones: What we were doing at one time was inviting the victims to write the judge telling what crime had been committed, how much property had been lost, etc. Our staff does not go into court and make recommendations, but they do talk with the district attorney about it. The biggest complaint from victims in our office concerns sentencing. We try to get the victim involved in the system. If the victim wants something done or wants restitution, we try to get him/her to go talk to the judge and the DA.

## DALLAS COUNTY RAPE CRISIS CENTER

Lori Carrillo  
Dallas County

*Ms. Carrillo received her B.S. in Criminal Justice at the University of Texas at Arlington in May, 1977. She is currently working on her Master's degree in Urban Affairs at the same University. She was one of the original members in Dallas Women Against Rape, and was one of the founders of Dallas County Rape Crisis Center and Women's Help, Inc., for battered women in Dallas County. Ms. Carrillo completed her internship with the Dallas Police Department. She did her graduate internship from June until August of 1977 with the U. S. Bureau of Prisons in the Dallas Regional Staff Training Program.*

Dallas County Rape Crisis Center is one of the highly recognized successful rape crisis centers in the country. It began initially as a task force from the local National Organization for Women and it remained as a task force for almost one year. In an effort to break away from the organization the volunteers went out into the community. The organization-, Dallas Women Against Rape - has been in existence for three years and up until a year ago was a totally volunteer organization. The organization now has three paid staff members. As of last month we are going into our second year of funding.

We were fortunate enough to get some help from a local radio station and what they did was provide us with an office to establish a hotline where the rape victim could call in, a 24-hour, 7 days per week service. It still remains as such; the hotline services have never changed!

We did not have to be concerned with any cost, fortunately, for the first year. It took us about six months after we were in the radio station to realize that we were basically going to have to make the program a little more effective. After working on the hotline we were then able to identify what services were needed by the victim.

We found at that time essentially what was needed other than just the hotline service was to work with the woman and with her family. Usually if it was a husband-wife situation we found there was a great need for intervention at that time to work with both the husband and victim. So this meant professional therapeutic counseling as opposed to the crisis counseling that the volunteers were trained to do. That of course meant money. We had to go to public funding in order to be able to provide this service. After a year and a half of staying with the local radio station we submitted our first proposal and a really dramatic change was made in the identification of the organization.

Rather than remaining as an off-shoot of the National Organization for Women, we wanted to identify in the community with the victim. Associating with the organization (NOW) sometimes frightened the victim, but most importantly when our proposal was ready, we needed funding, and it was not politically expedient to identify with that organization in our county. So that brought about a very big change in our volunteers.

We found after a year and a half that the first victims we had helped had already gone through their crisis period, there was no more trauma, and they felt they were able to function as volunteers. So essentially when we received our funding and our own office, we found that we had a complete turnover in our volunteers. We no longer had the "feminist front," and the majority of the volunteers had been the victims we had served in the beginning. This is still true today.

We received a total of \$54,000, and the emphasis in addition to the services for the family of the victim was placed on education. You would say it's (the program) broken down into two areas. We have volunteers that actually do nothing but crisis counseling with the victim and others are involved in our education program. In fact when we decided to hire staff, we had the project coordinator and another person to work specifically with our education program training volunteers and going out into the community to disseminate the information. This was back in 1975, and our education program has been virtually the success of the organization. We average from 18 to 20 speaking engagements per month. They are all done by volunteers. We go to high schools and to the homes of women. We worked very

closely with the police department. If we were to say there was one outstanding accomplishment in the rapport we have established with the police, it would definitely have to be in education. We have worked very closely with the police and D.A.'s office on rape prevention programs. The police will go out with one of our volunteer speakers to the site of the speaking engagement or will conduct the speech alone.

About six months ago another big accomplishment - which took a lot of work and a lot of time - was made; it was with the D.A.'s office. The D.A. worked together with the Dallas County Rape Crisis Center and we have a brochure that's printed up on what we are doing. Now we have gotten to the point with the D.A.'s office that if a rape trial is coming up one of the assistant D.A.'s will talk to the victim. If she has no knowledge of our organization, he will inform her of it and the D.A.'s office will call us and ask for a counselor to go down and sit with the victim throughout the trial. In a very small minority of the cases we have been involved with the woman throughout the entire trial from beginning to end. When the initial call comes in, that counselor remains with the victim at all times unless it isn't possible for some reason.

As I said, in January last month we went for re-funding for one year; the initial grant was for \$54,000. Our services have increased tremendously. We now have hotline services, therapeutic counseling with the victims - rap sessions - by a counselor in the center. In the rape crisis center we have shelter for overnight accommodations. Many victims are terrified to return to their homes. All of these services have been added within a year's time and yet when we went up for re-funding all we requested was an additional \$3,000. The service itself is actually being provided by the volunteers. That \$3,000 in additional costs in funding was for \$2,000 going for increases in salaries and it's just an additional \$1,000 for services to the victim.

## BATTERED WOMEN - WOMEN'S HAVEN

Lynn Bendslev  
Fort Worth, Texas

*Ms. Bendslev received her B.A. degree in Psychology from Texas Christian University in 1965. She has done graduate work at Texas A & I and North Texas State University. Presently she is employed as a Social Work Supervisor with the Texas Department of Human Resources in the Adult Social Services Program. Ms. Bendslev is first Vice President of Women's Haven, Inc., of Fort Worth, Texas, a self help program for battered women and their children.*

Lynn Bendslev and Judy Tiedtke held a workshop on the problems of battered wives, and how these problems are handled at Women's Haven. There were seven women included in the workshop from the states of Texas, Louisiana, Ohio, and South Carolina. The first thing discussed in the workshop was the history of Women's Haven and some of the errors and the things done correctly in the effort to organize Women's Haven. It was felt that this was vital information for any organization seeking to establish a similar shelter. In the beginning, many things were not realized, including the necessity for a shelter which would temporarily house battered women and their children. But once the organization began developing, this need for a shelter was realized, including the need for staff, community volunteers, psychological and legal assistance, and many other needs as well.

The History of Women's Haven:

Women's Haven was started by a group of people in the social services, primarily, in mid-spring of 1976. This movement was begun when it was realized that battered women and their children had no place to go in Fort Worth and Tarrant County. The different agencies would inquire, trying to find a place to put these ladies when they were in crisis situations, and feared for their lives and the lives of their children. As each of us



checked around, we discovered that there was no place to house them. So, we began in mid-May 1976 to try to find a place to put these women. From that developed the idea and concept of Women's Haven. The group met on a weekend basis that summer and through the fall of 1976. We incorporated Women's Haven, Inc., and expanded our board. More people in the community became involved. In November of 1976, our organization received a great deal of publicity on television and in newspapers; from this it was hoped that we would receive a shelter, money, and volunteers. However, what happened was that women who had been battered were calling in and saying, "Help!" There still was no shelter or anything to aid these people. At this point, we applied for IRS approval, at which time a few new members joined the organization, including Ms. Lynn Bendslev. She began correcting errors made in the organization, and in general reshaping it. It was discovered that in acquiring money, most people will not donate unless it is a tax write-off.

Do not seek media publicity until your organization is ready to offer services. We received publicity saying that we had a shelter; we have no shelter (at the time of the conference). If you are really desperate to have a shelter, wait until you find exactly what you need. Be prepared, when speaking to groups in the community or talking with someone, to hear such things as, "If the woman didn't ask for it, she wouldn't get hit," or "They really like it or they wouldn't stay." Another is "Any woman can leave if she really wants to. We shouldn't have to spend our money to take care of these people." Also, beware of existing agencies and groups who were not interested previously, but want to enter into your program once it is established and operating.

There are certain considerations to be aware of in approaching such a project. The first is to go slowly and be patient. Second, choose a board that represents all segments of your community, but be sure to include your recognized community leaders. Know your community power structure and "tap" it. The power structure has access to the money necessary to operate the organization. There are two judges on our advisory board and a state representative. Be sure that some of your board members have strong administrative and organizational backgrounds; a lawyer has such a background.

Seek the cooperation of your police department. The police pick up the victims from the site of a violent situation and transport them to the shelter site where they can be met by a counselor. We never go into a violent situation ourselves.

