



THE NATIONAL SHERIFFS' ASSOCIATION
VICTIM ASSISTANCE PROGRAM

NEIGHBORHOOD WATCH VICTIM ASSISTANCE
TRAINING PROGRAM

PARTICIPANT HANDBOOK

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JANUARY, 1987

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**THE NATIONAL SHERIFFS' ASSOCIATION
VICTIM ASSISTANCE PROGRAM
AND
THE OFFICE OF THE ATTORNEY GENERAL
HELP STOP CRIME! PROGRAM
STATE OF FLORIDA**

**NEIGHBORHOOD WATCH VICTIM ASSISTANCE
TRAINING PROGRAM**

PARTICIPANT'S HANDBOOK

NCJRS

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ACQUISITIONS

**THE NATIONAL SHERIFFS' ASSOCIATION
1450 Duke Street
Alexandria, Virginia 22314
January, 1987**

This Handbook was prepared as part of the NSA Victim Assistance Program with support from the Office of Justice Programs whose Director is the Honorable Richard J. Abell, Acting Assistant Attorney General, U.S. Department of Justice, Washington, DC

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U.S. Department of Justice
National Institute of Justice

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PREFACE

This **Handbook** was prepared by the National Sheriffs' Association Victim Assistance Program (NSAVAP) at the request of the Office of the Attorney General, State of Florida and their state crime prevention program **HELP STOP CRIME!**. The **Handbook** is to be used as part of a series of state wide workshops to be conducted between January and April, 1987 in various areas of Florida on the topic "**NEIGHBORHOOD WATCH VICTIM ASSISTANCE: A NEW DIMENSION IN CRIME PREVENTION**".

The design and delivery of this training program and the publication of this **Handbook** is the result of several months of research, study and testing of the workshop topic by the NSAVAP. Mr. James Murdaugh, Director, **HELP STOP CRIME!** participated in a round-table discussion of the idea of meshing the resources and assets of neighborhood watch crime prevention programs--with their emphasis on citizen involvement--to the current doctrine and practice of assistance to crime victims. It was at that meeting that NSAVAP announced the preliminary results of its studies and efforts. Mr. Murdaugh requested NSAVAP to conduct a series of local workshops on this new topic for crime prevention practitioners and law enforcement officials in Florida.

More than 10 million volunteer citizens serve in over 25,000 organized Neighborhood Watch/Crime Prevention groups throughout the United States. Many of these citizens, their families and friends, have experienced the impact and consequences of being a crime victim or being touched by the effects of a crime. Having volunteered to serve in a local program they have also acquired a deeper understanding about their role as advocates for the prevention of crime and as lay instructors and guides for others about how to report crime and how to collaborate with the justice system in order to control the incidence of crime. These volunteers have had a significant impact in their communities and have greatly aided our nation's efforts to reduce crime. For example, in 1973, when the very concept of Neighborhood Watch was first developed by the National Sheriffs' Association, the number of crime victims who reported the offense to law enforcement was less than 25% nationally. Twelve years later, in 1985, this percentage had increased to 36% or a net increase of almost one-third. Many commentators and practitioners attribute this increase to the organized citizen based work of volunteers in neighborhood and community crime prevention groups.

The purpose of this training and the objective of this **Handbook** is to use the assets and resources of local crime prevention groups--volunteer citizens--to assist and support their neighbors who are victims of crime.

The workshop seeks to act as a guide to law enforcement officials and citizen leaders of Neighborhood Watch/Crime Prevention groups so that they and others can learn how to respond in an organized manner to the needs and rights of crime victims. This is a relatively new and challenging task--one which we have termed a new dimension in service.

It is only recently that the justice system has begun to recognize that there are great gaps between victims' needs and rights and the manner in which justice system officials currently respond to such needs and rights.

NSAVAP believes that these gaps can be bridged by neighbors helping neighbors who are crime victims. But to do so, such neighbors need to be guided and instructed about such topics as the definition and meaning of crime victimization, data about victimizations, patterns of reporting of crime, the nature of the physical, financial and emotional needs of victims, the emergence of statutory rights granted to crime victims, the roles that victims exercise in the processing of their case, and, above all, the assistance that informed neighbors can provide through care, information, advice and support to their neighbors who are victims of crime.

This workshop is organized so that these topics can be clarified and then used as part of a series of local training sessions for crime prevention volunteers, leaders and officials. Participants of this workshop should be able to return to their localities and expand their programs so that an additional mission is given to crime prevention: to enable neighbors and volunteers to acquire sufficient knowledge, skill and confidence to assist, inform, and support their neighbors who are victims of crime. Such an objective fits well within the original themes of crime prevention; such an objective will also have the beneficial effect of encouraging millions of citizens to be more aware of and more responsive to the serious human toll that crime has on victims and families.

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January 1, 1987

SESSION 1

INTRODUCTION AND ORIENTATION

WORKSHOP SCHEDULE

8:30 am	Session 1:	Introduction to the Workshop
8:50	Session 2:	Description of the Problem: Victims and the Justice System
10:00	Session 3:	Analysis of the Problem: The Needs of Victims of Crime
11:00	Session 4:	Legal Response to the Problem: Victims Rights Legislation and Court Decisions
12:00	Luncheon	
1:00	Session 5:	Victimization and Crime Prevention: A Videotape
1:45	Session 6:	Victim Response Units
2:30	Session 7:	Neighborhood Watch Victim Assistance
3:15	Session 8:	Designing a Neighborhood Watch Victim Assistance Program
4:00	Session 9:	A Training Guide for Neighborhood Watch Victim Assistance
4:45	Conclusion	

**THE NATIONAL SHERIFFS' ASSOCIATION
VICTIM ASSISTANCE PROGRAM**

PURPOSE

The National Sheriffs' Association Victim Assistance Program (NSAVAP) works in partnership with the U. S. Department of Justice and State Sheriffs' Associations. NSAVAP takes the results of research and current practice and uses them in an organized manner to train and assist sheriffs and other officials of the criminal justice system. The goal of the program is to enable sheriffs and other officials to implement actions at the state and local level of government so that the needs and rights of victims are responded to in a fair and compassionate manner.

ACTIVITIES: 1984-1986

- Organized and established over 43 State Task Forces on Victims of Crime, comprised of over 500 sheriffs and other officials;
- Trained these Task Force members to be active state and local leaders in the establishment of programs to assist victims and coordinate services in the states and several thousand localities;
- Trained an additional 5,000 persons at 23 national and international conferences and workshops;
- Assisted and trained an additional 4,000 sheriffs, deputy sheriffs and other officials at 40 state conferences and workshops;
- Published over 16 separate manuals, handbooks, Newsletters and other materials in support of these training and assistance conferences;
- Presented testimony and reports to the U. S. Senate and House of Representatives and state legislatures; and
- Provided on-going assistance in responding to individual requests from sheriffs, government officials and citizens.

CONTACT INFORMATION

Information about the NSAVAP, State Task Force programs, and the future work of the NSA can be obtained by writing or calling, toll-free:

**THE NATIONAL SHERIFFS' ASSOCIATION
VICTIM ASSISTANCE PROGRAM
1450 DUKE STREET
ALEXANDRIA, VIRGINIA 22314
1-800-424-7827**

Program Activities
1986 - 1988

Introduction:

The National Sheriffs' Association Victim Assistance Program (NSAVAP) conducts three major activities in support of its goal to enable sheriffs, law enforcement executives, criminal justice officials and others to implement actions so that the needs and rights of victims of crime are responded to in a fair and effective manner. These activities include: (1) national training events; (2) state and local technical assistance conferences; and (3) various publications including a Newsletter, Training Assistance Handbooks, Manuals, and Briefing Papers.

TRAINING ACTIVITIES

National training events are several day workshops conducted for sheriffs, members of the State Sheriffs Association Task Forces on Victims of Crime, and others from multiple states and localities. These events are: the NSA Eastern Victim Assistance Conference scheduled for Alexandria, Virginia in February, 1987 and 1988; the NSA 47th Annual Conference scheduled for Grand Rapids, Michigan, in June, 1987; the NSA Western Victim Assistance Conference scheduled for the west coast in September, 1987; and the Urban County Sheriffs' Group Conference on Victims' Rights to be held in October, 1987. Other national events scheduled include, by invitation only, training at the National Sheriffs' Institute which is held quarterly at the FBI National Academy in Quantico, Virginia.

STATE TECHNICAL ASSISTANCE ACTIVITIES

The NSAVAP also designs and delivers customized multi-day workshops in collaboration with the members of each State Sheriffs' Association Task Force on Victims of Crime. Participants include sheriffs, deputies, law enforcement executives, criminal justice officials, and representatives from community-based groups. The NSAVAP has developed, and will deliver, at least three different types of multi-day state or local county-wide assistance conferences.

• Establishing a Law Enforcement Victim Response Unit

Participants from law enforcement and other criminal justice agencies will acquire sufficient skill and knowledge in order to implement local agency plans to establish or expand organized Victim Response Units or other activities that serve victims' needs and rights.

• Law Enforcement Response to Spousal Assault

Participants from law enforcement, prosecution, the judiciary, and local community-based organizations and support groups will acquire sufficient knowledge and skill in order to implement actions that improve the response of law enforcement and the criminal and civil justice system to the needs and rights of spousal assault victims.

• Neighborhood Watch Victim Assistance

Participants from law enforcement and community-based crime prevention groups will acquire sufficient knowledge and skill in order to implement a Neighborhood Watch Victim Assistance Program in localities using organized and trained cadres of volunteers and professional staff.

Approximately twenty-five state technical assistance conferences have been scheduled for 1986 - 1988. For further information about these state or local conferences contact the NSAVAP.

PUBLICATIONS ACTIVITIES

A Publications List and order form is available free of charge from the NSAVAP.

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SESSION 2

DESCRIPTION OF THE PROBLEM:
VICTIMS AND THE JUSTICE SYSTEM

DEFINITION

A Victim is an individual who suffers physical, financial, or emotional harm as the result of the commission of a crime. This definition includes the families of children who are victims or the survivors of a homicide victim.

This definition is part of the federal law...

"The Victim and Witness Protection Act of 1982" (PL 97-291)
...and the definition has been incorporated into most state laws that provide financial compensation or services for crime victims and their families.

**NATIONAL DATA ABOUT CRIME VICTIMIZATION:
SERIOUS CRIMES ONLY***

<u>NATIONAL CRIME SURVEY (NCS)</u> <u>INCIDENTS OCURRED</u>	<u>YEARS</u>	<u>UNIFORM CRIME REPORTS (UCR)</u> <u>INCIDENTS REPORTED</u>	<u>PERCENTAGE</u> <u>DIFFERENCE</u> <u>(UCR/NCS</u> <u>INCIDENTS)</u>
35,661,000	1973	8,718,100	24.4%
41,454,000	1981	13,424,000	32.3%
39,756,000	1982	12,974,400	32.6%
37,001,000	1983	12,108,600	32.7%
35,476,000	1984	11,881,800	33.4%
34,489,500**	1985**	12,357,000**	35.8%**

* Serious Crimes: Rape, Robbery, Simple and Aggravated Assault, Personal and Household Larceny, Burglary, Motor Vehicle Theft.

** Preliminary estimates for 1985

Sources: National Crime Survey: Bureau of Justice Statistics, Department of Justice: Criminal Victimization, 1984
Uniform Crime Report: Federal Bureau of Investigation, Department of Justice: Crime in the United States, 1984

REPORTING CRIMES TO THE POLICE: Summary Tables from Special Report, Bureau of Justice Statistics, December, 1985,
633 Indiana Avenue, Washington, DC 20531, Special Report #NCJ-99432

[Of the 37,115,000 crimes that took place in 1983, as estimated from the National Crime Survey, 35% or 12,880,000 were reported to police. Other specific findings are reprinted in this NSAVAP Summary. These findings are based on interviews conducted twice a year with approximately 128,000 persons ages twelve and older in 60,000 households, conducted as part of the ongoing National Crime Survey (NCS). The tables reprinted here identify whether crime was reported in 1983 by type of crime and percent of victimization and the percent of crimes reported by selected victim characteristics.]

PERCENT OF CRIME REPORTED TO POLICE, 1983

Type of crime	Total number of victimizations	Percent of victimizations			Total
		Reported to police	Not reported to police	Don't know/not ascertained	
All crimes	37,115,000	35%	64%	1%	100%
Crimes of violence	6,015,000	48%	51%	1%	100%
Rape	154,000	47	52	---	100
Robbery	1,133,000	52	47	1	100
Aggravated assault	1,588,000	58	40	2	100
Simple assault	3,141,000	41	58	1	100
Crimes of theft	14,657,000	26%	72%	2%	100%
Purse Snatching	177,000	51	48	---	100
Pocket Picking	386,000	29	70	---	100
Larceny without contact	14,095,000	26	72	2	100
Household crimes	16,442,000	37%	62%	1%	100%
Burglary	6,065,000	49	50	1	100
Household larceny	9,114,000	25	74	1	100
Motor vehicle theft	1,264,000	69	31	---	100

Note: Crime categories include attempted crimes.
Figures may not add to total because of rounding.

--Too few cases to obtain statistically reliable data.

PERCENT OF CRIME REPORTED TO POLICE BY VICTIM CHARACTERISTICS, 1983

Victim characteristics ^a	Percent reported to police									
	All crimes	Crimes of violence					Crimes of theft	Household crimes		
		Total ^b	Robbery	Aggravated assault	Simple assault	Total		Burglary	Household larceny	Motor vehicle theft
Sex										
Male	35%	45%	45%	55%	38%	26%	38%	49%	27%	69%
Female	34	53	65	66	45	27	37	49	23	67
Race										
White	34	47	50	57	41	27	37	48	26	68
Black	37	54	58	63	41	26	39	52	22	70
Age										
12-19	22	38	41	48	32	13	26	33	18	40
20-39	36	51	54	60	44	29	36	48	23	68
40-64	40	57	58	73	50	33	41	51	29	72
65 and above	38	49	73	--	--	36	37	48	25	65
Family income										
Less than \$10,000	33	48	50	60	41	26	32	41	20	62
\$10,000-\$19,999	35	48	48	59	41	26	37	49	25	67
\$20,000-\$29,999	36	50	53	65	41	25	41	54	29	77
\$30,000 and above	35	45	56	49	40	27	42	57	29	68
Level of education										
Elementary	26	36	40	51	28	14	35	45	24	68
Some high school	31	47	54	56	38	19	34	45	22	69
High school graduate	37	51	56	59	46	29	38	48	26	71
Some college	37	53	56	67	46	30	37	49	25	66
College graduate	38	46	51	53	41	34	41	54	28	67

--Too few cases to obtain statistically reliable data.

^a Characteristics are those of respondent for crimes of violence and crimes of theft and of head of household for household crimes. Income is that of the family for all types of crime. Education is years completed for crimes of violence and crimes of theft and years attended for household crimes. ^b Includes rape, which is not displayed as a separate entry because of the small number in the sample.

Table 13. Most important reason for not reporting to police, 1983

Most important reason	All crimes	Crimes of violence				Crimes of theft			Household crimes					
		Total	Robbery	Aggravated assault	Simple assault	Total	Completed	Attempted	Total	Completed	Attempted	Burglary	Household larceny	Motor vehicle theft
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Not serious														
Object recovered or offender unsuccessful	5	5	14	4	3	4	2	33	5	2	21	8	3	22
Did not think it important enough	30	22	15	20	26	30	30	24	32	34	22	21	38	13
Nothing could be done														
Didn't realize crime happened until later	7	1	—	—	—	7	7	5	8	9	8	11	7	9
Property hard to recover due to lack of identification number	4	—	—	—	—	5	5	—	5	6	—	3	7	—
Lack of proof, no way to find/identify offender	16	8	16	9	5	17	17	14	16	16	16	17	16	18
Police wouldn't do anything														
Police wouldn't think it was important enough—wouldn't want to be bothered	7	5	5	4	5	6	6	5	8	8	7	7	8	8
Police would be inefficient, insensitive	4	5	9	5	3	2	2	3	5	5	5	6	4	8
Reported to someone else	11	11	8	9	13	18	19	6	4	3	6	7	2	—
Private/personal matter or took care of it myself	9	28	13	33	30	4	4	3	8	8	4	8	7	10
Did not want to take time, too inconvenient	2	2	—	3	1	2	2	—	2	2	2	2	2	—
Afraid of reprisal by offender or his family or friends	1	4	5	4	4	0	0	—	1	1	—	1	0	—
Other	7	11	11	9	10	6	7	5	7	7	7	9	6	6

Note: Figures may not add to total because of rounding.
 —Too few cases to obtain statistically reliable data.

Table 14. Most important reason for reporting to police, 1983

Most important reason	All crimes	Crimes of violence				Crimes of theft			Household crimes					
		Total	Robbery	Aggravated assault	Simple assault	Total	Completed	Attempted	Total	Completed	Attempted	Burglary	Household larceny	Motor vehicle theft
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Economic														
In order to collect insurance	8	—	—	—	—	12	12	—	7	8	4	6	9	9
Desire to recover property	32	6	21	—	—	43	44	—	35	40	—	26	37	63
Obligation														
Because it was a crime	8	7	9	4	7	8	8	—	9	8	12	12	7	6
Because you felt it was your duty	7	8	7	11	8	7	6	23	7	6	7	7	7	4
To keep it from happening again	20	31	22	33	35	14	14	24	19	17	32	23	19	7
To stop or prevent this incident from happening	9	18	15	17	19	4	4	—	9	7	24	12	8	4
To punish offender	7	14	11	16	12	4	4	—	7	6	9	8	6	5
There was evidence or proof	1	—	—	—	—	1	—	—	1	1	—	—	1	—
Need for help after incident due to injury	1	3	—	—	—	—	—	—	—	—	—	—	—	—
Other	8	14	10	11	18	8	7	—	6	6	10	7	7	—

Note: Figures may not add to total because of rounding.
 —Too few cases to obtain statistically reliable data.

Source: Special Report: Bureau of Justice Statistics, Department of Justice: "Reporting Crimes to the Police", December, 1985

TABLE 1

**FACTORS RELATED TO VICTIMS' SATISFACTION
WITH LAW ENFORCEMENT SERVICES**

(RANK ORDER: HIGHEST TO LOWEST RANK)

TREATMENT BY OFFICERS	1	.48
VERDICT	2	.12
INFORMATION ON CASE	3	.09
FREQUENT CONTACTS BY OFFICERS	4	.09
SUSPECT ARREST	5	NA
VICTIM'S PRIOR POSITIVE ATTITUDE TO LAW ENFORCEMENT	6	.04
VICTIM'S PERCEIVED INFLUENCE	7	.04

SOURCE: "DELIVERING LEGAL SERVICES TO VICTIMS: AN
EVALUATION AND PRESCRIPTION", DEBORAH P. KELLY,
THE JUSTICE SYSTEM JOURNAL, Vol 9/1, Spring, 1984:
pages 62-86.

