

166461

10c. Who normally keeps you informed about the status of such referrals? (SINGLE RECORD)

THE VICTIM.....1  
THE VICTIM SERVICES ORGANIZATION.....2  
THE VICTIM WITNESS COORDINATOR IN YOUR OFFICE.....3  
THE PROSECUTOR/DA'S OFFICE.....4

**\*\*[IF S1=1,2,7,8,9 ASK Q11A. IF S1 =3,4,5,6 SKIP TO INSTRUCT. BEFORE Q15A.]\*\***

11a. After the initial police report is taken, are victims normally kept informed about the progress of the case investigation?

YES.....1  
NO .....2 SKIP TO Q11D  
[VOL] NOT SURE .....3 SKIP TO Q11D

11b. Who keeps the victim informed about the progress of the investigation? (MULTIPLE RECORD)

POLICE.....1  
PROSECUTOR'S OFFICE.....2  
VICTIM/WITNESS ADVOCATE.....3  
OTHER (SPECIFY) .....4

11c. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....1  
REQUIRED BY REGULATION.....2  
MATTER OF POLICY.....3  
COMMON PRACTICE.....4

11d. What do you feel are the PRIMARY barriers to keeping victims adequately informed? [DO NOT READ - MULTI-RECORD]

INSUFFICIENT RESOURCES-PROBE: [What resources do you lack?]  
INSUFFICIENT EQUIPMENT.....1  
INSUFFICIENT PERSONNEL/STAFF.....2  
INSUFFICIENT MONEY FOR POSTAGE..3  
INSUFFICIENT MONEY.....4  
INSUFFICIENT TIME.....5  
INABILITY TO CONTACT VICTIM.....6  
RELUCTANCE OF OFFICIALS TO ALLOW  
VICTIMS TO ATTEND OR PARTICIPATE..7  
OTHER (SPECIFY:).....8

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12a. Are crime victims normally informed when someone is arrested for the crime?

YES.....1  
NO.....2 SKIP TO Q13A  
[VOL] NOT SURE.3 SKIP TO Q13A

12b. Normally, how soon after the arrest is the victim informed?  
[DO NOT READ]

IMMEDIATELY.....1  
WITHIN ONE DAY.....2  
WITHIN ONE WEEK.....3  
WITHIN ONE MONTH.....4  
MORE THAN ONE MONTH.....5

12c. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....1  
REQUIRED BY REGULATION.....2  
MATTER OF POLICY.....3  
COMMON PRACTICE.....4

12d. Who informs the victim when someone is arrested?  
(MULTIPLE RECORD)

POLICE.....1  
PROSECUTOR'S OFFICE.....2  
VICTIM/WITNESS ADVOCATE.....3  
VICTIM REQUIRED TO INQUIRE.....4  
OTHER (SPECIFY) .....5  
[VOL] NOT SURE .....6

12e. Is the victim informed of the arrest by telephone or in writing?

BY TELEPHONE.....1  
IN-PERSON.....2  
IN WRITTEN FORM.....3  
BOTH VERBALLY AND WRITTEN...4





13a. Are crime victims normally informed that the defendant has a right to a bail or bond hearing?

YES.....1  
NO.....2      SKIP TO Q14A  
[VOL] NOT SURE...3      SKIP TO Q14A

13b. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....1  
REQUIRED BY REGULATION.....2  
MATTER OF POLICY.....3  
COMMON PRACTICE.....4

13c. Who informs the victim that the defendant has the right to a bail or bond hearing? (MULTIPLE RECORD)

POLICE.....1  
PROSECUTOR'S OFFICE.....2  
VICTIM/WITNESS ADVOCATE.....3  
OTHER (SPECIFY).....4  
[VOL] NOT SURE.....5

13d. Is the victim informed by telephone or in writing?

BY TELEPHONE.....1  
IN-PERSON.....2  
IN WRITTEN FORM.....3  
BOTH VERBALLY AND WRITTEN....4

14a. How often does anyone from the prosecutor's or DA's office talk to the victim about his/her wishes concerning the defendant's release on bail prior to the bail or bond hearing? Would you say...

ALWAYS.....1  
USUALLY.....2  
SOMETIMES.....3  
RARELY.....4      SKIP TO Q15A  
NEVER.....5      SKIP TO Q15A

14b. Do a victim's wishes concerning the defendant's release on bond have an impact on the prosecutor's or DA's recommendations in the hearing?

YES, ALWAYS.....1  
YES, SOMETIMES.....2  
NO.....3  
[VOL] NOT SURE.....4



**\*\* [IF S1 =1,2,3,7,8,9 ASK Q15A. IF S1=4,5,6 SKIP TO Q26A] \*\***

15a. How often is the victim informed that he/she can make recommendations concerning the defendant's release on bond? Would you say...