All public relations and advertising for Women's Haven was eliminated as of December 1976 until there was something to publicize. At that time, the board began a planning session, trying to arrive at a comprehensive program, a budget, goals, and philosophy. At this point, the organization had the beginning of a "packet" with a statement of purpose in it, including our philosophy and the program plan. This was distributed, and there were discussions about the material contained in this "packet." The "packet" contains the following statements: "We feel that the American family is our nation's greatest resource, and ideally functions as the primary source of human warmth, positive interaction, and solid values for its members. One of every three marriages now ends in divorce, and the figures are approaching one in every two. Of those marriages that stay together, it is estimated that only one in three can be classified as truly successful. Over 1,000,000 women are abused, and 2,000,000 children are abused or severely neglected each year in America. In Tarrant County, over 600 calls for help are received from women each month by area social service and law enforcement agencies. The Tarrant County Child Welfare Department is currently averaging 180 neglect and abuse referrals per month. Cases handled by Women's Haven to date indicate that of the referrals, both the women and the children are being abused in 50% of the cases. Furthermore, numerous women and their children are abandoned or rejected by their spouses and families and are in need of assistance while they are displaced or transient.

"Although many of the social and economic services needed by these families exist within our communities, the majority of battered or displaced women lack the financial, physical, and emotional resources, as well as the experience to enable them to locate and successfully use existing resources on their own. No organized support structure exists presently which can:

- 1) identify appropriate resources for the women;
- 2) fully assist her to make

use of these resources; 3) offer full counseling services to all members of the family, including the alleged abuser. In addition, two essential services are not available. First, it is necessary that the battered woman and her children be able to escape her violent partner and have safe, temporary shelter. Second, no agency in Tarrant County offers personal in-depth counseling to provide daily support, and to assist her to clarify her thoughts and to make rational decisions in these times of intense crisis. Once the entire program is in operation, we will be able to fully achieve our primary objectives. Families served by Women's Haven will have had the opportunity to successfully select and maintain an alternative lifestyle incorporating non-violent problem-solving techniques, as well as appropriate levels of emotional maturity for all family members and economic self-sufficiency.

"The ideal concept of the family is to find a group of persons related by blood or by choice who care for each other, and offer mutual emotional, physical, and financial support toward a positive growth experience. Physical violence within families is primarily directed toward women and children. Societal attitudes contributing to violence in the family include: 1) Power defined as physical strength and economic control; 2) Children seen as chattel, unable to responsibly participate in decisions affecting their lives; 3) Cultural and religious attitudes concerning male superiority and natural dominance; 4) Cultural mis-definition of feminine, that is, inferior, submissive, helpless, incompetent, non-assertive, and irresponsible, and of masculine, that is, superior, dominant, aggressive, competitive, strong, non-feeling; and 5) Violence as a socially acceptable method of resolving conflicts and/or dealing with stress. Non-violence originates in the basis of strength, that is, maturity rather than weakness. All women have the potential to become self-reliant, competent, decisive, assertive, and responsible persons. They must learn independence and achieve emotional maturity, the capacity for autonomy, paired with the ability to productively relate to others. Through involvement with Women's Haven, women will learn to: 1) No longer accept violence towards themselves or their children; 2) No longer accept automatic causal responsibility for the violence dir-

ected towards themselves or their children; 3) No longer consider violence as an acceptable option when relating to others."

To help women meet these goals, Women's Haven uses an approach which is essentially present and future oriented, and is aimed towards enabling the women to: 1) Decide on their own goals for herself and her children; 2) Learn to identify and use the resources she now possesses; 3) Learn to use community resources; and 4) Accept responsibility for her life from this point on. Women's Haven uses a "peer approach." Our counselors are "enablers", not therapists. They serve as non-directive, non-judgemental role models, offering empathy and assistance to the woman so she may clarify her goals. Women's Haven counselors are resource people, and assist the woman to identify options and resources. Competence and confidence are built through a series of task-oriented experiences, with the woman assuming maximum responsibility for achieving each objective.

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## BATTERED WOMEN - WOMEN'S HAVEN

Judy Tiedtke  
Fort Worth, Texas

*Judy Davis Tiedtke graduated from Whitmond College in Walla Walla, Washington with a B.A. in Literature, giving her a broad background. She worked in Payroll and Personnel, as well as in many other areas including a supervisor of playgrounds, a driver's license bureau, and many other assorted jobs. Two years ago, Ms. Tiedtke became involved in Women's Haven and the Fort Worth Women's Center. She is currently the President of Women's Haven.*

Grace Kilbane told us that a LEAA grant was received to open a victim-witness center approximately two years ago. The people in the organization had anticipated that a majority of the referrals received would be from people who had just witnessed or were victims of burglaries and robberies. However, over sixty percent of the clients were battered women. This result was totally unexpected, but a group of women did get together and form a coalition to explore the problems of battered women. In the fall of 1976 a small shelter was opened in Cleveland for battered women and their children. The shelter maintains a very small paid staff, but it is able to offer limited services. Grace emphasized the need to clarify goals and objectives, operational methods, and methods of evaluation. One of the biggest problems to date at the shelter in Cleveland was a difference in philosophical approach among the counselors who were working with the women. For example, some of the counselors said they could not work effectively with any women who would not consider divorce.

The discussion also centered around viewing the community, and identifying the "power sources" within the community. These sources included sources of money and political power. It was related that in Fort Worth the organization (Women's Haven) is attempting to rebuild the base so as to make it broader and encompass all community groups.

One of the participants at the workshop was a female police officer from the Baton Rouge police force. She related that one of the biggest problems she experienced when dealing with domestic disturbance calls in which a woman had been beaten, was that even when they arrested the man, he would be out on bail almost faster than the woman could complete the paperwork charging him with the offense. That left the woman completely without protection, and the man still in a state of extreme anger.

Grace Kilbane then related the difficulties that their organization had in Cleveland with the police department and the District Attorney's office. She said that there had been highly selective enforcement of the law when battered women were involved. Finally, the Legal Aid Society in Cleveland filed a "class action" suit against the police and the district attorney, using women from the coalition as witnesses. This suit was filed in federal court, and was settled out of court with the defendants agreeing to enforce the law without regard to sex in the future. It was discussed that what was used in Cleveland consisted of a modified confrontation approach, in that the coalition for battered women itself did not take the DA and the police into court, but the adversary in the suit was the Legal Aid Society. This helped to diffuse any hostilities that the police and the DA might have felt towards the "Coalition for Battered Women." In Fort Worth, an attempt is being made to "ally" Women's Haven with the police and the DA in order to actively gain their support so as to facilitate the utilization of the legal system for and by battered women.

The next point discussed was the need for close communication with other groups across the country who had a shelter in operation, or those organizations which planned to establish a shelter. Once again, the discussion included the need to identify goals, objectives, operational methods, and methods of evaluation. Also, this segment of the discussion included the need to carefully decide on philosophy and theoretical approach, so that those who wish to join the proposed organization will be able to know clearly what the goals of the organization are. It is also good for other groups in the community to be able to identify the philosophical approach in question so that they can decide whether or not they wish to ally themselves with the organization.

The final item that we discussed was the need for paid staff. Almost all of the groups in the country are operating with volunteer staff. It was agreed that volunteers burn out very quickly in the intensely emotional situations surrounding battered women. There is a desperate need for reliable sources of funding for paid staff and operational moneys. It was related that Women's Haven had developed a very generous budget with professional level salaries for the staff. The plan includes implementation of paid staff from the direct service delivery level up, rather than first employing an executive director and executive staff and relying on volunteers to take care of the direct delivery services to clients. It is very vital that those people who deliver direct services are paid. The board and other professional level volunteers can provide the supervision and executive level direction which the program needs, until and if money is made available for those administrative positions.

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CRIME RESISTANCE - FEDERAL BUREAU OF INVESTIGATION

Aloysius J. McFall

New Orleans

*Special Agent (SA) Aloysius J. McFall was originally appointed to the FBI on January 25, 1965. He has served in the Atlanta, Georgia, and New Orleans Divisions, including a four year assignment to the Covington, Louisiana Resident Agency. He is a graduate of St. Joseph's College in Philadelphia, Pennsylvania, and was awarded a Bachelor of Science Degree in June, 1962. After graduation, he received a Direct Commission as a Lieutenant (j.g.) in the U.S. Naval Reserve as an Intelligence Officer. He maintained his commission until 1973, when he was transferred into the Retired Reserve.*

The program is not crime prevention. Crime prevention is participation, recognition, and appraisal of a crime risk, and the initiation of some action to remove or reduce it. Crime resistance is a responsible individual and/or collective citizen action to avoid becoming the victims of crime through recognition and reduction of vulnerabilities to criminal acts. Moreover, it is citizen involvement in all facets of society's efforts to bring the criminal to justice. Crime resistance and crime prevention are complementary. Crime resistance is not crime prevention and visa-versa. We should understand the history and the philosophy of both. You should know the definitions so that you will be able to apply them properly, and you should know the Bureau's jurisdictional basis for the crime resistance program. Also, you should know your own basis if you have a statute within your community which can be used as a basis for funding and for making a program operational.