TABLE 2

**FACTORS RELATED TO VICTIMS' SATISFACTION
WITH PROSECUTORS' SERVICES**

(RANK ORDER: HIGHEST OT LOWEST RANK)

TREATMENT BY PROSECUTOR	1	.80
REPRESENTATION	2	.69
INFORMATION ON CASE DEVELOPMENTS	3	.43
VICTIMS' PERCEIVED INFLUENCE	4	.39
VERDICT	5	.29

TABLE 3

FACTORS RELATED TO VICTIMS' IDENTIFICATION
OF COURT RELATED PROBLEMS

(RANK ORDER: HIGHEST TO LOWEST RANK)

LOSS OF TIME	1	.76
GETTING PROPERTY RETURNED	2	.71
WAITING	3	.34
THREATENING PERSONS	4	.28
FINANCIAL LOSS	5	.25
PROPERTY DAMAGE	6	.21
SECURING TRANSPORTATION TO COURT	7	.08
PARKING AT COURT	8	.06
FINDING COURTROOM	9	.05
HIRING BABYSITTER	10	.05

TABLE 4

VICTIMS' SUGGESTIONS FOR CRIMINAL JUSTICE REFORMS

(RANK ORDER: HIGHEST PERCENTAGES TO LOWEST)

1. LAW ENFORCEMENT SHOULD PROVIDE MORE INFORMATION
2. PROSECUTORS SHOULD PAY MORE ATTENTION TO THE VICTIM'S OPINION
3. TREAT VICTIMS AS PEOPLE AND NOT AS EVIDENCE: INCLUDE THEM IN DELIBERATIONS
4. GIVE VICTIMS MORE INFORMATION ON DEVELOPMENTS IN THE CASE
5. BETTER SCHEDULING
6. EDUCATE LAW ENFORCEMENT TO VICTIMS' EMOTIONAL REACTIONS
7. LAW ENFORCEMENT SHOULD PURSUE THE CASE MORE
8. PROSECUTORS SHOULD REPRESENT AND DEFEND VICTIMS
9. PROSECUTORS SHOULD PREPARE CASES BETTER
10. PROSECUTORS SHOULD PROVIDE VICTIMS WITH MORE INFORMATION
11. ALL SHOULD PROVIDE INFORMATION ON VICTIM SERVICES
12. MAKE COURT STOP REVOLVING DOOR JUSTICE
13. LAW ENFORCEMENT SHOULD NOT "DUMP" THE VICTIM: KEEP IN CONTACT UNTIL FINAL DISPOSITION AND CLOSURE
14. IMPROVE JURIES
15. TAKE THE VICTIM AND THE CRIME SERIOUSLY
16. ALLOW VICTIMS TO HAVE PRIVATE COUNSEL OR PRIVATE CO-COUNSEL IN CRIMINAL PROCEEDINGS

CRITICISMS OF THE MANNER IN
WHICH THE JUSTICE SYSTEM TREATS VICTIMS

- "Hardships suffered by victims may affect in some cases the victim's whole attitude toward the administration of public justice."

--1931: Wickersham Commission

- "Justice, though due to the accused, is due the accuser [victim] also. The concept of fairness must not be strained till it is a filament. We are to keep the balance true."

--1934: Justice Benjamin Cardozo
Snyder v. Mass, 291 US 97, 122

- "The inept handling which victims often receive...is at the root of much of the reluctance of parents to file complaints...the experience at this stage can be worse than the experience of the crime itself..."

--1951: Michigan Governor's Study Commission

- "At the present time the victim is the subject of fewer rights and fewer programs of service than any other group coming in contact with the criminal justice system."

--1975: Philadelphia Bar Association

- "Victims who do survive their attack, and are brave enough to come forward, turn to their government expecting it to do what a good government should--protect the innocent. The American criminal justice system is absolutely dependent on these victims to cooperate. Without (their) cooperation...it is impossible in a free society to hold criminals accountable. When victims do come forward to perform this vital service, however, they find little protection. They discover instead that they will be treated as appendages of a system appallingly out of balance. They learn that somewhere along the way the system has lost track of the simple truth that it is supposed to be fair and to protect those who obey the law while punishing those who break it. Somewhere along the way, the system began to serve lawyers and judges and defendants, treating the victim with institutionalized disinterest."

--1982: President's Task Force on Victims
of Crime

- "Officials and police officers are under an affirmative duty to preserve law and order and to protect the personal safety of persons in the community. Failure to perform this duty would constitute a denial of equal protection of the laws."

--1984: USDC Conn, Civil No. H-84-120
Thurman v. City of Torrington

Some Facts and a Conclusion

FACT: Data on victimization indicates that about 65 percent of victims of serious crime do not report these crimes to officials. As much as 50 percent of serious violent crimes are not reported to officials.

FACT: Of the total number of serious crimes reported in 1984, only 21 percent of the Crime Index offenses were cleared by law enforcement. The overall violent crime (murder, rape, robbery and aggravated assault) clearance rate was 47 percent. Of all property crimes (burglary, larceny-theft, and motor vehicle theft) the clearance rate was 18 percent.

CONCLUSION: Law enforcement agencies have more contacts with victims and families who report crime than any other agency of the community or the local justice system. It is estimated that prosecutor's offices will process less than ten percent of reported serious crimes and judges will be involved at trial with about two percent of reported serious crimes.

Law enforcement agencies are the singular agency of the local justice system that must provide support, assistance, and services to victims and witnesses. Without the continued collaboration and cooperation of victims and witnesses with law enforcement, there will be a further erosion of the confidence in the administration of criminal justice. The victim is the principle client of the law enforcement agency and the criminal justice system.

SESSION 3

ANALYSIS OF THE PROBLEM:
THE NEEDS OF VICTIMS OF CRIME

CRIME AS A PERSONAL AND FAMILIAL CRISIS

In psychological terms, a crisis is a threatening or traumatic event that is normally outside the range of an individual's normal life experience prior to the event itself. The key element in this definition is that the event is an unanticipated threat. A crisis, therefore, is not considered a part of the individual's normal experience and, as such, this person or family may not have been able to prepare for its impact or effects. Examples of such events are natural disasters like earthquakes and floods, a large scale accident such as an airlines crash, or the announcement of the sudden accidental death of a loved one.

The effects of such events on individuals and families act as stressors that may directly and adversely affect the ability of the individual or family to function in a meaningful manner. The stress associated with the event is manifested in a variety of ways: anxiety, recurrent nightmares and flashbacks, eating or sleep disturbances, temporary inability to think clearly or to concentrate, and inability to work or to carry out normal tasks. In a very real sense, a threatening event can seriously affect the ability of the individual to function as the type of whole person they may have been before the event took place.

In the past decade, many studies have begun to recognize that a crime can produce the symptoms associated with these types of stress. For many victims, crime is an event that they did not anticipate; it may be a random violent act done to them or their loved ones. The event -- whether burglary, robbery, assault, rape or murder -- may produce such a sense of threat and violation to the self that the characteristic symptoms associated with a crisis may be triggered. Indeed, any crime has clear elements of threat and terror. To gain some insight into the impact of crime-as-a-crisis, Dr. Mortimer Bard, a police psychologist and an expert in crime victimization developed a model which attempts to describe the severity of a crime on the person or the self. This model is described in Figure 1 on the next page.

CRIME-AS-CRISIS MODEL

In this model, the self -- or the person -- is seen as possessing very basic and fundamental characteristics such as freedom, personal control, independence and the ability to function in life as a responsible and reasoning individual. The model assumes that these characteristics are found in the very definition of being a human person. In short, these characteristics are to be found in each of us. In the model, crimes against a person show increasingly complex elements that impact the person's very sense of self. Increasing levels of stress can be induced in the person as a result of different types of crime. Different stages of reactions by the person to the crime are also experienced.

FIGURE 1

VIOLATION OF SELF IN PERSONAL CRISIS

<u>BURGLARY</u>	<u>ROBBERY</u>	<u>ROBBERY WITH PHYSICAL ASSAULT</u>	<u>RAPE</u>	<u>HOMICIDE</u>
(1) VIOLATES EXTENSION OF SELF	(1) VIOLATES EXTENSION OF SELF	(1) VIOLATES EXTENSION OF SELF	(1) VIOLATES EXTENSION OF SELF	(1) ULTIMATE VIOLATION: DESTRUCTION OF SELF
	(2) LOSS AUTONOMY	(2) LOSS OF AUTONOMY	(2) LOSS OF AUTONOMY	
		(3) INJURY TO EXTERNAL SELF	(3) INJURY TO EXTERNAL SELF	
			(4) VIOLATES PERSONAL IDENTITY	

-----INCREASING PSYCHOLOGICAL COMPLEXITY/SEVERITY OF STRESS-----

SOURCE: "The Psychological Impact of Personal Crime" Morton Bard Ph.D., In Victim Witness Programs:
Human Services of the 80's, Emilio C. Viano, Editor (1981)

BURGLARY

A burglary is an example of a crisis-inducing violation of the self. People usually regard their homes or apartments as representatives of themselves. In an important symbolic sense, their homes or apartments are representatives of themselves. Home is, in the most primitive sense, both nest and castle. Particularly in a densely populated, highly complex environment, it is the place that offers security. When that nest is befouled by a burglary, often it is not so much the fact that money or possessions have been taken that causes the distress. It is more that a part of the self has been intruded upon or violated.

ROBBERY

In robbery, a more complex violation of self takes place. While in burglary the victim is not directly involved, in robbery the violation of self occurs in a more intimate encounter between the victim and the criminal. In this crime, not only is an extension of the self taken from the victim (property, money, etc.) but he or she is also coercively deprived of independence and autonomy and the ability to determine one's own fate. Under threat of violence, the victim surrenders autonomy and control, and his or her fate rests unpredictably in the hands of a threatening other. This situation must have a profound ego impact. It, like other crimes, is a terror-inducing event.

ROBBERY WITH PHYSICAL ASSAULT

Now let us go a step further on the scale of violation of self to assault and robbery. Here there is a double threat: the loss of control, the loss of independence, the removal of something one sees symbolically as part of the self — but now with a new ingredient. An injury is inflicted on the body, the envelop of the self. The external part of the self is injured. It is painful not only physically; the inner being is injured as well. This physical evidence reminds victims that they are forced to surrender their autonomy and also that they have been made to feel less than adequate. The physical injury is the visible reminder of their helplessness to protect or defend themselves.

RAPE AND SEXUAL ASSAULT

In the crime of rape, the victim is not only deprived of autonomy and control and experiences manipulation and often injury to the envelop of the self, but also suffers intrusion upon that deepest part of the self that defines the self by gender and by sexuality. This is a most sacred and private repository of the self. It does not matter which body orifice is breached; symbolically, they are much the same. Victims of sexual assault experience the assault as asexual. The threat to self is so direct and so extreme that survival alone is uppermost.

HOMICIDE

This crime is unquestionably the ultimate violation of self. The self is destroyed and ceases to exist. For the survivors of the homicide victim, the victim's death is extremely stressful. Research indicates that the death of a

family member or of a close friend is a stress of the greatest magnitude. The sudden and unpredictable loss of an important person through homicide or manslaughter often has profound effects on surviving family members, relatives, and friends.

STAGES OF CRISIS REACTIONS

Crisis reactions may vary with the person and the circumstances of the crime-as-a-crisis event. There are generally three stages of reaction: initial disorganization, a period of struggle to achieve balance, and finally, stability. The three stages are not discrete; there are periods of overlap; there is often movement back and forth for short periods of time. Some psychologists have described these stages as initial impact, recoil and reorganization stages.

Stage One: Initial Impact

A relatively short period which may last from a matter of hours to days, characterized by shock and feelings of being fragmented, numb, disoriented, feelings of helplessness and disbelief. These are a natural reaction and not abnormal. This impact is experienced, to some degree, by all victims of crime.

Stage Two: Recoil

The beginning of the process of repair and healing which never proceeds smoothly; victims may experience feelings of being discouraged and that life may

not return to pre-crime levels of functioning; the beginning of being able to put the event into some form of perspective; the victim begins to cope with the meaning of vulnerability, reality and loss resulting from the crime event. This waxing and waning between emotions is a normal part of the healing process.

Stage Three: Reorganization

The victim begins to achieve a state of balance both internally and in relation to the environment; fear and anger diminish; emotional energy is now invested in constructive pursuits. The more serious the violation, the longer it takes the victim to achieve this type of stability.

RESPONSE BY OTHERS TO CRISIS REACTION STAGES

Responses to crisis reactions--crisis intervention by others--are best done by the supportative and positive behavior of others: on-scene officers, victim assistance personnel, friends, family, neighbors, and even strangers.

The crisis has been produced by the intentional threatening behavior of another person. The best antidote to the intentional hurtful act by another is the intentionally compassionate and helpful act by another.

But, those who would be helpful must be alert to the burdens imposed by their helping role--good intentions alone are insufficient. Supportive and positive behavior is manifested by carefully chosen words, actions, and guidance.

SOME HELPING BEHAVIOR: WORDS AND ACTIONS

LISTENING/VENTILATION

It is extremely important to allow victims to discharge their feelings. The helper should not stifle the victims impulse to speak of the crime, even if it seems repetitive at first. Listening with acceptance and without passing judgement is the single most supportive act that the helper can perform.

DIRECTION

Victims feel helpless and disordered immediately after the crime. It is difficult for them to deal with abstractions. Normally self-reliant people may need to be told what to do. The helper should avoid imposing a moral tone on what may appear to be an infantile need for direction.

SECOND GUESSING

Victims are extremely sensitive to behavior by others which seems to question their motives or behavior at the time of the crime. Helpers should not ask questions out of idle curiosity, particularly questions which may seem to the victim to be accusatory. Questions such as "Why didn't you scream?" should be avoided.

GUILT

Victims often feel guilty and ashamed, not because of complicity in the crime, but because of the need to explain what happened. Such expressions are usually temporary. Rather than attempting to argue the victim out of such feelings, the helper should accept them as a passing part of the reparative process.

ANGER

Expressions of anger are appropriate and probably beneficial. A dilemma exists for those who try to help when anger is directed at them. But the expression of anger is likely to be an acknowledgement by the victim that he or she trusts the listener enough to express the feeling. Helpers should never personalize the anger. The victim is using anger only as an avenue for needed expression.

RESCUE FANTASY

This fantasy is a common pitfall for many who help others. If helpers indulge in this fantasy, they may unwittingly encourage the victims dependence long after it is necessary. Really helping requires sensitivity and discipline. It is easy to exploit a vulnerable victim for the gratification of personal needs.

CONCLUSION

In sum, effective crisis intervention can reduce much of the pain, and long term disability that can follow in the wake of crime victimization. Supportive human relationships, informed by crisis theory, can reduce the need for intervention by mental health professionals long after the crime. In the period immediately after the threat, what others say and do has great importance. Friends, relatives and criminal justice professionals can be very effective in facilitating the reparative process for victims. Most victims--like most people--are strong and resilient; their emotional and social difficulties following victimization are natural and usually temporary. But in order to weather their difficulties with relative ease, they need the help of those who care and who know how to help.

WHAT DO VICTIMS NEED?

Both the personal and physical impact of a criminal event brought on by an arbitrary and sudden action by another can be ameliorated through supportive and positive behavior of others. The "bad" action of the criminal can be countered by the "good" action of the on-scene officers, victim assistance personnel, family members, neighbors and others. The best antidote for hurtful actions of one person is the intentionally compassionate and helpful actions of another.

Specific actions or attitudes that should be involved are:

- Victim Safety: Statements such as "I'm glad you're all right," and assurances that the victim will be no longer harmed both are important where there has been a physical attack or the threat of an attack. The responding officer can alleviate such fears.

- Listening-Ventilation: Victims should be allowed to vent their feelings and express rage, disbelief, denial and "why me?" attitudes. It can be helpful to say, "I'm sorry it happened," and "You did nothing wrong." Offenders, not victims, are blameworthy.

- Direction: Helplessness and feelings of disorientation often accompany the impact of a criminal event. Helpful actions include the quiet and firm suggestion as to actions that should be taken without imposing a moral tone.

- Second Guessing: Helpers should avoid making judgmental statements relative to the victim's actions or lack of them. Questions such as "Why didn't you fight back?" "Why didn't you scream?" "Why were you out on the street at that time of night alone?" may often lead to inappropriate guilt feelings on the part of the victim.

- Guilt: The helper should understand that guilt feelings on the part of the victim are usual and normally temporary. These feelings arise, not because of a complicity of the crime, but because of a need of the victim to explain what happened.

- Anger: This is a normal means of expression used by victims which may be directed at the helper or anyone else. Giving full rein to these expressions can have a therapeutic effect on helping the victim to focus this energy on assisting the justice system to hold offenders accountable for criminal acts.

- Rescue Fantasy: Helpers, because of their actions and attitudes, can fall into the trap of being seen as the "rescuer" by the victim, leading to long term dependency.

In short, proper, timely and helpful actions can reduce much of the pain and long term disability that may follow in the wake of crime victimization. Supportive relationships can do much to reduce the need for mental health professional intervention at a later date.

These helpful actions and attitudes require committed people, training and institutional bases...and a coordination of the efforts of all who are so involved.

Victims, families of victims and witnesses also need direction and guidance from criminal justice system officials. The justice system is a mysterious process to many victims who may never have had any prior relationship with the system. Professionals in the justice system often take for granted the terms used—such as plea bargaining or a pre-trial conference—or often understand and are familiar with legal procedures associated with an arrest—such as probable cause, warrants, search and seizure, bonds, or release on recognizance. Victims often do not understand either the meaning or purpose of such terms or procedures.

Thus, victims need information, guidance, instruction and advice about what they must do and what they can expect from the system that is designed—in theory at least—to serve and protect them.

A victim wonders:

- What happens after I report a crime?
- Who do I contact for information?
- Will I be notified about the progress of the case?
- What are the names and phone numbers I should call?
- How do I go about having stolen documents replaced, such as Social Security cards, driver's licenses, and other official materials that may have been stolen?
- Where do I go when I am interviewed?
- Will the suspect or offender harm me or my family?
- How do I get advice and help to be protected from intimidation?
- What am I expected to do in a line-up, at a pre-trial conference, at other proceedings? Who will be there? Can I have an escort who explains what is to occur?
- What is a trial? Where? Can I speak about the effects of the crime on me and my family to the prosecutor? The judge? The probation officer?
- What is victim compensation? Am I eligible?
- What are the forms to be used? Can I get help?

These and other similar questions are constantly being asked, but are often unanswered by justice system representatives. These questions must and can be easily answered if you and your colleagues in the justice system—especially your officers and deputies—were to take time to organize a response by publishing letters, and pamphlets, or by using single phone numbers to advise victims, and by continual public education and service. Through such actions many important messages are given to victims: we care; you are not to be blamed by being a victim; we in the justice system will help you. Such actions and messages will have the effect of enhancing the partnership-role of the victim in the operations of our justice system. For without these partners there is no system, no justice, and no way to hold offenders accountable, under law, for criminal actions.

THE IMPORTANCE OF INFORMATION:
THE JUSTICE SYSTEM PUZZLE PROCESS!

Displayed on the next page is a short version of a flow-chart which describes the processing of a victim's case from the time of reporting to the exiting of the case from the system.

