



Exemplary Projects

Witness Information Service Peoria, Illinois



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AN EXEMPLARY PROJECT

**Witness Information Service
Peoria, Illinois**

by

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CHAPTER 1 INTRODUCTION

More than 40 years ago, the American Bar Association (ABA) decried the treatment of witnesses in America's courts. The ABA cited such deficiencies as inadequate witness fees, intimidation of witnesses, uncomfortable courthouse accommodations, and repeated, unnecessary appearances by witnesses. Thirty-five years later, the National Advisory Commission on Criminal Justice Standards and Goals similarly lamented the inadequate facilities and lack of information generally available to witnesses.²

Under these circumstances, it is not surprising that witnesses are often reluctant to enter the courthouse. While few jurisdictions collect information on witness non-cooperation with case prosecution, there is ample evidence to indicate that it is indeed a problem. For example, prosecutors surveyed several years ago in Philadelphia claimed that uncooperative witnesses represented a very serious problem in their successful prosecution of cases.³ The reasons for non-cooperation are diverse. Time loss and associated income losses were documented as serious concerns to witnesses in one study.⁴ Others have suggested that communication failures between

¹ Recommendations of the Committee on Improvements in the Administration of Justice of the Section of Judicial Administration of the American Bar Association, 1938.

² U.S. Department of Justice, LEAA, Courts, National Advisory Commission on Criminal Justice Standards and Goals (Washington, D.C.: Government Printing Office, 1973).

³ National District Attorney's Association, "Victims Are People," First Year Report of the Philadelphia Commission on Victim Witness Assistance, 1975 (unpublished report).

⁴ U.S. Department of Justice, LEAA, Victims and Witnesses: Their Experiences with Crime and the Criminal Justice System by Richard D. Knudten et al. (Washington, D.C.: Government Printing Office, 1977), p. 3.

witnesses and prosecutors or police can result in many witnesses simply not understanding their role and therefore not appearing.⁵

The plight of the victim has been equally well documented. A study in 1974 identified the most serious problems facing victims, including "time losses and physical-emotional suffering."⁶ Moreover, the fact that victims serving as witnesses must experience the problems imposed by the adjudicatory process, in addition to reliving the criminal incident, has led to the coining of terms such as "twice victimized" and "secondary victimization."⁷

Concern about the treatment of witnesses and victims has not been limited to the experts, however. In Peoria, Illinois, for example, citizen volunteers observed 313 misdemeanor jury trials during 1973 and 1974. Among the concerns they documented were:

- 40 percent of observed cases were dismissed (in part because of witness or complainant non-appearance);
- all cases on a particular day were scheduled for the same time resulting in long waiting periods for many witnesses; and
- the majority of observed cases were not disposed of until at least 85 days from the date of arrest, often due to repeated continuances.

Such problems were not unique to Peoria. Nationwide, the plight of victims and witnesses was increasingly apparent by the mid-seventies. To help alleviate the hardships of participating in the criminal justice process, the Law Enforcement Assistance Administration made funds available for the creation of victim/witness assistance programs. Peoria seized the opportunity to improve services for its witnesses and victims. An LEAA grant was applied for and awarded in August, 1975, and the Witness Information Service (WIS) began to take shape.

⁵U.S. Department of Justice, LEAA, Improving Witness Cooperation by Frank J. Cannavale, Jr., and William D. Falcon, Editor (Washington, D.C.: Government Printing Office, 1976), p. 16.

⁶Knudten et al., p. 3.

⁷See Anne Newton, "Aid to the Victim--Part 2: Victim Aid Programs," Crime and Delinquency Literature (December 1976), and U.S. Department of Justice, LEAA, Victims and Witnesses: Their Experiences with Crime and the Criminal Justice System by Richard D. Knudten et al. (Washington, D.C.: Government Printing Office, 1977).

1.1 How Does WIS Work?

Administered by the Peoria County State's Attorney's Office, WIS works closely with that office to reduce the number of cases dismissed because witnesses fail to appear. Cooperation between the two offices is high, and the support and encouragement of the State's Attorney's Office has contributed significantly to the success of WIS.

The Tenth Judicial Circuit Court in Peoria County, which WIS serves, includes two felony courts and two misdemeanor courts. Almost 3,000 misdemeanor cases and about 1,000 felony cases are filed each year in these courts. Approximately 200,000 people live within Peoria County, primarily in the City of Peoria.

Initially established to notify and assist witnesses in misdemeanor cases, WIS has since expanded its services to include witnesses in felony cases. Before WIS, witnesses received only an official notification letter from the State's Attorney's Office telling them when to appear. Now, along with that notification, WIS sends its own form letter to witnesses encouraging them to call if they have questions or need assistance. Witnesses also receive a brochure explaining what to expect in the courtroom and answering frequently-asked questions. A day or two before the scheduled court hearing, "reminder" phone calls are made to witnesses. A friendly chat with a WIS staff member often dispels any fears or questions witnesses have. Currently, WIS is contacting almost 70% of all misdemeanor witnesses by telephone.

On days when there is a heavy court schedule, a volunteer witness aide is stationed near the courtroom where misdemeanor cases are heard. With the court docket and other information on scheduled witnesses and anticipated appearances in hand, the aide answers questions from witnesses and informs prosecutors when their witnesses arrive. Aides occasionally will accompany witnesses to court hearings and provide other support services, including helping a witness find a cup of coffee or a comfortable place to wait. Their presence helps to alleviate confusion, anxiety, and frustration among witnesses.

A frequently-stated reason for not participating in the criminal justice process is that victims and witnesses can not afford to miss time from work and lose income. Because witnesses in Peoria County receive no fee, repeated court appearances can become a financial burden, especially if witnesses must take time off from work without pay. To reduce this burden and encourage witness participation, WIS negotiates agreements with local employers to permit employees to serve as witnesses when necessary without loss of pay. WIS estimates that more than 50,000 employees in the Peoria area are now covered by employer compensation agreements.



A volunteer witness aide answers questions at a central location in the courthouse.

WIS also provides assistance and advocacy services to victims eligible for compensation or restitution. WIS contacts victims eligible for compensation and restitution and assists them with the detailed documentation necessary for such claims. In addition, new administrative procedures have been implemented to ensure that restitution payments are promptly collected and delivered to victims.

Stolen property often has to be held as evidence by the police or prosecutor as long as the case is pending. This can be not only a nuisance, but also a hardship for victims, especially if the property is a large amount of money, an automobile, or other expensive equipment. WIS serves as a liaison between victims and police and prosecutors on questions concerning the return of property. And WIS also informs private security personnel about case disposition so they can return property to stores as quickly as possible.

With a paid staff of only three people, WIS relies heavily upon a small corps of dedicated volunteers. The 5 to 10 volunteers usually affiliated with the program perform a variety of tasks: making evening phone calls to witnesses about court dates, serving as witness aides in the courthouse corridors; assisting victims with compensation claims; and performing clerical duties in the WIS office. Volunteers range in age from high school students to retirees, and several witnesses assisted by WIS have become volunteers. All new volunteers receive a 1-day training session on WIS operations and on how the program fits into the criminal justice system.

1.2 The Benefits

Operating on an annual budget of less than \$35,000, the Witness Information Service has significantly improved the treatment of witnesses and victims. Its activities have also been of great assistance to the State's Attorney's Office. A major goal of the project has been to get witnesses to court when they are needed, and thereby reduce the number of cases dismissed for lack of witnesses. WIS services appear to significantly increase the rate of witness appearance. One study indicated that witnesses receiving WIS services appeared 58 percent of the time, while those who received no services appeared only 41 percent of the time. New procedures initiated by WIS (telephone call ins and pre-trial conferences) also have apparently reduced unnecessary witness appearances.

WIS also has improved the flow of information between witnesses and the criminal justice system. In 1978, WIS sent notification letters to 1,522 witnesses, telephoned 784, and sent disposition letters to 912. About 2,000 brochures were distributed to complainants, and 132 witnesses received assistance from volunteer witness aides.

WIS has negotiated agreements with most major employers in the Peoria area to allow their employees to appear as witnesses when necessary with no loss of pay. Almost half of all employees in the area are now covered by these agreements.

WIS has helped streamline the restitution process in Peoria County to insure that victims receive payment and to insure that offenders are held accountable if payments are not made. And finally, WIS has improved access to compensation for eligible victims. Before WIS began serving these victims in 1976, only 10 claims had been submitted in the 3 years since the statute was enacted, 5 of which were denied. Through WIS outreach efforts, 40 cases have been processed with 33 awards. More than \$57,000 has been awarded so far.

1.3 Starting a WIS in Your Community

The need for victim/witness assistance has been evidenced throughout the country, and LEAA continues to support the establishment of these programs. There do not appear to be any constraints on replication of WIS operations in other jurisdictions, but some communities may need to provide services that are not required in Peoria. Transportation may be necessary in urban areas with large low-income or elderly populations and in suburban or rural areas lacking public transportation. Some victim/witness assistance programs have found that the provision of child care is helpful whereas there has been no demand for such a service in Peoria. While witness notifications in Peoria are handled manually, computerized information systems may be necessary in some jurisdictions to process extremely large numbers of witnesses and victims more efficiently.

WIS materials have been sent to 37 organizations in 19 states. Two other Illinois cities, Chicago and Springfield, have established programs similar to WIS.

A National Institute of Justice study identified almost 300 victim/witness projects throughout the country,⁸ most of which share two major goals:

- To enhance the quality of justice by satisfying the emotional and social needs of crime victims and witnesses; and

⁸U.S. Department of Justice, National Institute of Justice, National Evaluation Program Phase 1 Assessment: Victim/Witness Assistance Projects, Final Report by Roberta C. Cronin and Blair B. Bourque (unpublished report, May 1979, available from the National Criminal Justice Reference Service).

- To increase the willingness of victims and witnesses to cooperate with police and prosecutors after they have reported a crime.

Most of these programs have been established within the past 5 years. In places like Peoria, Brooklyn, Milwaukee, Portland and Tucson, these programs are helping to make it easier for citizens to participate in the criminal justice system. But the needs of victims and witnesses are still unmet in many communities. WIS is a good example of what a community can do, with very little money, to help make these important participants feel like more than "pieces of evidence" in criminal prosecutions.

1.4 Guide to the Manual

This manual presents a detailed description of the operations, policies, and results of the Witness Information Service. Succeeding chapters deal with the following subjects:

Development, Organization, and Costs

In 1972, the director of an inner-city social service agency and members of the Peoria Chamber of Commerce joined forces to form a volunteer court watching group. Three years later, based on the carefully documented observations of the court watchers, the Witness Information Service was designed and an LEAA grant secured. This historical background as well as the WIS planning process, staff organization, and the costs of the program, are examined in Chapter 2.

Witness Services

Notification procedures and the implementation of policies within the State's Attorney's Office to improve the management of witnesses are discussed in Chapter 3. Witnesses who work may face loss of pay if they miss work to appear in court. Recognizing that this can discourage many witnesses, WIS has approached employers in the Peoria area and asked for their guarantee to pay employees who are requested in court as witnesses. The success of WIS in establishing this policy is also documented.

Victim Services

In Peoria restitution and compensation are available to eligible victims. WIS is active in assisting victims to document their losses resulting

from crime, and oversees the processing of compensation claims. These and other services to keep victims informed about their recovered property and the complaint filing process are described in Chapter 4.

Evaluation Results and Guidelines

At its inception, WIS established five goals. The achievement of these goals and the evaluation design to measure the results are examined in Chapter 5. Guidelines for those interested in evaluating similar projects are also presented.

Replication Summary

The steps necessary to conduct a needs assessment prior to project implementation and the key elements of WIS and other similar projects are detailed in Chapter 6.

CHAPTER 2

DEVELOPMENT, ORGANIZATION, AND COSTS

In 1972, the director of a community organization in Peoria became concerned about the handling of witnesses involved in criminal cases. Simultaneously, several members of the Chamber of Commerce began exploring the possibility of developing a court watching effort in the Peoria misdemeanor courts. Within a few months the community group and the Chamber had joined forces to establish Court Observers, a volunteer court watching group. Detailed reports highlighting Court Observers' observations and recommendations led to an official recognition of the need to provide services and assistance to witnesses and victims of crime. The efforts of these community leaders and volunteers resulted in the Witness Information Service, a project designed to ensure that the needs of witnesses and victims are adequately and humanely met.

In this chapter, the development of the Witness Information Service--from the concerns of a few to enthusiastic support and funding by the County Board--is detailed. Staff organization and responsibilities are examined to provide a background for subsequent discussions of WIS operations. Finally, the critical factors of funding and costs are discussed.

2.1 Development

The Concern

Nancy Safford, Director of Common Place, a church-sponsored organization to improve employment, education, and housing opportunities for inner city residents, had often heard complaints from her clients about the difficulties of serving as a witness in criminal cases. A frequent criticism was that the courts appeared to be run for the benefit of judges and attorneys resulting in an insensitivity to witness needs. In particular, individuals who had served as witnesses felt frustrated by lengthy waiting periods before

their presence was required. Ms. Safford was interested in using her group's resources to improve witnesses' experiences in court. Since Common Place relied heavily on an extensive network of volunteers, she was confident that it would be relatively easy to recruit volunteers to observe in court and document the problems reported by her clients.

At the same time, the Peoria Chamber of Commerce had established a committee to develop volunteer activities in the criminal justice field. After studying court volunteer programs and visiting an Indianapolis court watching project, the committee began to make plans to organize a court watchers group in Peoria.

Upon hearing about the Chamber's plans, Nancy Safford arranged a meeting with the Chamber's committee. They agreed to launch the project jointly: the Chamber through its business and civic contacts could provide ready access to the courthouse; Common Place, with its volunteer resources, would recruit and organize the volunteer court watchers; and Safford would direct the court watching program with the assistance of a Chamber staff member.

Letters were mailed to over 100 civic and church organizations describing the planned court watching group and requesting volunteers. Chamber members and staff contacted criminal court judges to explain that court watchers would soon be appearing in their courts and to secure their approval. The Chief Judge of the Circuit Court sent a letter to all judges requesting that court watchers be allowed to observe and to sit in the front of courtrooms. In addition, the Executive Committee of the Peoria Bar Association, State's Attorney, Public Defender, Clerk, and Bailiffs were informed by letter or personal contact of the planned court watching project.