How does the FBI achieve these objectives? First, educate the American public toward the adoption of crime resistance as an individual and national goal. Second, guide and support victims of crimes within the investigative jurisdiction of the FBI in both the recognition of their vulnerability to those crimes and the development of perspective programs to remove or reduce those vulnerabilities. To whom do we direct these



objectives? We particularly want to reach women and youth. We wish to reach women because they are so often the victims of violent crimes, and because they are probably the most moral and cohesive force that we have in this country. Also, women are more willing to expend the time and energy in this regard. We are seeking out youth because today's child is tomorrow's victim, and also tomorrow's parents. We must make sure that our children practice crime safety and also insure that they know the difference between lawful and unlawful conduct and the rights and responsibilities of citizenship.

Concerning the history of crime prevention, we must begin with our common heritage, which is the English common law and English philosophy of law enforcement. In 1748 Henry Fielding attempted to influence crime prevention in equal stages with two goals. First he attempted to "stamp out" the crime that existed in England at that time, and secondly, he sought to prevent crime in the future. This was the first time that crime prevention was mentioned. Fielding identified three objectives as the basic principles of crime prevention, which are used even today: 1) the development of a strong police force; 2) the organization of an active group of citizens; and 3) the initiation of action which would serve to remove some of the causes of crime and the conditions in which crime flourishes.

Nothing more was heard concerning crime prevention until 1849 when the Pealean Reform occurred. The Pealean Reform resulted in a more organized and stronger police force than was envisioned by Fielding. In a Fielding Instruction Manual for the London Metropolitan Police, the principle objective to be achieved is the prevention of crime. Every effort of the police should be directed to the security of person and property, and the preservation of public tranquility; all of the other objectives of a police establishment will be more effective through prevention than by the detection and punishment of the offender after he has succeeded in committing the crime.

Nothing happened to advance the cause or the philosophy of crime prevention until the British National Campaign (BNC) of 1950. The BNC consisted of a publicity program sponsored by Scotland Yard, insurance

companies, and the British Central Office of Information. In 1954 citizen and police work groups developed guidelines for crime prevention methods. From these guidelines, standard methods were designed to educate the public on crime hazards. Techniques of police information programs were developed, and information concerning burglar alarm systems was disseminated. There were not as many crimes of violence in England as we have in this country. Physical assault was rarely heard of in England and assault with a firearm was unheard of (of course, the police still do not carry firearms). An effective liaison between police and insurance companies was developed. In 1963 England instituted a formal training program for all police forces in the United States.

In the late 1960's real formal crime prevention was introduced in the United States based on the success of the British National Campaign. The research of Dean John C. Clauder in 1968 at the University of Louisville, Kentucky, indicated that for 200 years the United States law enforcement had relied solely on investigation, apprehension, and prosecution. Secondly, according to Dean Clauder, the English concept of crime prevention could be applied to American law enforcement. So, in 1969 Dean Clauder fostered a pilot program known as the National Crime Prevention Institute (NCPI) in cooperation with the Kentucky Crime Commission and the Law Enforcement Assistance Administration (LEAA) and the United States Department of Justice. Since 1969, NCPI has trained several hundred officers, representing departments throughout the United States in crime prevention, on how to educate the public in crime prevention. Several other states using NCPI as an example have similar programs, such as California Crime Prevention Institute, and Texas Crime Prevention Institute.

Some of the training concepts of American law enforcement are being challenged following these programs and their findings. For instance, the Kansas City Preventive Patrol Experiment tends to indicate that preventive patrols (police patrols) may not be as effective in the control of crime as believed. The theory was that the presence of a marked unit driving up and down a street would prevent crime; in fact, it made the criminal hide until the marked unit went away. One man patrol cars were supposed to release the other man into another mobile category (car, motorcycle)

to increase the visibility of the police. In effect, this got a lot of police officers hurt. A recent (much publicized) study of police investigation by the Rand Corporation indicated that police investigations clear very few crimes. Between ten and twenty-five percent of a policeman's time is spent actually investigating crime. The remaining seventy-five percent of the time up to ninety percent is not used to fight crime; it is sitting, waiting, going to, coming from, paperwork, etc. The increasing cost of law enforcement services and reductions in available tax money are causing police administrators to reassess the police function. The Los Angeles County Sheriff's Office contracts a one man, twenty four hour patrol unit at a cost of \$224,334 per year and a two man unit at a cost of \$435,222. The Los Angeles Police Department responds to approximately 120,000 alarms per year at a cost of 140,000 manhours for 3.8 million dollars. Administrators are looking at crime prevention as a method of more effectively utilizing resources.

As reflected in the latest uniform crime report statistics, the fact that crime has risen eighteen percent over the last year is indicative of the fact that law enforcement acting alone is not capable of reducing crime. In fact, law enforcement, even with its degree of professionalism and level of performance, is unable even to contain it. There are no technological breakthroughs on the horizon, as far as law enforcement is concerned, that would enable them to contain or reduce crime. Crime is not only a threat, but it is a fact of life, a reality. Crime is a hazard of which we must all be aware, just as we are aware of all other hazards in life such as fire, water, traffic, electricity, etc. For example, it is not the police officer who can save us from the hazard of the automobile; if an individual is not wary and does not take certain basic precautions with respect to traffic safety, he would be inviting himself to injury.

Crime prevention means a lot of different things to different people. Traditionally, law enforcement has only a limited impact upon a community environment, courts, and correction. Since 1969, the English definition of crime prevention has been adopted by NCPI and the majority of the American law enforcement system. Crime prevention is "The participation,

recognition, and the appraisal of a crime risk, and the initiation of action to remove or reduce it." There are some parallel theories in crime prevention. Opportunity reduction is one such theory. Criminal behavior is a learned behavior. Reducing criminal opportunity reduces the opportunity for learned criminal behavior. Criminal opportunity can be lessened by improving security measures and increasing the level of surveillance by the general public. It is simply becoming aware that you can be a victim. There is also the parallel theory of traffic safety programs. For many years, this was emphasized with three E's and an L: Education, Engineering, Enforcement, and Legislation. Fire safety education is another theory, with strong fire prevention legislation. Active community awareness campaigns can be used, and an active program of inspections can be used by fire departments to prevent the tragedy of fire.

In November, 1974, the Office of Planning and Evaluation of the FBI began a study of the feasibility and appropriateness of the FBI becoming involved in crime resistance activities. What were we faced with in 1974? We were faced with: crisis in our national government; too much prying into people's private lives; the privacy act; freedom of information act. As a law enforcement officer, I do have the right when I take information from you, to ask you for your social security number. I cannot demand it. Director Hoover for 25 years preached against a national police force. The FBI is not a national police force; we do not want to be, and never will be one. They were afraid if we were more directly involved nationally in a program like this, it would give people the idea we were going into a police function. The FBI is not a police agency. We do not enforce any laws. We investigate for the Department of Justice. In certain circumstances, we can arrest without a warrant a person who commits a misdemeanor in our presence in violation of federal law, or a person known to us to have committed a felony, about to commit a felony, or who is in the process of committing a felony in violation of federal law.

The crime resistance program is defined by the FBI as these major components. First, the goal is to reduce crime throughout the United States. The definition that we follow is that crime resistance is a reasonable individual and/or collective citizen action to avoid becoming victims of a crime through recognition and deduction and vulnerabilities to criminal acts. Moreover, it is citizen involvement in all facets of society's efforts to bring the criminal to justice. Our objective is to motivate the American public toward the adoption of crime resistance as an individual and national goal and to guide and support the victims of crimes within the investigative jurisdiction of the FBI through the judicial process, by helping them to recognize their vulnerabilities to those crimes, to develop effective programs to reduce their vulnerabilities, and to establish crime resistance as a goal in everyone that we come in contact with. We have discussed what crime prevention is and what crime resistance is. The difference primarily is that crime prevention is directed toward preventing the criminal from committing the act. Crime resistance is directed toward the potential victim. Crime resistance can also be described as a community attitude.