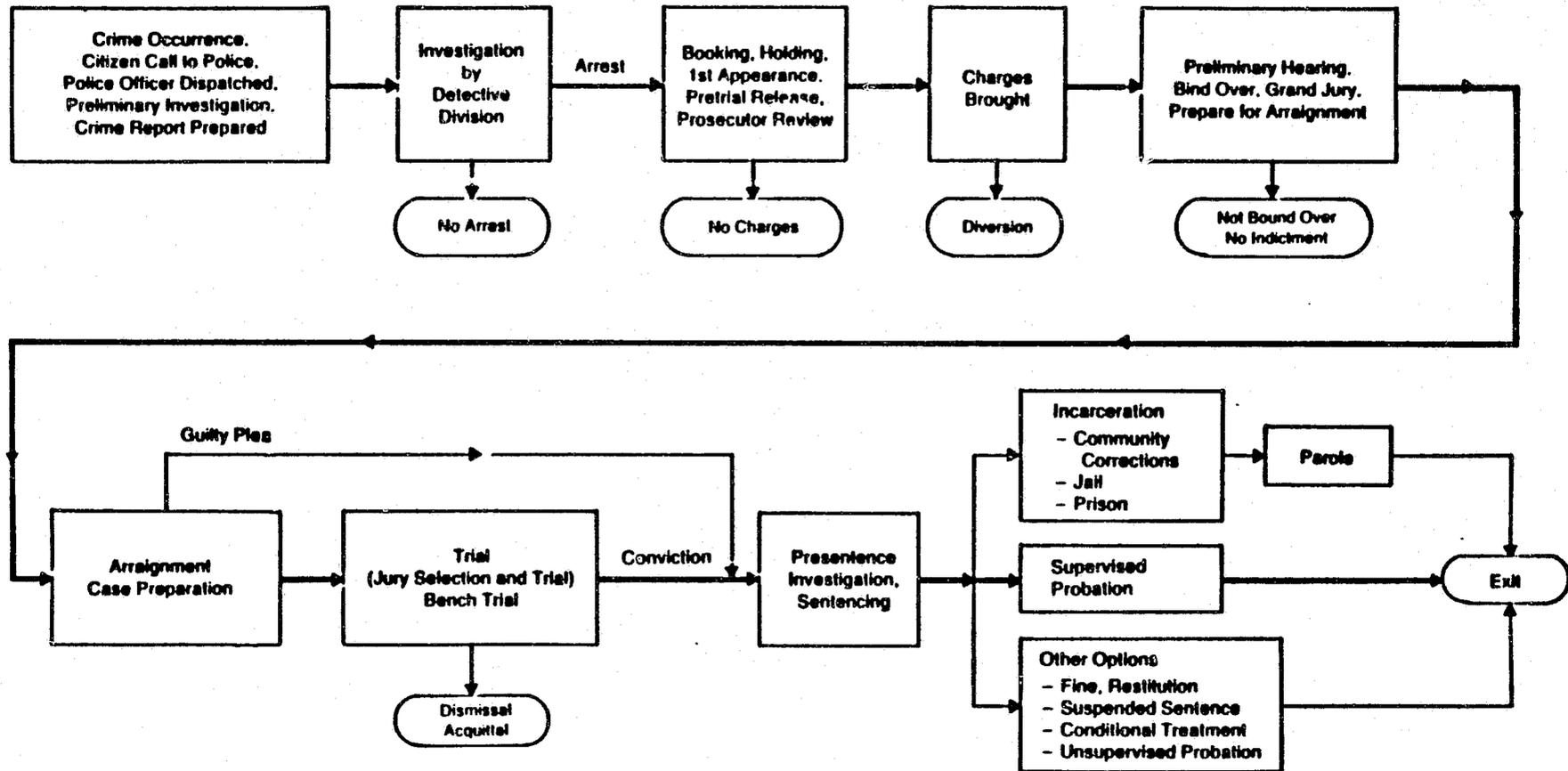
Thirty or more separate transactions can occur between officials of the system and the victim. In some transactions, victims will interact face to face with officials. For most transactions, other officials will handle the case as a paper processing transaction.

Findings from studies and interviews with victims (and witnesses) demonstrate that they need to be informed about what is happening or what has happened to their case.

Failure to keep victims informed about who is doing what with their case, and why certain decisions and actions were done with their case, are but two of the most important reasons given by victims (and witnesses) who have refused to cooperate with officials of the system or who believe that the system has failed them and their families.

Victims of crime, their families, and witnesses are the major clients of the criminal justice system. As such, they need and have a right to information about the status of their case.

**Figure 1
OVERVIEW OF CRIMINAL JUSTICE SYSTEM ACTIVITIES
FOR FELONY OFFENSES**



Source: National Baseline Information on Offender Processing Costs
 Developed by The Jefferson Institute for Justice Studies, and Research Management Associates (RMA), and,
 The Institute for Economic Policy Studies for the National Institute of Justice, Washington, DC (1984)

VICTIMS' NEEDS

- Prior to Victimization
 - Guidance, instruction and direction concerning crime prevention
 - Instruction concerning reporting of crime
 - Instruction concerning how to help others who are crime victims

- After a Crime is Committed
 - On scene assistance and positive support from first responders
 - Psychological first aid
 - Medical attention
 - Information about referral to others

 - Information about compensation
 - Assistance with practical matters
 - Information about case status
 - Information and guidance about role of victim in investigation, arrest, post-arrest processes, pre-trial, trial, and post-trial processing of case
 - Information about state's victims' rights statutes

- Important Variables
 - Type of crime
 - Age and sex of victim
 - Availability of local services and local networks of helpers

SESSION 3

RESPONSE TO THE PROBLEM:

VICTIMS' RIGHTS

EVOLUTION OF VICTIM ROLE
IN THE AMERICAN JUSTICE SYSTEM

- PRE-COLONIAL/COLONIAL PERIOD: 17th - 18th Century
 - No formal police or public prosecutor
 - Victim hired officials (e.g. Watchman, Sheriff, Constable) to obtain an arrest, apply for a warrant, help make an arrest;
 - Victim posted rewards, used paid informers, or performed his own detective work
 - Victim retained a private attorney, paid to have indictment written and the offender prosecuted
 - Incentives: treble damages, restitution, and reparation.

- CHANGES IN ADMINISTRATION OF JUSTICE: 18th - 19th Century
 - Bill of Rights and Constitution
 - Principles of public justice: Beccaria's "Essay on Crimes and Punishment" (1764)
 - Crime defined as harm done to society, the social contract, and the government.
 - Punishment should be proportionate to harm caused to society and imposed by law with little discretion by judges.
 - Purpose of the justice system is to serve societal needs primarily.
 - The system should deter criminals by imposing swift, certain, public punishments--jails and prisons emerge.

EFFECTS OF NEW DOCTRINE

- "...Beccaria's principles evidences the start of the declining role of the victim in the criminal justice system. This new system required that the victim's role as a policeman, prosecutor, and punishment beneficiary be reduced to that of informant and witness only. These ideas strongly appealed to Americans who sought to emphasize the principles of rationality and utilitarianism, and had an enormous influence on the development of the American criminal justice system during the 19th century"

--William F. McDonald, Ph. D.
"Towards a Bicentennial Revolution in
Criminal Justice" (1976)

- Emergence of Public Prosecution: Attorney General's in States; District or States' Attorneys in local county governments--19th Century

- Emergence of Muncipal Police Departments: 1840s

- Development of Criminal Codes in States: 19th Century

- By the early 20th century, the system was in place and further developments were directed at improving the efficiency, effectiveness and professionalism of the various agencies of the local and state criminal justice systems.

- The effects of the reforms of the 18th and 19th century resulted in changing the role of the victim from a party to the criminal justice action to a witness in the criminal justice proceeding. Related to these reforms were the emergence of public police agencies, public prosecutors, sentencing laws, corrections institutions, the decline of restitution as a condition of sentencing, and the rationalization of the system so that the system, the state, and professionals became the formal investigators and prosecutors of crimes defined as acts against the state.

--Josephine Gittler, J.D.
"Expanding the Role of the
Victim in a Criminal Action"
(1984)

20th CENTURY OBSERVATIONS OF THE ROLE
OF THE VICTIM

1931: Wickersham Commission

"Hardships suffered by victims may affect in some cases the victim's whole attitude toward the administration of public justice"

1934: Supreme Court Justice Benjamin N. Cordoza

"Justice, though due to the accused, is due the accuser also. The concept of fairness must not be strained till it is a filament. We are to keep the balance true"
(Snyder v Massachusetts, 291 U.S. 97, 122)

1938: American Bar Association

"The state owes it to the witness (and victim) to make the circumstances of his sacrifice as comfortable as possible"

1951: Michigan Governor's Study Commission

"The inept handling which victims often receive following a sex crime is at the root of much of the reluctance of parents to file complaints; the experience at this stage can be worse than the experience of the crime itself"

1965: California

Enactment of the first state statute in the U.S. providing for state compensation for victims of violent crime

1967: President's Commission on Law Enforcement and the Administration of Justice

Pioneered the use of victim surveys and recommended nationwide adoption of crime compensation programs

1970-

1979: LEAA Grant Programs

Distribution of about \$50 million in grants and contracts to support research, demonstrations, training and assistance to further the objectives of improving the manner in which the local justice system serve victims and witnesses

RECENT DEVELOPMENTS

- Substantial body of literature: victim surveys; psychological studies and practices; victimology; historical studies; case law; state statutes; victim rights legislation;
- President's Task Force on Victims of Crime: 1982-1983
- Attorney General's Task Force on Family Violence: 1983-1984
- Justice Assistance Act of 1984
- Victims of Crime Act of 1984
- Victim Witness Protection Act of 1982
- Office for Victims of Crime/Office of Justice Programs
- National Association Efforts:
 - National Organization for Victim Assistance
 - National Sheriffs' Association
 - National Organization of Black Law Enforcement Executives
 - National District Attorneys Association
 - American Bar Association
 - National Conference of the Judiciary
 - National Conference of Special Court Judges
 - National Judicial College
 - National Center for Women's Policy Studies
 - National Association of State Directors of Law Enforcement Training
- 39 States: Victim Compensation Programs
- 40 States: Assistance to Domestic Violence Programs
- 14 States and the federal System require the use of Victim Impact Statements
- 15 States and the federal system, statutorily, have defined Victim's Bill of Rights
- National Crime Victims Week
- Between 1980-1983, over 270 victim related bills were introduced and enacted by states

EMERGING DOCTRINE ON
VICTIM RIGHTS

● **STANDING**

The right that an individual has or is given to initiate and maintain a cause of action in a proceeding at law.

The individual must have a personal stake in the outcome of the proceeding so as to assure a finder of fact and a court that there will be the presentation of concrete facts that allege and support the claim that harm has been done to one. These facts sharpen the adversary proceeding between the accuser and the accused. The proceeding, coupled with confrontation between accuser and accused and evaluated by cross-examinations, must result in a presentation of the issues so that the court can make its judgements.

Standing means, therefore, that:

- personal harm is done
- concrete information and evidence is presented
- the one harmed must participate directly
- the one harmed must have a personal stake in the outcome of the proceeding

While the doctrine of standing is usually used in reference to civil litigation, scholars have begun to promote the idea that a "standing" for criminal victims in state and local criminal justice proceedings is valid and can--and often is--granted by state statutes.

The victim is personally harmed; the victim initiates the report to authorities, the victim possess direct information; the victim may be the evidence; the victim is examined and required to testify; the victim is cross examined; the victim seeks restitution, retribution, or reparation...without the victim there is no proceeding.

VICTIM STANDING AND
RIGHT OF DUE PROCESS

- STANDING may trigger some procedural rights regarding the decision-making and the administration of the process of the victim's case through the justice system;
- DUE PROCESS rights refer to those guarantees that one has when one has standing at law. These rights, at a minimum, are:
 - Adequate and timely notice about various proceedings coupled with some form of instruction or guidance as to the role to be performed by the victim;
 - Opportunity to present evidence, information, and interests in the proceedings;
 - Adequate and timely notification about the outcomes of the proceedings.
- STANDING plus DUE PROCESS result in PARTY STATUS for a victim. This combination means, practically, that a victim may have certain specific rights. Since a right is an advantage which compels or directs a related duty or obligation, then, it may be argued that justice system representatives may have the duty to provide to the victim, notifications, advice, information, counsel, and instructions about what they are entitled to do and what they may be entitled to expect from various justice system representatives from the moment of report of the crime to the conclusion of the victim's "case" at parole.
- Examples of state laws which reinforce this notion of victim standing, due process, and victim-as-a-party-to-proceedings are presented and discussed below.

CLASSIFICATION CATEGORIES

Following are descriptions of the major subject matter categories into which state laws have been classified for both the Summary Tables in Section 2 of this part and the Individual State Tables in Part III. More detailed discussions of the categories may be found in the summary and analysis set out in Part I.

1. Victim Compensation Program

A statutorily-established program which compensates designated classes of crime victims from state funds for specified crime-related losses resulting from specified crimes.

2. Restitution

A court-imposed sanction requiring offenders to personally compensate their victims for crime-related losses. Restitution may be mandatory or discretionary with the sentencing court. It is usually ordered as a condition of parole, probation or suspended sentence.

3. Escrow and Forfeiture of Offender Profits

Statutory provisions which prohibit offenders from obtaining profits resulting from the publicity related to their crimes and permit victims access to these revenues.

4. Witness Fees

Statutory provisions authorizing the payment of fees by the state to witnesses for attending criminal proceedings.

5. Victim's Bill of Rights

Comprehensive (as opposed to piecemeal) legislation entitling victims to a

broad range of rights, protections and services.

6. Protection From Intimidation

Statutory provisions establishing criminal penalties for persons who intimidate or attempt to intimidate victims, witnesses or informants with intent to prevent their appearance at proceedings, alter their testimony or discourage the reporting of a crime. Laws authorizing courts to enjoin such activities are also included.

7. Victim Notification

Statutory provisions designed to ensure that victims and witnesses are advised of the existence of available services, given formal notice of the scheduling or cancellation of criminal proceedings against the offender, and/or are advised of available opportunities to participate in specified criminal proceedings (see category 8).

8. Victim Participation in Proceedings

Statutory provisions which permit victims to present oral or written statements or otherwise influence specific criminal proceedings or decisions involving the offender, including plea bargains, sentencing hearings and parole hearings.

9. Employment Assistance

Statutory provisions which require or encourage courts, law enforcement officials or publicly funded victim-witness groups to contact employers to explain the importance of court appearances by their employees. Statutes which prohibit employers from penalizing their employees for attending criminal proceedings are also included.

Source: **Victim/Witness Legislation: An Overview**
Bureau of Justice Statistics, July 1984

10. Return of Seized Property

Statutory provisions describing the procedures by which the victim of a property offense may regain possession of his property once it has been recovered by law enforcement officials.

11. Victim-Witness Assistance

Statutory provisions designed to provide victims and witnesses with personal advice or support, including measures designating ombudsmen for victims, allowing some victims to be accompanied by persons of their choice in closed proceedings and providing funding for local victim/witness advocacy groups.

12. Elderly Victims

Statutory provisions designating specific criminal penalties for crimes committed against elderly victims or establishing programs to prevent abuse, neglect or exploitation of the elderly, including laws requiring law enforcement officials or medical personnel to report incidents of abuse, neglect or exploitation of elderly persons.

13. Sexual Assault Victims

Statutory provisions which authorize compensation to sexual assault victims for

special medical services, establish special programs dealing with the problem of sexual assault (including counseling and special prosecution programs), or allow child sexual assault victims a less public atmosphere in which to testify.

14. Domestic Violence

Statutory provisions addressing the problem of violence between household members, including measures which establish funds for domestic violence shelters, require police officers to maintain more accurate records of domestic violence, or authorize courts to issue protective orders.

15. Privacy and Security of Victim Information

Statutory provisions which regulate the compilation of and access to some types of victim information, including provisions requiring the maintenance of statistics on victims, provisions giving victim compensation agencies access to data held by law enforcement agencies, provisions addressing the confidentiality of victim data held by victim assistance agencies, and provisions creating a privilege for communications to sexual assault counselors.

Category	Citation
1. Victim Compensation Program	960.01 et seq.
1.1 Responsible Agency	960.03(2), 960.05, 960.06
1.2 Eligible Claimants	960.04
1.3 Losses Covered	960.03(8)
1.4 Minimum and Maximum Award	960.13(3), 960.13(8)
1.5 Required to Show Financial Need	960.13(7)
1.6 Required to Report Crime - Time Limit	960.13(1)(b)
1.7 Filing of Claim - Time Limit	960.07(2)
1.8 Emergency Award	960.12
1.9 Funding	316.660(3); 775.0835; 960.17, 960.20 et seq.
2. Restitution	
2.1 Sentencing Option	775.089; 921.187(9); 947.181
2.2 Mandatory Condition of Probation	948.03(1)(g)
2.3 Mandatory Condition of Parole	
2.4 Mandatory Sentence	
2.5 Administration/Enforcement	775.089(5); 944.514, 945.091 (by employed inmates); 945.30; 948.01(4),(5),(6) (by offender in community control prog.)
3. Escrow and Forfeiture of Offender Profits	944.512
4. Witness Fees	92.142
5. Victim's Bill of Rights	
6. Protection from Intimidation	
6.1 Crime Defined	918.14
6.2 Protective Orders	See, 907.041(4)(b)(2) (basis for pretrial detention)
7. Victim Notification	
7.1 of Compensation Program	960.23, 960.24(1)
7.2 of Witness Fees	
7.3 of Final Disposition	
7.4 of Plea Agreement	
7.5 of Cancelled Proceeding	
7.6 of Right to Participate in Sentencing Hearing	
7.7 of Parole Hearing	
7.8 of Release of Offender	
7.9 of Escape of Offender	
8. Victim Participation in Proceedings	
8.1 Victim Impact Statement in Presentence Report	
8.2 Written Statement at Sentencing Hearing	921.143

Category	Citation
8.3 Testimony at Sentencing Hearing	921.143
8.4 Written Statement at Parole Hearing	
8.5 Testimony at Parole Hearing	
8.6 Comment on Plea Bargain	
8.7 Participation in Other Proceedings	
9. Employment Assistance	
9.1 Employer Intercession Services	
9.2 Criminal Sanction for Penalizing Employee-Witness	
10. Return of Seized Property	812.061
11. Victim-Witness Assistance	
11.1 Ombudsmen	43.35 (witness coordinating office); 960.245 (bureau of crime comp. to be advocates)
11.2 Support Attendants	
11.3 Funding for Local Victim-Witness Groups	
12. Elderly Victims	943.405 (prevention of crimes against the elderly)
12.1 Sentencing for Offenses Against Elderly	
12.2 Abuse, Neglect, Exploitation - Criminal Penalty	827.09(15)(c),(d)
12.3 Abuse, Neglect, Exploitation - Reporting	827.09(3)
12.4 Abuse, Neglect, Exploitation - Protective Services	827.09(7)
13. Sexual Assault Victims	
13.1 Payment for Medical Services	960.28; see, 395.0201
13.2 Special Programs	
13.3 Child Sexual Assault Victim - Closed Proceedings	918.16
13.4 Child Sexual Assault Victim - Admissible Depositions	918.17
14. Domestic Violence	
14.1 Protective Orders	741.30
14.2 Domestic Violence Shelters	741.01; 409.601 et seq.
14.3 Domestic Violence Reporting	
15. Privacy and Security of Victim Information	
15.1 Statistical Information on Victims Maintained	827.09(10) (abused adults); 943.405(4),(5)(a), (elderly and other victims)
15.2 Authority of Victim Compensation Agency to Request Data from Law Enforcement Agencies	960.06(1)(c), 960.28(3)
15.3 Confidentiality of Victim Information Held by Victim-Assistance Agencies	409.606 (spouse abuse information); 960.15 (records of compensation prog.)
15.4 Sexual Assault Counselor Privilege	90.5035

FLORIDA

Enacted:

Compensation FL Stats., Chpt. 960, 1978
Secs. 960.01-960.25

Max. Award: \$10,000; Emerg. Award: \$500; Source: fines and pen. assmts.

Compensation Amendment FL Stats., Chpt. 82, 1982
Sec. 222

Additional pen. assmts. extended to include convicted criminal traffic offenders.

Compensation FL Stats., Amends 1985
Secs. 960.03, .04 & 960.20

Raises penalty assessment from \$15.00 to \$20.00. Extends compensation benefits to include victims of drunk driving and limits family exclusion such that the statute allows compensation to abused children. In addition, statute amended to comply with VOCA requirements.

**Service Funding/
Witness Coordinator** FL Stats., Chpt. 81, 1982
Sec. 176

Requires court administrator to establish a witness coordinating office in each county within his/her judicial circuit. As of June 1985, fifty-five out of sixty-two counties are participating.

Service Funding FL Stats., 1985
Secs. 27.3455, 27.54, 914.06, 914.11 & 939.07

Establishes an additional court fee against offenders to be used for local victim service programs. Mandates that counties which have comprehensive victim services are eligible for state reimbursement of up to 50% of local costs. Defines comprehensive services to include pre-trial and post-trial advocacy and counseling.

**Service Funding/
Domestic Violence** FL Stats. Ann., 1983
Secs. 409.602-409.605 & 741.01

Funds shelters up to 75% with state appropriation. \$10 surcharge on marriage license, fines may be imposed on abuser in protection order action. Shelter records are confidential

**Child Protection/
Sexual Battery** FL Stats., 1984
Chpts. 84-86

Provides definitions of, and penalties for, victims of child sexual assault. Denies certain defenses (e.g., victim incapability to consent and lack of chastity) and creates a duty to report child sexual abuse.

Notoriety-for-Profit FL Stats., 1982
Chpt. 82, Sec. 71

Prohibits criminal from benefiting from victim's death.

Introduced:

Victim Participation SJR 59 1985

Grants victim the right to be present and heard at all stages of judicial proceedings. Also proposed as a citizens initiative in 1984 and 1985 to make this a constitutional change.

