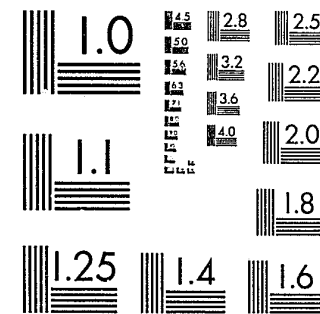


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United States Department of Justice
Washington, D. C. 20531

8/4/83

CR. Sent
6-9-83



MINIMUM SERVICES FOR VICTIMS AND WITNESSES OF CRIMES IN FLORIDA

88098

Division of Public Safety Planning and Assistance
Bureau of Criminal Justice Assistance
Department of Veteran and Community Affairs

**MINIMUM SERVICES FOR
VICTIMS and WITNESSES of CRIME
in FLORIDA**

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National Institute of Justice

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Division of Public Safety Planning and Assistance
Bureau of Criminal Justice Assistance
Department of Veteran and Community Affairs

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Acknowledgements:

Special thanks to the following staff of the Bureau of
Criminal Justice Assistance:

Jeannie C. Weisman, Associate Planner

Sherry Kennedy, Secretary

Arlene Buckland, Secretary

Shirley Hines, Word Processing Systems Operator

INTRODUCTION

For more than a decade, Florida has been among the states leading the nation in providing services to victims and witnesses of crime. Nevertheless, there remain many victims and witnesses who receive no specialized assistance. According to the Bureau of Criminal Justice Assistance (BCJA) report, "Victim/Witness Services in Florida and Projected Needs", there are still forty-one counties in the State that have no formalized services for victims and witnesses of crime.

To local communities, individuals, organizations and governments who want to help, determining which services are most essential is often the most difficult part of establishing an assistance program.¹ Therefore, the BCJA Victim/Witness Project has developed a list of the minimum services that should be offered to victims and witnesses of crime. The areas addressed include: Witness Management, Domestic Violence, Rape and Sexual Assault, Child Abuse and Child Sexual Abuse, and Victim Advocacy. Also included is a special category "Medical/Evidentiary Issues". The purpose of this category is to determine and set out which tests, examinations and services should be provided to the victim at no cost.

¹ PLEASE NOTE: In this text, whenever the word "program" is used, it does not necessarily refer to one agency. For example, when referring to a program for victims of rape and sexual assault, it will mean whatever agencies or organizations must be included to meet the basic needs of sexual assault and rape victims. That "program" could include the hospital emergency room, the police investigator, the court system and the rape counseling center.

The method chosen to determine the minimum services is the "Delphi Process". Basically, the Delphi Process is one which directs debate and gathers opinions through questionnaires to knowledgeable persons about a common topic. Independent and anonymous opinion is systematically solicited, collected, evaluated and fed back to those participating.

The first step in the Process was to define the problem: The problem is the lack of guidelines for developing programs to provide assistance for victims and witnesses of crime.

Through three rounds of questionnaires, the participants reached a consensus agreement on issues. (For more information on the participants, please refer to the last section of this document).

Throughout the rounds of questionnaires, the response rate of 100 participants never fell below 50% and, in the majority of areas, the response rate was consistently in the 65-69% range. Those who participated are to be highly commended for their interest, diligence and time so willingly devoted to the effort. The BCJA sincerely appreciates their support of such a critical issue as the needs of victims and witnesses of crime.

I. Minimum Services for Victims and Witnesses of Crime

Ideally, every service that was listed by the Delphi participants is important enough to be provided to the victim/witness of crime. However, when an individual, organization or community is beginning to develop their services, they need guidelines to assist them in the "Where do we begin?" phase of their efforts. It is with this need in mind and not with the pre-supposition that some services are far more important than others, that we have developed the lists of "most essential services". Round I asked participants to list what they considered to be the ten most essential services for victims and or witnesses in their particular category. (For example, "Please list what you consider to be the ten most essential services that should be provided to victims of domestic violence.") In the two subsequent rounds, participants were asked to rank the services listed in Round I in order of importance.

Those services that are included in each category were agreed upon as most essential by the participants in the following manner: A service was determined to be most essential if at least 50 percent of the respondents ranked the service in the top fifty percent of all the services listed. This procedure was also followed in both Round II and III. In most categories, Round II showed a natural break between these and other services.