There has been a lot of controversy over crime statistics and the fact that the uniform crime reports do not adequately represent the whole crime picture. Victimization studies indicate that crime is two or three times higher than actually reported. Almost forty-five percent of actual rapes are never reported. Uniform crime reports are based on offenses known to the police. The fact is, neither of the statistics actually represent the pain, loss, suffering, and the diminishing of the quality of life which is brought on by crime. The purpose of the crime resistance program is to address the fact of crime that no one wants to be a victim. The time has come for Americans to start spending some of their time and energy for resistance to crime; they should take certain precautionary measures to avoid becoming victims of crime. Federal, state, or local governments cannot solve the crime problem for other people. Once the American people realize just how much they have to do to address the crime problem and to make themselves safe, perhaps then they will become indignant and demand that shortcoming within the criminal justice system be rectified.

Community mobilization is beginning to be one of your biggest problems. Probably no problem is unsurmountable if you approach it properly. First of all, you must define your problem (your target area). In some cities there will be a problem with homicides; following that, you have armed robberies, physical assaults, and burglaries. Secondly, develop your alternatives. How are we to do it? How can we do it? How can we afford to do it? How many people do we need? Select your best alternative. The police department will do this in connection with civic groups; train civilians to do it. Implement the alternative that you select. Do not start changing your plans once you get started. Evaluate as you go along. You need resource identification. The National Association of Businessmen is an example of a resource. These resources are called upon not only for their financial assistance, but also for their administrative expertise and organizational ability. If the people are not interested, and they will not work with you, forget it. You must get them to realize that they are a potential victim. How many of you have anti-theft locks on your car?

Many things will not prevent a crime. You can use a crime resistance committee in a given neighborhood. You can lecture them, and teach them all the things they should pass on to their neighbors. One police officer or a team goes out to a club and puts on a demonstration on preventing burglary. The "Neighborhood Watch" was a program that was used in looking out for one's neighbor. Have your neighbor call the police if someone is around your house while you are gone. One of the most used tactics of a burglar is to drive through a neighborhood looking for the houses where the driveways are empty. Another way to get citizens involved (an area that is often overlooked) is by involving senior citizens. In Florida a number of senior citizens banded together and presented a program where they would replace police officers in district stations to handle paperwork, phone calls, crisis calls, and people walking in off the streets. The initial stage of a crime resistance program, which is the biggest hurdle you have to overcome, is to make the citizen aware of the program. Of course, in doing this, you make them aware that they are potential victims.

The complete development of the history and philosophy of crime resistance and prevention is somewhat extensive. I want to discuss the four pilot programs that the FBI instituted in cooperation with local law enforcement. The FBI crime resistance program will not be presented to the general public directly by the FBI. My mission, and the mission of all crime resistance program instructors and coordinators, is to educate law enforcement agencies and have them administer the program on local levels. Such an example is the crime resistance program in Birmingham, Alabama, directed toward trafficking stolen property. The Birmingham Police Department, with the assistance of the FBI, embarked upon a major effort to record serial numbers at the point of purchase, and to mark televisions and other items at the point of repair or servicing. Home inventories of valuables and home marking campaigns in conjunction with various citizens groups were supplemented by an all-out attack upon those people who trafficked in stolen goods. In Dekalb County, Georgia, the crime resistance task force directed its program toward crimes against youth. They found, in this county, that most of the crimes committed against youth were such things as larceny, bicycle theft, and theft of automobiles. These crimes, which were forty-three percent of all reported crimes, were the major crimes against youth. Assault, simple and aggravated, and sex crimes represented the next major categories, consisting of nineteen and fourteen percent, respectively.

In Norfolk, Virginia, the program was directed toward women. It was found that black females were victimized disproportionately to the population within the city. Black males and youth were disproportionately involved in the analyzed crimes. Most of the analyzed crimes appeared on city streets and public thoroughfares; they were largely crimes of violence. Many other crimes occur in the victim's homes, such as one-third of all rapes and one-half of the felonious assaults. The Norfolk Police Department, along with the FBI program, included in their program pre-victimization education directed toward women to modify the behavior of potentially high risk victims. Also, a part of the program was victim assistance to minimize trauma and to encourage cooperation with the police and other criminal justice agencies.

Why are those rates not reported? The victim often felt embarrassment as well as brusque handling by a police officer. (They probably become brusque through exposure to so many incidences). That is why it is often much better to have a female police officer or a crisis worker go with an officer on a rape call. Also included in the program were potential offender identification programs to curtail anti-social behavior.

Crimes against the elderly were the target in Wilmington, Delaware. Here they found that if a victim was elderly, a female, carrying a purse, alone, in her own neighborhood, and during daylight hours, she was likely to become a victim of crime. Some interesting innovations came out of this program; nothing is considered too bizarre to prevent someone from becoming a victim of a crime. In Wilmington they went to the Singer Sewing Machine Company and asked them to have one of their clothing designers fashion a purse for elderly women that could be snapped inside their coat. Singer came out with a pattern that the FBI distributed to these elderly women.

Every FBI field office has a crime resistance agent. His sole function is to set up programs like this, disseminate information, and to arrange for the education of law enforcement agencies. We will train the agency; the agency will train the public. The best thing about the entire program is that it does not cost anything. There are pilot programs; the most expensive program costs the Department approximately \$800. (The agent's salary is borne by the government, the FBI, the Department of Justice, the taxpayer; that is not considered part of the cost because if they were not teaching crime resistance, they would be out in the field investigating crime).



## TELEPHONE CRISIS INTERVENTION

Dr. Myron Mohr  
Baton Rouge

*Dr. Myron Mohr is a Professor in the Sociology Department at Louisiana State University in Baton Rouge. He is involved in PHONE, a telephone crisis intervention program, which has been open since 1970. The program recruits and trains volunteers and paraprofessionals to work in the area of counseling.*

In the early sixties, The National Institute of Mental Health received a President's Commission Report which set guidelines for communities to follow (the "community model") in mental health and other programs. Mental health had some problems in meeting the guidelines and is still having some problems. One thing that these guidelines included was 24-hour availability. Traditional systems are not set up this way; civil service guidelines do not allow for development of a program for working after hours. Crisis intervention programs are economical, and they can be owned by the community. One of the distinguishing characteristics of a community model is the use of volunteers or paraprofessionals. The community model is a non-medical model in the area of counseling. This obviously creates more resistance within my own field of sociology which includes psychiatry, psychology, and social work. Those who were most supportive of these kinds of programs were law enforcement agencies. In the late fifties, there were about eighteen crisis intervention centers; there are now about four hundred. They offer many different kinds of programs; one aimed at the national level is to develop certification standards.

Crisis intervention is the process through which community model programs are implemented. This involves working with people when they are experiencing the crisis. A crisis is not a problem; it is a feeling, an

experience. After six months, if you talk with a victim of crime, there no longer exists a crisis state. The crisis will have been resolved in one way or another, destructively or constructively. The primary component of most crisis intervention programs is the 24-hour telephone crisis lines. These are usually staffed by paraprofessional volunteers. Our center has been open since 1970. At the present time we have ninety crisis counselors. We have a screening program, as well as a screening procedure and selection. I believe in training programs for paraprofessional counselors. On a national level, the crisis centers recommend at least a minimum of thirty-five hours. At our center, we have a fifty hour pre-service training program for the crisis counselor. We also have continuing monthly training besides the hours they put in on the crisis line.

Our primary emphasis is suicide prevention and suicide intervention. You must be careful not to duplicate other services. Often a 24-hour comprehensive program can be of much assistance to smaller programs where there is a shelter, or where they do not have the manpower for training or recruitment, but where they have a close working relationship in a crisis center for referrals. Another part of our program is an "outreach" team which is, at this point, suicide outreach. We only go out in those cases of suicide as they are assessed by the counselor on the phone. We will also go out on referrals from law enforcement (on a minimal basis). Obviously, one of our concerns in suicide prevention is that by denying suicide, you cannot prevent it. We know that the suicide rates are deflated because coroners are well-meaning and wish to spare the families grief. Where the coroners are uncertain, they will rule accidental death.