Victim Bill of Rights FL Stats., 1984
Chpts. 84-363, Sec. 911.143
(West Supp. 1985)

Establishes the following rights: (1) Information on compensation, victim services and the criminal justice process; (2) Notification of schedule changes; (3) Protection from intimidation; (4) Notification of arrest, pre-trial release and all phases of case and parole; (5) Consultation on release, plea agreements and pre-trial release; (6) VIS/Allocation at sentencing (includes sentencing as a result of plea agreements.); (7) Employer intervention; (8) Property return; (9) Mandatory restitution (includes incarcerated offender payments); (10) Parole restrictions; (11) Special consultation for child victims and homicide survivors; and (12) Victim services - through establishment of Witness Coordination offices. These offices shall ensure that victims are provided with all pertinent information on compensation and victim rights and services. Also included are bail conditions, and witness tampering and retaliation sanctions.

**Victim Involvement/
Sentencing** FL Stats., 1984
Chpt. 84, Sec. 921.143

Right to appear before sentencing court and to submit a sworn statement.

Restitution FL Stats., 1982
Chpt. 947, Sec. 181

Parole and Probation Commission may require restitution as condition of parole.

**Witness Fees/
Travel Expenses** FL Stats., 1984
Chpt. 84-153

Extends travel expenses and provides for full reimbursement of actual travel costs.

Domestic Violence Acts of 1984, 1984
HB 805

Expands scope of dom. viol. protections and duties of the Department of Health and Rehabilitative Services. Includes victim notification, information and referral services.

**Counselor
Confidentiality/
Sexual Assault** FL Stats., 1983
Chpt. 83-284

Allows privileged communication for victims and sexual assault counselors.

**Child Protection/
Missing Children's Act** FL Stats., 1983
Chpt. 83-211

Mandates certain actions by Division of Criminal Justice Information Systems to identify and locate missing children.

**Child Protection/
Adult Attendant** Act 199 of 1983 1983

Child witness may have a parent, attorney or other adult present during a trial.

State Legislation Mandating the Fair Treatment of Crime Victims

	Pre-1982	As of July 1985
Enacting comprehensive laws that include a majority of the reforms below	4	31
Requiring a victim impact statement at sentencing	8	39
Victim allocution at sentencing	3	19
Permitting victim input into key prosecutorial decisions	1	10
Opening parole hearings	6	19
Abolishing parole	5	8
Requiring that victim be notified of crucial developments in case	2	27
Keeping victim counseling records confidential	6	20
Not disclosing addresses and phone numbers of victims	0	5
Allowing hearsay at preliminary hearings	23	26
Assuring prompt property return	4	20
Protecting victims from intimidation and harassment	4	27
Providing separate and secure waiting rooms	1	17
Checking people who work with children for a history of sex offense convictions	1	20
Mandating restitution to victims as part of sentence	8	29
Providing funds for services to all victims of crime	7	28
Preventing criminals from profiting from the sale of their stories	14	32
Victim compensation	37	43

SOURCE: U.S. DEPARTMENT OF JUSTICE, 1986

PROPOSED VICTIM LEGISLATION

- Victim's right to privacy and protection from harassment as a result of disclosure of victim's data;
- Victim's attendance at trial court and right not to be sequestered except in special instances;
- Speedy trial rule and speedy disposition rule for victim's cases;
- Victim's Bill of Rights or piecemeal legislation regarding children as victims or witnesses, including:
 - amending child competency requirements;
 - amending hearsay admissibility requirements;
 - requiring counselors or guardians ad litem for children;
 - extending the statute of limitations for crimes against children;
 - requiring speedy trials for offenses against children;
 - protecting children's privacy during prosecution;
 - using and admitting into proceedings video-taped depositions or testimonies of children;
 - authorizing employers in child-caring occupations to obtain access to records of arrest and conviction of sex-related offenses of prospective employees;
 - mandating background checks of employees working with children.
- Compensation for counselling victims and confidentiality shields for such counselors;
- Enacting, or extending by statute, laws that authorize warrantless arrests for misdemeanor spousal assaults; authorizing arrest as a preferred intervention in spousal assaults or domestic violence;
- Tightening up by law or procedure the enforcement and investigation of abuse, neglect, and exploitation of the elderly under the doctrine that elder abuse is a criminal act.

**FEDERAL DISTRICT COURT DECISION:
THURMAN V. CITY OF TORRINGTON**

I. Police may not treat instances of domestic violence upon women less seriously than other comparable assaults simply because of the relationship between the persons involved, the U.S. District Court for the District of Connecticut indicates. With this in mind, the court refuses to dismiss, for failure to state a claim, a civil suit brought against a municipality and its police officers by a plaintiff who alleges that the officers' tardy response to her pleas for help allowed her estranged husband to inflict multiple stab wounds upon her. Brought under various civil rights provisions as well as the Fifth, Ninth, and Fourteenth Amendments, the claim alleges that the nonperformance or malperformance of official duties denied the plaintiff equal protection.

Although the common law at one time supported the right of a husband to "physically discipline" his wife, that idea must join other "archaic and overbroad" concepts that have been rejected as unconstitutional, the court concludes. Therefore, since a husband has no right to abuse his wife, police officers may no more refrain from interfering in domestic violence than they can refrain from interfering in any other kind of violence, the court reasons. Police must provide protection for women they know to be potential victims of domestic violence.

As for the city, the court says the pattern of non-response alleged by the plaintiff raises an inference of custom or policy that satisfies the test for municipal liability laid down in *Monell v. New York City Department of Social Services*, 436 U.S. 658 (1978). (*Thurman v. City of Torrington*, 10/23/84)

II. Digest of Opinion: Plaintiffs brought this action under 42 USC 1983, 1985, 1986, and 1988, as well as the Fifth, Ninth, and Fourteenth Amendments, alleging that their constitutional rights were violated by the nonperformance or malperformance of official duties by the defendant police officers and, through them, the city. The sole issue on this motion to dismiss under Fed.R.Civ.P. 12(b) is whether, under the facts alleged in the complaint, it appears to a certainty that the plaintiff is entitled to no relief.

Between October 1982 and June 1983, Tracey Thurman and others on her behalf notified the defendant city through the defendant police officers of repeated threats upon her life and the life of her child made by her estranged husband, Charles Thurman. Attempts to file complaints in response to these threats were ignored or rejected by the defendants. During one incident Officer Neil Gemelli stood on the street watching Charles Thurman scream threats at Tracey until he broke the windshield of the car in which she was sitting. Although Charles was then arrested and, the following day convicted of breach of the peace, police officers refused to respond when notified that he had broken the terms of his "conditional discharge" calling for him to stay completely away from Tracey. Attempts to file complaints against Charles were futile; the plaintiff was given excuses such as that the only officer who could handle her complaint was on vacation. This was the situation even after she obtained a restraining order against Charles. Finally, Charles appeared at the residence where Tracey was staying and demanded that she speak with him. Tracey remained inside and telephoned the police to pick up Charles for violating his probation terms. After waiting 15 minutes, Tracey went outside to persuade Charles not to hurt their son; Charles began stabbing her repeatedly in the chest, neck, and throat. A single officer arrived at the scene 25 minutes after Tracey's call and found Charles holding a bloody knife. The officer observed Charles drop the knife, kick Tracey in the head, run into the residence and get his son, drop the son on his mother, and kick Tracey again. Soon thereafter, three other officers arrived. Finally, after watching Charles mill around for a while and continue to threaten Tracey, they arrested him as he approached Tracey while she lay on a stretcher.

Classifications on the basis of gender will be held invalid under the equal protection clause unless they are substantially related to an important governmental objective. *Craig v. Boren*, 429 US. 190, 197 (1976).

In the instant case, the plaintiffs allege that the defendants use an administrative classification that manifests itself in discriminatory treatment violative of the equal protection clause. Police protection in the City of Torrington, they argue, is fully provided to persons abused by someone with whom the victim has no domestic relationship. But the Torrington police have consistently afforded lesser protection, plaintiffs allege, when the victim is (1) a woman abused or assaulted by a spouse or boyfriend, or (2) a child abused by a father or stepfather. The issue to be decided, then, is whether the plaintiffs have properly alleged a violation of the equal protection clause of the fourteenth amendment.

Police action is subject to the equal protection clause and section 1983 whether in the form of commission of violative acts or omission to perform required acts pursuant to the police officer's duty to protect. *Smith v. Ross*, 482 F.2d 33, 36-37 (6th Cir. 1973) *** City officials and police officers are under an affirmative duty to preserve law and order, and to protect the personal safety of persons in the community. Failure to perform this duty would constitute a denial of equal protection of the laws.

The equal protection clause is applicable not only to discriminatory legislative action, but also to discriminatory governmental actions in administration and enforcement of the law. Over the course of eight months the police failed to afford the plaintiffs protection against assaults, and failed to take action to arrest the perpetrator of these assaults. The plaintiffs have alleged that this failure was pursuant to a pattern or practice of affording inadequate protection to women who have complained of abuse by their husbands or others with whom they have had close relations. Such a practice is tantamount to an administrative classification used to implement the law in a discriminatory fashion.

The City has failed to put forward any justification for its disparate treatment of women. (It may develop that the classification in the instant case is not one based on gender, but instead consists of all spouses who are victims of domestic violence -- male and female. At this stage of the proceedings, however, plaintiffs' allegations of gender-based discrimination will be taken as true.) "English common law during the eighteenth century recognized the right of husbands to physically discipline their wives. Subsequently, American common law in the early nineteenth century permitted a man to chastise his wife 'without subjecting himself to vexatious prosecutions for assault and battery***.'" B. Finesmith, *Police Response to Battered Women: Critique and Proposals for Reform*, 14 *Seton Hall L. Rev.* 74, 79 (1983). Today, however, any notion of a husband's prerogative to physically discipline his wife join other "archaic and overbroad" premises which have been rejected as unconstitutional. Concomittantly, a police officer may not knowingly refrain from interference in such violence. Such inaction on the part of the officer is a denial of the equal protections of the laws.

In addition, any notion that defendants' practice can be justified as means of promoting domestic harmony by refraining from interference in marital disputes has no place in the case at hand. Rather than evidencing a desire to work out her problems with her husband privately, Tracey pleaded with the police to offer her at least some measure of protection. Further, she sought and received a restraining order to keep her husband at a distance. Accordingly, her action is not subject to dismissal under Rule 12(b)(6).

While a municipality is not liable for the constitutional torts of its employees on a respondeat superior theory, a municipality may be sued for damages under section 1983 when "the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by the body's officers" or is "visited pursuant to governmental 'custom' even though such a custom has not received formal approval through the body's official decision-making channels." *Monell v. New York City Department of Social Services*, 436 U.S. 658, 690 (1978).***

As this court has pointed out, a plaintiff must typically point to facts outside his own case to support his allegation of a policy on the part of a municipality. *Appletree v. City of Hartford*, 555 F.Supp. 224,228 (D.Conn. 1983).

However, Tracey Thurman has specifically alleged an eight-months' series of acts and omissions that constitutes such an ongoing pattern of deliberate indifference as to raise an inference of "custom" or "policy" on the part of the municipality. See *Estelle v. Gamble*, 429 U.S. 97, 106(1976). Furthermore, this pattern of inaction climaxed in an incident so brutal that under the law of the Second Circuit that "single brutal incident may be sufficient to suggest a link between a violation of constitutional rights and a pattern of police misconduct." *Owens v. Haas*, 601 F.2d 1242, 1246 (2d Cir. 1979). Accordingly, the motion to dismiss the claim against the city and the officers on the ground that the plaintiffs failed to properly state a claim is denied. -- Blumenfeld,J.

(Thurman v. City of Torrington; USDC Conn, Civil No. H-84-120,10/23/84; 36 CrL 2/22-2/23, 11/14/84)

III. Award Granted: Domestic Violence -- Police Failure to Respond

A jury in the U.S. District Court for the District of Connecticut awards a battered wife \$2.3 million for the failure of local police to act on her complaints regarding her estranged husband's violations of the stay-away order, which resulted in a severe beating. The award includes \$300,000 to the victim's three-year-old son, who witnessed the husband's attack. The court paved the way for the verdict by ruling last October that the Fourteenth Amendment's Equal Protection Clause requires police to treat incidents of domestic violence just as seriously as any other violent conduct; 595 FSupp 1521, 36 CrL 2122. The jury found that the police violated the plaintiff's equal protection rights and that the police were negligent in handling the case. (Thurman v. City of Torrington; USDC DConn, No. H-84-120, 6/25/85)

**NEW YORK STATE DECISION:
SORICHETTI V. CITY OF NEW YORK**

- I. The New York Court of Appeals approves a large damage award against a police department for failing to prevent severe injuries inflicted by a man upon his six-year-old daughter. The "special relationship" between citizen and police department necessary to hold the municipality liable was created by three factors in this case: the existence of a judicial order of protection forbidding the man from threatening or assaulting his wife, knowledge by the police department of the man's history of assaulting his family, and officers' assurances to the wife that they would soon look into her complaint.

In discussing the effect of the protective order, the court notes that the New York legislature has attempted by statute to temper, at least, traditional police reluctance to intervene in domestic problems. The legislature has done so by broadening the circumstances in which an officer may make an arrest: A person who reasonably appears to have violated a protective order may, without anything more, be taken into custody. (Sorichetti v. City of New York, 7/9/85)

- II. Digest of Opinion: The plaintiffs in this case, Josephine Sorichetti and her minor daughter Dina, have sued the City of New York to recover damages for serious injuries inflicted on Dina by her father Frank Sorichetti. Josephine and Frank were married in 1949 but had a stormy relationship, with Frank becoming violent and abusive when under the influence of alcohol. Josephine obtained a series of protective orders, four in all, concerning Frank's behavior toward her. The fourth order forbade Frank from assaulting, menacing, or endangering Josephine. The court also granted Frank visitation privileges with Dina each weekend from 10 a.m. Saturday until 6 p.m. Sunday. When Josephine delivered the child to the father the first weekend, he shouted to Josephine that "I'm going to kill you." He also told Dina that she had "better do the sign of the cross before this weekend is up." Josephine interpreted these statements as death threats and reported them to the police, as she had previous violence and threats.

When Frank had not returned the child by the end of the visitation period, the police, who were shown a copy of the protective order, told Josephine "to just wait." A police officer, who was familiar with the father's violent history, reported this history to his superior and suggested that a patrol car be sent to Frank's home. The police lieutenant rejected this suggestion. At 7 p.m., the lieutenant sent Josephine home. At the same time, in the apartment where he lived, Frank attacked Dina repeatedly with a fork, knife, a screwdriver and attempted to saw off her leg. Frank's sister found the child and the father, who was passed out on the floor with empty whiskey and pill bottles nearby, and called the police. The child was hospitalized for 40 days and remains permanently disabled. Frank was convicted of attempted murder.

Dina and Josephine sued the city on the theory that the police department negligently failed to take Frank into custody or otherwise prevent his assault upon Dina after being informed that he may have violated the order of protection or threatened to do harm to the girl. The jury returned a verdict in the plaintiff's favor. In accordance with the instructions it had been given, it found that the city had breached its duty under the order of protection on Sunday evening; also, the jury found that the city had knowledge of Frank's past history and conduct and, in light of this knowledge, breached a duty to protect Dina. The verdict, as modified on order of the Appellate Division, was \$2 million for Dina and \$40,000 for Josephine.

A municipality cannot be held liable for injuries resulting from the failure to provide adequate police protection absent a special relationship between the municipality and the injured party. *DeLong v. County of Erie*, 60 NY2d 296, 34 CrL 2187 (1983). Where there is no such relationship, a municipality owes no duty to its citizens in the performance of governmental functions. In cases where such a relationship has been found, a key element is some direct contact between agents of the municipality and the injured party.

In the present case, we hold that a special relationship existed between the City and Dina Sorichetti which arose out of (1) the order of protection; (2) the police department's knowledge of Frank Sorichetti's violent history, gained through and verified by both its actual dealings with him, the existence of the order of protection, and its knowledge of the specific situation in which the infant had been placed; (3) its response to Josephine Sorichetti's pleas for assistance on the day of the assault; and (4) Mrs. Sorichetti's reasonable expectation of police protection.

In enacting Family Court Act §168, the Legislature intended to encourage police involvement in domestic matters, an area in which the police traditionally have exhibited a reluctance to intervene (see, e.g., *Bruno v. Codd*, 47 NY2d 582, 590; *Bersharov*, Practice Commentaries, McKinney's Cons Laws of NY, Book 29A, Family CtAct §168, pp 131-132).*** By its terms, section 168 provides that a certificate of protection "shall constitute authority" for a peace officer to take into custody one who reasonably appears to have violated the order. As such, it "broadens the circumstances under which a peace officer may take a person into custody beyond those enumerated in Article 140 of the Criminal Procedure Law" (*Bersharov*, Practice Commentaries, at 131). When presented with an order of protection, a police officer is not mandated to make an arrest. Nonetheless, such presentation along with an allegation that the order has been violated, obligates the officer to investigate and take appropriate action.***

The order evinces a pre-incident legislative and judicial determination that its holder should be accorded a reasonable degree of protection from a particular individual. It is presumptive evidence that the individual whose conduct is proscribed has already been found by a court to be a dangerous or violent person and that violations of the order's terms should be treated seriously. Significantly, the class of potential victims to whom a duty to investigate might arise is necessarily limited by the terms of the order.***

The fact that an injury occurs because of a violation of an order of protection does not in itself create municipal liability. An arrest may not be warranted in each case, and the police's failure to take such action will not alone be determinative of the reasonableness of their conduct. But when the police are made aware of a possible violation, they are obligated to respond and investigate, and their actions will be subject to a "reasonableness" review in a negligence action.

In this case, the police had particular knowledge of the father's abusiveness, assaultiveness, and chronic alcoholism. This knowledge was obtained by direct experience resulting from numerous instances in which the police had intervened in disturbances caused by the father. Indeed, on the day of the assault, the police supervisor was emphatically informed by one of his officers that the father was a "very violent man" whose threat should not be taken lightly, and was given information relating to the father's past violence. In addition, the certificate of protection represented a judicial affirmation of the seriousness of the father's past conduct.

A critical factor in the creation of a special duty of protection in this case is the police officers' conduct toward the mother on the day of the assault. The police supervisor told the mother to wait until 6 p.m., creating the clear impression that at the time when the father's failure to return the child would be a violation of the visitation order some action would be taken. The mother had no alternative but to seek the assistance of the police to assure her daughter's safety. The passage of time was critical inasmuch as the assault did not take place until approximately 6:55 p.m. Thus, a special relationship existed between the police and the mother and her six-year-old daughter such that whether the police conduct satisfied the duty of care owing to the child properly became a jury question -- Alexander, J.

(Sorichetti v. City of New York; NY CtApp, No. 304, 7/9/85; 37 CrL 2327-2328, 7/31/85)

SESSION 5

VICTIMIZATION AND CRIME PREVENTION:

A VIDEOTAPE

"WHAT ABOUT THE VICTIM"

A videotape about victimization and crime prevention. Information about how to obtain this tape and other tapes is given on the next page.

VIDEOTAPE INFORMATION

1-21-86

The National Judicial College
Judicial College Building
University of Nevada, Reno Campus
Reno, NV 89557
(702) 784-6747

Victim's Experience
Victim's Panel/Dr. Patricia Resick
National Conference on the Judiciary
on the Rights of Victims of Crime
Cost: \$15

Jayne Fitzgerald Productions
9689 Lindenbrook Street
Fairfax, Virginia 22031
(703) 281-2260

What About the Victim?
with Mark Moseley
Cost: approx. \$300-\$400

James Vanden Bosch
Terra Nova Films, Inc.
215 West Chicago Avenue
Chicago, IL 60610
(312) 944-1102

Take A Stand
Purchase \$435
Rental \$ 45

National Institute of Justice/NCJRS
CRIME FILE
Box 6000 BCD
Rockville, MD 20850

Crime File Series:
two possibilities:
Victims
Domestic Violence
Purchase: \$17-\$23

MTI Teleprograms
3710 Commercial Avenue
Northbrook, IL 60062
(800) 323-5776

Aftershock: Victims of Crime
Someone Else's Crisis
Films may be previewed before
purchase.