ALWAYS.....	1	
USUALLY.....	2	
SOMETIMES.....	3	
RARELY.....	4	SKIP TO Q16A
NEVER.....	5	SKIP TO Q16A

15b. Who informs the victim? **[MULTIPLE RECORD]**

POLICE.....	1
PROSECUTOR/PROSECUTOR'S OFFICE.....	2
VICTIM/WITNESS ADVOCATE.....	3
JUDGE.....	4
OTHER (SPECIFY).....	5
[VOL] NOT SURE .....	6

15c. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....	1
REQUIRED BY REGULATION.....	2
MATTER OF POLICY.....	3
COMMON PRACTICE.....	4

16a. How often are victims informed about the time and place of the bond hearing before it happens? Would you say...

ALWAYS.....	1	
USUALLY.....	2	
SOMETIMES.....	3	
RARELY.....	4	SKIP TO Q16D
NEVER.....	5	SKIP TO Q16D

16b. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....	1
REQUIRED BY REGULATION.....	2
MATTER OF POLICY.....	3
COMMON PRACTICE.....	4

16c. Who informs the victim about the bond hearing? **[MULTIPLE RECORD]**

POLICE.....	1	SKIP TO Q17A
PROSECUTOR/PROSECUTOR'S OFFICE.....	2	SKIP TO Q17A
PROSECUTOR'S VICTIM/WITNESS ADVOCATE.....	3	SKIP TO Q17A
OTHER VICTIM/WITNESS ADVOCATE.....	4	SKIP TO Q17A
COURT.....	5	SKIP TO Q17A
VICTIM REQUIRED TO INQUIRE.....	7	SKIP TO Q17A
OTHER (SPECIFY).....		SKIP TO Q17A
[VOL] NOT SURE .....	8	SKIP TO Q17A
	9	SKIP TO Q17A

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16d. Why are victims rarely or never informed about the bond hearing? [DO NOT READ - MULTI-PUNCH]

INSUFFICIENT RESOURCES-PROBE: [What resources do you lack?]  
INSUFFICIENT EQUIPMENT.....1  
INSUFFICIENT PERSONNEL/STAFF.....2  
INSUFFICIENT MONEY.....3  
INSUFFICIENT TIME.....4  
INABILITY TO CONTACT VICTIM.....5  
RELUCTANCE OF OFFICIALS TO ALLOW  
VICTIMS TO ATTEND OR PARTICIPATE.....6  
OTHER (SPECIFY: ).....7

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17a. In general, how often do victims actually make a recommendation to the court concerning the defendant's release on bond? Do victims always, usually, sometimes, rarely or never make a bail recommendation?

ALWAYS.....1  
USUALLY.....2  
SOMETIMES.....3  
RARELY.....4      SKIP TO Q18A  
NEVER.....5      SKIP TO Q18A

17b. Do a victim's recommendations have an impact on the outcome of the bond hearing? Would you say...?

ALWAYS.....1  
USUALLY.....2  
SOMETIMES.....3  
RARELY.....4  
NEVER.....5



18a. When a defendant is released from jail on bond, how often is the victim informed about the defendant's release by anyone? Would you say....?

ALWAYS.....1  
USUALLY.....2  
SOMETIMES.....3  
RARELY.....4  
NEVER.....5

SKIP TO Q19A  
SKIP TO Q19A

18b. Who informs the victim about the defendant's release?  
[MULTIPLE RECORD]

POLICE.....1  
PROSECUTOR/PROSECUTOR'S OFFICE.....2  
VICTIM/WITNESS ADVOCATE.....3  
OTHER (SPECIFY) .....4  
[VOL] NOT SURE .....5

18c. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....1  
REQUIRED BY REGULATION.....2  
MATTER OF POLICY.....3  
COMMON PRACTICE.....4

18d. How quickly is such notice provided to the victim? [DO NOT READ]

IMMEDIATELY.....1  
WITHIN ONE DAY.....2  
WITHIN ONE WEEK.....3  
WITHIN ONE MONTH.....4  
MORE THAN ONE MONTH.....5

18e. Is such notice provided to the victim by telephone or in writing?

BY TELEPHONE.....1  
IN-PERSON.....2  
IN WRITTEN FORM.....3  
BOTH VERBALLY AND WRITTEN....4





**\*\* [IF S1 =2,7,8,9, ASK Q19A. IF S1=1,3,4,5,6 SKIP TO Q21A] \*\***

19a. How often do victims have an opportunity to talk with the prosecutor/DA about whether or not a plea to lesser charges should be accepted? Would you say...?