Another program we are developing is counselor related, both professional and paraprofessional, to work with the family of the suicide victim. Another program is the "gate-keepers" program. This is consultation, training of "gate-keepers" (bartenders, taxi-drivers, beauticians, insurance agents, etc). We are not turning these people into therapists or counselors; we are showing them how to assist those they come in contact with by acquainting them with community resources. A large part of our program in Baton Rouge is a training center in the area of crisis-intervention counseling and peer counseling. We work directly with the Rape Crisis

Center in some of their selection and training. We also work with the training of the child protection center, primarily with staff development. In 1974 and 1975, we had a contract with the local police department. We helped train 230 police officers. This training centered around intervention counseling and family conflict management. Eighty percent of law enforcement work is non-apprehension. It was found that in Baton Rouge, no time was allocated in the academy on what happens when you are called to a family conflict, or when you are confronted with a suicidal man on a bridge, or with a lonely woman who thinks there is a burglar and calls you every night and invites you in for coffee. These are the kinds of things police officers are confronted with and they say they do not like it; it is not their role. The primary "intervention person" in our community is the police officer. We try to teach that working with people's problems is not necessarily a common-sense approach entirely, nor does it have to be harsh or "by the seat of the pants". Part of what is taught is that the officer is a professional; this is part of his role. Through the crisis center, we developed a resource guide which each police officer could have in order to assist him/her in these daily confrontations.

Some of the restitution programs actually set a contract between the victim and the offender. In many cases, the offender becomes very concerned for the victim who, up to that point, had represented a "faceless" person. The victim begins to take an interest in the offenders as well, to discover what the aftermath of the encounter was. The other program that I am familiar with is called an "arbitration law". This entails the presence of the defense attorney, the victim, prosecutor, and the judge. They meet in a setting similar to a pre-trial hearing, but not an actual court hearing, and try to resolve the whole problem.

We receive many calls which concern sentencing. There is a misunderstanding in the community as to who determines sentence; the function of the district attorney's office is to prosecute, not to pass sentence. Once the victims see the letters we send out, usually they will call in complaining that this is not enough, so we ask them to write the judge and explain the crime that was committed against them and the problems that they have encountered from the particular situation. But we found that the victims were reluctant about contacting the judge.

-----DISCUSSION-----

Question: What should the future of these programs be?

Answer: One of the things I have always advocated in terms of program evolution is that eventually we move toward the concept that embodies all of these splinter programs as part of the on-going community response to its problems. I think the efficacy of these new programs is that they draw attention to a specific problem that exists, and up until now has been ignored.

## AN OVERVIEW OF VICTIM COMPENSATION

This presentation was given jointly by Mr. Lloyd Barbee, the representative of the National Conference of State Legislatures for the New Directions for Corrections project, and Dr. John Jeffreys of the University of Georgia.

Lloyd Barbee  
National Conference of State Legislatures

*Lloyd Augustus Barbee serves as a Representative to the Assembly for the Wisconsin Legislature and is the a representative of the National Conference of State Legislatures. Mr. Barbee also has a private law practice in Madison, Wisconsin, and acts as a lecturer, commentator, and consultant. He has won numerous awards and is a member of many organizations. Mr. Barbee is known for his humanitarian efforts for the poor, to provide quality education to all students, and for equality for all.*

## VICTIM COMPENSATION

Dr. John Jeffreys  
University of Georgia

*Dr. Jeffreys received his Ph.D. in Public Administration from the University of Georgia, Athens, Georgia. He has been a governmental associate in the Institute of Government at the University of Georgia since 1971. Prior to this appointment, Dr. Jeffreys served as an intern on the Advisory Commission on Intergovernmental Relations Washington, D.C. This project was concerned with problems in corrections, court reforms, etc. He has written several publications on corrections and probation.*

Compensation to the victim has more in it, in terms of our modern criminal law and how it is specifically taught, than we would necessarily believe. Of course, there are vestiges of this restitution concept; they are present in our modern system of criminal justice. In the German legal system, there is a process called "adhesive procedures" in which a civil claim for compensation by the victim of a crime can be dealt with in a criminal proceeding against the offender through the discretion of the court. This procedure is legalized in many of the German states. The pre-Castro Cuba was awarded fines from which the victims were paid. In England, there are presently statutes which empower magistrate courts to order a person convicted of felonies to pay compensation to the victims for losses of property resulting from the time of the crime, and to order a person convicted of committing malice or damage of property to pay compensation for those damages.

I wish to discuss what restitution is all about. It is an attempt to pay back someone for damages. In this process there are many problems. One of the problems that is outstanding is fraudulent claim. Many people are just not honest in their attempt to get paid back or to get paid for damages which they seek. Another area is that there are a large number of cases that are sometimes generated from a very small section of the population; in many cases people do not know about the restitution laws

and what the programs encompass, including those who do use it very heavily. A significant point about restitution in this country is the fact that only about half of those people in New York State who even apply hope to get any kind of response from their request. In nearly all jurisdictions the bureaucratic red tape is phenomenal and causes delay and further communication problems. Another problem area is the awards area and the eligibility of those people who are to receive those awards. There have been instances where medical expenses and other hospital or doctor bills have been exceedingly high. There is the problem, too, where the victim is part of the whole process of enticing the offender through some negligence. For example, if you have a lady who walks near a dark alley, of course there are chances of rape or attack in some way.

In 1971, England's victim compensation board (Criminal Injury Compensation Board) processed nearly 10,000 claims, making grants of about \$952 per claim. There was one claim which totaled \$119,000 awarded to a young lady who was blinded and suffered severe and continuous disability as a result of an assault by her lover.

How can we use restitution as part of our rehabilitation effort? It has been suggested by Eglass, a psychologist, that restitution, if properly used as a correctional technique, can be an effective rehabilitative device. Restitution as a constructive activity can contribute to an offender's self-esteem. Since restitution is offense-related, it may redirect in a constructive manner those same conscious or unconscious thoughts, emotions, or conflicts which motivated the offense. Restitution can alleviate guilt, anxiety, etc. The psychologist was of the view that although a prison inmate can be encouraged to participate in restitution programs, the inmate alone should decide to engage in a program, if it is to have the rehabilitative value. I think this general principal exists in any type of rehabilitative program. That is, if you are in fact going through the experience (that kind of impact will cause change), you must become actively involved in the project yourself.

-----DISCUSSION-----

Question: What are some of the ideas in different states for restitution payments?

Barbee: Wisconsin has a designated plan for restitution in which programs for children are adjoined to probation. This is not an alternative to incarceration; it is done on a judge-by-judge basis. There are proposals for it, but they have not passed. There is not even total support on the part of our corrections section. This type of restitution would not be voluntary. A person would choose between giving some form of restitution or going to either a boy's or girl's home or prison. The other form of restitution would be a voluntary one involving employment of the offender to make restitution payments. I think if we are going to use restitution at all, it ought to be through contributions where people essentially work toward services, either for overall society or for the individual. An exception is if you are dealing with the type of offense where the offender recognizes harm done to someone else and chooses to expiate by giving some efforts toward either the victim personally or the victim in general. I think those are much more rehabilitative as opposed to just giving money.

Question: Did you say this program began in 1977?

Answer: Yes. One claim has been totally paid. A family of a person who was murdered received \$2,000, the maximum funeral benefit. (The minimum payment is \$200). The total funding of the project is "sums sufficient"; there is enough money to take care of anyone who qualifies as a victim under the law. We have a program budget in Wisconsin. The governor comes in at the odd year with an executive budget that is reviewed by a joint committee. There are two methods of funding: 1) there is money that is set aside, called a "sums certain"; and 2) there is another one which is allocated called "sums sufficient" which is enough to run the program. There is no ceiling on these. If you are victimized, you can come into the claims board. You must notify a law enforcement person within five days. That is the first step; you have two years in which to



process it, then you have two years to file a claim with the claims board. Examples of states which have adopted this method of restitution are Nevada; California, a \$5,000 limit; New Jersey; Hawaii, \$10,000 limit; and New York, a \$50,000 limit.

Question: Is the state equipped to collect any of this money?

Answer: The law provides that the state can receive any money that is collected from the offender or any insurance benefits. Anything that the state pays out, which can be collected from third parties, the state is entitled to collect. Essentially, I think you should realize that the advantage of this system is that the victim receives compensation very early. The cut-off date is two years, and that is not very long. They will receive money as soon as it has been established that they were a victim, and that they had certain expenses which were clearly measurable.

Question: How long do you think it would take to process these claims?