National Sheriffs' Association
Victim Assistance Program
1450 Duke Street
Alexandria, Virginia 22314
(800) 424-7827

SESSION 6

VICTIM RESPONSE UNITS:

DESCRIPTION AND EXAMPLE

SHERIFF'S AND LAW ENFORCEMENT BASED
VICTIM RESPONSE UNITS (VRUs)

The Victim Response Unit: Characteristics

- Formal unit that is staffed and organized in a visible manner within the Department;
- Staffing: sworn personnel complemented by civilian staff and/or trained volunteers
- Organizational Placement: Office of Sheriff; Patrol or Field Services; Criminal Investigation; Administrative Services; Support Services--Crime Prevention or Community Relations;
- Responsibilities:
 - Identification of needs and rights of victims within jurisdiction;
 - Provide policies and procedures to ensure that agency and its personnel conform to identified needs and rights;
 - Design and deliver training and orientation of personnel of agency and staff of VRU;
 - Supervision of programs and activities delivered to victims in collaboration with appropriate personnel;
 - Oversee and maintain or expand programs as needed;
 - Representing the agency in coordination of county-wide programs with other justice system officials and with community based organizations;
 - Designing forms and files and maintaining records for monthly and quarterly reports;
 - Conducting public information and awareness programs through pamphlets, brochures, media and community presentations.
- Program Activities:
 - On call 24 hours a day, 7 days a week to be available to assist victims during the initial and follow-up investigation, post-arrest phase, pre-trial and trial proceedings, sentencing and post-sentencing proceedings.
 - Provide information and referral services for victims in need of counselling, medical, or financial support services
 - Provide court-related services associated with notifications and dispositions of cases

DAVIS COUNTY, UTAH
SHERIFF'S OFFICE
(801) 451-3524

Victim's Bill of Rights

1. Victims and witnesses have a right to be treated with dignity and compassion.
2. Victims and witnesses have a right to protection from intimidation and harm.
3. Victims and witnesses have a right to be informed concerning the criminal justice process.
4. Victims have a right to provide input into the criminal justice process, especially at such key points as plea bargaining, sentencing, and parole release hearings.
5. Victims and witnesses have a right to reparations.
6. Victims and witnesses have a right to preservation of property and employment.
7. Victims and witnesses have a right to due process in criminal court proceedings.
8. Victims and witnesses have a right to timely notice of judicial proceedings they are to attend, and timely notice of cancellation of any proceeding.

Joint Resolution of the Utah State

Legislature, 2015

Victim Advocate Program

451-3525



We support the National
Citizens' Crime Prevention Campaign.
**TAKE A BITE OUT OF
CRIME®**

Help For Victims of Crime



Sheriff's Victim Response Unit

*Davis County Sheriff's Office
with the assistance of:
The Davis County Attorney's Office
The Second District Court
Adult Probation and Parole
(Region 2D)*

Citizens.

No one likes to think about the chances of becoming a victim of crime. But the statistics show that it could happen to anyone.

In 1984, there were nearly 5,000 serious crimes committed against the citizens of Davis County. The reported crime rate is 27.8 crimes per each 1,000 residents.

Crime has no respect for the young, the old, the rich, the poor. Victims of crime experience not only emotional trauma but physical pain and oftentimes financial losses as well. For most, there is tremendous confusion regarding the criminal justice system and how it works.

-70- As the Sheriff of Davis County, I am pleased to announce the inception of the Sheriff's Victim Response Unit. This Unit is composed of a group of dedicated people whose goal is to provide an extensive, support oriented program to assist victims of crime in returning to a state of happiness and well-being.



Brant L. Johnson
Davis County Sheriff

Victim Advocate Program

A victim advocate is available 24 hours a day, 7 days a week, to assist victims of crime and their families. Victims can request and utilize the services of the advocate. Victim Advocates can be available immediately when needed.

Information and Referral Services

The Victim Advocate can refer victims to social service agencies for short and long term counseling, abuse shelters and legal aid.

Court Support Services

The Victim Advocate acts as a liaison between the victim and the criminal justice system - law enforcement officers, the prosecutor, the court and probation services. The Victim Advocate can escort the victim throughout the court process and provide support for the victim. The Victim Advocate will keep the victim informed about each step in the criminal justice process.

Specialized services are available for child victims of crime.

Community support is needed. If you can volunteer your time and talents, please call:

Sheriff's Victim Response Unit 451-3525

DAVIS COUNTY SHERIFF'S OFFICE

PROPOSED PROGRAM

FOR

VICTIM/WITNESS RIGHTS

(SHERIFF'S VICTIM RESPONSE UNIT)

JUNE 10, 1985

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PREFACE

The President's Task Force on Victims of Crime, established by President Reagan in 1982 to examine the problems victims face and to offer recommendations for improvement, concluded that the treatment of victims of crime in America is a national disgrace. We cannot expect to hold criminals accountable without the victim's cooperation, yet we have offered these innocent victims little or no support.

In fact, the system too often extends and intensifies the nightmare, which only begins with the crime itself. Once they survive the initial impact of a crime, victims are drawn into a system that treats them with indifference at best and abuse at worse. They are subjected to the case, required to appear repeatedly in court, often lose property and wages, and generally are treated as pieces of evidence to be manipulated by the criminal justice system. Given almost no support in many instances, the victim faces the crime and the system designed to address it alone. The victim currently has none of the procedural safeguards that the system quite properly affords the alleged victimizer. On his own, the victim must try to repair all that crime has destroyed, and what he cannot repair he must endure.

Justice requires that we no longer close our eyes to the human impact of the criminal's conduct. We must improve treatment of victims. After talking to more than 1,000 victims and the professionals who serve them, the Task Force issued its Final Report with sixty-eight recommendations for action throughout the public and private sectors.

This Task Force Report has become the guide for a major new federal initiative. A special victims unit has been created in the Justice Department to carry forward with the implementation of the Task Force's recommendations. This unit recently established the National Victims Resource Center to provide information and assistance to victim service providers across the country. It is also developing victim-oriented training guidelines for judges, prosecutors and law enforcement officials. Of particular interest is the development of model legislative proposals for possible use by the states to overcome certain legal barriers to the fair treatment of crime victims.

Another of the Task Force's recommendations was answered by this Administration's introduction, in March of this year, the Victims of Crime assistance Act of 1984. This legislation proposes federal support for state victim compensation and victim assistance programs. The revenue for this initiative would come from the fines paid by convicted federal criminals - not from the taxpayer.

We are excited by the progress we see. Throughout the country increasing attention is being paid to the victim by criminal justice professionals, and the public is taking an even more active and informed role in seeking improved treatment of victims. The Justice Department is committed to providing a permanent focus within the federal government for the interests of victims. It will continue to provide leadership at the national level, and to support the efforts of state and local agencies and organizations to provide proper treatment for victims.

Until a very few years ago, the victim of crime was the unheard voice in our criminal justice system. This year marked the fourth consecutive year in which President Reagan has established and proclaimed Crime Victims Week in recognition of our nation's obligation to respond fairly to the innocent victim of crime. As the President noted during the 1984 Crime Victims Week Proclamation Ceremony, "For too long, America's criminal justice system has protected the rights and privileges of the criminal before the victim. In the end, society is the greatest victim."

Sincerely,

Lois Haight Merrington
Assistant Attorney General
U.S. Department of Justice

DAVIS COUNTY SHERIFF'S OFFICE

VICTIM RESPONSE UNIT

Summary

More than 50 years ago, United States Supreme Court Justice Benjamin N. Cardozo wrote: "Justice, though due to the accused, is due the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true. Somewhere along the way the system began to serve lawyers and judges and defendants, treating the victim with institutionalized disinterest."

The role of the victim in the first 200 years of the American justice system evolved from one in which the victim alone actively initiated and managed a criminal investigation and prosecution to one in which public bureaucracies performed and acted on behalf of the state's interest in crime control, criminal investigation and prosecution.

Within the past decade, reforms have been initiated or proposed at every level of government to restore a balance to the administration of justice by granting or establishing a standing role for victims, a wide range of participatory rights for victims and a significant increase in the promulgation, by law, of due process rights for victims.

As the arm of the Criminal Justice System that is in contact with the victim immediately following the crime, the police need to place greater emphasis on his/her plight. The victim is continually revictimized by our system, leading to disinterest, bitterness and often scorn, towards their local law enforcement agency.

The mere expression of concern, coupled with sincere efforts to assist the victim in regaining his/her pre-crime state, will greatly enhance police-community relations. The process of implementing the Sheriff's Victim Response Unit for the citizens of Davis County shows a leadership role in the state of Utah. The influence of the Sheriff penetrates through the criminal justice system--from law enforcement through court services to the corrections area.

In time, with the acquisition of skills and knowledge about victim services, the Sheriff's Office can become a resource center for training and assistance to other law enforcement agencies, local justice executive and staff, and community and neighborhood organizations.

The program proposed in the following document is designed to provide a comprehensive service-oriented program to victims, witnesses and co-victims. With the inception of a "Victim Advocate", the following services will be provided to those in need:

- Immediate emotional support
- Immediate provisions for food, shelter and clothing if needed
- Transportation to the hospital for required medical examinations
- Referral to the appropriate social service or direct aid agency
- Explanations of the follow-up investigative phase of the case; as well as the arrest; prosecution; sentencing and probation/parole phases
- Accompaniment to interviews and/or court
- Employee intercession if repeated court appearances are necessary
- Child care arrangements if required
- Transportation
- Other needs and/or requirements of the victim will also be handled by the Victim Advocate, as they become apparent.

A continual, cooperative rapport among all aspects of the criminal justice systems is a must to make this a successful program.

POLICY STATEMENT

The purpose of this program is to set forth guidelines for an effective and comprehensive Victim/Witness Response Unit. It is the goal of the Davis County Sheriff's Office to provide an extensive, service-oriented support system for victims and witnesses of crime. Victims have a need and an expectation to obtain fair and humane treatment from justice system representatives. They desire to be considered as an important client and pertinent actor within the justice system, rather than appendages or passive presenters of evidentiary testimony. It is the objective of this program to meet those desires.

To insure the operation of an effective program, the Sheriff and/or his staff will periodically review and evaluate the Victim Response Unit and the volunteer victim advocates.

RESPONSIBILITIES/DIRECTION

- A. The Sheriff, as the chief law enforcement officer, is ultimately the program director.
- B. The Public Information and Crime Prevention Deputy, is responsible for coordinating the program and providing training and guidance to the volunteer victim advocates.
- C. The Detective Division Commander, is responsible for determining when there is a need for a Victims Advocate and for coordinating efforts between the investigating officer or in his absence, the officer acting in his stead and the advocate.
- D. The Victim Advocate's primary responsibility is to assist crime victims and witness (and co-victims, meaning family members) who have suffered emotional, physical or other difficulties, as a result of being victimized. He/she will insure that the victim is made aware of or involved in all social service or direct aid service agencies that are appropriate.

It will also be the responsibility of the victim advocate to assist the victim in regaining the physical and emotional well being enjoyed prior to being victimized.

Although the term "Victim Advocate" has been coined and is a common term nationwide in victim's groups, in the Sheriff's Victim Response Unit the volunteer may be called a "Victim Consultant."

DAVIS COUNTY SHERIFF'S OFFICE

DESIRABLE SKILLS

For

VOLUNTEER VICTIM ADVOCATE

The following is a list of those skills and personal characteristics that would make up the qualities desired for the ideal volunteer victim advocate. It is preferable, although not required, that the individual have a background in the criminal justice system, counseling, and/or social service agencies.

However, it should be noted that great care must be taken in choosing the volunteer whose personality is in keeping with the department policy of those who work with victims. The volunteer should be able to represent the Sheriff in a manner of the upmost professional appearance.

DESIRABLE SKILLS

1. Ability to get along well with people.
2. Ability to communicate effectively.
3. Demonstrate a willingness to learn.
4. Open, non-judgemental attitude, regardless of circumstances and victim's race, religion, age or national origin.
5. Ability to think clearly under pressure and to respond quickly.
6. Ability to make good, sound decisions.
7. Exude genuine concern and empathy for victims and their families.
8. Self-directed and motivated.
9. Ability to be assertive when necessary; passive when necessary and the common sense to know when each is required.
10. Ability to relate to child victims.

TASKS

1. Able to be on-call, on schedules that will be developed by the director of the Sheriff's Victim Response Unit.

2. Providing moral and emotional support to victims and their families and referral to appropriate social services or direct aid service agencies.
3. Learn and utilize the fundamentals of basic crisis intervention skills.
4. Become familiar with the criminal justice system and it's intricacies. (Investigatory and court process.)
5. Attend interviews, investigations, court hearings and trials with those victims that require the emotional support.
6. Assist with the maintenance of victim records.
7. Attend meetings and training sessions as provided for victim advocates.
8. Provide limited transportation to court for reluctant or disable victims.
9. Continually update their knowledge of victims rights by reading current, relevant and pertinent literature.

PROGRAM

The Sheriff's Victim Response Unit is being designed to insure that victims, witnesses and co-victims are made aware of, and introduced to all aspects of community services that are appropriate in their particular situation. Specific areas of cooperation between the various departments in the criminal justice system are a must, to appropriately support the victim, and will be addressed subsequently within this proposal.

A. INITIAL INVESTIGATION:

1. Upon receipt of a call to investigate a crime, the detective who has been assigned the case will determine if there is a need to call a victim advocate. He/she will then contact the Detective Division Commander who will confirm that decision and make the actual "call-out". The victim advocate will respond to the scene and provide crisis intervention skills for the victim, witness or co-victims.
2. Assessment of the immediate need for food, clothing and/or shelter will be the responsibility of the victim advocate. Arrangements will be made for these items as soon as feasible, without interfering with the investigative process.
3. Providing transportation and accompanying the victim to the hospital for medical care, such as in the case of sexual assault or rape, will be handled by the Sheriff's Victim Response Unit. Mutual agreement and cooperation between the investigative detective and victim advocate in this situation is a must.
4. In the case of sexual assault or rape, the need for the examination and an explanation of the evidence required will be explained by the victim advocate or the investigative detective, whichever is deemed appropriate at the time.
5. Making contact with the victim's friends, relatives or individual of his/her choice, to provide immediate support and companionship will be the responsibility of the victim advocate.

6. In the case of a crime such as burglary, where the patrol deputy takes the initial report, and it is not felt necessary to call-out a victim advocate, a brochure should be given to the victim. The information contained therein should explain the following steps taken in the case, the case number, the report taking deputy's name, who to contact next, etc.
7. If any of the victim's property is taken for purposes of investigation or evidence, a receipt should be prepared and left with him/her.

B. FOLLOW-UP INVESTIGATION:

1. Assessment of the situation will be made by the victim advocate and further referral to the appropriate social service or direct aid agency will be initiated.
2. The victim advocate will explain the follow-up phase of the case to the victim.
3. The victim advocate will explain any additional procedures necessary such as fingerprinting or taking pictures of the victim; possible identification of an arrested suspect; videotaping of a child victim, etc.
4. The victim advocate will develop a rapport with the victim, especially important in the case of a child, and be in attendance at subsequent interviews or videotaping.
5. Explaining the closing of a case without arrest or prosecution, and the reasons for doing so will be handled by the investigative detective, the victim advocate and possible the County Attorney.

C. ARREST AND POST ARREST:

1. The victim and/or family member should be notified immediately when an arrest is made. Charges filed and custody status of the defendant should also be part of this notification. This may be done by the investigative detective or the victim advocate, as deemed appropriate.
2. In the case of bond-setting hearings, the victim should be notified of the date and time, as well as the role he/she may play in this hearing. If at all possible, a victim impact statement should be made a part of the decision making process in this hearing.
3. Pre-trial releases of the suspect should be made known to the victim, as well as the information on what procedure to follow to obtain other legal protection from victim intimidation, harm or harassment.

D. PROSECUTION:

1. The victim will be kept apprised of any decisions to increase or decrease the original charge, as well as the reasons for the decision. Notification should be made by the victim advocate or investigative detective.
2. The victim will also be notified, by either of the above, of any plea bargaining with the defendant, and the reasons for such.
3. The victim advocate will explain the court/trial process and the intricacies of the criminal justice system to the victim.
4. The victim advocate or investigative detective, will introduce the victim to the County Attorney handling the case; explain the logistics of the court room; how to get there; where to park; where to report and what is expected of him/her in court.
5. The victim will be kept apprised of court dates and times and of any postponements or continuances, by the victim advocate.
6. The victim advocate will accompany the victim to court and provide transportation for the reluctant or disabled individual.
7. The victim advocate will provide employer intercession if necessary.
8. The victim advocate will help to arrange child care if necessary.
9. The victim advocate will make arrangements for "special" victims. This category will include, but not be limited to: children; the blind, deaf or mute; the elderly; non english speaking individuals and the mentally or physically handicapped.
10. If a plea of guilty is entered, or the defendant is subsequently found guilty. the victim should be allowed to provide a victim impact statement prior to sentencing. This may be through Adult Parole and Probation; the individual court; or the victim advocate and will most probably vary from case to case.

E. PROBATION/PAROLE:

1. During the pre-sentence investigation conducted by the Adult Parole and Probation department, a victim impact statement will be solicited. If it is necessary for the victim to report to the AP&P office, great care must be taken to schedule his/her appointment on a different day than that of the defendant.

If at all possible, the form should be given to the victim advocate, who will then make arrangements for it's completion by the victim. This will avoid any possible confrontation between victim and defendant.

2. When parole hearings are in the offing, the victim advocate should be notified. Again, a victim impact statement should be requested and made a part of the decision making process by the parole board.
3. At any time there is a custody status change, or a change of location of the defendant which may affect the victim, the victim advocate should be notified.

GENERAL RECOMMENDATIONS

- A. The Sheriff or Coordinator of the Sheriff's Victim Response Unit should:
1. collaborate with the prosecutor and judges to implement procedures that permit seized property-as-evidence to be photographed and the photograph to be admissable for evidence. This will aid in the prompt return of property to the victim.
 2. meet with judges, prosecutors and parole/probation officers on a regular basis to discuss problems and encourage that victims be treated with fairness, courtesy and respect by all members of the criminal justice system.
 3. work with the prosecutors office to develop policies of keeping each other informed with regard to all matters relating to the prosecution process.
 4. work with prosecutors, judges and court officials to insure that the victim, witnesses or co-victims have a seperate waiting area outside the court room, to avoid possible harassment by the defendant or his/her friends or relatives.
 5. meet with judges and prosecutors to establish a procedure to permit the victim advocate to accompany the victim in the court room. This procedure should be extended to include those cases where the general public and the press may not be allowed.
 6. collaborate with AP&P to develop a method for establishing a procedure to respond to victim complaints about defendant-probationer harassment or intimidation.
 7. collaborate with the Parole Board to insure that a procedure is developed to notify, within 24 hours, the victim advocate about the release on parole of a defendant.
- B. Judges are encouraged to order restitution in all cases where deemed appropriate. Restitution should be ordered whether the suspect is incarcerated or placed on probation.
- C. AP&P is encouraged to recommend to the Court, in appropriate cases, that the defendant is specifically ordered not to have contact with a victim if there have been any instances of threats or intimidation made by the defendant to the victim.
- D. AP&P is encouraged to develop a procedure for notifying the victim advocate if there are any changes in the status of a probationer that would affect the victim.

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- Pepperdine University School of Law. Pepperdine Law Review, Symposium Edition on Victims' Rights. Malibu, California; Pepperdine University, August, 1984.
- H. Jerome Miron, Ellen Archer, Lauren J. Goin and Susan Keegan. The National Sheriff's Association Guidelines for Victim Assistance. Washington, D.C., National Sheriff's Association, November, 1984.
- H. Jerome Miron, Ellen Archer, Lauren J. Goin, and Susan Keegan. The National Sheriff's Association Victim Assistance Training Program-A Participant's Handbook. Washington, D.C. National Sheriff's Association, November, 1984.