Informing court administrators and lawyers of the purpose of the court watching effort and securing their approval was deemed essential by the planners of Court Observers. It served to reassure them of the motives for observing court proceedings and, more importantly, helped to raise their awareness of and sensitivity to the problems faced by witnesses. As one individual involved in this effort recalled: "Frankly, most of the people whom we talked to about our plans weren't very enthusiastic, but that's not too surprising. They weren't really sure what our motives were--whether we were out to attack a particular judge or simply stir up a lot of media attention. We tried to make it quite clear that we felt our observers in the court could help them and witnesses in the long run."

A Volunteer Effort

Fifty to sixty people--retirees, homemakers, and local college students--volunteered for the Court Observer Program. The Director of Court Observers,

assisted by judges and other court personnel, conducted training sessions on court procedures and terms. The volunteers' observations would address three fundamental questions: whether, and to what degree, court personnel were responsive to the needs of witnesses; whether witnesses were required to wait unnecessarily in the court house; and whether cases were dismissed due to witness non-appearance. A report prepared by Court Observers several months after their establishment summarizes their purpose:

We feel that we, as court observers, not only are learning about our courts, but perhaps can be used as a catalyst to help improve our court system. While we are aware of and understand the need for the courts themselves to initiate change, we also feel a responsibility as citizens towards our courts. We are in full accord with the President's Commission on Law Enforcement and the Administration of Justice wherein they stated: 'Controlling crime and improving our court system is the responsibility of every American.'

Court Observers were assigned to misdemeanor and traffic courts since these courts had much higher caseloads than the two felony courts. The volunteers were given forms requesting information on the following items:

- courtroom administration and decorum,
- number, length, and causes of continuances per case,
- charges,
- age, sex, race of defendant,
- disposition of cases,
- defense attorney (public or private),
- number of hours courts were in session each day, and,
- witness waiting time before requested appearance.

To ensure that they had a comprehensive understanding of the needs and problems faced by witnesses, the Court Observers were encouraged not only to gather information in the courtrooms but also to observe in the halls between sessions, and to talk to witnesses and court personnel.

In late 1972, the Peoria Court Observers produced their first report based on six months of observations. Several problems were noted:

- Witnesses, defendants, and plaintiffs were often in need of information pertaining to their case, scheduled courtroom,

time, etc. Individuals in the courthouse able to provide assistance were often difficult to locate.

- The non-staggered court calendar (all cases were scheduled for 9:30 a.m. or 1:30 p.m.) often resulted in lengthy waiting periods, frustrating both witnesses and attorneys.
- Occasionally, attorneys appeared to request continuances simply to schedule many of their cases for one day and thus avoid the waiting periods caused by the non-staggered dockets. Although this was a convenient tactic for the attorney, it resulted in wasted trips to the courthouse by witnesses.
- In some instances, it appeared that witnesses, defendants, and attorneys might not have received notices to appear from the State's Attorney's Office.

The Court Observers' Director and other volunteers circulated their findings and recommendations widely among court personnel and other interested criminal justice officials. Encouraged by their success in identifying some important management problems and by the cooperation of the judges, clerks, and attorneys, Court Observer planners sought to document further the extent of the problems faced by witnesses. Based on the premise that cases involving jury trials caused the greatest imposition on witnesses' time, Court Observers decided to concentrate their efforts on misdemeanor cases where jury trials were requested (Jury Demand Courts). Volunteers observed 313 cases in 1973-1974 and reported the following findings:

- 40% (126) of observed cases were dismissed;
- 48% (61) of the dismissed cases were dismissed because a witness (civilian or police) or complainant did not appear; and,
- 74% (233) of observed cases were not disposed of until at least 85 days from the day of arrest, often due to repeated continuances.

The Result

Concerned by the high dismissal rates and the length of time involved in disposition of cases, the Director of Court Observers held further

¹In response to this problem, Bailiffs were required to wear red jackets to identify them as individuals able to provide information and direction.

meetings with court and criminal justice officials to discuss these findings. Of particular concern to her was the witnesses' frustration with the lengthy time periods involved between arrest and disposition. It appeared that many witnesses might appear for one or two hearings but fail to appear for repeated continuances over several months. To dramatize the point, she cited one traffic case that was continued 17 times.

Among the individuals that Safford contacted was the Executive Director of the local criminal justice planning unit. Since LEAA discretionary funds had recently become available for victim/witness assistance programs, he suggested that grant funds might be secured to create a program to address some of the concerns raised by Court Observers. He agreed to help design the program and to help gain the support of criminal justice and county officials. With his assistance and suggestions from the initial founders of Court Observers (the Chamber of Commerce members), the envisioned program began to take shape. Witness notification procedures and management of witness appearances were considered essential to improve appearance rates and thus to reduce dismissal rates due to lack of witnesses. Because fear of wage loss was believed to discourage many working individuals from appearing, one component of the program focused on guaranteeing employer compensation for employees appearing as witnesses. Assistance was also proposed for victims seeking restitution or compensation resulting from their victimization.

In the spring of 1975, the Director of Court Observers submitted a grant application to the Law Enforcement Assistance Administration soliciting funds needed to implement these services in Peoria. The grant for \$34,152, creating the Witness Information Service, was approved in August, 1975. Since the County Board in Peoria was considered to be generally reluctant to approve grant-funded programs requiring matching funds, Court Observers decided to raise the necessary 10 percent matching funds on their own. The necessary funds were raised from local industries and through fund-raising projects such as flea markets and bake sales.

The Director of Court Observers, along with a Chamber of Commerce staff member and a community representative, recruited and selected staff members for WIS. The skills and qualities that were deemed important included:

- management ability and the capability to develop a new program with little supervision or direction;
- assertiveness and excellent interpersonal skills so new procedures could be implemented without incurring resistance from court officials; and
- familiarity with the social services system in Peoria to obtain assistance for victims and witnesses.

A Project Director, an assistant (part-time), and a secretary were hired. All three had previously worked in other social service or criminal justice agencies. The Project Director was hired several months before the other staff to allow her to plan operations and procedures with the assistance of Court Observers. Upon grant approval in August, 1975, WIS staff began operations in the courthouse.

2.2 Organization

When LEAA funding terminated in April 1979, WIS was institutionalized in the county budget as a component of the State's Attorney's Office. In addition to physical proximity (WIS occupies an office adjacent to the State's Attorney's quarters), the relationship between the staff of WIS and the State's Attorney's Office has always been a cooperative and close one. As discussed in Chapter 3, the daily interaction between WIS and the State's Attorney's Office, and the paper flow between the two offices involving witness information and notification, make such a partnership a necessity. For example, since WIS notifies all civilian witnesses in misdemeanor cases of their court date, the files on each case maintained by the State's Attorney's Office must be routinely forwarded to WIS. According to the Project Director, staff in the State's Attorney's Office were at first reluctant to hand over these files, but once satisfied that WIS staff would not misplace or lose them or divulge confidences, a forwarding system was easily established.

Since Court Observers designed and secured funding for WIS, the existing Court Observers' Board was designated the responsibility of overall administration and policymaking for WIS during the LEAA funding period. This Board included 8-10 members, primarily community and volunteer representatives. The WIS Project Director met monthly with the Board of Court Observers to report on progress and to obtain its permission to revise the planned budget allocation, replace staff, etc. Because of the need to raise 10 percent matching funds for WIS support, the Court Observers' Board formed an additional advisory board comprised of representatives from the largest businesses and banks in Peoria. These individuals through their corporate affiliations and other contacts provided significant assistance in raising the necessary matching funds.

An Advisory Committee was established by WIS in the courthouse composed of the heads (or their assistants) of the State's Attorney's Office, Probation Department, Circuit Clerk's Office, and Court Counselor Program. Through this group, WIS was able to inform these offices of its existence and services and, in turn, to learn how best to provide and coordinate its services through the various court offices. After the first year or two of project operations, the Advisory Committee was disbanded and contact maintained with individuals on an as-needed basis. Since institutionalization,

the Project Director no longer reports to the Court Observers' Board and instead now reports to the State's Attorney and his First Assistant.

Staff

Presently, Witness Information Service staff consists of three positions--a Project Director, a Volunteer Services Coordinator and a Secretary. When LEAA support terminated, the Volunteer Services Coordinator position was eliminated in anticipation of reduced funding from the county. (The position has since been funded by CETA.) Ultimately, the County Board unanimously supported WIS institutionalization based on its impressive results. Hence, if CETA funding is withdrawn for the Volunteer Services Coordinator position, WIS expects to be able to retain the position with county funds.

The current Project Director of WIS is the second person to fill the position since 1975. She has a bachelor's degree in criminal justice administration and served a one-semester internship at WIS prior to completing her degree. Her responsibilities include supervision of staff and volunteers, establishment of policies and procedures, budgetary management, data collection, notification of felony witnesses, and management of victims' compensation claims.

The Volunteer Services Coordinator is responsible for recruiting, training, and scheduling volunteers. She is also responsible for telephoning misdemeanor witnesses to remind them of scheduled court appearances and for assisting victims with restitution claims.

In addition to general secretarial duties, the Secretary organizes and maintains the WIS recordkeeping system for witness notifications.

Volunteers have been an integral component of WIS operations. Typically, between 5 and 10 volunteers serve at any one time. On those court days when a large number of misdemeanor cases are scheduled, a volunteer is stationed on the courthouse floor where misdemeanor courts are located to provide information and assistance to witnesses. Two to three volunteers are responsible for making evening telephone calls to witnesses about court dates, assisting victims with compensation claims, and collecting data for monthly reports submitted to the State's Attorney's Office and other monitoring efforts. And finally, usually one volunteer performs secretarial and clerical duties in the WIS office. Some WIS volunteers have been witnesses themselves; others have been recruited from local civic organizations, colleges and universities. They range in age from high school students to retirees. Each volunteer receives a one-day training session presented by the State's Attorney, the police officer in charge of police notifications, the Assistant State's Attorneys in charge of complaint filing and misdemeanor



The WIS Project Director and the First Assistant State's Attorney meet regularly to discuss WIS operations.

cases, respectively, and the Project Director. The training consists of information on the criminal justice system generally, on the specific services of WIS, and on listening techniques and interpersonal skills.

2.3 Costs

Prior to institutionalization under the State's Attorney's Office, WIS received the following grants from LEAA which included private matching funds:

<u>Period</u>	<u>Amount</u>	<u>Annualized</u>
8-75 to 9-76 (13 months)	\$34,152	31,525
9-76 to 4-78 (19 months)	50,678	32,007
4-78 to 4-79 (12 months)	35,384	35,384

As discussed in Section 2.2, when WIS requested county funding, the Project Director eliminated one staff position in anticipation of budget cuts by the County Board. Thus, the current budget approved by the county of \$25,131 is considerably less than that of previous years. WIS has since replaced the eliminated position with a CETA worker whose salary is \$8,400, resulting in an actual operating budget of \$33,531 which is similar to previous years. It should be noted that the use of volunteers enables WIS to broaden its service delivery and offer services that might not otherwise be available. In addition, the office space occupied by WIS is donated by the State's Attorney's Office.

CHAPTER 3 WITNESS SERVICES

"Typically, new Assistant State's Attorneys are assigned to misdemeanor courts. We have the greatest volume there, the least amount of contact with witnesses, and the less experienced attorneys. That's why I think WIS has made a difference. Someone is now talking to the witnesses, answering their questions, and encouraging them to come in. And the attorneys now have more information about their witnesses--whether they're going to show or not."

--An Assistant State's Attorney

"When I got my notice to appear, I was worried about whether my boss might dock my pay. But someone from WIS called me a couple of days before my court date and told me that my company had a policy to pay you if you were a witness. I just had a form signed by WIS and my boss paid me without any problem."

--A Witness

The Witness Information Service has developed services to improve the notification and management of witnesses and to ease the burden that court appearances can cause. This chapter describes the procedures implemented by WIS to eliminate needless witness appearances. These procedures not only benefit witnesses but enhance the effectiveness and efficiency of the Peoria County judicial system.

3.1 Notification of Misdemeanor Witnesses

The planners of the Witness Information Service had decided that notification and management services should be developed for witnesses in misdemeanor

courts (see Section 2.1). While Court Observers had found that the handling of witnesses in the lower courts could certainly be improved, there were other factors that dictated the necessity of services at the misdemeanor level. The misdemeanor caseload in Peoria is approximately three times that of the felony courts. (In 1978, 2,814 misdemeanor cases and 972 felony cases were filed.) Due to the high volume and tight scheduling of misdemeanor cases, prosecutors are rarely able to talk to their witnesses for more than a few minutes. Thus, additional contact and improved management processes were deemed essential in misdemeanor courts to reduce witness failure-to-appear rates and dismissals due to witness non-appearance.

The Project Director planned to notify all civilian witnesses--for the prosecution or defense--in misdemeanor cases. However, the Public Defender and the private bar indicated that typically they had few defense witnesses in misdemeanor cases, and expressed concern that the prosecution might gain valuable information in this process. Thus, although posters describing WIS notification services were placed in criminal justice and social service agencies, notification services have been almost exclusively provided to prosecution witnesses. Witnesses are contacted through three methods--letter, telephone, and personal contact. Almost all witnesses are reached by letter, approximately one-half by telephone, and only a small percentage receive personal contact. The flow chart on the following page illustrates the contacts and when they occur in the adjudicatory process.