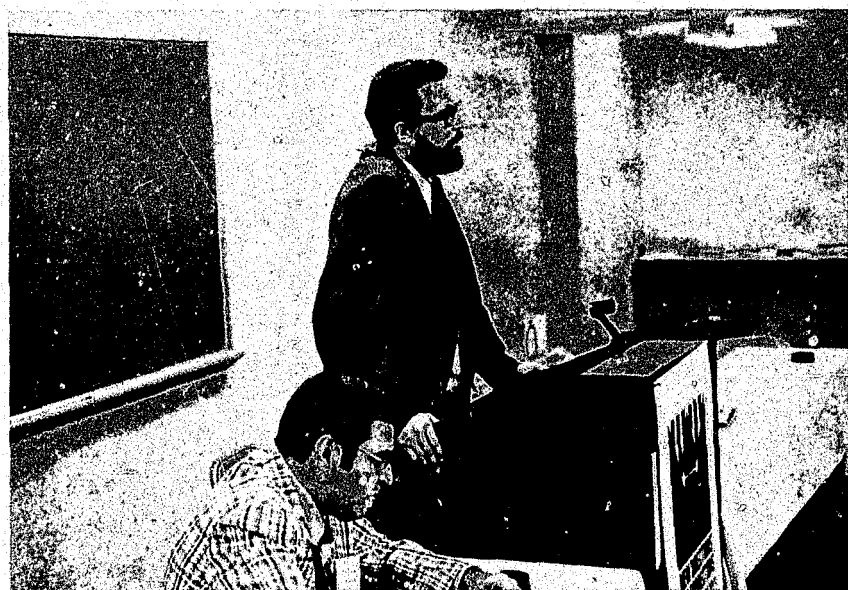
Answer: We have two kinds of rules: 1) the emergency rule which can be put into effect for a limited period of time; and 2) the regular rule-making policy, which must have notice so people can hear and object to it. Then they are published and put into a code.

## INTRODUCTION

Richard Fortenberry  
Texas Department of Corrections

*Mr. Richard Fortenberry is the Administrator of Technical Programs for the Texas Department of Corrections in Huntsville, Texas.*

I have conducted a study to determine the feasibility of implementing a restitution program within the Department of Corrections in the State of Texas. I feel that many of the advocates of restitution in their speeches were trying to say that restitution is a good idea, but not what it is generally thought to be. There are many misconceptions about restitution, such as it being a cheap, economical way to administer treatment. It is more expensive, not cheaper; it is more expensive to put ten people in a house than to put a thousand in a house. Another misconception is the number of people served. The number of offenders served is going to be small. There will not be that much restitution made; the amount of money they pay back will be small. Another misconception is that people think it is going to make a reduction in the prison population. And perhaps most of all, people have a misconception that restitution will result in the removal of all other sanctions. It does not. Probation has a sanction. The society will not let us remove sanctions.



Joe Hudson, Director of Comprehensive Planning for the Minnesota Department of Corrections outlines workable restitution programs. Richard Fortenberry, Director of Technical Programs, Texas Department of Corrections prepares to comment and lead a discussion about viable community correctional alternatives.

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## RESTITUTION - A VIABLE ALTERNATIVE

Joe Hudson  
St. Paul, Minnesota

*Mr. Hudson has done extensive work in the field of restitution; he helped establish one of the first "viable working plans" in the United States for restitution in the State of Minnesota. Mr. Hudson is currently the director for research and planning under the Department of Comprehensive Planning, the Department of Corrections, St. Paul, Minnesota.*

I want to cover three major areas. One is concerned with the recent popularity and the almost "faddishness" of the idea of offender restitution to crime victims. Second, I will try to account for the reasons why this is such a popular idea. Third, I will identify some of the major problems associated with restitution as I see them.

First, let us consider the growing popularity of offender restitution. By restitution, I am speaking of the idea that offenders, as opposed to the state, make reparations to the crime victims.

Restitution has been advocated in the past six to ten years by a number of standards-setting bodies, including the 1973 National Advisory Commission of Criminal Justice Standards and Goals, which identifies restitution as one of the factors which warrants withholding a sentence of incarceration for non-dangerous offenders, as opposed to incarcerating the individual to make the requirement of restitution. Furthermore, that body recommended that fines not be imposed when they would interfere with the offender's ability to make restitution. Very often, particularly in smaller jurisdictions, the use of fines has preference to restitution. For example, local counties are not that interested in many cases in utilizing restitution because the reparations go to the victim, rather than the county.

Another major standard-setting body is the National Council of Crime and Delinquency and the "Model Sentencing Act" that was issued by that body within the past five or six years which recognized restitution as a sanction to be used alone or in conjunction with other sentences. Most

obviously, it can be used in conjunction with probation. The American Bar Association and the American Law Institute have recommended the use of restitution; furthermore, the annual Chief Justice Earl Warren Conference on Advocacy in the United States views restitution as an alternative to prison. These have been recommended plans in the last six years. Finally, the Law Reform Commission in Canada has issued two major reports which recommend the use of restitution, particularly in conjunction with the diversion program, whether it is diverting offenders from the court, diverting offenders from incarceration, or shortening the incarceration term by releasing them on parole quicker than otherwise would have been the case. I think these policy statements are particularly noteworthy in light of the fact that the 1967 President's Commission on Law Enforcement and Criminal Justice final report made no reference to the concept of restitution. There is only one single reference, in the task force of that body on corrections. So, since 1967 we have seen a great increase in awareness and recommendation for the use of restitution.

The states of Iowa, Colorado, and North Carolina have recently been doing considerable work in the area of restitution. Iowa passed a law in 1974 which required that restitution be utilized as a condition of either a deferred sentence or a probation order. The procedure in Iowa is this; the restitution plan is developed, presented to the court, then the disposition is made. Essentially, it is a restitution plan covering the amount, the form, and the payment schedule of restitution. This plan is put together and provided for the court, and then it becomes a condition of the disposition of deferred sentence or probation. The Colorado legislature passed a law last spring, 1976, stating that restitution should be used in conjunction with the whole gamut of dispositions available from incarceration in local jails, to probation, fines, imprisonment, or parole. However, major problems have developed in the Colorado legislation in terms of carrying out this law.

In terms of program developments, we do not know how many restitution programs are currently operating in the country. It can be assumed that restitution is commonly used as a condition of probation; however, in terms of operating restitution programs, we have limited information. We con-

ducted a brief survey last spring and found nineteen such programs in the United States and Canada. Since that time, LEAA has funded seven or eight additional programs. The nineteen that we did identify were located in thirteen states and two Canadian provinces. Twelve programs were residential and seven were non-residential. Thirteen of the programs served only adult offenders, four programs served only juvenile offenders, and two programs served both adults and juveniles. The nineteen projects were located at various stages in the criminal justice system: five were associated with pre-trial diversion programs; four were both pre-trial diversion and probation programs; and eight primarily served probationers. I think the major impact of the restitution-type programs is at the level of probation; this may be a certain type of probation with a provision of residency in a residential facility. It is interesting that none of the restitution programs that I am aware of are being operated within a prison setting. As I mentioned, LEAA has recently funded seven restitution programs (last spring) in California, Colorado, Oregon, Georgia, Maine, Massachusetts, and Connecticut. In addition, the recently created office of Juvenile Justice Delinquency Prevention in Washington has announced plans to allocate two million dollars over two years to the funding of eight to ten restitution programs dealing with juveniles.

What is triggering this growing popularity of restitution? It is an idea that has been in existence for many years. The popularity of restitution is based on four beliefs. The first is a dissatisfaction with the relative effectiveness of existing correctional programs. A second reason is the whole rediscovery of the crime victim within the criminal justice system. A third possible reason is that it offers criminal justice decision makers an additional sanction. In a sense, the criminal justice system in this country is caught up in a dilemma. We have a system which fluctuates between the extremes of essentially doing nothing (probation in many cases) to the other extreme of incarcerating individuals for lengthy periods of time. Restitution is seen as one additional option to be used for sanctioning. In this respect, it can be used as a sole penalty, or it can be used in the form of adding to existing sanctions to increase the severity of the penalty (i.e., a condition of probation), or

it may be used to avoid over-punishing the offender, in lieu of incarceration.

I suggest a fourth reason for this growing interest is the "inherent benefits" of the restitution sanction. The first benefit is the clarity of the sanction. The restitution sanction is explicit and the offender knows where he stands in relation to completing it. A second presumed benefit is that the restitution sanction is related to the offense that is committed. There is a logical and rational relationship between committing a particular type of criminal offense and making good the damages done; it appeals to our intuitive common sense. Even in those cases where restitution is ordered as a form of service (to the crime victim or to the larger community) it is argued that monetary values can be easily attached to the restitution requirement. It is suggested that relating the restitution sanction to the damages done will increase the probability of the offender accepting the sanction as fair and just. A third benefit of restitution is that it will require an effort on the part of the offender to actively engage in doing something. Fourth, restitution is seen as a way of providing a practical, constructive, and realistic way by which the offender can secure reconciliation and expiate the guilt. Fifth, restitution makes sense to the larger community, and therefore can generate a positive social response.