OPERATIONAL POLICY

The Sheriff's Victim Response Unit will be administered as follows:

A. CONSULTANT VOLUNTEERS

Consultants who are involved in the system will be comprised of volunteers from within the community.

An interview board will carefully screen all applicants to insure that each volunteer is adapted for this service. All volunteers will be thoroughly trained in all aspects of this program.

B. REQUEST FOR SERVICES

1. The consultants will be used in connection with any type of major crime where victims or witnesses may be suffering from physical, emotional or personal trauma.
2. When a detective determines that he has a case that would fit the victim/witness profile, he will immediately contact the Detective Division Commander.

The Division Commander will make the determination as to which consultant will be called, and will supervise notification and assignment. The consultant will be notified to respond to the appropriate place.

3. When a consultant is assigned to a case, he/she will follow that case to its completion. Only in rare instances will cases be reassigned. If such incidents occur, the Division Commander will supervise the reassignment of the case to another consultant. The original consultant will be responsible for briefing whomever will be handling the case. The newly assigned consultant will immediately contact the detective to receive further direction on the case.

C. DOCUMENTATION

1. Specific file numbers will be assigned all victim/witness incidents, and documentation will be kept on all cases. The updated information will be submitted to the file each time a contact is made concerning the case.
2. Upon completion of the consultant's interaction with the victim, the final entry will be made indicating that the case is closed.

D. USE BY OUTSIDE AGENCIES

1. The Sheriff's Victim Response Unit is at the disposal of any police agency in Davis County. To request the services of the program, contact must be made with the Detective Division Commander, with a synopsis of the case and what the required need of the consultant will be.
2. A consultant and a file number will be assigned from this office, and he/she will maintain proper documentation of the case. That documentation will be made available to the requesting agency as needed.
3. Transportation for the consultant will be the responsibility of, and provided by the requesting agency, as well as any expenses incurred during the servicing of the victim.

E. CONFIDENTIALITY

Confidentiality is of the utmost importance. Consultants must not discuss matters pertaining to any case in which they are involved, with anyone except the detective assigned to the case or the Detective Division Commander.

DAVIS COUNTY SHERIFF'S OFFICE

SHERIFF'S VICTIM RESPONSE UNIT

Volunteer Victim Advocate
Training Outline

Proposed 2 hour classes, one night per week for nine weeks. One training session per month thereafter.

Tuesday, September 24, 1985

7:00 PM - 9:00 PM
Introduction/Orientation
History of Victimization
Facility Tour
Deputy Gayle Smith

Tuesday, October 1, 1985

7:00 PM - 9:00 PM
Sheriff's Victim Response Unit
Policies/Procedures/Confidentiality
Captain Bob Peters

Tuesday, October 8, 1985

7:00 PM - 9:00 PM
Police Procedures
Patrol Division - Captain Cox
Detective Division - Captain Peters
Jail Division - Captain Stewart

Tuesday, October 15, 1985

7:00 PM - 9:00 PM
County Attorney's Role **
Steve Major

Tuesday, October 22, 1985

7:00 PM - 9:00 PM
Court Process **
Circuit Court
Linda Hansen

Tuesday, October 29, 1985

7:00 PM - 9:00 PM
Court Process Continued
District Court **
Roger Lee
Trial Court Executive

Tuesday, November 5, 1985

7:00 PM - 9:00 PM
Adult Probation/Parole Process
Pre-sentence Investigation
Victim Impact Statement
Supervision
Sue Wilson

Tuesday, November 12, 1985

7:00 PM - 9:00 PM
Crisis Intervention Skills
Dr. Eric Neilson

Tuesday November 19, 1985

7:00 PM - 9:00 PM
Victim's Needs/Community Resources
Proposed Legislation
Deputy Gayle Smith

** These classes should be held in the respective Courts, or at the minimum, a tour given.

SESSION 7

NEIGHBORHOOD WATCH VICTIM ASSISTANCE

NEIGHBORHOOD WATCH AND VICTIM ASSISTANCE:

A NEW DIMENSION IN SERVICE

Neighborhood Watch has an impressive track record in crime prevention and has become a household word in the past thirteen years. Yet, few admit that they may become a victim of crime, thinking "It can't happen to me or to someone close to me." Sheriffs, deputies, and citizens know firsthand that it can and does happen -- to almost thirty-five million Americans each year.

Neighborhood Watch Victim Assistance can provide local sheriffs with an inexpensive way to revitalize the community's interest in crime prevention and to increase the public's willingness to cooperate with law enforcement by reporting and prosecuting criminals. At the same time, residents can become more confident -- and competent -- as helpers if their neighbors, friends and family members do become victims.

SHOULD THE NEIGHBORS GET INVOLVED?

Considerable research has been done on the psychological effects of crime on victims and the effects of the crime on those who provided help or assistance to victims. A 1982 study of several hundred robbery, assault and burglary victims in New York City has produced some valuable information about how neighbors feel

about helping neighbors who are victims of crime. The results of this research has produced the following facts:

- The neighbors are already involved. All but two of the 274 victims interviewed received some type of help with their problems from friends, relatives and neighbors. Almost 60 percent of the helpers lived in the same neighborhood, and 80 percent lived in the same community.
- Neighbors, friends and relatives are a primary source of emotional support. Victims called on neighbors, friends and family for help with emotional needs in at least 75 percent of the incidents.
- Most neighbors want to help, but many are not sure how. Of those neighbors who helped, the vast majority -- 97 percent -- said they did not wish the victim had gone elsewhere for help. But nearly half said they felt uncomfortable talking to the victim about the crime.
- Neighbors are victims, too. In the same study, 80 percent of the supporters -- especially those who lived in the same neighborhood -- said they experienced some form of "secondary victimization." This included feeling frightened, nervous, less safe being at home and on the street, and increasingly suspicious of people.
- Services for victims are frequently underused because people don't know about them. In the study, only 19 percent of the victims were aware of any programs available for victims.

NEIGHBORS WANT TO HELP

A key finding of this study is that most neighbors want to help but many need information and advice about how to proceed. How to act toward a crime victim is often answered by other research that seeks to answer the question: what do victims need?

Victims of crime experience financial, physical, or emotional harm as the result of the commission of a crime. This harm has been done by the intentional actions of another. In some instances, these criminal acts may produce a terror-filled crisis in the victim or the victim's family. In the aftermath of the crime, most psychologists and experts state that the best antidote for victims for the harmful actions of a criminal are the supportive and positive actions of another who comes forward to help the victim.

Such help is either expressed in words or shown by visible actions. Saying "I'm glad you're all right", "I'm sorry it happened", and "You did nothing wrong", indicates to the victim that he is safe, another person cares for him and that the victim is not to be blamed.

While research suggests that many friends and neighbors are willing to grant such emotional support to victims of crime, other research indicates that victims also need basic information about what is expected of them and what to do in reporting and cooperating with representatives of the justice system. A large percentage of crime victims seek advice from neighbors, relatives and friends even before reporting or discussing the crime with authorities. Some of

the routine questions that victims have about the crime and their role in the justice system's investigation and prosecution of a crime are:

- What happens after I report a crime?
- Who do I contact for information about the case?
- What do I need to do to recover my stolen property that may have been found by the police?
- How will I be notified about the progress of the investigation?
- How do I go about having stolen documents replaced, such as Social Security cards, driver's licenses, and other official documents?
- Will the suspect or offender harm me or my family? How do I report my fears to the authorities? What will they do?
- What am I expected to do at a line-up, at a pre-trial conference, at other investigative or prosecutorial proceedings?
- Can I get transportation to these meetings? Can someone escort me and explain how to act and what is being done?
- What is a trial? Where? Can I tell authorities about the impact of the crime on me, my family, and my community?

- What is victim compensation? Am I eligible? Where can I obtain the state forms? Can I get assistance in completing these forms?

These and other questions are constantly being asked by victims. They often are not answered.

NEIGHBORHOOD WATCH: LOCAL CENTERS FOR TRAINING

The Neighborhood Watch Victim Assistance program can be organized so that residents are trained to provide answers and give suitable information to victims along with emotional and caring support during the initial aftermath of the crime. Many Neighborhood Watch programs already provide residents with information about how to report crimes or suspicious events. Members are already routinely advised about patterns and trends in the types of crimes in their neighborhoods.

The Neighborhood Watch Victim Assistance program enables members to increase their own knowledge and skill so that they can provide the type of assistance that most victims need.

Sheriffs, deputies, and other law enforcement officials routinely address and/or train members or leaders of Neighborhood Watch about home or business security measures, property marking, patrols, and other issues associated with crime prevention. Other topics relating to rape prevention, child abuse and spouse abuse reporting have also become standard issues discussed with Neighborhood Watch. In the past few years, many sheriffs' departments have begun to operate full service victim assistance programs; others offer assistance to victims in

specialized areas of need. Most State Sheriffs' Associations have Victim Task Force groups in place whose responsibilities are to aid local departments in setting up a Sheriff's Victim Response Unit. This is an organized departmental unit whose mission is to oversee services to victims and to act as a liaison with other victim service agencies within the county or jurisdiction.

Victim assistance programs have come of age in the United States. By blending the mission and resources of Neighborhood Watch with a new focus on the needs and rights of victims, the objective of increasing the interest of the community in crime prevention will be accomplished.

ESTABLISHING A NEIGHBORHOOD WATCH VICTIM ASSISTANCE PROGRAM

PROGRAM SCOPE AND EXPECTED RESULTS

The scope of the Neighborhood Watch Victim Assistance program will vary among communities according to the types of services already in place, the special needs and problems identified in the community, and the commitment to victim assistance in the sheriff's department and among the Neighborhood Watch residents. The program can accomplish the following objectives in any community that has Neighborhood Watch or other crime prevention groups:

1. Increase residents' confidence in their ability to provide basic assistance and advice to neighbors who have been victimized.
2. Help victims learn where to turn for information about their cases, and, if needed, where to obtain professional help and other community services.
3. Encourage residents to join together in assisting victims with practical matters such as lock repair, transportation, babysitting, or other forms of help.

4. Prevent future victimizations by encouraging victims and all residents (the secondary victims) to participate in Neighborhood Watch crime prevention activities.

5. Serve as a springboard and focus group for other victim assistance projects, depending on community needs.

With Neighborhood Watch Victim Assistance, the local sheriff and the residents work together to determine the results they want to see and the best means for achieving them. A successful program may be as simple as residents offering victims reassurance and distributing literature, or as comprehensive as the creation of new services and procedures through training residents and upgrading the mission of Neighborhood Watch.

UNDERSTANDING THE IMPACTS OF VICTIMIZATION

An essential first step in the design of a Neighborhood Watch Victim Assistance program is for the Crime Prevention Officer (CPO) and the residents to understand some of the effects that crime has on victims. This section presents a brief overview of the impact of crime on a victim and lists some of the activities that first responders -- neighbors and officers -- can and should do in order to lessen the harm done to victims and to assist them in the process of recovery and cooperation with law enforcement. This section also acts as a reference for the CPO to use in the design and delivery of training to Neighborhood Watch block captains and residents. A subsequent chapter discusses a model training program for residents that can increase their knowledge and skills needed to provide appropriate service and assistance to victims.

DEFINITION OF A VICTIM OF CRIME

A federal law -- the Victim and Witness Protection Act of 1982 -- provides a useful definition of a crime victim that has been adopted by many states for purposes of defining eligibility for various states' Crime Compensation programs:

A victim is one who suffers financial, physical or emotional harm as the result of the commission of a crime. Included in the definition are those family members or others who are the survivors of a homicide victimization as well as family members of a minor child who has been victimized by a crime.

It is important to note that this definition focuses on the victim as such. It does not define crime in terms of the arrest or conviction of an offender. The definition acknowledges that individuals are harmed as the result of the commission of a crime and is silent about crime being defined according to specific legal elements, or defined as the result of an investigation or prosecution.

This definition is important because only a small number of reported crimes actually result in an arrest. Even lesser numbers of reported crimes result in prosecution, conviction and sentencing. For instance, some researchers have indicated that as few as two percent of reported crimes actually result in a trial with conviction and sentencing of an offender to some form of incarceration. The combined result of both the definition and the reality of the criminal justice system's inability to arrest, prosecute, convict and

sentence all known offenders is that millions of victims (even after reporting a crime) will have no direct contact with the criminal justice system other than the initial contact with law enforcement or -- more likely -- their contacts with neighbors and friends.

VICTIMS AND LAW ENFORCEMENT AGENCIES

This one fact means that there are millions of individuals who are crime victims. These victims have suffered harm as the result of the crime but have little or no contact with prosecutors, trial judges, court clerks, juries, or sentencing procedures. Thus, even where there are organized victim assistance programs located in criminal justice agencies (other than law enforcement) these agencies will have no contact with most victims. Part of the reason is that most crimes are difficult to solve and prosecute because of the absence of solvability factors such as suspect information and identification, probable cause, evidence, traceable property, or other investigatory elements required to make an effective arrest. Even higher standards of law are required for the prosecution and conviction of an offender. There is research indicating that some victims, for a variety of reasons, refuse to cooperate with investigations, or prosecutions. Part of this refusal is sometimes unintentional because the victim (or witness) is often not advised and informed about the various processes and procedures and drops out of the system.

However, even if a subsequent investigation reveals that it is impossible or difficult to arrest and convict an offender, the fact still remains that a person has been harmed by the commission of a crime. By examining the financial, physical and emotional impact of the crime on victims, one recognizes

clearly that the justice system and the community need to reach out and provide assistance, advice, and information to these victims. This needs to happen regardless of the actual legal procedures that are underway and regardless of the prospect of arrest and conviction. As a country we have agreed to protect and serve each other. We have, over time, established public agencies of government to be accountable for carrying out selected services, such as public safety, law enforcement, and the administration of criminal justice, which require skilled and professional personnel. When such agencies are unable to fulfill their duty to protect and safeguard those who are harmed by crime, we have formed, with these public agencies, organized and trained neighborhood or community groups who can and do provide assistance and service to those harmed or in need of help. Indeed, the very existence of Neighborhood Watch as a crime prevention program validates this principle of a partnership between the people who shape and form government agencies and those agencies of government that are accountable to the people. Therefore, the issue is not whether such groups can assist victims but rather, what can such groups and individuals do to provide appropriate assistance to their neighbors in need.

NEEDS OF VICTIMS

The NSA Victim Assistance Program has analyzed the multiple types of needs expressed by victims who have been harmed by crime by examining the results of numerous studies and reports. Many of these reports are listed in the bibliography. We have identified four major categories of need:

1. Emotional needs derived from the actual crisis that crime often provokes in the lives of many victims or families.

2. Physical needs as the result of injury associated with the crime.
3. Financial needs due to the loss of property or funds.
4. Information needs such as how to obtain assistance from others in coping with these emotional, physical and financial needs, as well as what to do and what to expect from the various elements of the local criminal justice system.

CRIME-AS-CRISIS:

WHAT CAN NEIGHBORS DO?

A person's ability to recover from crime-as-crisis is usually decided by the interaction of three important factors. One is the meaning that the person gives to the event in his or her life and the subsequent steps taken by the person to recover from the impact or stress of the event. The second is the experiences that the victim has with other persons immediately after the crime and the supportive role that such persons exercise in the victim's initial, recoil and reorganization stages. The third is the willingness of the person (usually with the support of relatives, friends, and helpers) to obtain professional assistance, if needed, in order to prevent or treat long-term problems that may arise from the crisis.

Of these three factors, we know very little about how any one individual -- acting alone and without help from others -- actually goes through the mysterious process of coping and resolving fear and anxiety associated with crime-as-a-crisis. There is no formula answer that an individual can follow in order to put the random violent act into a perspective that allows one to recover, and give meaning and integrity back to their shattered life. What we do know is that most crime victims, like most people, are resilient and able to

recover if they obtain help from those who care and know how to help. Therefore, the second and third factors that directly contribute to a victim's recovery are the most pivotal and important: help and assistance from others who are willing and able to help.

EMOTIONAL FIRST AID

It has been demonstrated that the best antidote to the random intentional acts of harm and violence done to someone are the intentional and compassionate helpful acts of another. Just as lay persons have been trained by the Red Cross to provide immediate first aid for physical injuries, a new dimension to helping has been developed that has been termed "emotional first aid": crisis intervention by caring persons who can help victims in the initial stages or aftermath of a crime. Just as physical first aid techniques can often prevent or lessen a more serious injury, so too, crisis intervention techniques can lesson or prevent a more serious trauma or long term disability that may occur.

Those who would be helpful must be alert to the burdens imposed by their helping role. Good intentions alone are insufficient. Encouraging and supporting victims in their recovery from crisis induced reactions requires positive behavior and carefully chosen words, actions and guidance. It is important that helpers understand what to do and what not to do. In this section, an explanation of the types of behavior or actions that will help, and a listing of what to do and not to do is provided.

AN OVERVIEW OF HELPING BEHAVIORS

Listening/ventilation

It is extremely important to allow victims to discharge their feelings. The helper should not stifle the victim's impulse to speak of the crime, even if it seems repetitive at first. Listening with acceptance and without passing judgement is the single most supportive act that the helper can perform.

Direction

Victims feel helpless and disordered immediately after the crime. It is difficult for them to deal with abstractions. Normally self-reliant people may need to be told what to do. The helper should avoid imposing a moral tone on what may appear to be a child-like need for direction.

Second Guessing

Victims are extremely sensitive to behavior by others which seems to question their motives or behavior at the time of the crime. Helpers should not ask questions out of idle curiosity, particularly questions which may seem to the victim to be accusatory. Questions such as "Why didn't you scream?" should be avoided.

Guilt

Victims often feel guilty and ashamed, not because of complicity in the crime, but because of the need to explain what happened. Such expressions are usually temporary. Rather than attempting to argue the victim out of such feelings, the helper should accept them as a passing part of the healing process.

Anger

Expressions of anger are appropriate and probably beneficial. A dilemma exists for those who try to help when anger is directed at them. But the expression of anger is likely to be an acknowledgement by the victim that he or she trusts the listener enough to express the feeling. Helpers should never personalize the anger. The victim is using anger as an avenue for needed expression.

Rescue Fantasy

This fantasy is a common pitfall for many who help others. If helpers indulge in this fantasy, they may unwittingly encourage the victim's dependence long after it is necessary. Really helping requires sensitivity and discipline. It is easy to exploit a vulnerable victim for the gratification of personal needs.

HELPFUL ACTIONS

Neighbors can take several basic actions that are effective in helping victims of crime.

- Neighbors should express their understanding and support, and should give assurances that the victim is now safe. Let the victim actually know that others care about what happened and that others are willing to listen and assist. "I'm sorry it happened", "I want to help you", and "I'm here and you're safe now", are messages that can penetrate into the victim's confused state in the immediate aftermath of any crime. They are messages of care, comfort and compassion. Avoid giving messages that may blame the victim for the crime. No one should be blamed for the intentional violent acts of another on them; offenders and assailants are blameworthy, not victims. Avoid messages that state "Why didn't you escape...or scream...or fight back?" Survival, not hand-to-hand combat, may have been the only concern of the victim.
- Neighbors should follow-up their verbal concern with actions designed to aid the victim. There are many practical matters that need attention in the aftermath of a crime or in the completion of an investigation. These chores include: helping to cleanup, repairing doors or damaged property, offering transportation to various locations, babysitting if needed, staying with the victim (if the victim is alone) overnight or for a few days, telephoning others such as a victim's relatives or family, preparing meals, and above all, being available as a helper for the victim. These are important, practical and time-saving services that can aid the victim who must begin to give some direction and meaning to a life that has been intruded upon by random violations.
- Neighbors who are trained in understanding crime-as-a-crisis may be able to provide further follow-up advice and assistance to victims showing

symptoms of stress as a result of the terror-induced event. Most importantly, such neighbors may perform a most invaluable service by encouraging such victims to seek professional help. Often we overlook the fact that while crime is a routine occurrence as reported in the media, the actual impact of a crime on an individual may be far from routine or common. A neighbor is often the one person who is able to encourage a friend to obtain help since victims may feel unwilling or unable to discuss their feelings with family, loved ones or distant relatives or friends.