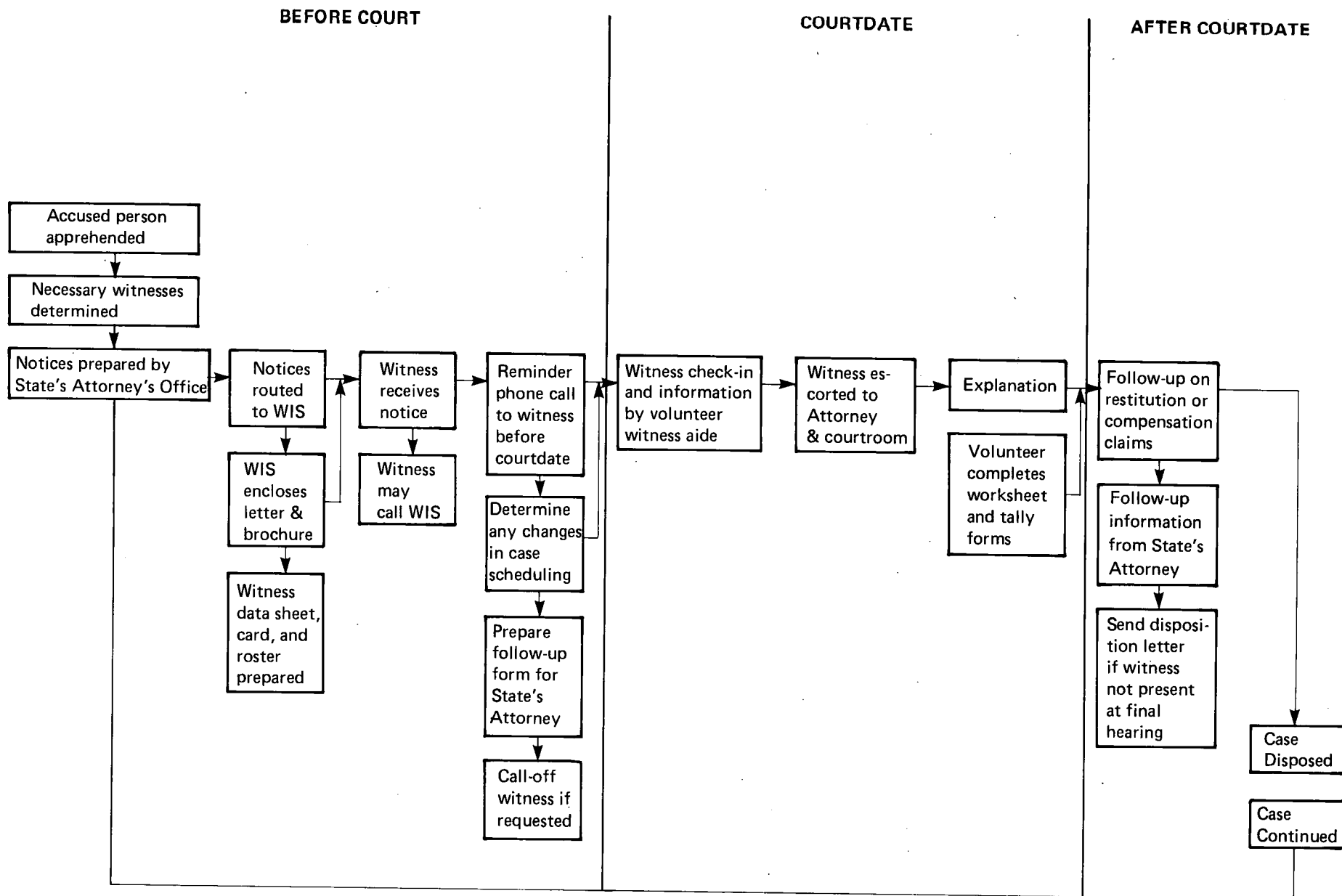
Letter Contact

The State's Attorney's Office routinely prepares notification letters of court dates to be sent to misdemeanor witnesses. Subpoenas are rarely served to misdemeanor witnesses unless there are special circumstances. For example, several county agencies require that their employees be subpoenaed to be absent from their jobs. Prosecutors will subpoena these witnesses as well as those who are perceived as uncooperative.

The notification letters (for civilian witnesses)¹ along with case files are routed to WIS. WIS then enters witness information and other pertinent information on a chronological roster by court dates, which serves as a central reference document for WIS as the case progresses through the system. Information typically recorded on the roster includes:

¹ Notification of Peoria city police and Sheriff's witnesses are handled by their respective departments.

Figure 3.1
WITNESS INFORMATION SERVICE CONTACTS



Defendant
Case Number
Incident Description
Charge
Date of Offense
Place
Complainant
Defense Attorney
Judge
Date/Time
Attorney
Court Action
Case Status
Sentence
Disposition
Victim/Witness Names and Addresses
Telephone Numbers
Birthdate
Sex/Race
Date Notified

This information is compiled manually by WIS staff from complaints, police reports, court orders, and any other information in prosecutor files. In addition, rolodex cards with information on court dates are maintained on witnesses and defendants for telephone inquiries and for quick reference.

The notification letters which have been routed to WIS are then sent out accompanied by a form letter and brochure prepared by WIS. (In those instances where a subpoena is served, WIS materials are sent separately.) The WIS form letter encourages witnesses to call if they have any questions or need assistance. The letter notes the courthouse address and courtroom number where the hearing is scheduled since WIS has learned that many witnesses are frequently confused about courtroom location (even though it is noted on the State's Attorney's letter.) The brochure presents some common witness questions and answers, provides tips on court appearance and behavior for witnesses, and briefly details the adjudicatory process. (Copies of the form letter and brochure are included in Appendix A.) In 1978, WIS sent 1,522 notification letters and brochures to misdemeanor witnesses.

A small percentage of witnesses telephone WIS in response to the letter, usually to discuss a problem that may hinder them from appearing. A few witnesses simply want reassurance that the court experience will not be a frightening ordeal. A chat with a WIS staff member and an invitation to drop by the office on the day of the court date often seems to alleviate the witness' fears. In subsequent notification letters sent by the State's Attorney's Office, WIS encloses a card with its telephone number reminding witnesses to call if they have any questions.

If notification letters are returned undelivered, WIS attempts to locate witnesses' correct address. Approximately 5 percent of the notification letters are returned. By checking city directories, telephone directories, police reports, and by contacting other witnesses involved in the same case, WIS was able to locate 45 percent (35) of the witnesses whose letters were initially returned undelivered in 1978. Prior to WIS, if letters were returned, the State's Attorney's Office did not have the resources to attempt location of witnesses. Now, if a notice is returned after the scheduled court appearance and the case was dismissed due to witness non-appearance, the witness, if located, is informed by WIS that the case can be reinstated if desired.

In the first months of WIS operations, staff members noticed that many witnesses often called to inquire whether their cases had been closed. Typically, the witnesses had been present at one hearing or knew that a suspect had been arrested and wondered when or why the case had not yet been resolved. The response generally was that the defendant had entered a guilty plea and that a trial would no longer be necessary.

Consequently, WIS sends disposition letters to witnesses who were not present when their cases were closed. These letters are sent not only to those witnesses involved in cases where a trial is no longer necessary, but also to witnesses who did not appear at the final court hearing. The form letter simply notes the name of the defendant and explains why charges were dismissed or what the disposition was.

Private security personnel serving as witnesses in theft or store shoplifting cases also benefit by this service. Generally, these individuals work for retail outlets and must secure all property involved as evidence. Before WIS disposition letters were instituted, security personnel would have to check court records daily to learn of case dispositions involving their property. Otherwise, they might not know of case outcomes for several months. This delay meant that retailers were often unable to sell the property once released, due to its seasonability or due to damage occurring during the protracted storage period. A security supervisor for a discount drug store chain claimed that: "The outcome letters WIS sends me have made a big difference in my job. I used to be at the courthouse almost every day checking case dispositions for our stores. Now I can just call WIS or get a letter from them. I'm not having to keep Christmas items off the shelves until July!" In 1978, 912 disposition letters were sent to misdemeanor witnesses. Approximately one-third of these involved security witnesses.

Telephone Contact

--Reminder Calls

Telephone contacts with witnesses are considered by WIS staff to be a critical feature of the notification process. Witnesses often have several

similar questions (which are answered in the brochure) or simply desire reassurance. Questions generally asked concern the amount of time required at the courthouse, employer reimbursements, and courtroom locations. In some instances, reassurance and willingness to listen to witnesses' complaints (particularly those who have been victimized) are critical in encouraging witness appearances and in overcoming their apprehensions. Ruth S., a victim of burglary, who returned home one day to see a young man leaving with her television set, emphatically states:

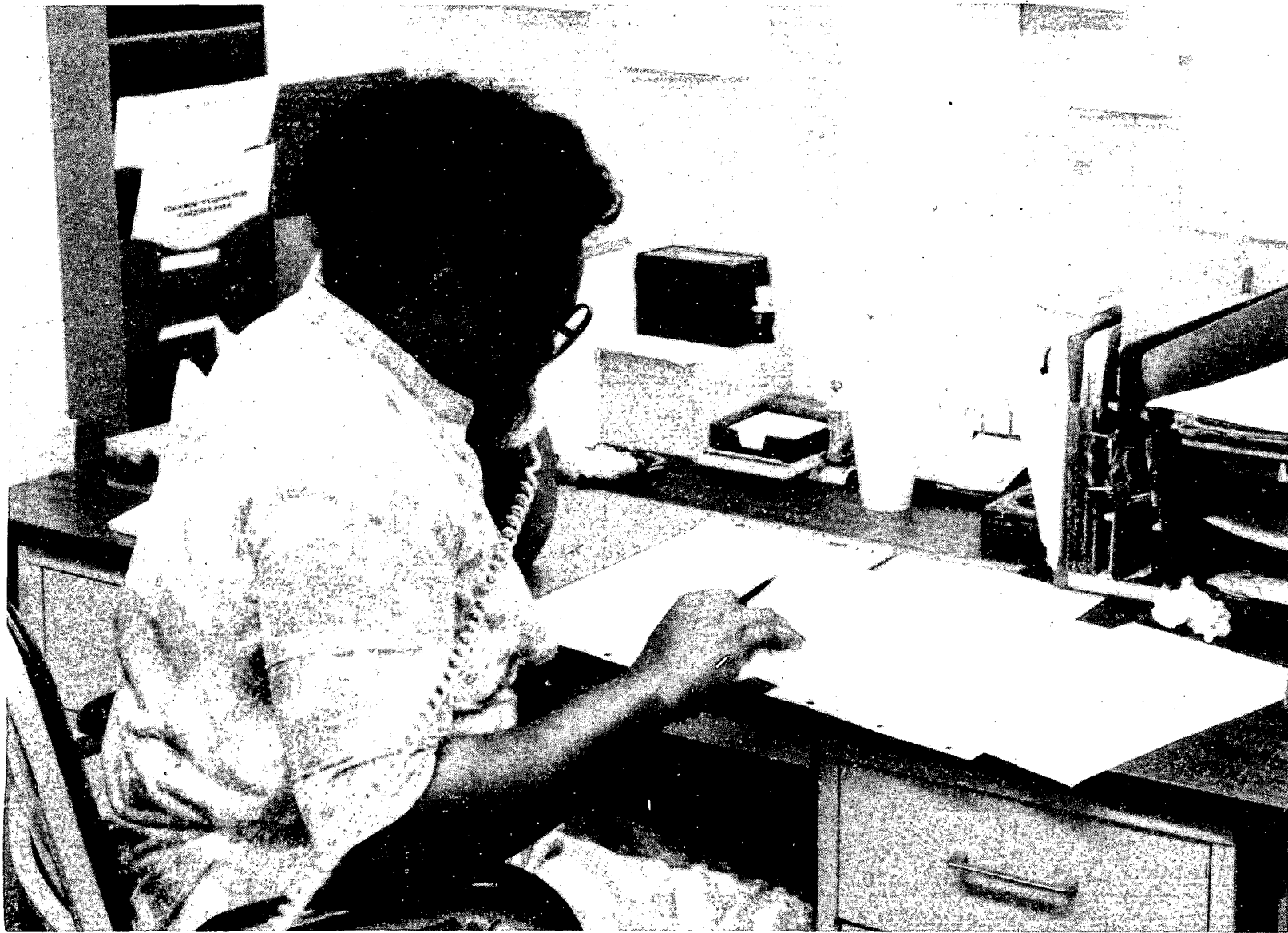
"WIS was there when I needed help. The defendant called me twice from jail and begged me not to testify. He really scared me--he made me feel like I had done something wrong. One of his friends called and bugged me, too. I was terrified. But WIS had my phone number changed and I didn't have to pay a cent. They told the sheriff that the defendant was bothering me and he stopped."

Each morning WIS staff check the chronological witness roster for the following day's cases so "reminder" phone calls can be made to the witnesses. If witnesses cannot be reached during the day by WIS staff, volunteers will attempt to contact them in the evening from their homes. WIS has a twenty-four hour answering service, so if the volunteers are unable to reach witnesses or determine that a witness will not appear, a message can be left informing WIS staff.

Reminder phone calls serve to provide information to witnesses as well as to gain valuable information for prosecutors. A WIS form is delivered to prosecutors each day which notes whether their witnesses were reached through reminder calls and whether the witnesses are expected to appear. If witnesses indicate an unwillingness to appear or conflict with the court date, Assistant State's Attorneys can adjust their scheduling or case preparation plans accordingly, resulting in improved case management. The prosecutors are requested to note on the forms whether the witnesses did appear and return the forms to WIS.

WIS requests that this information be sent back so that it can monitor its own accuracy in estimating witness appearance or non-appearance rates. While some witnesses clearly indicate their intention to appear or not to appear, others are ambiguous or change their minds. Hence, to assess its accuracy in predicting appearances and non-appearances for the Assistant State's Attorneys, WIS reviews the returned forms on a regular basis. Staff estimate that the majority of their predictions are correct.

Currently, WIS is reaching by telephone 67 percent of all misdemeanor witnesses receiving notification letters. In 1978, reminder phone calls were made to 784 witnesses (50 percent of those receiving letter notification.) Attempts were made to reach an additional 28 percent of the witnesses. The



A WIS staff member telephones witnesses to remind them of scheduled court appearances and to answer any questions they may have.

lower percentage of completed calls in 1978 is attributed to training of new staff and implementation of several new procedures.

--Call Offs

One complaint that witnesses often express is: "I went to the courthouse, but I wasn't needed after all. Why didn't anyone tell me?" If a case is disposed of prior to the court date or is continued, Assistant State's Attorneys fill out a WIS form requesting that the witness be telephoned and "called off" by WIS staff. Telephone call offs were rarely, if ever, made prior to WIS. As one Assistant State's Attorney recalled: "Given the number of cases that Assistants handle, it was impossible to sit down and start calling witnesses and tell them not to come in. At best, I might request a secretary to do it. Naturally, we're pleased that WIS is providing this service because we may have a few less witnesses frustrated with us."

--Call Ins

Telephone call in procedures were instituted by WIS after observing that cases scheduled for Jury Demand Court (where jury trials are held) typically experienced the greatest number of continuances. In a study prior to WIS implementation, Court Observers had postulated that requesting a jury trial had become an effective defense tool for delaying a case until frustrated witnesses would no longer appear. Moreover, jury trials were rarely held as defendants often waived the right after several continuances. The Court Observers' report concluded that:

Jury Demand Court on the 4th floor of the Courthouse appears to be a very successful tool as presently used by the defense lawyers. Plea bargaining success increases the longer the case is continued. Long delays frustrate officers, witnesses, and complainants with the result that they tire of the entire procedure and either drop the charges or do not appear and the case is dismissed or dismissed with leave to reinstate.

Witnesses who are scheduled to appear in misdemeanor jury trial cases are requested to call the State's Attorney's Office the morning of the trial date to learn whether a jury has been selected, and when, or if, their appearance will be necessary. This procedure had been used in felony cases prior to WIS development, but was implemented in misdemeanor cases at the recommendation of WIS. Occasionally, witnesses in other misdemeanor cases are also requested to call in to learn whether the case is still scheduled for a court hearing.