I will discuss some of the major problems or dangers associated with the concept. The first danger is that we can "over-promise" what we can deliver in the use of restitution to the crime victim. A very small proportion of victims will be compensated as a result of restitution orders. If our goal is to compensate crime victims, then the program is not a restitution program in itself, but a compensation program. Restitution may provide reparations to a relatively small number of victims at the price of extending the length and degree of state supervision or control over the offender. It is really the issue of supplementing sanctions that I am referring to, particularly under diversion type programs, and more generally in the area of community based corrections. This idea has received a lot of attention recently in relation to the whole gamut of the criminal juvenile justice system. For example: citation in lieu of arrest pro-

grams; youth service bureaus at the level of the police; the pre-trial diversion programs at the level of the prosecuting attorney; the half-way in houses at the level of the judge; and the half-way out houses at the level of the parole board. In each of these types of programs, the crucial question is whether the individual offender would have received a comparable degree of state supervision and control in the absence of the program. What would have happened to this offender if this diversion program had not existed? Would he/she have received a comparable amount of control and supervision by the state? There must be a consideration of the questionable effects and the excess of cost associated with such programs. For example, in the Minnesota Restitution Center Program (this program is operated as a diversion program from the prison; men were released four months after admission to the program) there is evidence to indicate that the experimental group, which went to the restitution center four months after being admitted to the prison, in fact served longer periods of time under state supervision and control than the control group who remained in prison. I think it would be fair to say that it is better to do time in the community than in an institution. Is that extensive length of time required? It certainly is expensive and particularly if the diversion program is residential in nature. That is the second issue. Very briefly, setting up residential programs is very expensive economically and also expensive in loss of humanity. Another area is in the danger that the restitution sanction can be used more frequently and more commonly for offenders from upper socio-economic "roots", while members from lower economic strata are more frequently given jail sentences or different types of incarceration.

Another major category of problems concerns research. Before any social program can be evaluated through research procedures, at least three major preconditions must be met. First, the objectives or goals must be stated in specific, operational, and measurable terms. Second, the prerequisite of an evaluation is that there is a clearly articulated program in which the independent variable has been clearly specified so we know what it is that this program is all about. The third prerequisite is that there is a linking rationale whereby we can link the implementation



of a program intervention with the expected effect to be caused by the intervention. We can state that these are our goals. It is a responsibility of the program, in conjunction with the evaluator, to specify the set of assumptions by which we make these inputs with this anticipated outcome. I do not think that is done. Unless all three of those pre-conditions are met, the social program is not evaluatable. We are wasting our time and money trying to evaluate that program; we do not know what the program is; we do not know what it is we want to accomplish; and we do not know what the process is by which the inputs will have an impact upon presumed outcomes.

I think there is a final set of problems, and that is the problems associated with restitution in relation to the presumed impact of the system itself (the criminal justice system). There are several potential problems. First, restitution may result in the changes in the manner in which the criminal justice practitioners carry out their duties, i.e., the use of restitution for a probationary condition. A second major problem is that the increased use of restitution may result in adding additional "layers" to the system. For example, I am aware of a program in which a new "layer" in the court has been set up; rather than locating this new restitution program in the probation department, this new unit was set up located in the courts and given the responsibility.

#### -----DISCUSSION-----

Question: For those of us who are looking into the possibility of a similar program, could you summarize what Minnesota has been doing?

Answer: We were running the restitution center, which we closed, and the allocated funds discontinued. You are looking at an attempt to promote restitution as a sanctum throughout the state. The State of Minnesota is in the process of going into our community corrections system of delivering services, which then divides the state into regions. The state responsibility would be to operate the prisons, and the regions would have their own departments of corrections. We would compensate counties as a motiva-

tion to keep them from committing to the state. Basically, there are incentives built into the idea of keeping people in their own community. The service the state is providing, as far as restitution, is to go out and meet with all the people who are involved with their community's correction activities and sell them on restitution of the sanctum. The parole board has put together a matrix for incoming prisoners. When an inmate comes in, they look at a series of questions and they give the offender a "yes" or a "no" whether that question applies. There is a formula that puts this man into a category that predicts his risk factor and the seriousness of his crime.

Success or failure on parole is the prediction. Based on that, depending on the category he/she is placed in, the offender will be given a minimum sentence and a maximum sentence. Now, if he/she wants to serve the minimum, there are some things they must do. They construct a contract with the parole board and the parole board then says, if they meet these objectives, they will get out with the minimum sentencing.

Question: Are you talking about restitution only in cases involving property, such as fraud cases?

Answer: Yes.

Question: Who decides which offenders are kept in regional corrections, and which ones are sent to state prisons?

Answer: It is a subsidy scheme. There is a financial incentive to retain the offender at the local level; if they are sent to the state institution, and if the statutory sentence is five years or under, the county has to pay to keep them in a state institution for adults. The county must pay for any juvenile who is sent to a state institution where the per diem is \$45 per day, and \$28 per day for an adult. The idea is that those offenders who can be kept on the local level get a large subsidy from the county as well as approximately two million a year from the state. Counties must deliver sentence for juveniles and offenders with sentences for five years or less, plus they have to assume responsibility for delivering parole sentences which were previously provided by the state. Counties can send

offenders receiving four or five sentences to state institutions free.

The idea is that if the offender is violent or dangerous, he/she should be locked up at the state level, so that the state will get out of the "business" of delivering services, except for the violent, chronic, or hard-core offender, and except for supportive services such as research or setting up demonstration oriented programs. Eighty-seven counties, or fifty percent of the population is under this community corrections act. The county must decide whether they want to come under this act or not; it is not compulsory. The money is there if they want it, and if they do not, they don't have to accept it.

WHERE WILL RESTITUTION WORK?  
JUDICIAL PERSPECTIVE

The Honorable Prentice Smith, Jr.  
Louisiana Judicial Commission

*The Honorable Prentice Smith, Jr., is a City Judge in Baker, Louisiana, and is a member of the Louisiana Judicial Commission.*

From where I'm standing at the present time, there seems to be a divisional position symbolic of the criminal justice system as we know it. The parolee perspective is represented over here on the one side, and the state on the other side. This has been the traditional system according to the common law for a thousand years, until someone abolished the blood feud.

Where will restitution work? Traditionally, it has been considered rather innovative in our state profession to require restitution for almost anything. Restitution has been considered a civil matter. I feel first of all that most of your judges will be rather hesitant to "mess" with "civil problems" in this situation. We have criminal markets; we have civil markets. Now which is it going to be? We have criminal judges; we have civil judges, and civil judges are not going to "mess" with the crooks. The whole dichotomy in our law as we know it today is civil versus criminal. Restitution is a relatively strange concept; it "smacks" of civil law. If you have a problem, if you want to collect your damages from Joe for your broken nose, your hospital bill, your doctor's bill, your X-rays, as well as pain and suffering and time off from work, you have to hire a lawyer and go to court. The fact that Joe committed a crime when he punched you out and broke your nose has nothing to do with criminal law. Why is it an offense against the state? The state guarantees that you will be left alone. This goes back to the code of a thousand years ago.

In wiping out the blood feud system, we also wiped out some fine laws in England. Approximately 500 A.D., a king decreed that a fine would be levied: one third would be kept by the king; two thirds would go to the injured party. That was a possibility. You can go all the way back to Hammarabi's Code, Islamic Law, and how they tried to work out some system of fines or restitution that would be paid to the victim, rather than to the king.

Now, let's come back to where we are right now, the king's peace. The king is the one who has been offended, i.e., the state is the one now offended. The fact that the state or the king is offended means that you can get a state defense, despite the fact that the king or the state is offended because he guaranteed that you were not going to get "wiped out," and you have now been "wiped out."