The information gathered in this process is going to be extremely important to the development of new victim/witness assistance programs. The services are listed in order of highest ranking first, and explanations of the service are included only when necessary for clarification.

A. Minimum Services for Victims of Rape and Sexual Assault

- (1) Complete rape examination paid for by the State or appropriate law enforcement agency.
- (2) Compassionate, sensitive medical care at the time of the rape and for follow-up.
- (3) Sensitive and well-trained law enforcement officers and investigators who respond to rape cases (trained in knowing about the crime and its effect on the victim).
- (4) Coordination of all types of emergency services that might be required by the victim, i.e., medical services, home security, clothing, transportation, etc.
- (5) Follow-up by an advocate who can go through all phases of the legal process with the victim (including the investigation, court appearances, depositions, etc.).
- (6) Crisis intervention counseling (short-term) and services.

B. Minimum Services for Victims of Domestic Violence

- (1) Safe shelter for the domestic abuse victim and his/her children.
- (2) Protection by law enforcement for the victim from physical harm.
- (3) Cooperation and support from State Attorneys and judges who are sensitive to the issues.
- (4) Job placement assistance (usually meant in terms of those victims who are not returning to the abusive relationship and need assistance in assessing their job skills and finding employment to support themselves).
- (5) Emergency food.
- (6) Legal assistance; at no cost for those victims who are financially destitute.
- (7) Information and referral to other community resources.

C. Minimum Services by Witness Management Programs

- (1) Provide accurate and timely instructions about when the witness is to be available and where he/she is to be.
- (2) Provide advanced notification of continued, pled or dismissed cases to avoid unnecessary court appearances.
- (3) Notification of the status of the case as it reaches various stages, from its beginning to the final disposition.
- (4) Witness notification one day prior to court appearance and standby (telephone notification system).
- (5) Serve as an advocate working for the witness with the prosecutor and the court.

D. Minimum Services for Crime Victims Not Included in the Specialized Categories (generally, as provided by Victim Advocacy Programs)

- (1) Crisis intervention services performed by trained advocates, including crisis counseling.
- (2) Public education programs aimed at awareness and victimization prevention.
- (3) Information to the victim throughout the investigation of the crime, arrest, prosecution and court proceedings by law enforcement officials and the State Attorney's Office (including case disposition).
- (4) Well trained and sensitive law enforcement officers who deal with victims/witnesses.
- (5) Provision of emotional support for the victim throughout his/her involvement with the criminal justice system, from victimization through the trial proceedings.
- (6) General victim advocacy which includes effective witness management:
 - notification of court appearance
 - update of proceedings
 - separate witness waiting rooms
 - accompaniment to trial
 - preparation for court appearance
 - general courtroom advocacy
 - assistance in getting personal property promptly returned
 - reception center for witnesses to help avoid harassment and intimidation

E. Minimum Services for Victims of Child Abuse and Child Sexual Abuse

- (1) Immediate investigation by sensitive, well-trained officers.
- (2) Temporary, emergency safe shelter for the child when needed.
- (3) Prompt removal from the home of either the abused child or the abuser.
- (4) Immediate medical attention.
- (5) A unified interview schedule so that the child doesn't have to tell his/her story repeatedly (should include law enforcement, State Attorney's Office, Health and Rehabilitative Services, etc.).
- (6) Qualified guardian ad litem to speak for the child, see that his/her basic rights are protected, and that what is best for the child is acknowledged.

F. Medical/Evidentiary Issues: What Physical Examinations, Performed for the Purpose of Providing Evidence for the Criminal Justice Process, Should be Offered at No Cost to the Victim of Rape and Sexual Assault?

This section is somewhat different than the previous "Minimum Services" sections. Although we are talking minimum services to victims of rape and sexual assault, we are talking about very specific services provided to these victims. For years, the social service community and certainly victims themselves, have been outraged at the fact that they are the only victims of violent crime who must pay for the collection of evidence which will be used to substantiate their victimization and, hopefully, to prosecute the offender.

In Florida, "who pays" varies from city to city, from county to county. In many cases, the victim of rape and sexual assault still pays. In some cities and counties, sheriff and police departments, State Attorneys, hospitals, and other sources have assumed the costs. But, there is by no means a uniform approach to the problem. As a result of the widespread discrepancies, the question of what examinations should be paid for by other than the victim was included in this process.