In addition to the call in procedures, the court, at the instigation of WIS, now schedules pretrial conferences in jury trial cases to eliminate

repeated continuances. Witnesses are rarely needed at the pretrial conference, which is attended by the defendants, defense attorney, and prosecutor. At the conference, the case may be negotiated or continued without the witness being present. This eliminates the need for at least one appearance.

Personal Contact

On some scheduled court days--particularly the day when Public Defender cases are heard and there is a heavy caseload--a volunteer witness aide is located on the courthouse floor in which misdemeanor cases are heard. The aide stands next to the elevators behind a podium marked "Witness Information Service." Witnesses who have been reached by WIS letters or telephone contacts have been advised to check in with the witness aide. The aide is provided with the court docket, information on scheduled witnesses and anticipated appearance, and WIS informational brochures. The aide answers witness questions and informs prosecutors that their witnesses are present.² Aides will occasionally accompany witnesses to court hearings and provide other services of a supportive nature. If a witness does not have transportation to the courthouse, WIS will arrange for a police officer to drive the witness. In 1978, WIS witness aides had personal contact with 132 witnesses.

3.2 Notification of Felony Witnesses

In 1979, WIS began notifying witnesses in felony cases. Since notification services to misdemeanor witnesses had been routinely provided for over three years, the WIS Project Director felt that services could be expanded without hindering any other activities. While it was recognized that the volume was considerably lower and that prosecutors had much more extensive contact with these witnesses, WIS believed that it could also serve an important role as a referral source and as another listener to those involved in these more violent cases.

Witnesses receive letter notification from WIS when charges are filed, when the trial date is set, and at case disposition. Since subpoenas are generally issued in felony cases, WIS materials are sent separately--unlike misdemeanor cases where WIS typically encloses its information with the letter sent by the State's Attorney's Office. Reminder phone calls also are made to felony witnesses prior to court dates.

² A recent tally of witness aide contacts indicated that a majority of the aide's time was spent assisting defendants. These services were of an informational nature, such as courtroom location, name of attorney, etc.

Felony notifications from January-August 1979 have been as follows:

<u>Contact</u>	<u>Number</u>
Initial	181
Trial	152
Disposition	170

3.3 Employer Agreements to Compensate Witnesses

Peoria County courts do not pay witness fees to county residents and will only occasionally compensate out-of-county witnesses. One concern frequently raised by witnesses who are employed is fear of pay loss. Thus, in an effort to reduce the financial burden on cooperating witnesses, WIS requested local employers to allow their employees to serve as witnesses with no loss in pay. After the first year and one-half of project operations, most major employers in the Peoria area had been contacted and had given their consent. Currently, WIS plans to have a volunteer contact additional employers and publicize agreements to employees within companies that have already endorsed such a policy.

Major employers in the area were first contacted on the premise that if their agreement were obtained it would be easier to convince smaller employers. A pamphlet and cover letter (Appendix B) were sent to company personnel directors or to public relations directors. The pamphlet includes a statement of support from the Mayor of Peoria, emphasizes that witnesses are critical to criminal prosecution, and notes that the time commitment is less than that required of a juror. The WIS staff member then visited personnel or public relations directors and discussed the benefits of a witness compensation policy. Typically, he stressed that witnesses were essential for successful prosecution. He also emphasized that employers allow jury duty and that serving as a witness was equally important. Generally, most employers agreed to support such a policy.

Several major industries that had unionized labor refused to agree to such a policy unless it was negotiated by the union. WIS contacted the local unions which were generally reluctant to include the policy in their bargaining negotiations. Nevertheless, one large union recently included the policy in its current contract. Small retail businesses were also often reluctant to endorse the policy, but many agreed to rearrange employee working hours to allow witness appearances without loss of pay.

Employers are asked to sign an agreement form (Appendix B), a copy of which is filed in the WIS office. Posters announcing the policy are provided to employers who are asked to display them in conspicuous locations such as near time clocks, on bulletin boards, etc. If requested, WIS will provide a verification form of the employee's appearance as a witness.

WIS has signed agreements with over 100 firms, and several others have agreed to the policy but have not signed the agreement card. These agreements (signed and unsigned) cover approximately 45 percent (over 50,000) of all current employees in the Peoria area.

CHAPTER 4 VICTIM SERVICES

Many of the individuals notified by WIS of their court appearances are the victims of crime. According to the Project Director:

About one-half of our felony and misdemeanor notification contacts involve victims. Although we have a small staff and cannot counsel victims extensively, we do try to assist them in any of the areas that they may have contact with the courts here. This can involve simply listening to a victim's fears about testifying and seeing the defendant again, or spending over a year helping someone with a compensation claim.

Services provided by the Witness Information Service include facilitating the return of property, expediting restitution payments, and assisting victims in documenting their claims for possible restitution or compensation. In short, as detailed below, every effort is made to ensure that the victims of crime do not become victimized once again with their entry into the judicial system.

4.1 Complaint Information

Approximately 50% of the misdemeanor cases filed in Peoria are initiated by victims or complaining witnesses who file a complaint in the State's Attorney's Warrant Office. After WIS' inception, it became apparent that victims and complaining witnesses frequently had similar questions or concerns that should be answered prior to notification contacts. For example, complainants might be confused by the legal terms used by the Warrant Office Attorneys and be hesitant to ask for explanations. Some victims did not seem to understand why their appearance was required in court after a complaint had been filed. Typically, the individuals assumed that once a complaint was filed, the courts would proceed without any further involvement from them. Others needed assistance in documenting restitution claims. Consequently, WIS staff decided that it was necessary to provide as much information as possible to victims in their initial contact with the judicial system.

WIS prepared a brochure to be distributed to victims waiting for an interview with a Warrant Office Attorney. The brochure describes the complaint filing procedures, the adjudicatory process, and addresses concerns that victims typically have. Answers to the following questions are presented in simple language in a question and answer format (see Appendix C):

- 1) What happens if the defendant is arrested?
- 2) What is the purpose of bail?
- 3) What happens at the first appearance?
- 4) How will I be notified?
- 5) What happens at the trial?
- 6) Why are cases continued?
- 7) What happens if I change my mind and don't want to prosecute?
- 8) What if someone threatens me in order to get me to drop the charges?
- 9) What if the defense attorney contacts me about the case? and
- 10) How can I be reimbursed for losses incurred as a result of this crime?

In domestic violence or neighborhood dispute cases, Warrant Office Attorneys occasionally request that a WIS staff member assist the victim in determining whether filing a complaint or seeking assistance elsewhere is the best alternative. Since victims often tend to drop charges in these cases after a "cooling off" period, WIS staff members will discuss other alternatives with the victim to see if counseling or some other forms of assistance might be more appropriate. For example, Women Strength, a counseling and emergency shelter service for rape and domestic violence victims, and WIS have a cooperative referral relationship. WIS will refer victims there and maintain contact with Women Strength if the victim does decide to press charges.

A second brochure has been developed by WIS for battered women intending to file charges in the Warrant Office. WIS has also distributed copies to Women Strength. Complaint filing procedures and possible actions women may take if they wish to leave their homes are explained. The format is also a question and answer one. (See Appendix D.) The brochure questions include the following:

- 1) What charges can be filed?
- 2) When I request a charge be filed, do I have to call the police first?
- 3) If I call the police will the suspect be arrested?
- 4) Where can I go if I leave home?
- 5) How do I safely get my things from our home?
- 6) I'm not sure if I should request a charge be filed or not; what should I do?
- 7) What happens if the family intervention discussion doesn't work? and
- 8) What sentence will he receive from court?

Warrant Office Attorneys and other Assistant State's Attorneys comment positively on the development and use of the brochures. As one states:

A lot of times victims are understandably upset by the recent crime. They may appear to understand exactly what we're saying when we explain the complaint filing process and what can happen. But they may still be pretty shaken up and not really take in what we're saying. This way at least we know that they've got something to take home and look at when they're less upset that explains the services available and the procedures following the complaint.

4.2 Restitution

The Witness Information Service has been instrumental in centralizing restitution procedures within the Adult Probation Department. WIS initially became aware of procedural difficulties with restitution payments because victims frequently telephoned with questions or difficulties concerning restitution orders. Several victims stopped by the WIS office and asked for help in filling out the forms. Due to the number of persons needing assistance, a volunteer was assigned to handle restitution questions and problems raised by victims. However, it soon became apparent that there were a number of organizational problems that needed to be resolved. The WIS Project

¹This refers to a meeting with an investigator in the Probation Department who handles domestic violence cases.

Director explains that: "One volunteer could handle only a small number of victims with restitution problems. We kept running into the same problems and knew that some court administrators felt that restitution orders were causing a lot of difficulties--for the court and the victim. It seemed clear that some solutions had to be devised."

WIS examined the process and found that restitution was ordered in one of three ways--in conjunction with probation, with court supervision, and by court order. Problems were frequently occurring in the latter two restitution dispositions. Offenders were ordered to pay the victims directly but no one was responsible for obtaining the victims' names and addresses or ensuring that payments were indeed made. Time limits for restitution payments were not imposed nor were offenders held accountable if payments were not made.

A memorandum to the Chief Judge from the Director of Court Services and Probation illustrates another one of the many problems that were occurring:

Recently I discovered a problem relating to assignment of Court Supervision Cases that involve Restitution Payment Orders. Specifically, the Court Counselor Program² was assigned a Court Supervision Case that ordered the defendant to pay the victim for physical damage. The Court Counselor Program is not involved nor is it legally their duty to collect and disburse restitution monies. The Adult Probation Department is the only court-designated agency to handle these funds.

Apparently, the Adult Probation Department was not assigned this specific case and thus is not involved in processing the restitution payment for the victim.

In talking with several people in the system, I find that this type of mix-up in restitution responsibility problems is not rare . . .

At the instigation of the WIS Project Director, meetings were held with the Director of Court Services and Probation, the Chief Judge, the State's Attorney, and other relevant officials to explore solutions to the problems described above. The solutions which have since been implemented included:

- 1) centralizing payment and disbursement through Adult Probation,

²The Court Counselor Program provides volunteers who counsel offenders placed on probation or court supervision.

- 2) imposing time limits monitored by Probation, and
- 3) collecting the necessary information on victims and their expenses or losses before ordering restitution.

Restitution may be ordered in cases where the victim suffered property loss or damage or medical expenses. If the victim had losses over \$200, compensation (provided by the State of Illinois) may be an alternative (see Section 4.3). Restitution orders are imposed by the courts in Peoria. Recognizing that without proper information judges may be unaware that a financial payment by offenders to victims may be an appropriate sanction, WIS attempts to provide judges and prosecutors with the relevant information.

To identify victims eligible for restitution, WIS screens cases involving criminal damage to property, theft, aggravated battery, and burglary (if stolen property is not recovered). Potentially eligible victims are sent a form and letter describing restitution in notification mailings. Approximately one-half of those receiving the letter contact WIS. Information is requested on the victim's property losses or damages and medical expenses. The letter informs victims that restitution can be imposed only if the defendant is found guilty and if the court orders restitution in sentencing. Victims are requested to complete the form before their court appearance, have it notarized, and return it to WIS. WIS will assist victims, at their request, in completing the form, gathering relevant information, and having it notarized.

If restitution is ordered, WIS sends a disposition letter which briefly notes whom to call for information on the payment plan, the time limits, and the amount of restitution. In addition, the letter explains that in some circumstances restitution orders may be dropped by the court if the defendant has no income.

4.3 Compensation

Illinois' compensation statute was passed in 1973 and provides reimbursement up to a maximum of \$15,000 to violent crime victims (or their relatives if the victim dies) for medical expenses, loss of earnings, support, funeral and burial expenses. Eligible victims must have:

- promptly reported the crime to the proper police authorities,
- suffered a financial loss over \$200,

- not been related to the criminal or shared the same household,
- not contributed in any way to victims' injury or death, and
- cooperated with law enforcement officials.

According to the WIS Project Director, few claims had been filed in Peoria prior to WIS because victims were frequently unaware of the act or of eligibility criteria. However, WIS has changed this situation.

Each month the Peoria Police Department provides WIS with a listing of violent crime victims. WIS screens this list and then examines police reports on those cases where the victims appear to be eligible. Based on this screening, outreach letters are sent to potentially qualified victims who are requested to contact WIS for further assistance.

Approximately one-half of the victims receiving letters contact WIS. Hospitals, police, and Assistant State's Attorneys also refer eligible victims to WIS. The Project Director holds a screening interview with the victim. If the victim appears to meet all eligibility criteria, WIS assists the victim in filing the claim, arranges an appointment with an investigator from the Compensation Board, and generally oversees the process until a decision is made by the Compensation Board.

The claim process usually takes at least one year. Detailed documentation must be submitted for all expenses and any claimed losses (e.g., income). In addition, victims are expected to obtain reimbursement or relief from all other available state and county resources before requesting compensation assistance.

WIS has developed arrangements with local hospitals and clinics so it can receive all copies of medical bills for compensation documentation. In cases where victims are unable to pay bills to creditors because of medical expenses or job loss, WIS will send a form letter stating that the victim is seeking compensation and is currently unable to pay. According to the WIS Project Director: "We know that the help we provide victims in submitting a claim is essential. After all, they've suffered a severely traumatic experience--from the death of a husband and wage earner or to being beaten and robbed. It's often difficult for them to cope with daily life after the crisis let alone organize a complicated claim. And we don't just fill out forms for them, we spend a lot of time listening to their fears and problems. We try to make sure that they're getting help and will refer them to whatever agency seems appropriate."

Just what does the claims process entail and what services will WIS offer? The case of John S. provides a good example:



The WIS Project Director assists a victim in filing a compensation claim.

John S., a construction worker, was robbed and severely beaten on his way home from work one night. He was hospitalized for several weeks. John's health insurance policy only covered part of his medical expenses, and did not cover any of the cost of obtaining a glass eye necessitated by the assault and battery. Receiving a letter from WIS explaining that he was potentially eligible for compensation, John contacted WIS and the Project Director arranged to meet with him. Due to his injuries, John was no longer able to handle construction work. WIS and the social services department of the hospital that treated John arranged a job training program for him at the Department of Vocational Rehabilitation. His medical expenses continued to mount since he required out-patient treatment and was unable to work for over one year. The WIS Director helped John obtain welfare relief. One year after his victimization John was able to obtain an electronics assistant position in a large manufacturing firm.