- Neighbors who are knowledgeable and informed about their local justice system can give direction and advice to victims about what to do and what to expect in the victim's subsequent dealings with the system. Informed neighbors can provide advice and assistance about crime compensation programs, about what an investigation is and terms used in an investigation, and about local victim assistance services in the jurisdiction. Neighbors can be well informed referral agents and direct victims to programs that are specifically designed to aid and care for the needs of victims. These programs may be located in the sheriff's department, community agencies, or elsewhere.
- Neighbors can provide written information from the Neighborhood Watch Victim Assistance program about available emergency or non-emergency services and assistance for victims.
- Neighbors can become advisors and helpers to victims so as to prevent the "second victimization" that often occurs when some victims feel that

they are not being treated fairly or appropriately by representatives from the criminal justice system. A calm neighbor can make calls, get information and obtain facts that otherwise may be lost to a victim who may be expressing or feeling resentment or anger at the slowness of the system's response to his inquiries or needs.

- Neighbors who work together in understanding the needs of victims and who experience the problems that many victims have, may discover that there are many gaps in services for victims in their jurisdictions. Neighbors who have been formed and shaped by their experience and training in Neighborhood Watch Victim Assistance may well wish to develop advocacy programs and study groups that can examine and analyze how, actually, their local justice system responds (or doesn't respond) to the multiple needs of victims. The results of such analysis and study may well be developed into a list of priority issues that can and should be brought to the attention of local authorities. The justice system is designed to serve, protect and care for the principal client of the system: the victim. Without the victim and the cooperation of the victim and witnesses, there is no system of justice. Gaps in the system as well as the lack of appropriate services to the victim should be documented and noted so that changes can be made or new legislation introduced to mandate changes.

SOME DO'S AND DON'TS

The chart on the next page lists some typical problems that victims may experience. For each problem there are simple, positive and supportive actions that neighbors and others can do, or avoid doing, when assisting neighbors who are victims. Effective interventions by neighbors -- doing positive things and avoiding inappropriate actions -- can reduce much of the pain and long term disability that may follow in the wake of crime victimization. Supportive human and neighborly relationships, informed by crisis theory, can reduce the need for intervention by mental health professionals long after the crime. In the period immediately after the crime, what others say and do has great importance. Friends, neighbors, relatives and criminal justice professionals can be very effective in helping the healing process for victims.

Most victims, like most people, are strong and resilient according to Dr. Mortimer Bard who has examined this area extensively. For many victims, their emotional and social difficulties following victimization are natural and usually temporary. But in order to weather their difficulties with relative ease, they need the help of those who care and who know how to help. A well organized, trained and supervised cadre of neighbors who form a Neighborhood Watch Victim Assistance program can provide such help and in so doing continue the work of lessening the impact of crime in our communities and increase the means to prevent the recurrence of future crimes.

A GUIDE FOR NEIGHBORS IN ASSISTING VICTIMS

I. IMPACT STAGE

Possible Victim Reactions and Needs

Medical attention for injury, illness; the victim may be in physical as well as emotional shock.

Unsure about whether to report crime

- apathetic about what can be done
- worried about lack of evidence
- afraid of bothering Sheriff with an "unimportant" crime
- may call neighbors or friends first for advice about reporting

Generally confused, puzzled, "numb," upset, crying, shaking.

Childlike, dependent, wanting to be told what to do.

"Do's"

Call an ambulance
Give emergency first aid
Call the Sheriff
Call victim's doctor

Encourage victim to report the crime right away
Ask if he has called the Sheriff.
Offer to make the call.

Express concern and caring:
"How do you feel?"
"I'm so glad you're alright."
"I'm so sorry it happened."
"It's only natural to feel that way."
"I'd be upset, too."

Encourage the victim to talk.
"Tell me what happened."
"Can you tell me more about that?"
Let him repeat himself.
Be patient.

Help him gain control by letting him make small decisions:
"Is it all right if we sit here?"
"Would you like a jacket?"
"A drink of water?"

"Don'ts"

Make assumptions.
(Often no one asks the simple question: are you all right?)

Assume that the victim has reported the crime.
Assume that someone else has called or will call.

Scold the victim for losing control: "Quit acting like a baby."
Ask Questions out of idle curiosity.

Push rape or sexual assault victims to tell details about the crime, or ask them questions about their sex lives.

Possible Victim Reactions and Needs

Searching for a logical explanation for an event which was arbitrary and unpredictable.

- "Why me?"
- "Bad things aren't supposed to happen to good people. I must have deserved this somehow."

Blames self, feels guilty, humiliated

- "I should have defended myself."
- "I should have checked the windows."
- "I was so stupid."

Anger, frustration

- at the criminal
- at the system
- at the neighbor or other helper

Fear that criminal will return

Fear of being alone

"Do's"

"It wasn't your fault."
"It could have happened to anybody."

Help place the blame on the criminal, e.g.
"It wasn't your fault."
"He had no right to attack you under any circumstances."
"You made it through - you must have done a lot of things right."

Let him get the anger out. Listen. Let him repeat himself.
"It's natural to be angry."
"Anyone would be unhappy if that happened."

Encourage the victim to report threatening calls, or harassment immediately. Reassure the victim that protection is nearby. Help arrange for emergency repairs.

Stay with the victim or call someone he trusts to come and stay or provide a safe place to spend the night. If he or she insists on being alone, offer assurance that further help is available if needed. Write emergency numbers down.

"Don'ts"

Tell long stories about your own experiences.

Pass judgement. Blame the victim, e.g.
"What were you doing out at that hour, anyway?"
"Why didn't you lock the doors?"
"You should have screamed."

Take the victim's anger personally.

Attempt to handle a threatening situation yourself.

Leave the victim alone or without someone to turn to.

II. RECOVERY STAGE

Possible Victim Reactions and Needs

Denial, "false recovery," puts up brave front, puts off details that must be handled while trying to conduct "business as usual."

Depressed; feels problems are insurmountable.

Reluctance to "bother" others for help; doesn't want to accept "charity."

Confused about what will happen next with the case, how to get information.

"Do's"

Ask from time to time over the next few weeks:

"How are you feeling now?"
"What can I do to help?"

Try to help victim determine the most troublesome problems. Help him think through possible solutions. Identify at least one problem he can take steps to solve and gain a feeling of self-control.

Look for signs of stress. Provide list of available services and emergency numbers.

"I know you'd help me out if it happened to me."

Suggest specific ways your group can help:

- transportation, babysitting
- clean-up, information about criminal justice system.
- companionship

Develop and distribute information packets which may include

- National Neighborhood Watch
- Victim Assistance brochure and materials
- Local brochures, fliers which may be available from criminal justice system, victim assistance and other service

"Don'ts"

Assume that everything is okay.

Indulge in a "rescue fantasy" by taking complete charge and encouraging dependency.

Assume there's nothing else you can do. Worry that you'll be in the way.

Use outdated information. "Sugarcoat" the difficulties of processing a case (instead, help the victim gain confidence and control as he becomes more knowledgeable).

Possible Victim Reactions and Needs

"Do's"

"Don'ts"

Pressure because of financial loss, loss of property (taken by criminal, being held for evidence)

III. STABILITY

Renewed interest in neighborhood crime prevention.

Frustration over system's lack of consideration of victim needs and rights.

agencies

- Your own Neighborhood Watch Victim Assistance flier or brochure

Become a source of information about the criminal justice system through further training in co-operation with Sheriff's office.

Inform of state or local victim compensation programs if available
Provide information on who to call about return of property.

Provide information on Neighborhood Watch.

Assist by arranging for home security check, property identification, other precautions.

Help victim channel concern into organizations working to solve these problems.

Help victim understand that his experience is a valuable resource that can be used to help others to join in a program to change how victims are treated.

Help the victim to work together with others so that the neighborhood and the system is improved.

Let Neighborhood Watch lose its effectiveness.

Let criminals "win" by agreeing that nothing can be done.

MATCHING NEIGHBORHOOD WATCH
TO VICTIMS' NEEDS--SOME PROGRAM OBJECTIVES

The ideas presented earlier coupled with the results of research--limited though it may be--suggest that Neighborhood Watch and other organized crime prevention groups or programs can develop a new thrust in their programs by introducing victim assistance to their neighborhood services. Consider the following observations:

- An individual's ability to recover from the impact of a crime depends primarily on the nature of the victim's experience immediately after the crime. The best antidotes to random, intentional acts of violence are usually the positive and intentional acts and expressions of concern by another.
- There are four basic areas in which neighbors can be especially effective with victims...
 1. Neighbors can express their support and understanding...let the victim know that people care about what happened, are willing to listen, and don't blame the victim;
 2. Neighbors can express concern by actions...helping with practical matters such as babysitting, clean-up, lock repair, escorting the victim to proceedings, transportation, and filling out forms;
 3. Neighbors can become reliable sources of information...neighbors can be trained about how the system works, what are available victim services, and how to obtain information about the victim's case;
 4. Neighbors can help reduce the "second wound" that victims may experience when it seems that their point of view is not taken seriously in the criminal justice process... victims often become motivated to advocate for victims' rights; in many instances, victims become community leaders in crime prevention.

SOME OPERATIONAL ASSUMPTIONS ABOUT
NEIGHBORHOOD WATCH VICTIM ASSISTANCE (NWVA) PROGRAMS

Assumption: Members of NWVA are quasi-para-professional volunteers who are trained and supervised by the professional staff of an agency; some members may be more suitable to perform selected victim assistance activities than others.

Assumption: Some victims' needs may be more immediate than other needs; thus, one assumes that there is a process for matching the member with the more immediate needs of a given victims. Some activities may need to be scheduled.

Assumption: NWVA professional staff and members should respect the privacy of the victim; some victims may choose not to be helped by others. A principle rule: do no harm to the victim.

NWVA: DISTRIBUTORS AND
PRODUCERS OF INFORMATION

- Members can distribute and explain brochures and materials about how to prevent crime;
- Members can distribute and explain brochures and materials about how to report crime and suspicious circumstances;
- Members can distribute informational brochures and materials about crime compensation programs in state and/or locality. Explanations about eligibility should be done by professional staff of the victims' compensation program;
- Members can distribute informational brochures and materials prepared by law enforcement agencies about available victim assistance services;
- Members can distribute informational brochures and materials prepared by other agencies about victim assistance services after review by the law enforcement agency as to their accuracy and reliability;
- Members can be suitably trained about the information contained in these printed materials so that they can understand the information and adequately provide answers to routine questions posed by citizens, victims or witnesses.
- A NWVA Project: Conduct research (interviews and telephone surveys) of each of the local (city or county) criminal justice agencies to ascertain what victim-related services or rights are accorded victims of crime. Design easy to read pamphlets that describe the results of the research by (a) type of crime victim; (b) services; (c) rights; (d) hours of service; (e) contact name and phone number.

Repeat this research project for public or private non-criminal justice system agencies or programs.

Conduct research on current state statutes about victims' rights. List these rights in simplified language and print on a card similar to a "Miranda Card". Reverse side of card could contain information about membership in the NWVA program and name of advisor to contact for further information about victims' services.

NWVA: SERVICE PROVIDERS

- Members can assist in replacing broken windows, doors, locks, or other damage to dwellings as the result of non-violent crime such as burglary and/or vandalism after the crime scene has been processed. Assistance is probably most needed in cases of elderly crime victims, indigent crime victims, handicapped victims, and victims who may be living alone without access to relatives, neighbors or friends.
- Members can assist in clean-up services inside dwellings as a result of non-violent crimes after the crime scene has been processed.
- Members can provide transportation and escort/companion services to selected crime victims who may need to review photos, participate in line-ups, or need to be interviewed but neither the agency nor the individual(s) have available transportation.
- Members can assist in replacement of stolen materials such as social security cards, credit cards, driver's licenses, bus passes, food stamps, registration cards, identification cards, medicare cards, etc. A listing of the agencies and phone numbers to call coupled with the willingness and phone skills of a member can help elderly, indigent, or handicapped victims obtain replacements for these stolen items.
- Members can provide transportation and escort/companion services to selected crime victims who may need to attend different legal proceedings in the pre-trial processing of a victim's case but may not have adequate transportation.
- Members can provide babysitting services for families with small children whose parents or guardians may have to attend interviews and legal proceedings and no other service is available. Members may also wish to review the suitability of babysitting services at the law enforcement agency or at the courthouse for parents of small children who may need to attend pre-trial or trial settings either as victims or witnesses.
- Multilingual members can act as translators for victims or witnesses who use English as a second language. The NWVA program can be available to provide answers to questions that the victim or witness may have about case status and other informational needs. Members can also translate written materials into suitable languages for use by victims and witnesses.
- Members can act as temporary help, at no cost, for small businesses whose owners or workers need to attend various interviews or legal proceedings for short periods of time (a few hours) as the result of being crime victims or witnesses.

- Members can staff a Crime Victims Information Center in a courthouse(s) to direct victims and witnesses to appropriate locations in the court, provide information, conduct tours of an empty courtroom to orient victims and witnesses to what happens in a trial, where to sit and what to expect, and act as companions and escorts to victims or witnesses who may be alone and feel intimidated by being in a courthouse. These tasks should be done under the direction and guidance of the Court Bailiff or other official attendants of the court in the event that victims or witnesses need more specific care from the court.

SESSION 8

DESIGNING A NEIGHBORHOOD WATCH

VICTIM ASSISTANCE PROGRAM

DESIGNING A NEIGHBORHOOD WATCH

VICTIM ASSISTANCE PROGRAM

A public commitment by senior officials to addressing victims' needs and rights is an essential first step in the design of a Neighborhood Watch Victim Assistance (NWA) program. Because of the sheriff's unique position as a county's chief elected law enforcement official, enthusiasm "at the top" can be key to a successful program, in the public's view and within the department itself.

EVIDENCE OF COMMITMENT

This commitment can be evidenced in any number of ways, including

- publication of written policies and procedures that ensure fair treatment of victims;
- distribution of public statements;
- participation and leadership in criminal justice and service system coordinating and planning bodies;

- acquisition of knowledge about the issues associated with victims' needs and rights;
- provision of staff training in understanding and handling victim needs and rights;
- designation of victim assistance and crime prevention as a priority within the department;
- involvement of officers and citizens in the planning of the program.

CHOOSING A COORDINATOR

The deputy or deputies chosen to coordinate the Neighborhood Watch Victim Assistance program will be most successful if they possess certain skills such as:

- group leadership skills for delivery of training to Neighborhood Watch members. The deputies, as group leaders, will not only need to be able to explain, but to listen; to "think on their feet", and keep discussions on target;
- a personal commitment to victim assistance and crime prevention;
- a basic knowledge of issues related to victim assistance as discussed in the earlier chapters of this manual;

- the general respect of other officers; and
- a good rapport with representatives of other criminal justice and service agencies.

RESEARCHING THE FIELD

In addition to reviewing the information contained in the Manual, the coordinator will need to do some homework and conduct research on victim services already in place and how to identify additional needs for victims in the jurisdiction. On page 111 is a chart identifying common needs of victims, which include information about how they are met and possible roles for citizen volunteers.

The coordinator should complete the assessment chart through telephone interviews, and by requesting sample brochures and other printed information. He or she will then:

- have a current list of information on resources;
- be able to identify needs that are not being addressed;
- identify individuals who can help plan and provide neighborhood training;
- have completed much of the groundwork needed to develop other printed materials, if needed, for public or internal distribution;
- be able to avoid costly duplication of effort;
- be able to make informed decisions about the most appropriate role for Neighborhood Watch Victim Assistance as part of a coordinated community effort; and

- identify appropriate roles for citizen volunteers.

If there is a full-service victim assistance program already in place in the community it will have already compiled a list of valuable resources. Such an agency can share information, provide insight on unmet needs, and make suggestions for training and volunteer involvement.

If there is no full-service victim assistance program, specialized services may be available from several local agencies. Your own department may follow certain victim call-back and property return procedures, or work with the hospital or crisis teams to assist rape and other sexual assault victims.

The prosecutor's office or clerk of the court may have witness notification or on-call procedures in place. They may also have policy or legal requirements governing the involvement of victims in various processes such as restitution, plea bargaining or sentencing.

Mental health or social service agencies may also have special treatment programs or employ specialists to provide such services as rape victim companions, counseling and shelter for domestic violence victims, services for child sexual abuse victims, or assistance for the elderly and disabled.

After the coordinator has charted enough information to have a general overview of how community agencies respond to victim needs, the Victim Assistance Inventory can be summarized as on page 130 and used as an aid in the Neighborhood Watch Victim Assistance training sessions.

Residents may also have information to add from their own experiences. They may know of efforts by churches, clubs, or employers to assist victims, or they may feel that certain services need improvement. The training session will provide opportunities to determine how well informed residents are about existing services and enable the coordinator to gain a better understanding of residents' priority concerns.

NEIGHBORHOOD WATCH VICTIM ASSISTANCE INVENTORY

<u>Possible</u> <u>Victim Needs</u>	<u>Service</u> <u>Provider</u>	<u>Restrictions/</u> <u>Unmet Needs</u>	<u>Possible roles for</u> <u>NWVA Volunteers</u>
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● Medical

Emergency Care

Special Services for:

Sexual Assault Victims

Child Abuse Victims

Others

Continuing Care

● Protection

Against harassment,
threats by accused

Separate court
waiting areas?

Emergency Repairs
(locks, windows, etc.)

● Emotional Support

Companionship

24-hour crisis

counseling, hotlines

● Special Services for:

Sexual Assault Victims

Domestic Violence Victims

Families of Homicide Victims

Child Abuse Victims

Elderly

Handicapped

Others

NEIGHBORHOOD WATCH VICTIM ASSISTANCE INVENTORY

<u>Possible</u> <u>Victim Needs</u>	<u>Service</u> <u>Provider</u>	<u>Restrictions/</u> <u>Unmet Needs</u>	<u>Possible roles for</u> <u>NWVA Volunteers</u>
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● Information about

Status of Investigation

Property Return

Court Process; How to be
an Effective Witness

Court Schedules

Case Disposition Information

Defendant Status (e.g. on
bail, probation, parole)

Juvenile Court Process

Criminal Justice System
in General

● Participation/Status

State Victim Bill of Rights

Victim Impact Statements

Restitution

Community Service

Participation in Plea

Bargaining

NEIGHBORHOOD WATCH VICTIM ASSISTANCE INVENTORY

<u>Possible</u> <u>Victim Needs</u>	<u>Service</u> <u>Provider</u>	<u>Restrictions/</u> <u>Unmet Needs</u>	<u>Possible roles for</u> <u>NWA Volunteers</u>
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● Financial

State Compensation Fund

State or local emergency
funds

Help filing claims

Procedures to handle
stolen credit cards,
checks, etc.

Intervention with
creditors, employer

● Practical Needs

Security and Crime
Prevention Information

Transportation

Parking at Court

Babysitting

Clean-Up

Summarizing the Unmet Needs of Victims

After completing the Victim Assistance Inventory, it may be helpful to summarize the needs that seem to be going unmet, along with possible ways in which Neighborhood Watch Victim Assistance participants might assist in meeting those needs. The coordinator will thus be better prepared to respond to specific questions about the degree of citizen involvement needed.

Unmet Needs From Inventory

Possible NWA Activities

Medical

Protection

Emotional Support

Information

Participation/Status:

Financial:

Practical Needs

SESSION 9

OUTLINE OF A TRAINING GUIDE

A TRAINING GUIDE FOR NEIGHBORS

THE TRAINING DESIGN

This training guide is designed to be used by the sheriff, deputy or crime prevention officer with Neighborhood Watch groups. It includes the following components:

- Session 1: Brief introduction to the subject and statement of training objectives
- Session 2: Psychological First Aid: Becoming more Confident and Competent Helpers
- Break, refreshments, informal conversation
- Session 3: Victims Needs and Services: What is Being Done? What Needs to be Done? What Roles Can Neighbors Play?
- Session 4: Wrap-Up: Short-term and Long-range Action Plans
- Session 5: Evaluation of Training Sessions

This training program can be done in several meetings over time or compressed into a one-day conference or a series of conferences.