The Delphi participants reached a very strong consensus on these issues, which resulted in the following list:

- (1) The victim of rape and sexual assault should be provided with the services of medical personnel -- nurses and doctors -- who are sensitive to the issue, and experienced in collecting evidence, as well as presenting it in court.
- (2) The following tests required for evidentiary purposes and/or to substantiate the offense, should be provided at no cost to the victim:
 - (a) Collection of vaginal, oral and rectal samples for acid phosphatase typing, and sperm examination as indicated by circumstances;
 - (b) Evaluations of all wounds as to etiology and degree of severity to repudiate or substantiate the history of the offense;
 - (c) Collection of hair samples from body areas for saliva and/or seminal fluid, (i.e., breast and neck);
 - (d) Collection of fingernail scrapings; and
 - (e) Collection of saliva samples.

II. The Impact of the Findings: What They Mean to Local Communities

This report is not meant to provide information on how to develop programs or assess a community's status in terms of victim/witness assistance. It identifies the most essential services for victims and witnesses for the communities at the "Where do we begin?" phase of establishing services and assessing needs.

The report is designed to be used in conjunction with the analysis of "Victim/Witness Services in Florida and Projected Needs". That document, published in April, 1982 by the Bureau of Criminal Justice Assistance Victim/Witness Project provides a county-by-county analysis of victim/witness services and service needs; provides information on a method of evaluating the status of services within local communities; makes recommendations and suggestions for providing services; and makes available the resources of the BCJA to communities wishing to develop or expand local assistance programs.

Every community differs in specific needs and methods of meeting those needs. But no matter how few criminal offenses occur, the community needs to provide assistance for the crime victim. The Bureau of Criminal Justice

Assistance will provide technical assistance tools for assessing the community's situation, determining methods of providing services, seeking funding sources, and implementing programs. The responsibility for seeking that assistance lies with the community.

III. The Participants and Response Rate

The Bureau of Criminal Justice Assistance selected 100 participants for the Delphi Process. With the exception of those who received questionnaires on rape and sexual assault services and medical/evidentiary issues, participants were involved in only their area of expertise. The breakdown in each area was as follows:

Witness Management	-- 11 participants
Domestic Violence	-- 23 participants
Rape and Sexual Assault	-- 25 participants
Child Abuse and Child Sexual Abuse	-- 20 Participants

In an effort to get a broad range of opinions representative of all those who might have occasion to work with victims and witnesses, the participants included individuals from a wide variety of victim/witness related professions. The following is a breakdown of what services were represented in each area:

Victim Advocacy

City/county victim advocacy programs
Justice for Surviving Victims
Sheriff/police department victim advocacy programs
Religious affiliated programs
State law enforcement agencies
State Attorneys' offices
County probation office
Sheriff/police department crime prevention programs

Rape and Sexual Assault and Medical/Evidentiary:

Public and private rape counseling programs
Community mental health programs
Governor's Commission on the Status of Women

Domestic violence programs (with rape counseling components)
 Police/sheriff departments
 Attorney General's office
 Judicial system
 State Attorneys' offices
 Medical examiner's office
 Florida Network of Victim/Witness Services board member
 County Prosecuting Attorney
 Public/private hospitals

Child Abuse:

Health and Rehabilitative Services
 Victim advocacy programs with child abuse components
 Private child abuse programs
 Florida A & M University, Psychology Department
 State Attorney's Office
 Youth homes
 Police/sheriff departments
 Community mental health centers
 University of Miami
 Guardian Ad Litem program

Domestic Violence:

Domestic abuse shelters, public and private (includes YMCA)
 Community mental health centers
 Police/sheriff departments
 Refuge Information Network
 Spouse abuse counseling programs
 Governor's Commission on the Status of Women

Witness Management:

Clerk of Court office
 State Attorney's office
 Police/sheriff departments
 North Florida Legal Services
 County Operated Programs

The "acceptable" response rate for most processes of this kind hovers around fifty percent. As stated in the introduction to this report, the response rate for every round has been at least 50% in every category for every round. A complete list for each category follows:

<u>Category</u>	<u>Response Rate</u>		
	<u>Round I</u>	<u>Round II</u>	<u>Round III</u>
Child Abuse	50%	55%	55%
Witness Management	73%	55%	64%
Victim Advocacy	81%	75%	72%
Rape and Sexual Assault (and medical/evidentiary)	55%	73%	57%
Domestic Violence	61%	65%	65%

END