The WIS Project Director submitted a claim on behalf of John for \$10,000 and helped John find reimbursement from other public agencies for those expenses not covered in the compensation claim. When an investigator from the Compensation Board interviewed John to gather additional information, a WIS staff member was present to help John answer any questions and to learn if any further documentation would be needed. When John's case was scheduled for a court hearing he was working and thus not eligible for a Legal Aid Attorney. WIS found an attorney for John who agreed to volunteer his services and a WIS staff member accompanied John to the hearing. The compensation claim was approved for the full amount.

Since late 1976 when WIS began providing assistance to eligible compensation victims, forty cases have been processed in the Peoria area. Of these, seventeen were handled by or received assistance from WIS. Over \$57,000 has been awarded to date.

4.4 Property Return

Stolen property may be recovered but once recovered may be needed as evidence in the case. Victims, however, are often anxious to have their property returned as quickly as possible.

WIS functions as a liaison between victims and police and prosecutors on questions concerning the return of property, obtaining proper releases, etc.

A brochure is currently being prepared for felony victims explaining property return procedures. In addition, as noted previously, private security personnel are sent disposition letters to enable them to restore property to store premises as soon as possible. These efforts by WIS have resulted in the expeditious return of personal property and the elimination of loss of sales to retail merchants.

CHAPTER 5 EVALUATION RESULTS AND GUIDELINES

The implementation and effect of the witness and victim services provided by WIS have been monitored and evaluated since the project began. This process of monitoring and evaluating program operations serves a key function of project administration. As more and more social service project directors are recognizing, program evaluation is necessary to determine whether the project is performing the activities it was set up to perform, and whether the performance of project activities makes the difference it was intended to make. Since this information is often the basis for funding or re-funding decisions, and as competition for available resources increases, evaluation results become more critical to program continuity. The WIS evaluation results are presented in this chapter along with guidelines for others interested in evaluating similar projects. The measures of program achievement are based on the five goals of the Witness Information Service:

- to increase witness appearances and reduce dismissals for witness non-appearance;
- to reduce unnecessary witness appearances;
- to increase the availability of reimbursement for losses caused by crimes;
- to improve information flow among witnesses, prosecutors, and other actors in the criminal justice system; and
- to obtain employer endorsements guaranteeing employees that they will not suffer financial loss because of the need to appear as a victim/witness in a criminal proceeding.

5.1 Increasing Witness Appearances and Reducing Dismissals for Witness Non-Appearance

5.1.1 The WIS Research Design

One of the primary measures of success of most witness assistance projects is the increase in the witness (court) appearance rate caused by project services. A second and related measure of project success is the decrease in case dismissals for lack of witnesses. The WIS evaluation hypothesized a causal relationship between these measures; that is, it sought to determine whether an increase in witness appearances will result in a decrease in dismissals for lack of witnesses.

A research design was implemented involving two groups of witnesses--the experimental or treatment group received assistance from WIS; the control or non-treatment group received no WIS services. Witnesses in the experimental group received the following WIS services:

- information brochure enclosed with a notice to appear from the State's Attorney's Office. This brochure discusses the adjudicatory process and terminology, suggested witness behavior, and WIS services;
- a reminder telephone call one or two days before a scheduled court appearance; and
- services of a volunteer witness aide who was present at the courthouse.

Control group witnesses simply received letters from the State's Attorney's Office requesting their appearance in court.

The design for the WIS evaluation used a non-random method of assigning cases to each group. The witnesses in cases receiving Public Defender representation were considered the treatment or experimental group and the witnesses in cases involving private counsel (or pro se) were assigned to the non-treatment or control group. This non-random method of assignment of cases was chosen for convenience purposes since all Public Defender cases are scheduled for the same day each week and constitute approximately 50 percent of misdemeanor court cases in Peoria. Private counsel cases are scheduled for the other days. This existing scheduling procedure allowed for convenient construction of treatment/ non-treatment groups. In addition, this method of assigning cases allowed WIS services to be provided to the treatment group and denied to the non-treatment group. Because Public Defender cases were only scheduled for Thursdays, volunteers could be assigned for only that day and would be providing services to experimental subjects only.

Witnesses were assigned to experimental (N=115) or control (N=125) groups from August 1, 1977 to November 15, 1977. Additional witnesses in thirty-nine cases were dropped. These included:

- witnesses assigned to the control group who specifically requested WIS services,
- witnesses assigned to the control group for whom WIS services were requested by Assistant State's Attorneys,
- private security witnesses who were required to appear by their employers, and
- individuals appearing in both control and experimental groups.

At the end of each court day Assistant State's Attorneys returned to WIS a list of witnesses expected for that day with their appearance or non-appearance indicated.

5.1.2 Results: Witness Appearances

The experiment yielded significant findings. The appearance rate for the treatment or experimental group was 58 percent while the non-treatment or control group had an appearance rate of only 41 percent (chi square=5.59, df=1, p=.02).

	<u>Appearance in Court</u>		<u>Total*</u>
	<u>Appeared</u>	<u>Did Not Appear</u>	
Experimental	56 (58%)	41 (42%)	97
Control	40 (41%)	58 (59%)	98
	TOTAL		195

*The number of witnesses in each group are smaller than the original sample sizes due to missing data on appearances.

Thus the witnesses who did not receive WIS services were significantly less likely to appear than witnesses receiving WIS services.

The validity of this finding was questioned when two important differences were noted between the Public Defender cases and the others: Public Defender or experimental cases were adjudicated more quickly and involved fewer witnesses. From arrest to disposition, the experimental group had a median time of 47 days, as compared to 66 days for cases in which defendants had

private counsel. Since this delay may itself have contributed to the lower appearance rate of the non-treatment group, the evaluation attempted to control for the differences in time by stratifying the cases into subgroups of approximately equal length. However, even after controlling for time differences the experimental witnesses were still more likely to appear than those who were not offered any service.

A second study was conducted by WIS in the spring of 1978. This study, designed to test for differences between the previous experimental (WIS) and control (non-WIS) groups, looked at 182 Public Defender witnesses and 257 witnesses in cases with private counsel, all of whom received WIS services. However, unlike the first study, the median time for disposition of the two groups in the second study was not significantly different. The overall median time for the two groups was 62 days, similar to that of the control group (66 days) in the first study. Appearance rates were again tabulated, and compared with the first study.

	<u>Witness Appearance Rate in Court</u>			
	<u>Public Defender Cases</u>		<u>Private Counsel Cases</u>	
	First Study*	Second Study**	First Study	Second Study
WIS Services	58%	59%	--	53%
No WIS Services	--	--	41%	--

* 8/1/77-11/15/77

** 1/78-2/78

The overall appearance rate for the two groups in the second study was 55 percent. When the appearance rates of private counsel cases in the second study are compared to the no service or control group in the first study, the control group is again significantly less likely to appear (chi square=3.48, df=1, p=.06).

In summary, while the results suggest that a witness' chances of appearing may be influenced by factors such as type and length of case (time from arrest to disposition), the chances of appearance were significantly higher when WIS services were available.

5.1.3 Results: Dismissal Rates

In addition to measuring appearance rates, the first study also collected data on dismissal rates and reasons for dismissal to see if increased

witness appearance rates caused a decrease in dismissal for lack of witness appearance. Dismissals could occur for four possible reasons:

- non-appearance of complaining witness,
- non-appearance of citizen witness,
- victim dropped charges, and
- on motion of state (for technical reasons such as lack of evidence, etc.).

The figure below shows the percentage of cases dismissed in each group and the reasons for dismissal. The Public Defender or WIS service cases, with more witnesses appearing, were significantly less likely to be dismissed for lack of witnesses (chi square=3.54, df=1, p=.06).

	Cases Dismissed			
	<u>Dismissed</u>		<u>Not Dismissed</u>	
	<u>Lack of Witness</u>	<u>Other Reason</u>		<u>Witnesses</u>
Experimental	19%	24%	57%	(n = 115)
Control	30%	11%	59%	(n = 125)
	$\chi^2 = 3.54$	$\chi^2 = 7.17$	$\chi^2 = .18$	
	p = .06	p = .0074	Not Significant	

However, the Public Defender cases were more than twice as likely to be dismissed for "other reason" (i.e., motion of the state or victim dropped charges). This difference is also statistically significant (chi square=7.17, df=1, p=.007). The net effect is that virtually the same number of cases are dismissed with or without services (43% vs. 41%) but that the stated reasons for dismissal differ. In sum, WIS did reduce the fraction of dismissals attributed to lack of witnesses. However, it is not clear whether WIS services actually reduce the total number of dismissals or merely cause the prosecutors to provide a different reason for dismissal than they would otherwise provide.

5.1.4 Research Guidelines

The WIS evaluators sought to test the effect of program services by comparing a group of witnesses receiving WIS services with a group of witnesses who

did not receive WIS services. As discussed above the make-up of these groups--witnesses in Public Defender cases and witnesses in non-Public Defender cases--was determined by convenience. This type of quasi-experimental design is not typically recommended because of the difficulty in isolating the project's effects from other group effects unrelated to WIS services. The results of such a quasi-experiment, where the groups being compared do not share similar characteristics, cannot be attributed solely to the services being tested. In other words, we cannot determine how much of the difference in appearance rates between the two groups was due to WIS activity and how much may have been due to such factors as differences between types of counsel (public defenders or private attorneys), differences between cases involving indigent defendants and non-indigent defendants, etc.

The best method for controlling or negating the effect of factors other than the experimental conditions (WIS services) is to randomly select from a common pool of cases those which will receive WIS services (experimental cases) and those which will not receive WIS services (control cases). Applying random selection ensures that the two groups are sufficiently similar to allow evaluators to explain the results (appearance rates and case dismissals) in terms of WIS services. Other variables such as differences in case and lawyer types are said to be "controlled" for when random selection of comparison groups, or an experimental design, is used.

While other research designs provide some control of extraneous (non-program) variables, the utility of random assignment, or the true experimental design, stems from its equal distribution or control of such variables which might have an influence on the groups being observed. Even the experimental design or randomization may fail in creating experimental and control groups which are alike in all relevant respects. But the statistical tools available to analyze the results of a true experiment are capable of calculating the risks of such a failure and reporting the experimental findings with the confidence they are due.

When developing the randomly selected experimental and control groups, the evaluator should also collect baseline data for a period prior to project operations. For example, to measure the impact of witness information

¹ Some of the variables which might affect witness appearance and dismissal rates and which would be difficult to control for in a non-experimental or in a quasi-experimental design include: seasonal conditions (time of year, weather, court docket or caseload, etc.); the personality of the state's attorney, defense attorneys, judges or defendants; the subject matter of cases; publicity surrounding cases; employment conditions of witnesses; time from charges to hearings; distance of witnesses from court; witnesses' attitude toward the criminal justice system, etc. In addition, dismissals might be due to other factors which had not been previously recognized or hypothesized such as lack of evidence or other technical reasons.

activities, the non-appearance and dismissal rates prior to project start-up should be determined as a base or point of comparison with the comparable rates during WIS operation. The baseline data can also be compared with data collected during project operations to measure the variation between pre-project and post-project conditions. Thus if the results of the experimental design are suggestive of a project impact, the pre-and post-analyses can substantiate that effect. If the difference between control and experimental conditions is not significant, the comparison of those groups with the baseline data may help to identify other conditions (or changes) occurring in the system which may affect appearance and dismissal rates. It should be noted that the baseline data must include information on all cases in the baseline period, and be drawn from a random sample of cases, to avoid the same problem as a non-experimental design discussed above.

In sum, a model experimental design to test the effects of WIS operations on witness appearance and case dismissal would proceed along the following steps:

- Develop a baseline. Witness non-appearance and case dismissal rates should be determined for all cases in a given period prior to project start-up. Like the experimental data, baseline data should also be drawn from a random sample.
- Randomly assign witnesses from a selected period of project operations to experimental and control groups.
- Provide WIS services to the experimental group and withhold services from the control group.
- At the end of the experimental period, determine witness non-appearance and case dismissal rates for each group.
- Compare baseline data with experimental and control group data.

As noted above, the WIS quasi-experimental design was selected in part because of the convenience afforded by court scheduling of public defender cases. Other jurisdictions may also find a true experiment inconvenient or too expensive and opt for an approach similar to the WIS design. The WIS evaluation design could be significantly enhanced by modifying it to avoid some of the potential biases of case differences. The simplest modification would be to repeat the experiment under reverse conditions. For example, in the original design, Public Defender cases received services and private counsel cases did not. To reverse the conditions in a second experiment, private counsel cases would be served and Public Defender cases would not be served. If this experiment showed a WIS effect equivalent to that of the first experiment, the evaluator would be substantially more confident that the observed difference was due to the service, and not to differences



The Peoria County Courthouse is conveniently located in downtown Peoria.

in the cases. Such a strategy is particularly attractive for a WIS-type program because of the relative ease with which services can be denied or provided. By rescheduling the witness volunteer aide day(s) in court and identifying a different category of cases for which notification letters are sent, the groups can be reversed and the effect of the project more reliably tested.

5.2 Reducing Unnecessary Witness Appearances

5.2.1 Results

As discussed in Chapter 3, WIS has sought to reduce the number of unnecessary witness appearances through the use of call off procedures, pretrial conferences, and telephone call ins for witnesses scheduled in Jury Demand Courts.

From January to June 1979, WIS served 541 witnesses and 75 (14%) were called off. Prior to WIS, the Assistant State's Attorney in charge of the case or a secretary would have notified the witness. However, this was apparently done only if the Assistant State's Attorney had the time and remembered to place the call. Assistant State's Attorneys claim that WIS procedures are an improvement over previous procedures and have enabled them to devote their time to other more important activities. In addition, WIS uses volunteers to contact witnesses in the evening who could not be reached during the day. This service was not provided prior to WIS. Hence, although the lack of baseline data makes it difficult to assess the success of this effort, it would appear that the WIS procedures may be reducing unnecessary witness appearances and represent a substantial improvement over previous efforts.

As noted in Chapter 3, many jury trials and attendant continuances were believed to be requested by defense counsel as a means to delay the case until witnesses failed to appear. WIS staff estimate that a jury trial request might necessitate a number of unnecessary witness appearances during a protracted jury panel selection process. Hence, in conjunction with the State's Attorney's Office WIS devised a system consisting of pretrial conferences and telephone call ins by witnesses waiting for trial. The pretrial conferences are scheduled before a judge for all jury cases and are attended by defendants, defense attorneys and prosecutors. The purpose of the conference is to facilitate a negotiated plea, if appropriate, thereby eliminating the need for witness participation. In some instances the witness' presence is necessary at the pretrial conference; however, this is infrequent. Typically, the knowledge that a prosecution witness is on-call is sufficient to convince the defense that an appearance will occur if necessary.