I am not sure that the judiciary is going to be willing to break its thousand years of practice. I'm not sure that law enforcement is going to be willing to break it up either. It is a civil matter rather than a criminal matter. As far as possibilities go, we have such a thing as probation. Everybody everywhere has such a thing as probation, and you have terms of probation, some of which are flexible. It would seem possible, in some cases, for a judge to order as a completion of probation that you make restitution for the crime. It is not being done in some places, although it is being done in others. But what kind of crimes? Well, we don't want to value Joe's broken nose. That's a civil problem. We are willing to talk about hot checks. After all, that's dollars and cents. That's how much the guy walked out with, \$98.75 or \$174.83. You know it to the penny; nobody's going to "sweat" it. You don't have to hold a hearing; you don't have to hold a civil trial.

For discretion, I would like to suggest a possibility for reform on down the road, and I'm sure I'm not the only guy who has ever suggested this. I have not read all the corrections articles in magazines and literature, but I'm sure I'm not the only guy who is ever going to come up with this. You can have a trial with all the defendant's rights being maintained. You could then move into some sort of sentencing hearing or trial. How you combine this with a pre-sentencing investigation, I'm

not really sure. On some of the civil rules of evidence you can make a determination of just what the value of Joe's broken nose really is; civil judges have to do it all day long. What's the difference? It's just like the old justice in England, which said, "You cannot put a value on a human life." Okay, fine, you can't really say that "Tom's worth five grand while Jim's worth fifty." But civil judges have to do it all day long under the present concept with which we have to deal.

Where will restitution work? If he was an honest, upright citizen who was making a lot of money, he wouldn't be "conning" somebody out of a hundred bucks for breaking up somebody else's nose. So no matter what you think about a criminal judgement, he's not going to get paid. The Babylonians solved that by selling a person into slavery until he paid off. I don't advocate that by any means, but as a condition of probation, restitution could be worked in, and I think it probably is in some places. I think this system could be worked out. I don't have all the answers. I think restitution can be used an awful lot more than it is being used now; I think it will work in a lot of places. It will not work with the psychopath, or the violent criminal. Let's face it; you don't want them out on the street holding up a bank. In some places it won't work. But I'd like to see the idea tossed around. But again, when you're talking about something like this, you are fighting a thousand years of tradition and history in the entire criminal justice system as we know it today, not just the criminal justice system, but the system as a whole, our entire legal system of the Anglo-Saxon world. So, we can fool with the idea, but as far as "whipping out" and putting it into effect tomorrow, I do not think we are going to succeed.

WHERE WILL RESTITUTION WORK?  
CORRECTIONS PERSPECTIVE

Terry Q. Alarcon  
Orleans Parish Prison

*Mr. Terry Q. Alarcon is presently serving as the Administrative Assistant to Criminal Sheriff Charles C. Foti, Jr. in New Orleans, Louisiana. He received his undergraduate degree at Spring Hill College and an M.S.W. from the University of Alabama. Presently he is completing his studies at Loyola University School of Law. A member of the National Association of Social Workers and the American Bar Association, Mr. Alarcon has served as a part-time faculty member at St. Mary's Dominican College and the University of Alabama.*

I wish to present an overview of our system. Up until 1974 and the election of Sheriff Foti, the parish prison had a horrendous reputation. The facility was built in 1929 for 450 people; we now have 1480. We have greeted an incarceration alternative with open arms. One of the alternatives that we have introduced into incarceration is the rehabilitation department. In this area, restitution work is important. We are funded with no facilities; however, we are opening a new facility in the next few months which will relieve some of our overcrowding.

In the restitution program, the offender will be asked not only to repay the victim, but to also pay us for the supportive services we believe he/she will need, and also to help support some of the rehabilitation programs. Many people find that abhorrent, but the approach to restitution in the New Orleans Parish is that it will pay for itself. The average person in the street does not really feel that it is a "noble venture" to help those less fortunate. People do not want criminals on the street; judges are hesitant to put someone on the street who might jeopardize the community. Our answer is, "These people are going to be on the street in a year or two anyway; here is chance for you not to bear the burden as taxpayers, by allowing them to pay for themselves." They can be put on probation or parole with no safeguard except seeing the probation or parole officer (who has a caseload in this state of Louisiana of 100-150) who cannot effectively rehabilitate anyone. However, through supportive services and payment to the victim,

the offenders pay for their own "room and board". I think through restitution they will get a message more deeply embedded in their mind than going to a probation officer for ten minutes.

Restitution will be up to professionals, such as social workers and attorneys. First, most people do not know what restitution is; they confuse it with the rehabilitative process. Secondly, someone will go to an attorney. The attorney will do the best he/she can for them, by making the preliminary hearing, talking to the District Attorney, etc., but most attorneys lose interest once the offender is sentenced and there is a pre-sentence investigation. It is up to attorneys to go to the judge, as well as to other members of the criminal justice system, and encourage restitution as a viable alternative to incarceration. But many times, most of the judges are overworked and most do not follow the recommendations of the probation and parole office. It is up to the attorneys to say, "Look, this man can do it. He held a full time job before; it is not going to serve as any benefit to society to have him serve two or three years in prisons. He can do a lot better than he is doing now in terms of paying back society than having him serve three years in prison."

Finally, I think it is important that people like you get involved and "spread the word"; tell what restitution is. We are new in this field. It is hard to tell people who were police for sixteen years that restitution is not a "bleeding heart" concept. In the long run it is going to help offenders support themselves, and we will not have the problem of recidivism. Rough estimates that have been made at Orleans Parish Prison indicate a 60% to 70% recidivism rate when we took over. We think we have lowered that tremendously. It has been accomplished with basic rehabilitation programs, and a basic work release program. We believe restitution can lower the rate even further. The program is going to "sell" when the public realizes that restitution is going to relieve them of a tax burden, hopefully greatly reduce recidivism rates, and that offenders will be contributing to maintaining other prisoners who possibly are not fit candidates for either work release or restitution.



-----DISCUSSION-----

Question: What type of restitution program do you have operating in New Orleans?

Answer: Offenders can go into the community to work, then come back in the evenings. We have a director of job development. It is a successful program; employers are calling us. You cannot turn people back into the street to return to the area which they came from with no additional skills. We will offer the "full gamut" of supportive services in terms of educational, psychological, basic group counseling, etc. But more importantly, we give them a chance to go back into the community somewhat better equipped by giving them training related to their jobs. Another added incentive is that on the weekends offenders will be allowed (provided they keep their contract requirements) to go home to their families during the period of their restitution.

Question: How long are they in jail?

Answer: Up to five years, but we are between two court orders now. We have to get people out. The facilities are too overcrowded.

Question: How are their wages confiscated?

Answer: We take all the money. They hand the check over to us. We interview the people who are involved and outline a contractual agreement.

WHERE WILL RESTITUTION WORK?  
PAROLEE'S PERSPECTIVE

Lowell Jones  
New Orleans

*Lowell Jones is President of the Graphic Arts Services, Inc., in New Orleans. Mr. Jones is an ex-offender.*

I have been self-employed all my life in the mail order business. At one time we had 127 employees. We ended up in a United States Court on charges of mail fraud, on the grounds of not shipping orders promptly enough to satisfy the consumer. We owed several hundred thousand dollars at the time that the operation was terminated. We have three offices that were closed when I went to Sandstone Federal Correctional Institution. The only office that was kept open was in New Orleans and that is why I am there now under supervision. I do not have any restrictions in my sentence on the type of business I can go into as long as it is legal, and as a result, I am back in the same business I was involved in previously.

There was no requirement by the Federal court that we make any restitution at all. The only thing I had to do was serve time. As a result of that, there is over \$100,000 of insurance that my wife will not get if something should happen to me, because the insurance company can take out not only the cash values that may exist today, but also anything that might be obtainable at my death. When I learned I would not have any insurance if I died (everything would go to IRS), I cancelled it. We have all kinds of suppliers, that we had been buying from on credit, to whom we owed large sums of money. During the year since I was incarcerated we have repaid many thousands of dollars. I cannot see that any good has been served to the people I owe money to, to the employees who lost their jobs, to the revenue service that I still owe money to, or to myself. I have not learned a thing that I did not know before. If you expect me to say that everybody should get restitution, I will not say

that. I lived with men at Sandstone who you cannot possibly give restitution to. How can you choose the people you will give restitution to? I have no answer. You cannot do it for everyone. If you feel 100% restitution is more than the man can accomplish, allow the offender to pay back a percentage of what he stole.



This conference attracted participants from all components of the criminal justice system as well as community based citizen advocates. One of the comments received stated, "I have never attended a conference in which everyone was able to get to know each other. The speakers stayed and participated the entire time; a truly unique experience."

**END**