The training design alternates brief lectures by the sheriff or deputy with "structured brainstorming", role play, discussions, and decision making exercises by the group.

These participatory learning techniques can give residents a sense of "ownership" in the program, and give the trainer a better understanding of what residents know, what they want and need to know, and what they consider to be priority concerns; and help build the trust level between the sheriff's department and the public by providing opportunities for sharing information and ideas.

Other suggestions are provided throughout the training guide for keeping discussions on target. Simple visual aids are also included. These lists, diagrams, and charts can be easily reproduced on flip-chart paper before the meeting, or used "as is" with an overhead projector.

There are many issues associated with victim services and rights. It should be emphasized that this training design only allows enough time to provide a basic introduction. The leader can acknowledge questions and problems raised which are "off the track" by posting them on a list for review during the wrap up session or at future meetings, then moving the discussion forward.

The training model is designed to be workable in a variety of situations, but can and should be modified to suit community needs and resources, and individual training styles, and the constraints of time and place.

With large groups, brainstorming and other group exercises may be handled by dividing participants into smaller sub-groups, and comparing results at the end of the exercises. In communities with many active Neighborhood Watch groups, the trainer should pre-test the training with a group of block captains, and incorporate their suggestions into a revised model.

It may also be useful to conduct a planning meeting with a block captain, a victim service provider, a patrol representative, and a mental health professional to produce ideas for modifying the training design to best serve your audience. These individuals could form an Implementation Team to assist the Neighborhood Watch Victim Assistance coordinator in conducting training sessions, or in following up with Neighborhood Watch groups according to the needs they identify.

Preparing for Training: A Checklist

- Review the NWA Program Manual.

- Complete Victim Assistance Inventory and Summary

- Review the proposed training session with the patrol representative, block captain, victim service providers, mental health representative, as appropriate; modify as needed.

- Recruit and invite participants.

- Arrange meeting time, place, other logistics.

- Send second invitation notice to participants.

- Prepare flip charts, visual aids; duplicate evaluation forms
assemble handouts (brochures and other local information if available).

- Review all arrangements for training.

Trainer's Outline

Session 1: Introduction and Overview

1. Conduct a brief "get acquainted" exercise to give you a better understanding of the audience and its expectations. For example, as

participants tell their names they might be asked to state one thing they hope to get out of the training. A show of hands regarding who has been a victim, and who has been called on to assist a victim, might also be helpful.

2. Explain briefly the rationale for the program and its relationship to crime prevention. Provide an idea of the program scope and expected results.
3. Recognize how neighbors already provide reassurance and services to victims of crime.
4. Conduct a five minute brainstorm exercise on victim needs. Post Brainstorm Question #1 and the structured brainstorming rules displayed on Chart #1.

QUESTION: What do you think victims need after the crime?

STRUCTURED BRAINSTORMING RULES:

- A. Get out all ideas and list them quickly on chart.
- B. No editing, discussion or comment.
- C. Repetition is O.K.
- D. 5-minute limit.

5. Review responses and mark with an "E" those that refer to some type of emotional support.
6. Mark with an "I" responses which refer to needs for information.
7. Continue to mark in a similar way other categories of needs that are identified. For example, medical (M), safety (S), financial (F), practical help (PH) for such matters as transportation, and participation (P) in the criminal justice process.
8. Explain that the list just developed will be used again in Session #3 of the training. In Session #2 the group will be taking a closer look at the need for emotional support, understanding, or just plain neighborliness.
9. Present training objectives as displayed on Chart #2.

Chart #1

BRAINSTORM QUESTION: WHAT DO YOU THINK VICTIMS NEED AFTER THE CRIME?

BRAINSTORM RULES:

1. GET OUT ALL IDEAS AND LIST THEM QUICKLY.
2. NO EDITING, DISCUSSION OR COMMENT.
3. REPETITION IS O.K.
4. 5 MINUTE LIMIT.

IDEAS:

Chart #2

NEIGHBORHOOD WATCH VICTIM ASSISTANCE

TRAINING OBJECTIVES

1. UNDERSTANDING WHAT A CRIME AS A CRISIS EVENT CAN MEAN TO THE VICTIM: SESSION 2
2. GAINING CONFIDENCE IN YOUR ABILITY TO PROVIDE "PSYCHOLOGICAL FIRST AID" FOR VICTIMS: SESSION 2
3. IDENTIFYING SERVICES PRESENTLY AVAILABLE TO VICTIMS, AND VICTIMS' NEEDS THAT MAY BE UNMET: SESSION 3
4. OUTLINING ACTIONS NEIGHBORS CAN TAKE TO HELP MEET NEEDS: SESSION 4
5. DEVELOPING A PLAN OF ACTION: SESSION 4

Session 2: Understanding What the Crime Can Mean

1. Explain briefly how becoming a victim of crime can produce a crisis in a person's life.
2. Explain how normal crisis reactions usually occur in three stages, emphasizing that these reactions will vary greatly with the individual and the circumstances of the event.
3. Explain and lead the following small group exercise:

Purposes: To understand how the victim may feel after the crime.

To identify ways neighbors can assist in the victim's recovery.

Procedure: Divide the group into smaller groups of three. One person will assume the role of the victim; the second, a neighbor. The third will be an observer, who will listen carefully, take notes if they wish, and report back to the full group. By the end of the exercise, everyone should have had an opportunity to assume each role.

- A. Read Situation #1, which sets the scene for victim/neighbor interactions during the impact stage of the crisis.

- B. Ask the small groups to improvise a conversation for three minutes. Each group's observer will listen, but not comment.
- C. Circulate among the groups to make sure the exercise is clear.
- D. After a few minutes, lead a 15 minute report out and discussion period. Suggested discussion questions are provided after each situation.
- E. Repeat the processes in steps A-D above with Situation #2 (related to the recovery state) and Situation #3 (related to achieving stability). Encourage group members to switch roles each time.
- F. Summarize the results of the exercises, pointing out the wide range of victim reactions, and the do's and don'ts group members have identified. Distribute photocopies of the "Guide for Neighbors in Assisting Victims" listed on page 111.

Variations on this Exercise:

1. Instead of breaking into small groups of three, a "victim" and a "neighbor" can be selected to play out each situation before the whole group, with all other group members acting as "observers".
2. Male and female roles are interchangeable. Any of the small groups can choose to have a "Josephine" as a victim, or a "Nelly" as a neighbor. You may wish to point out that, while the risk of

becoming a victim depends on many factors, victims of crime are more often men than women; men, young people and blacks face the greatest risks of violent crime by strangers; women are more vulnerable to assaults by non-strangers.

SITUATION #1. Joe, a retired widower who lives alone, came home late Friday night and surprised a burglar, who shoved him down, kicked him in the chest and escaped with a small television and \$400 in cash. All of Joe's personal papers were strewn across the living room floor, and the lock on the back door was broken. Joe's hands were shaking as he picked up the phone and called his neighbor, Ned, for advice. Ned rushed right over.

SUGGESTED DISCUSSION GUIDE:

1. Ask the observers in turn: How did the victim in your group feel? How could you tell? What did the neighbor say or do? What seemed most helpful? Least helpful?
2. List the responses on newsprint under three columns, for example:

Victim Responses	Helpful	Not Helpful
------------------	---------	-------------

3. Ask the neighbors: Do you think you would have reacted differently if you had been the victim? If so, how?

4. Ask the victim: did the observer accurately describe your feelings? What, if anything, did you need that you did not get?

SITUATION #2. Continuing the same scenario, assume that Joe eventually called the sheriff's department. The deputy took the report, but had an emergency and left quickly. Evidence technicians came and went. Joe went to the doctor. He was only bruised, but the bill for X-rays and exam was \$150.00, and he was almost broke. A man fitting Joe's description of the assailant was picked up two days later, but the following week Joe saw the man standing in line at the grocery store. Joe didn't know what was going on, or what to expect next. He called on Ned to help him figure out what to do.

SUGGESTED DISCUSSION GUIDE: Repeat the questions from Situation #1 above, continuing to list responses.

SITUATION #3. Continuing with Joe's story, assume that after six months, Joe's case went to trial. The process involved postponements; sitting in the court waiting area with the defendants; and Joe being given only a brief time to tell his side of the story. The defendant was convicted, but given probation. Joe's life was pretty much back in order by now, but he still had mixed emotions: in a way, he was glad he stuck it out and followed through; but he had also experienced a lot of frustration. He started talking to Ned about how he felt, hoping for some suggestions.

SUGGESTED DISCUSSION GUIDE:

1. Ask the observers in turn: How did the victim feel at this point?
What positive suggestions did the neighbor have?

2. Ask the neighbors: Did you have difficulties coming up with
positive suggestions? What could have helped you?

3. Ask the victims: What suggestions appealed to you most? Least?
What, if anything, did you need that you did not get?

Session 3: Identifying Available Services, Unmet Needs, and Volunteer Roles

This exercise involves the whole group. The purposes are as follows:

1. To give the leader a better understanding of how much residents know about agencies and services available to assist victims.
 2. To give the leader an opportunity to provide such information.
 3. To determine ways Neighborhood Watch members as a group and as individuals can volunteer to assist in improving services to victims.
- A. Post the list of victim's needs developed in Session 1.
 - B. Beside it, post a chart with the following headings: Needs; Services; Volunteer Roles. Subcategories under "Needs" can also be listed, as displayed on Chart #4.
 - C. Explain that first, the group will take a closer look at the needs they have identified, and the formal services available to meet them.
 - D. List on Chart #4 the needs identified in the first category, then:

Chart #4

Needs

Services

Volunteer roles

Medical

Protection

Emotional Support

Information

Participation

Financial

Practical

1. Ask the group if there are other needs in that category which should be added. List them.
 2. Ask the group to volunteer information on any services with which they are familiar, that address those needs. These may include efforts by churches, clubs, neighborhood or civic groups, etc. List Them.
 3. Using your own Victim Assistance Inventory add and briefly explain other services you have identified. List Them.
- E. Repeat the process in Step "D" with all the other categories of need that were identified in Session #1.
- F. Circle the needs for which no services have been identified by you or the group.
- G. Now, begin to fill in the third column, "Volunteer Roles," across from the needs circled in Step F.
1. Ask the group: What part do you think citizen volunteers could play in helping address these unmet needs. List them.
 2. Add to the list, using your own Summary.
- H. You may wish to take a 5-minute "stretch" break before the wrap up session.

Session 4: Short-term and Long-range Plans

In this part of the training session, the leader brings closure to the meeting. The purposes of the session are:

1. To highlight the group's accomplishments in this Conference;
 2. To elicit the agreement of the group to distribute appropriate literature throughout the neighborhood;
 3. To assist the group in deciding how to follow-up on needs identified during the training session.
- A. Referring back to the Training Objectives (Chart #2), briefly "recap" the activities and accomplishments to date.
- B. Distribute samples of local victim assistance literature, if available. At this time, explain that the sheriff's department would like to see that such material is widely distributed to all residents, and is seeking the help of Neighborhood Watch groups. The Department will also be distributing this information when deputies respond to calls for service. As each Neighborhood Watch group goes through the training, the sheriff's department will be building a network of concerned individuals it can call on to aid victims.

C. It may be possible at the meeting to decide on the logistics of distributing the literature, and to outline several follow-up steps, such as arranging for future guest speakers, or making "assignments" to research further information on topics of special interest or concern; but in most cases, time will not permit in-depth planning at this session. An agreement by the group to continue exploring Neighborhood Watch Victim Assistance with the sheriff's department through the block captain or a task force would be a very successful outcome for the training session.

Session 5: Evaluation of Training

It is important to measure the success of the training session in meeting its stated objectives. A sample multiple-choice evaluation form is included, which can be completed in five minutes or less.

Follow-up Suggestions for Neighborhood Watch Victim Assistance

A sample brochure, "The Sheriff and Victim Assistance" displayed in the appendix describes in general terms the type of assistance residents may expect from the Neighborhood Watch Victim Assistance program. It simply lets residents know that neighbors care, are willing and able to help with practical matters, and are working with the sheriff's department to see that victims receive the information and consideration they need. This degree of involvement in victim assistance is not complicated to achieve, and the increased awareness that occurs may be all that is needed or desired in some communities.

Other communities, however, may want to build upon the interest generated at the training session. It is likely that Neighborhood Watch groups will identify further needs for 1) training and information; and 2) "spin off" activities that may contribute to the future success of community-wide crime prevention and victim assistance efforts. Suggestions for follow-up are provided below, based on the experiences of many other crime prevention and victim assistance programs:

Training Suggestions

1. Sheriff's Department ride alongs.
2. Visits to agencies involved in assisting victims, for example, local mental health agencies, the hospital's rape treatment unit.
3. Presentations by guest speakers on new laws.

4. Monthly or bi-monthly presentations by various criminal justice professionals, service providers, mental health professionals.
5. Guest speakers or panels on topics of special interest, for example, crime in schools, assisting the elderly, drug abuse prevention.
6. Attending workshops and presentations given by other community organizations and reporting back to the Neighborhood Watch group
7. Court observation.
8. Further readings.
9. Videotape presentations.

Possible Spin-Off Activities

1. "Revitalizing" Neighborhood Watch crime prevention efforts, for example,
 - a) making a special effort to work with victims on "target hardening" and other measures to prevent re-victimization
 - b) making sure new residents are informed of Neighborhood Watch
 - c) distributing reminders to all neighborhood residents about Neighborhood Watch.
2. Developing a local victim assistance brochure; flier; wallet-sized cards with emergency and information numbers; or insert for the victim assistance brochure. The Sheriff's Department's Victim

Assistance Inventory and the results of the training session will contain most of the information needed for these items.

3. Starting block parent or "latch key kid" volunteer programs.
4. Working as volunteers with existing victim service organizations, or the sheriff's Victim Response Unit.
5. Encouraging the schools to provide learning opportunities about victims' needs and rights, on drug abuse prevention, law related education, school safety and other topics.
6. Establishing local emergency loan funds for victims of crime; identifying individuals or organizations willing to loan needed items or donate services such as emergency repairs.
7. Researching various issues related to victims' rights for participation and consideration in the criminal justice system; working with the Sheriff's Department to address priorities.

Neighborhood Watch Victim Assistance

Training Evaluation

Please help the Sheriff's Department plan and improve future training sessions by completing this evaluation form.

A. Using the following rating scale, circle the number beside each statement that represents your opinion:

5 = strongly agree

4 = agree

3 = agree somewhat

2 = disagree

1 = strongly disagree

- | | | | | | | |
|----|--|---|---|---|---|---|
| 1. | I now have a better understanding of how
crime victims might feel. | 5 | 4 | 3 | 2 | 1 |
| 2. | I now know more about what crime victims
need to recover. | 5 | 4 | 3 | 2 | 1 |
| 3. | I feel more comfortable about what to
say to people in crisis situations. | 5 | 4 | 3 | 2 | 1 |
| 4. | The training session increased my
knowledge of services available to | 5 | 4 | 3 | 2 | 1 |

assist crime victims in this community.

- | | | | | | | |
|-----|--|---|---|---|---|---|
| 5. | The training session increased my knowledge of needs that are not being addressed. | 5 | 4 | 3 | 2 | 1 |
| 6. | I gained a better understanding of the Sheriff's Department's role in victim assistance as a result of the training. | 5 | 4 | 3 | 2 | 1 |
| 7. | I learned some useful information about how the criminal justice system in general deals with crime victims. | 5 | 4 | 3 | 2 | 1 |
| 8. | I am now more inclined to offer assistance to a neighbor who has been victimized. | 5 | 4 | 3 | 2 | 1 |
| 9. | The training session has increased my interest in crime prevention. | 5 | 4 | 3 | 2 | 1 |
| 10. | The trainer spoke clearly. | 5 | 4 | 3 | 2 | 1 |
| 11. | The trainer kept my interest and attention. | 5 | 4 | 3 | 2 | 1 |
| 12. | Everyone was given an opportunity | 5 | 4 | 3 | 2 | 1 |

to participate and present ideas.

13. The group exercises were helpful. 5 4 3 2 1

14. The content of the training session 5 4 3 2 1
was relevant to me.

15. I would like to see the Neighborhood 5 4 3 2 1
Watch group become more involved in
victim assistance.

16. I think the most important follow-up activities for our group are

17. I think the group needs more information about

18. As an individual, I would like to know more about

19. In general, I would improve the training session by

20. Other comments:

Services maintains a toll-free number 24 hours a day (1-800-342-0825) for referring victims to various kinds of assistance. The Witness Coordination Office (where available) can also be helpful in referring you to the right source. The Florida Bar Lawyer Referral Service (1-800-342-8060) can assist you in locating an attorney if you need one. In addition, other local agencies may be available.

General Victim Assistance

Sheriff's Office personnel are always ready to assist victims and witnesses whenever possible. When so requested, Sheriff's personnel will assist victims and witnesses in locating accessible parking and transportation, and will direct those persons to separate pre-trial waiting areas where available. When necessary, Sheriff's personnel will also attempt to locate translators in appropriate cases.



Your rights as a victim or witness :

The Sheriff realizes that for many persons, being a victim or witness to a crime is their first experience with the criminal justice system. While the emphasis of the system has been the investigation and prosecution of crime, all too often in the past the innocent victims and witnesses have been overlooked. In an effort by the Sheriff to reduce this problem and advise victims and witnesses of help available to them, the following information is furnished.

Prepared by the Florida Sheriffs Association

PRINTER: Shoot at 100%, fold and trim as indicated,
use black ink on 70 or 80 LB. offset paper

Freedom from Intimidation

Section 918.14 (3) (a), Florida Statutes, provides "It is unlawful for any person (1) to cause a witness to be placed in fear by force or threats of force; (2) to make an assault upon any witness or informant; or (3) to harm a witness by any unlawful act in retaliation against the said witness for anything lawfully done in the capacity of witness or informant." Violation of this section is a third degree felony, punishable by a term of imprisonment not exceeding five (5) years and by a fine not exceeding \$5,000. If you believe a possible violation of the statute has occurred, promptly contact the Sheriff's Office.

Notification of Arrest of Suspect

When an arrest is made in a reported case, the arresting officer will make every effort to notify the victim, witnesses, relatives of minor victims and witnesses and relatives of homicide victims, where those persons have provided current addresses and telephone numbers to the Sheriff's Office.

Notification to Employers

The Sheriff realizes that victims and witnesses in criminal cases often must face additional burdens by taking time off from work to assist law enforcement and sometimes undergo serious financial strain either because of the crime or by cooperating with authori-

ties handling the crime. In cases such as these, the deputy sheriff investigating the case or the arresting deputy sheriff, if there is one, shall assist the victim or witness in explaining his or her circumstances to employers or creditors when so requested.

Return of Property

The property of crime victims shall be retained only when necessary for successful investigation and prosecution. Property shall be returned as soon as possible after completion of the investigation or prosecution.

Crimes Compensation for Victims

In some cases, the victims of crimes (or their relatives where the victim is deceased) may be eligible for financial compensation from the State of Florida. Information regarding eligibility may be obtained from the office of the State Attorney, local Witness Coordination Office (where available), or from the Bureau of Crimes Compensation, Division of Workers' Compensation, Florida Department of Labor and Employment Security (904/488-0848).

Social Service Programs

In many instances, victims of crimes require professional assistance in dealing with problems arising from their victimization. These needs may include counseling, shelter, legal assistance, or other types of help, depending on the particular circumstances. The Department of Health and Rehabilitative

**NSAVAP SELECT BIBLIOGRAPHY ON VICTIMS'
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Finally, the Office for Victims of Crime of the U.S. Department of Justice has inaugurated a National Victim Resource Center (NVRC). This Center can provide you with further bibliographic information. Call the NVRC at (202)724-6134 or write: National Victims Resource Center, Office for Victims of Crime, 633 Indiana Avenue, NW, Washington, DC 20531.

National Institute of Justice publications may be obtained from the National Criminal Justice Reference Service (NCJRS), Box 6000, Rockville, MD 20850.

EIOGRAPHICAL NOTES

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