There are no baseline data to compare the effect of these new procedures against the previous system. However, according to WIS, the State's Attorney's Office reports that pretrial conferences have resulted in a substantial reduction of jury trial requests. Additionally, the use of telephone call ins enables WIS to notify witnesses if their case has been negotiated and closed. In sum, it would appear that the use of call ins and the institution of new procedures in Jury Demand Courts are reducing the number of unnecessary witness appearances.

5.2.2 Research Guidelines

To determine the extent to which a project helps reduce unnecessary witness appearances it is important first to define "unnecessary." In many instances a witness may perceive an appearance as unnecessary because his or her testimony was not called for, but the prosecutor views the appearance as essential. For example, a preliminary hearing might be waived or a defendant might decide to plead guilty only because the witness was present and available to testify. Without the witness' presence the defendant might have chosen to contest the charge. Thus, witnesses' perceptions of the necessity of their visits may not be an adequate measure.

Two techniques used by WIS to reduce unnecessary appearances are telephone alerts (when witnesses are called only if they are needed) and call offs (when witnesses are told not to appear). These techniques are part of the overall WIS strategy to keep witnesses fully informed of the status of their cases and to ensure that all court appearances are essential and entail as little waiting time as possible. However, as with witness perceptions, the number of telephone call offs by itself may not be an adequate measure of achievement in reducing unnecessary appearances. Although WIS telephone call offs and alerts may be responsible for reducing unnecessary appearances, at least some of those witnesses alerted and called off would not have made unnecessary appearances even without WIS assistance. Thus, in addition to calculating the number of witnesses called off, it is necessary to calculate the number of

- activated alerts--telephone calls resulting in witnesses appearing who would otherwise not appear;
- unnecessary alerts--calls to witnesses who would appear regardless of WIS services; and
- unnecessary call offs--calls to witnesses who would accurately determine that their presence was unnecessary (and thus not appear), regardless of WIS services.

As discussed above, the most effective tool for measuring project impact is the experimental design using random selection. Thus, to measure project impact on reducing unnecessary appearances, the experimental group of witnesses should be given the notification (alert/call off) services and the control group should be denied these services. The difference in the rate of unnecessary appearance between these groups could then be attributed to the WIS services. Because the groups were randomly selected and thus similar, the experiment effectively controls for or negates the impact of witnesses who would have determined on their own that their appearance was unnecessary.

Without an experiment to test the effect of project activities, the effect of WIS notification services and pretrial conferences on unnecessary appearances might be estimated by interviewing state's attorneys about their experience prior to project inception. Collecting baseline or pre-project data on unnecessary witness appearances and comparing these data with project results may provide a partial indication of project effect on unnecessary appearances.

5.3 Increasing the Availability of Reimbursement for Losses Caused by Crimes

5.3.1 Results

As discussed in Chapter 4, WIS provides assistance to crime victims who file claims authorized by the Illinois Crime Victims Compensation Act. According to WIS, the majority of victims filing claims in Peoria County receive either assistance or information from WIS. Prior to December 1976 when WIS began, 10 claims had been submitted of which 5 had been denied. Through WIS efforts 40 cases have been processed with 33 awards. It would appear that through its outreach efforts and assistance, WIS is successfully furthering the availability of compensation to potentially eligible victims. In addition, as discussed in Section 4.2, WIS has sought to assist victims eligible for restitution by making relevant information available to judges and probation officers and centralizing restitution procedures within the Adult Probation Department. The extent of WIS' impact has not yet been determined in this area.

5.3.2 Research Guidelines

Logistical and ethical considerations may preclude application of a true experimental design. That is, project attempts to increase availability of compensation and restitution to victims in an experimental group and limit

availability to a control group raises ethical questions. However, for this project goal, impact might be measured by comparing total compensation and restitution payments during the baseline (or pre-project period) with payments made during project operations. To measure project achievement of this goal, the following types of data for each period should be collected:

- number of eligible victims,
- number of applications filed,
- number of awards, and
- amounts paid.

While project assistance can be clearly documented by examining the number of applications filed in relation to number of eligible victims in the pre- and post-study, there are several factors which might influence any conclusion drawn from this design. For example, decisions to grant awards are typically made by judges or probation officers in the case of restitution, and by specially appointed boards for compensation awards. The project's effect on these decisions (other than increasing the number of applications) would be difficult to assess. Further, if the project began these activities immediately upon passage of the state compensation act, it would be difficult to determine the act's effect on WIS clients in the absence of the project.

One approach to deal with this latter problem is to create a comparison group in a nearby county not served by the project but where victims are also eligible for restitution and compensation. This design could be enhanced by matching cases in the two jurisdictions on certain key variables (such as crime; nature and severity of injury; victim's age, sex and race; case disposition, etc.). Although this design is also limited by the same problems of comparability between groups discussed above, large differences in restitution and compensation payments between counties might be suggestive of project impact.

5.4 Improving Information Flow among Witnesses, Prosecutors, and Other Actors in the Criminal Justice System

Results

Witnesses are receiving information and assistance on their adjudicatory involvement from WIS through a variety of methods. The table below depicts WIS service activities in 839 completed cases in 1978.

Services to Completed Cases in 1978

<u>Service</u>	<u>Number of Witnesses</u>
Letter Notification (77 letters to witnesses were returned undelivered, of these 35 witnesses were located by further investigation.)	1522
Telephone Contact	784
Volunteer Witness Aide Contact (in the courthouse)	132
Disposition Letter Notification	912
Complainant Brochures Distributed	est. 2000

As noted, 77 notification letters were returned undelivered and WIS was able to locate almost one-half of the witnesses and thus inform them about their need to appear. Prior to WIS the State's Attorney's Office was rarely able to expend the time or resources in locating individuals whose letters had been returned. Over 50 percent of the witnesses receiving letter notification were also telephoned to remind them of a pending court appearance (or in some instances to cancel an appearance) and to ask whether they had any questions or difficulties concerning their appearance. Telephone reminder calls enable WIS to inform prosecutors of witnesses who indicate unwillingness to appear. WIS examined cases involving 148 witnesses in which WIS had indicated to the prosecutor that the witness would appear. WIS predicted the witness appearance correctly in 75 percent of the cases.

While there are no survey data available to indicate whether witnesses or prosecutors consider WIS services to be improving the flow of information, it is apparent that WIS has increased the information flow through its services. Prosecutors comment positively on WIS services and indicate that in their opinion such services have greatly improved communications and eased their burden.

5.5 Obtaining Employer Endorsements

Results

Recognizing that financial loss is perceived as a serious problem by many witnesses, WIS has sought to ensure that employees whose presence is required in court do not suffer a loss in pay. According to WIS, 46 percent of the

employees in the Peoria SMSA are covered by employer agreements to compensate for witness appearances. An additional 2 percent are employed by organizations which have agreed to the policy but did not sign the document. Only a small percentage (8 percent) of those employers contacted have refused to endorse the policy. WIS has agreements from most major industries in the area including the largest private employers. Many of the employers that WIS has not contacted or obtained agreements from are small service employers who prefer to rearrange employee working hours as a means of affording employees the opportunity to testify without losing pay.

While there are no data to indicate whether employers endorsing the policy actually reimburse employees, WIS receives few complaints for non-payment.

Conclusion

In short, the results of the Witness Information Service have been impressive:

- witness appearances increased with WIS services,
- provision of WIS services seems to reduce dismissals due to the lack of witnesses
- victims are now routinely assisted in and have easier access to restitution and compensation reimbursement,
- communication difficulties and barriers between witnesses, prosecutors and the criminal justice system have been lessened, and
- many employees in Peoria no longer need to fear loss of pay due to appearing as witnesses in court.

By monitoring and evaluating the various project activities and their effect, WIS has been able to document its achievements. One of the more important results of the documentation, and an ultimate measure of the project success was the institutionalization of WIS by its incorporation in the Peoria County budget.

CHAPTER 6

REPLICATION SUMMARY

Preceding chapters have detailed the development, structure, services, and achievements of the Witness Information Service. Each chapter discusses various aspects of the process and elements involved in creating, executing, and monitoring a witness assistance project such as WIS. As noted in Chapter 1, such projects are proliferating throughout the country and this manual is intended to assist others in developing a WIS-type project in their locality. While no two projects are ever precisely the same, the WIS example may serve as a guide to others in creating a project that fits the needs of their jurisdiction. This chapter discusses critical issues and elements most pertinent to replicating WIS elsewhere.

6.1 Needs Assessment

The first step in developing any program should be assessment of need. Even where there is a well documented consensus that witnesses and victims participating in the criminal justice system face difficulties and inconveniences, a detailed assessment of specific problems is essential for adequate planning of program services.

One method of assessing local problems and needs is that used in Peoria prior to the inception of WIS. As discussed in Chapter 2, a group of volunteer Court Observers spent hundreds of hours in monitoring the criminal prosecution process. In addition to collecting case and witness data, the Peoria Court Observers also interviewed victims and witnesses in the courthouse. It was, in large measure, on the basis of their findings that WIS was established to meet the needs of witnesses. One limitation of their approach was that the Court Observers saw only those witnesses (or victims) who appeared in court. Using this approach one must extrapolate from the findings the additional, and perhaps greater needs of those witnesses and victims who fail to appear. This is especially important since many victim/witness assistance projects are created to address the problems associated with witness non-appearance.

Another method for collecting information on local needs is a survey of witnesses, victims, and prosecutors. In the planning stage of project development these surveys would assist in identifying the significant characteristics of each group and provide some indication of the needs which group members consider most important. Analysis of victim and witness survey data will be complicated by the fact that most people in those groups are unfamiliar with the criminal justice system and may not understand or be able to articulate the causes of their frustration. Personal interviews would be best to ensure responses and to allow for follow-up questions regarding respondent court experience. If interviews are not feasible, a telephone survey may suffice. However, since it may be anticipated that the needs of some witnesses will stem from their lack of a telephone, a telephone survey may systematically fail to capture the full array of witness needs.

Examples of relevant questions to explore include:

- Basic demographic information (age, sex, ethnicity)
- English as first language (if not, what is?)
- Number of years of schooling
- Access to private or public transportation
- Number of dependent children (and age of each)
- Access to telephone during working/non-working hours
- Type of job--working hours
- Availability of leave-time with pay for testimony in court
- Description of prior experience(s) and problem(s) with criminal justice system (as victim or witness)
- Number of cases involved in as witness; number of times appearance in court was required. Number of instances in each case resulting in
 - Appearance and testimony
 - Appearance but no testimony
 - Failure to appear (why?)

By selecting a large and representative sample, the survey can provide useful insights into the type of services most needed; methods for administering them; and those needs which are less critical. The survey may reveal, for example, that transportation to the courthouse is not a problem for most witnesses; public transportation is perceived as adequate and widely available. Alternatively, unanticipated needs may surface--such as the need to

provide a Spanish (Chinese, Italian, etc.) version of the written request to appear and any other written material.

Any successful witness assistance project must closely coordinate its activities with the state's attorney's or local prosecutor's office. Many such projects (such as WIS) are housed in and report directly to the state's attorney. The most effective way to survey prosecutor problems and needs is through personal interviews. In addition, a survey of a sample of dismissed cases may provide information on the degree to which witness non-cooperation is a problem. Since many prosecutors have sophisticated information systems, dismissal rates and reasons for dismissal may be readily available.

It must be stressed that the need for a program of witness information services cannot be based solely on the evidence of previous witness non-cooperation. The prosecutorial system must be assessed and prosecutor concurrence with the need for a project is essential. Thus, the needs assessment should result in a definitive statement of need and the identification of a process for meeting defined needs that is acceptable to the prosecutor's office.

It is important to follow-up the needs assessment with a survey of eligible project clients and local prosecutors several months after project start-up. This follow-up survey should be designed to identify unforeseen needs that have emerged which the project can, but does not currently meet; and to determine if clients know about the existence of witness services. In one study of a large urban victim-witness assistance project, a user survey revealed that an average of 70 percent of the eligible project clients were not aware of the existence of project services. In this instance the project learned, to its surprise, that the greatest need was not more services, but rather a better outreach effort to make eligible clients aware of existing services.

6.2 Replication Issues

The Witness Information Service is the first victim/witness assistance project to receive Exemplary Project status. One of the significant aspects of WIS is its replicability in other communities. In this section, comparisons between WIS and other programs are made based on two recent surveys. The design and services of WIS are reviewed for potential replicability in other jurisdictions.

¹U.S. Department of Justice, LEAA, Victim/Witness Assistance: Monograph, by Robert H. Rosenblum and Carol Holliday Blew (Washington, D.C.: Government Printing Office, 1979), p. 48.

6.2.1 The Witness Information Service Compared to Other Victim/Witness Projects

Generally, the organization and services of WIS are similar to other victim/witness programs. An unpublished survey of 71 victim/witness programs² documented that:

- the most common affiliation for victim/witness programs is the prosecutor's office (where WIS is located);
- most project budgets were under \$50,000 (WIS' annual budgets have been slightly over \$30,000);
- the majority of surveyed programs had 10 or less personnel (WIS has 3);
- one-third of the projects used volunteers (WIS uses volunteers extensively); and
- almost one-half of the programs benefit both victims and the system (WIS services address both witness and victim needs and also benefit court and prosecution case management efforts).

Over 200 victim/witness programs were surveyed in a National Evaluation Program "Phase 1" study sponsored by the National Institute of Justice.³ Table 6.1 compares the Witness Information Service with this sample in terms of agency affiliation, financial support, and project staffing. Over half (56%) of the programs are administratively placed in the prosecutor's office similar to WIS. That percentage becomes even greater when programs that serve only victims are removed from the sample.⁴ Similarly, the majority of projects surveyed operate on a relatively small budget of under \$50,000. Again, it is clear that WIS is generally similar to the majority of the programs surveyed.

²U.S. Department of Justice, LEAA. Better Services for Crime Victims: A Prescriptive Package by John Hollister Stein, (unpublished manuscript available from the National Criminal Justice Reference Service on inter-library loan or microfiche).

³U.S. Department of Justice, National Institute of Justice. National Evaluation Program Phase 1 Assessment: Victim/Witness Assistance Projects, Final Report, (Unpublished report, May 1980, available from the National Criminal Justice Reference Service).

⁴Ibid., p. 30.

Table 6.1
KEY ELEMENTS OF 227 PROJECTS COMPARED TO WIS⁵

	(Mail Survey)	<u>Witness Information Service</u>
<u>Agency Affiliation</u>	(n=227)	
Police/Sheriff	12%	
Prosecutor	56%	•
Community-Based Organization	18%	
Probation	3%	
Other	12%	
<u>Jurisdiction</u>	(n=227)	
Neighborhood	8%	
City or town	15%	
County	64%	•
Multicounty/State	8%	
Other	6%	
<u>Current Primary Funding Source</u>	(n=226)	
LEAA	55%	
Other	45%	•
<u>Initial Funding Source</u>	(n=165)	
LEAA	59%	•
Other	41%	
<u>Current Budget</u>	(n=186) *	
Less than \$50 thousand	50%	•
\$50-99 thousand	20%	
\$100-199 thousand	15%	
\$200 thousand and over	16%	
<u>Project Staffing</u>	(n=227)	
Full-time (1 or more)	91%	•
Part-time (1 or more)	38%	
Volunteer (1 or more)	40%	•

*The remaining projects either reported no figures or stated that they did not have a budget separate from the sponsoring agency.

⁵Ibid., p. 14.

6.2.2 Design and Operations of the Witness Information Service

Location

Since institutionalization by the Peoria County Board, WIS has been under the aegis of the State's Attorney's Office. Throughout its development, WIS has had a cooperative and close working relationship with the State's Attorney's Office. Based on WIS' experience, it appears that the relationship developed with the prosecutor's office is essential to the successful operation of a witness notification service. For example, WIS receives all case records from the State's Attorney's Office and uses them to create notification files. In addition, notification letters sent by the State's Attorney's Office are routed through WIS so informational brochures and letters (e.g., those providing information on restitution) developed by WIS can be enclosed.

While the location of the victim/witness program in a prosecutor's office may not be essential, arrangements for access to information are clearly critical. This finding is supported by a report on eight victim/witness projects conducted for the National District Attorneys Association which concluded that: "...the single most important factor in making a victim witness unit viable and productive is the support and interest of the District Attorney."⁶

Court Jurisdiction

WIS initially notified only witnesses in misdemeanor cases. Since 1979, however, witnesses in felony cases have also been receiving notification services. As described in Chapter 2, delivery of services to misdemeanor witnesses was instituted due to Court Observers' findings which were exclusively drawn from the misdemeanor courts. Based on their observations, there appeared to be a dramatic need for improved management and scheduling of witnesses in these courts. While no studies were conducted in the felony courts, witness non-appearance was perceived to be less of a problem there due to the lower case volume and the increased interactions prosecutors have with witnesses in felony cases.

It should be noted that WIS provides notification services to civilian witnesses only. No attempts were ever made to notify police witnesses since it was believed that the respective departments were adequately handling notifications. However, several of the witness projects contacted in the NEP survey do include police witnesses in their notification activities. The

⁶ Tate, Michael, et al. Final Evaluation Report: Commission on Victim Witness Assistance (National District Attorneys Association, 1977), p. 53.

Victim/Witness Assistance Project in Brooklyn, New York has police personnel permanently assigned there to handle police notifications.

Any decision as to the selection of courts requiring notification services should be based on a needs assessment and the concurrence of the local prosecutor. In the seven witness notification projects examined in the NEP study, all provided services to felony witnesses and six also notified misdemeanor witnesses. Other projects were identified which also notified witnesses in juvenile cases. It is apparent that the choice of court jurisdiction(s) is dependent on the needs identified at a particular location.

Witness Services

-- Notification

Local needs will also determine the stage(s) of the proceedings at which notification efforts should be focused--the preliminary hearing, the trial, or at both stages. According to the NEP survey, most witness notification units inform witnesses at all stages of the proceedings.

The methods of notification contact employed by WIS--letters, telephone and personal contact--are similar to those employed in other jurisdictions. For example, witness notification and management in the Brooklyn, New York Victim/Witness Assistance Project are essentially handled in the same manner as in Peoria. While case information and contact history in Brooklyn is stored in a computer which has varying output capabilities for different users, witnesses are sent notification letters and contacted by telephone as in Peoria. Both projects respond to witness telephone inquiries. In Brooklyn, information can be accessed by computer but it contains similar data to that maintained manually in Peoria. In addition, both projects alert prosecutors to cases in which witness noncooperation is anticipated. While Brooklyn provides more extensive witness services (such as a witness reception center with trained counselors), their notification and management operations are similar in concept to those provided in Peoria. The Tucson Victim/Witness Advocate Program maintains contact and case information for juvenile court notifications manually in a manner similar to WIS. Thus, the size of the jurisdiction or the lack of a computerized information system should not hamper any replication efforts.

-- Employer Agreements to Compensate Witnesses

Securing employer agreements to pay employees for work time expended in court hearings was established by WIS because Peoria County does not pay witness fees. In those jurisdictions where fees are available, there may be no need for such a component. In particularly large jurisdictions, employer agreements might be hard to implement without an unusually large staff. One



A WIS staff member checks rolodex cards containing cross-indexed information on court dates and witnesses for quick reference and telephone inquiries.

alternative might be to contact only the employers of those witnesses who indicate probable loss of pay. In smaller, or medium-sized jurisdictions (like Peoria), potential replicators should be able to develop such a program, although some projects have experienced resistance. For example, the NEP study notes that:

A prosecutor-based project in a city with many unions finds employers extremely unsympathetic to paying wages for subpoenaed witnesses.

Since Peoria has been able to obtain an agreement from the largest union there, this problem may be overcome.

Victim Services

-- Complaint Information

Distribution of an informational brochure to complainants at the complaint filing stage is very useful. Other jurisdictions have developed similar materials to reach victims and complaining witnesses at this stage.

-- Restitution

Providing assistance in obtaining restitution is common in many programs. The level of intervention may vary and success may depend on factors outside the control of a victim/witness project. For example, since award decisions are normally made by the judiciary, a project may be able only to assist victims in gathering relevant information but unable to further influence the decision.

WIS helped centralize restitution responsibilities in the Probation Department in an effort to enhance system efficiency. It has also developed forms to assist in the collection of pertinent information for the court. The Brooklyn Victim/Witness Assistance Project has performed a similar role and has even taken over collection and disbursement responsibilities.

-- Compensation

Twenty-eight states have enacted victim compensation statutes. WIS' role in informing eligible victims, providing documentation assistance, and advocacy support as needed is similar to that of many other programs.

⁷Op. cit, Interim Report, p. 25.

-- Property Return

Many projects help clients retrieve property that is being held for evidentiary purposes and/or that has been recovered. The design of this component may be dependent upon the jurisdiction's procedures for property as evidence. In some jurisdictions it may be possible to substitute a photograph or affidavit and return the property before the trial rather than at disposition.

Conclusion

There do not appear to be any obstacles to the replication of WIS operations in other jurisdictions. In larger jurisdictions a computerized information system might be necessary to process the larger number of witnesses and victims efficiently and effectively. Furthermore, larger jurisdictions may evidence a need for certain services, such as child care and transportation, that are only rarely requested in Peoria.

APPENDIX A
WIS INFORMATION BROCHURE



Dear Citizen:

Your service as a witness is vital to the criminal justice system. Without your cooperation the system will not operate effectively.

You should have received notice or subpoena or will be receiving one shortly. The following information should answer questions which you may have about the court system and explain what you can expect as a witness.

It is important that we be informed of your current address and phone number. We can then contact you immediately if necessary. If you move be sure to let us know.

Thank you for your cooperation.

Sincerely,

Susan Weinberg
Susan Weinberg
Director
Witness Information Service

WITNESS INFORMATION SERVICE

When you receive a notice to appear in court, you may have a number of questions. "What's going to happen? What do I do?" are common questions which witnesses may ask.

It can be confusing to go to court and when you don't know what to expect you may feel uneasy. It may help to know what to expect and why you are needed. WIS is here to provide that information.

If you receive a notice or subpoena, you are needed as a witness. A witness may not only be someone who saw a crime happen, but someone who may have had property stolen (in such cases you may be needed to testify that it is your property), or you and several others may have seen part of an incident. In court lawyers try to establish a chain of evidence which when put together may form a complete story. Your knowledge of a part may complete the puzzle.

Several days before you are to appear in court you will receive a notice which states the time and date which you should appear. Be at the courthouse on the day and time set. Several cases are usually set for the same time and some go quickly while others may take longer.

If you feel that you have waited a long time, check with the witness aide to make sure that your case is going as scheduled. The witness aide wears a name tag with his or her name and Witness Information Service on it. If you are unable to find a WIS worker on the fourth floor, stop in the WIS office. We're here to solve your problems in court.

When you get to the fourth floor, you will find several courtrooms. Ask the bailiff or witness aide which courtroom you belong in.

SUGGESTIONS TO WITNESSES

The following suggestions are offered to assist you in your courtroom appearance:

- 1) Have a neat appearance.
- 2) Avoid distracting habits such as gum chewing or smoking.
- 3) Before testifying try to recall information accurately in your own mind.
- 4) Be serious. Avoid laughing or talking in court.
- 5) Stop immediately if the judge interrupts you or if an attorney makes an objection.
- 6) Speak loudly so that you can be heard. Do not nod "yes" or "no."
- 7) Listen to the questions asked of you and do not give any additional information unless asked. A yes or no answer is preferred.
- 8) Do not give opinions unless asked.
- 9) Answer questions that are asked of you. Improper questions will be challenged by your lawyer.
- 10) Don't argue with the lawyer. Treat both lawyers with courtesy and respect.

Leave the stand with confidence in the knowledge that you have presented the truth to the best of your ability.

For Further Information Contact:

Susan Weinberg—Director

Paulette Zeug—Administrative Assistant

Peoria County Courthouse 672-6094

QUESTIONS & ANSWERS

- 1] *How does a case get to court?*
Charges are filed by the police or an individual at the State's Attorney's Office. Prior to signing the complaint, the individual must make a police report concerning the criminal offense. Once a complaint is issued the complainant and witnesses are expected to testify in court and to assist in presenting the case. The State's Attorney's Office has the ultimate discretion in whether to prosecute a case.
- 2] *Do I have to come to court?*
Yes, it is important to the processing of the case that you as a witness appear in court. If you have questions as to how you are involved please contact WIS at 672-6094.
- 3] *What has happened since the charge has been filed?*
The defendant has appeared in court where he was informed of the charges against him and his right to an attorney.
- ⊗ 4] *What happens when I go to court?*
There are many things that may happen depending on each individual case. To find out what is likely to happen in your case contact WIS at 672-6094.
- 5] *How many times must I appear in court?*
If your case is a misdemeanor and you are a witness, you need only appear at the trial. If your case is a felony you may be needed for the Preliminary Hearing and the trial. Sometimes a case may be continued for various reasons such as if one of the participants is sick or out of town, or if the defendant does not appear. You will be notified each time you are needed.
- 6] *What happens if a defendant doesn't appear?*
A Bench Warrant is issued to arrest the defendant if he does not appear in court. The case will be continued until he is found.
- 7] *How could a defendant be sentenced?*
Some common sentences are fines, probation or jail time. Sometimes a peace bond will be issued. There are special programs on which a defendant may be placed:

Deferred Prosecution - the defendant may be assigned to the Court Counselor Program and his case continued. He must put in an assigned number of volunteer hours in various agencies. If he does this successfully the case is dismissed.

Peace Bond - issued to prevent one individual from coming into contact or threatening another person. It requires that contact be avoided for a specified length of time.
- 8] *What if I am threatened in connection with the case?*
Call the WIS office at 672-6094. We will see that appropriate action is taken.
- 9] *How do I get goods back that have been held as evidence?*
The State's Attorney must sign a release. He may do this in court. If not, contact the State's Attorney's Office in Room 115. If you experience difficulties contact WIS.
- 10] *Can I receive compensation for my injuries?*
Check with your insurance company. Your policy may cover the expense of the damage. If you are a victim and experience physical harm incurring over \$200 in expenses you may be qualified for Victim's Compensation. Victim's Compensation can reimburse you for medical expenses and loss of earnings. It only covers expenses not covered by your insurance and does not pertain to property damage. If you believe that you could qualify, contact the WIS office for information.
- 11] *How do I get specific information concerning my case?*
Contact the WIS office at 672-6094.
- 12] *Can I get paid for appearing in court and losing time off my job?*
Contact the WIS office. We can inform you of what companies do pay their employees for time spent in court. We will speak with your employer if necessary.

GLOSSARY

BAIL - An amount of money set by the court which allows the release from custody of a person charged with a criminal offense. The purpose of the bail is to insure the appearance in court of the accused.

BAILIFF - Uniformed man who keeps order in the courtroom.

COMPLAINT - A written statement presented to the court charging a defendant with an offense.

CONTINUANCE - Postponement of legal proceedings.

DEFENDANT - Person against whom complaint or charge is filed.

FELONY - A serious offense for which imprisonment for a year or more in the penitentiary is provided.

JURY DEMAND COURT - Court where misdemeanor cases are held when the defendant asks for a jury trial. This does not mean there will be a jury. Often the defendant waives his right to a jury trial in court.

MISDEMEANOR - A lesser offense for which a maximum sentence of one year in a jail or other institution besides a penitentiary can be imposed.

NOTICE - Issued by the State's Attorney's Office calling a person to appear in court at a specific time.

PERJURY - Deliberate false testimony under oath.

PLEA BARGAINING - Negotiation between the defense and the prosecution in which concessions are made regarding the sentencing of the defendant in exchange for a guilty plea.

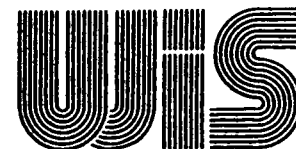
SUBPOENA - Hand-delivered written order from the State's Attorney's Office calling for an individual to appear in court.

APPENDIX B
WIS EMPLOYER SUPPORT AGREEMENT MATERIALS

THE EMPLOYER'S ROLE
IN THE
CRIMINAL JUSTICE SYSTEM

"Equal justice under the law should and must be one of our most cherished American principles. This does not simply occur; it requires a complete commitment on the part of every citizen. The opportunity for witnesses to appear is an extremely important facet of our Criminal Justice System, and I fully support the efforts being made by the Witness Information Service in this regard."

Richard E. Carver
Mayor



WITNESS INFORMATION SERVICE
Peoria County Courthouse
Peoria, Illinois 61602
Phone: 672-6094

In June of 1975 Court Observers, Inc., a citizen's group, received a federal grant for the establishment of a Witness Information Service. Awareness of the need for this service grew out of observations by Court Observers regarding the operation of the court system. Concern was felt for the difficulties experienced by witnesses as they offered their time and service to the judicial system.

Witness Information Service seeks the employer's support in dealing with this phase of the Criminal Justice System. The witness is an important link in the successful prosecution of a case.

The incidence of crime is compounded by the failure of the witness to appear to testify in court. A criminal case may be dismissed at the request of the defense because of the absence of a witness. The accused is then released without prosecution.

A frequent question asked by the witness is "Will I lose a day's pay when I take time off from work to appear?" This concern over loss of pay is a primary reason why witnesses fail to appear in court.

The employer plays a significant role in seeing that the employee is not deterred from appearing because of this concern. A company policy of releasing employees without loss of pay can contribute to the efficient operation of the Criminal Justice System. The judicial process cannot properly function without the active cooperation of the citizen witness.

Your support of this policy facilitates witness appearances which in turn insures that the judge and jury will have adequate information to make a fair decision. Judges and juries are dependent on witness testimony in reaching a verdict.

W.I.S. is concerned about unnecessary appearances and will make every effort to notify the witness when his appearance is not required.

Often payment of jurors is provided by employers. The witness is no less important than the juror in a criminal case. In fact the need for the witness is more pressing since his may be the only testimony which will present the facts in a case. Without the witness it could be that there would be no case. A witness appearance unlike that of a juror will usually require only a half day in court.

An agreement card signed by the employer, indicating that the employee would not lose pay if summoned as a witness is kept on file for reference should an employee avail himself of W.I.S. services and inquire about pay loss. We also will send the employer a copy of the card for his records. Verification of the employee's appearance is also available to the employer.

While the signed card is not a legal document it is a statement of policy which we relay to the witness. He is advised to check with his employer or personnel office for further details on his company's handling of this policy.

Consider it a community responsibility and good employee relations to pay your employee for time off while testifying in court as a witness.

EMPLOYER SUPPORT AGREEMENT

**WITNESS INFORMATION SERVICE
PEORIA COUNTY COURTHOUSE ROOM 116
PEORIA, ILL. 61602**

EMPLOYER'S AGREEMENT

The appearance of witnesses in court is an integral part of the Criminal Justice System and the just prosecution of criminal offenses.

The employer plays a very important role in this process. It is he who must agree to release persons from work who are summoned by the State's Attorney's Office to appear as witnesses in court.

Having concern for the welfare of the community, we support the effort of the WIS, and agree to cooperate by releasing employees to serve as witnesses with no loss of wages or salary.

Please list number of employees covered _____

In addition we also agree to make this policy known to our employees.

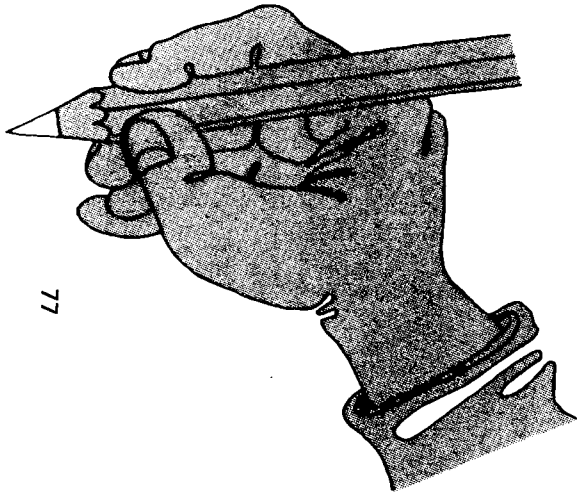
Signed _____ Title _____

Company _____

Address _____

APPENDIX C
WIS COMPLAINT FILING INFORMATION BROCHURE

Now That You Have



Requested A Criminal Charge Be Filed...

The criminal charge that has been filed is the first step in handling your case within the court system. By requesting this charge you are indicating your willingness to appear as a witness and testify in court if necessary. If the defendant is not in custody at the time the charge is signed, a summons is usually issued ordering him to appear in court, usually within three weeks, to answer the charges.

1. What happens if the defendant was arrested?

If the defendant was arrested at the time of the incident, or at a later date, he will normally appear in court within twenty-four hours after arrest. He is generally given the opportunity to post bail, or he may be released on his own recognizance by the court, depending on the seriousness of the charge and other information presented to the judge. A personal recognizance bond means the defendant gives his word that he will appear in court and the judge does not require him to post any money as bond. A personal recognizance bond is commonly granted in misdemeanor cases, unless the defendant has a long past history of criminal offenses.

2. What is the purpose of bail?

Unless the charge is very serious, bail is generally required only to assure a defendant's appearance in court. The amount will vary with the seriousness of the charge and the offender's past criminal record if any.

3. What happens at the first appearance?

You will usually not be needed to appear at this stage of the criminal case unless notified by the State's Attorneys Office. At this appearance the defendant is told what he is charged with and the possible penalties. His ability to obtain an attorney is assessed and a public defender or volunteer attorney may be appointed if he cannot afford a private attorney. Sometimes the defendant pleads guilty at this time. If this occurs you will not be needed to appear in court at all. Witness Information Service will send you a letter informing you of the outcome of the case. If the defendant pleads not guilty, the case will be set for trial and witnesses notified.

4. How will I be notified?

Generally Peoria County notifies witnesses by mail. In some cases a deputy will deliver a subpoena personally to you.

5. What happens at the trial?

Plan to be in court at the time set on the notice. You may have a wait as many cases are often set for the same time period and the length of time to present a case varies. The Assistant State's Attorney will talk with you before the case comes up before the judge. He has the police report available for additional information. Several things can happen at the trial. The defendant may change his plea to guilty and you will not be needed to testify. Unfortunately we do not know this until court. If he does wish a trial, you will have to testify as to what occurred. Sometimes a case may be continued. You will be notified by mail as to a new appearance date.

6. Why are cases continued?

Cases may be continued for a variety of reasons. Sometimes an attorney involved in the matter has to try a case in another courtroom. A case may also be continued if one of the participants or witnesses for either side is ill or out of town. The defendant can ask for a continuance in order to get more time to find an attorney. If the defendant does not appear and fails to inform the court as to his reason, a warrant will usually be issued for his arrest and the case continued until he is arrested and brought before the court for a new trial.

7. What happens if I change my mind and don't want to prosecute?

A criminal charge should never be signed with the intent to ask the State's Attorneys Office to dismiss it later. If you did not tell the police officer the truth initially in your report to him you could be prosecuted for filing a false report to a police officer. The whole community has a stake in prosecuting offenders. Once the charge is filed, the State's Attorneys Office has the ultimate discretion in whether to prosecute a case. Much costly work will go to waste if you are not cooperative. Before you change your mind, please discuss your concerns with the staff of Witness Information Service (672-6094). They will try to help with problems, doubts or questions you may be having.

8. What if someone threatens me in order to get me to drop the charges?

Such a person may be obstructing justice or may be committing additional crimes. Report the incident to the police immediately and call Witness Information Service so that we can inform the Assistant State's Attorney handling the case.

9. What if the defense attorney contacts me about the case?

If the defense attorney contacts you to discuss the case, you should first realize that every attorney in any civil or criminal case has the right to interview **all** witnesses to an incident. The State's Attorneys Office suggests that you **not** refuse to discuss the incident. But, if you would feel more comfortable discussing the matter in the presence of an Assistant State's Attorney, you may call the Assistant handling the case and arrange with that person a time when the assistant can be with you **during** the interview. If you are uncertain as to who is handling the case contact Witness Information (672-6094).

The State's Attorneys Office strongly suggests that you **not** agree to give any written statements or tape recorded interviews without contacting the assistant handling the case first.

10. How can I be reimbursed for losses incurred as a result of this crime?

If convicted of a crime, a defendant may be ordered to pay restitution to the victim(s). Often, however, the court does not know the exact amount to assign. In order to assist the court in ordering restitution, please mail any receipts, estimates or bills of damages or personal injury to Witness Information Service as soon as possible after the charge is filed. Please include the name of the defendant, if known. Include your name, address, and phone number. We will see that this information is referred to the proper Assistant State's Attorney. With this information the court is better equipped to order restitution if the defendant is found guilty. You should realize that if the defendant is sentenced to jail as a disposition in the case, he often will not be able to pay restitution. Remember, even if the defendant is not convicted you generally still have a civil remedy. If losses are under \$1,000, you can take the case to Small Claims Court without an attorney.

IF YOU MOVE OR CHANGE YOUR PHONE NUMBER, PLEASE CONTACT WITNESS INFORMATION SERVICE (672-6094) AND INFORM US OF THIS CHANGE IMMEDIATELY. THE CASE MAY BE DISMISSED IF YOU CANNOT BE CONTACTED.

As the complaining witness you are vital to the prosecution of your case. We appreciate the time you've taken in filing your complaint and invite you to contact us if questions arise regarding the progress of your case.

CALL: 672-6094

Witness Information Service
Peoria County Courthouse
Peoria, IL 61602

Defendant: _____

Case No: _____

Please have this information available when calling concerning your case.

GLOSSARY

BAIL — An amount of money set by the court which allows the release from custody of a person charged with a criminal offense. The purpose of the bail is to insure the appearance in court of the accused.

CRIMINAL COMPLAINT — A written statement of the charge presented to the court which charges a defendant with an offense and is signed by a private person.

CONTINUANCE — Postponement of legal proceedings.

DEFENDANT — Person against whom a criminal charge is filed.

FELONY — A serious offense for which imprisonment for a year or more in the penitentiary is a possibility if the offender is convicted.

MISDEMEANOR — A lesser offense for which a maximum sentence of one year in jail or other institution besides a penitentiary can be imposed for the offender, if convicted.

NOTICE — Issued by the State's Attorney's Office calling a person to appear in court at a specific time.

PERJURY — Deliberate false testimony under oath.

SUBPOENA — Hand delivered written order calling for an individual to appear in court.



**WITNESS
INFORMATION
SERVICE**

672-6094

APPENDIX D
WIS BROCHURE FOR BATTERED WOMEN

Silvis Man Charged In Shooting Of Ex-Wife

CAMBRIDGE — A 51-year-old Silvis man was charged with three counts yesterday in Henry County Circuit Court after he allegedly shot his ex-wife Tuesday at her home northeast of Kewanee.

The gun was not on person at the time of shooting according to Her Sheriff Gilbert Car.

was in jail last night. cent of bail.

man, 30, sentenced for restraining ex-wife, children.

Man, 19, accused of hitting woman with table.

Man, 30, sentenced for restraining ex-wife, children.

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Man, 30, sentenced for restraining ex-wife, children.

at the bond hearing that the bullet passed through the fleshy part of her leg and lodged in the kitchen.

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Battery

Battery is classified by the Illinois State Statute as a misdemeanor. There are many facts about this crime of which you may be unaware. This brochure has been developed to aid you in finding the answers to these important questions.

1. What charges can be filed?

- According to the Illinois State Statute the crime of *battery* is committed if a person intentionally or knowingly without legal justification and by any means, causes bodily harm to an individual or makes physical contact of an insulting or provoking nature with an individual.
- A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits *aggravated battery*.
- A person commits an *assault* when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery.

2. When I request a charge be filed, do I have to call the police first?

- Yes, in order to request a criminal charge be filed with the State's Attorney's Office the police must submit an official report of the incident in question.

3. If I call the police will the suspect be arrested?

- An arrest will be made if the police officer in charge of the situation determines that the subject should be arrested, based on the nature and severity of the incident or the need to protect other persons. A notice to appear in court may be issued to the suspect if the officer determines that a crime has been committed but that the immediate arrest of the suspect is not necessary. If the suspect is arrested he will be given an opportunity to post bond, usually within 24 hours, in order to gain release. He cannot be held in jail indefinitely. If you are concerned about removing an abusive spouse from your home by court order you will need to consult a private attorney or Legal Aid.

8. What sentence will he receive from court?

- Of course every battery case is different, but due to its classification as an offense, the likely disposition of this type of case is up to \$100 fine plus the requirement of paying court costs. Some type of counseling may also be ordered by the courts as a condition of probation to individuals in need of this special type of service. A defendant may also be sentenced to jail, either as a condition of probation (up to 60 days usually) or as a separate sentence.

A defendant can be sentenced to a period of time under Court Supervision. If this time passes without further difficulties, the charge will be dismissed and the suspect will have no criminal record. This sentence generally applies if there is not a record of prior convictions.

The defendant can also receive probation with various conditions attached.

If threats were made, sometimes a peace bond is issued. The purpose of a peace bond is to attempt to keep the defendant away from you and prevent further incidents. Usually a peace bond is ordered to last for six months. If it is violated the defendant is brought back to court. You must make a report of the new incident to the police and State's Attorney's Office.

If you incurred medical expenses as a result of your injuries you may be able to obtain restitution for your bills if the suspect is convicted. Contact Witness Information Service to obtain a restitution form. If you would prefer to see the defendant receive a particular sentence please advise the Assistant State's Attorney of your opinion in this matter so that he can take it into consideration.

IF THERE ARE ANY FURTHER QUESTIONS PLEASE CALL:

Witness Information Service (309) 672-6094

WomenStrength (309) 674-4443

State's Attorney's Office (309) 672-6900

4. Where can I go if I leave home?

- WomenStrength, a local woman abuse shelter in the Peoria area, offers its services to women in this situation. A battered woman may live at this shelter up to three weeks. If complications occur this time may be negotiated. Children (including males up to age 14) are also welcome at the WomenStrength shelter during their mother's stay. Help offered at this period in time includes referrals for jobs and lawyers, peer and group counseling, and a trained advocate to accompany the woman through the law enforcement and social service system. It is important to know that any battered woman may receive the services available at WomenStrength even if she is not a resident of the shelter.

5. How do I safely get my things from our home?

- If safety is a problem, the police may be called for protection from the suspect when the woman attempts to secure articles belonging exclusively to her. The police cannot get involved in attempting to decide who owns certain articles.

6. I'm not sure if I should request a charge be filed or not; what should I do?

- If a woman is unsure of her feelings about requesting a charge against the suspect, she has the option to discuss the situation with a member of the State's Attorney's Office in charge of family intervention. This discussion will attempt to get both sides of the story, with an effort to correct the problem and divert the action of filing any charges if desirable.

7. What happens if the family intervention discussion doesn't work?

- If this process proves unproductive, charges may be filed against the suspect by the State's Attorney's Office. This office is not a means of teaching someone a lesson. Battery is considered a serious offense and will be treated in this manner. If charges are filed you must realize it is your responsibility to go to court and follow the case to its conclusion.

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