ALWAYS.....	1	SKIP TO Q19C
USUALLY.....	2	SKIP TO Q19C
SOMETIMES.....	3	SKIP TO Q19C
RARELY.....	4	
NEVER.....	5	

Q19b. Why do victims rarely or never have an opportunity to talk with the prosecutor/DA about whether a plea to lesser charges should be accepted? **[DO NOT READ - MULTI-RECORD]**

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**[SKIP TO Q.20A]**

19c. Is there a law or regulation that requires the prosecutor/DA to consult with the victim concerning the plea, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....	1
REQUIRED BY REGULATION.....	2
MATTER OF POLICY.....	3
COMMON PRACTICE.....	4

19d. How much impact do you believe that the victim's discussion with the prosecutor/DA has on the outcome of the case -- a lot, some, only a little or none?

A LOT.....	1
SOME.....	2
ONLY A LITTLE.....	3
NONE.....	4
NOT SURE [AFTER PROBE FOR BEST GUESS].....	5



20a. Before a case is dismissed, how often is the victim told that the prosecutor/DA intends to dismiss the case? Would you say...?

ALWAYS.....1  
USUALLY.....2  
SOMETIMES.....3  
RARELY.. .....4 SKIP TO Q20G  
NEVER.....5 SKIP TO Q20G

20b. Who informs the victim about dismissing the case? [MULTI-PUNCH]

POLICE.....1  
PROSECUTOR'S OFFICE.....2  
VICTIM/WITNESS ADVOCATE.....3  
JUDGE.....4  
OTHER (SPECIFY).....5  
[VOL] NOT SURE .....6

20c. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....1  
REQUIRED BY REGULATION.....2  
MATTER OF POLICY.....3  
COMMON PRACTICE.....4

20d. How often, is the victim told why the charges are being dismissed? Would you say...?

ALWAYS.....1  
USUALLY.....2  
SOMETIMES.....3  
RARELY.....4  
NEVER.....5

20e. How often does the victim have an opportunity to discuss whether the case will be dismissed with the prosecutor/DA, before it is dropped? Would you say...?

ALWAYS.....1 SKIP TO Q21A  
USUALLY.....2 SKIP TO Q21A  
SOMETIMES.....3 SKIP TO Q21A  
RARELY.....4  
NEVER.....5

20f. Why does the victim rarely or never have an opportunity to discuss whether the case will be dismissed with the prosecutor/DA, before it is dropped?

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[SKIP TO Q.21A]



20g. Why are victims rarely or never told that the prosecutor/DA intends to dismiss the case? [DO NOT READ - MULTI-RECORD]

INSUFFICIENT RESOURCES - PROBE: [What resources do you lack?]  
INSUFFICIENT EQUIPMENT.....1  
INSUFFICIENT PERSONNEL/STAFF.....2  
INSUFFICIENT MONEY.....3  
INSUFFICIENT TIME.....4  
INABILITY TO CONTACT VICTIM.....5  
RELUCTANCE OF OFFICIALS TO INFORM.....6  
OTHER (SPECIFY).....7

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**\*\* [IF S1 =2,3,7,8,9, ASK Q21A. IF S1=1,4,5,6 SKIP TO Q26A] \*\***

21a. When a case goes to trial, how often are victims informed of the time, date and place of the trial? Would you say...?

ALWAYS.....1  
USUALLY.....2  
SOMETIMES.....3  
RARELY.....4      SKIP TO Q21g  
NEVER.....5      SKIP TO Q21g

21b. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....1  
REQUIRED BY REGULATION.....2  
MATTER OF POLICY.....3  
COMMON PRACTICE.....4

21c. How far in advance of the trial is the victim normally informed about it? [READ CHOICES ONLY IF NECESSARY]

DAY OF THE TRIAL.....1  
LESS THAN A WEEK BEFORE.....2  
ONE TO THREE WEEKS BEFORE.....3  
ONE MONTH OR MORE BEFORE.....4

21d. Who informs the victim of the time, date and place of the trial? [MULTI-PUNCH]

POLICE.....1  
PROSECUTOR'S OFFICE.....2  
VICTIM/WITNESS ADVOCATE.....3  
JUDGE/COURT.....4  
OTHER (SPECIFY).....5

.....5  
[VOL] NOT SURE .....6

21e. Are victims informed by telephone or in writing?

BY TELEPHONE.....1      --SKIP TO Q22A  
IN-PERSON.....2      --SKIP TO Q22A  
IN WRITTEN FORM.....3  
BOTH VERBALLY AND WRITTEN....4



21f. How do they receive the written notice?

POSTED NOTICE.....1	[SKIP TO Q22A]
1ST CLASS MAIL.....2	[SKIP TO Q22A]
CERTIFIED/REGISTERED MAIL....3	[SKIP TO Q22A]
OTHER.....4	[SKIP TO Q22A]

21g. Why are victims rarely or never informed about the trial?  
[DO NOT READ - MULTI-RECORD]

INSUFFICIENT RESOURCES - PROBE: [What resources do you lack?]

INSUFFICIENT EQUIPMENT.....1
INSUFFICIENT PERSONNEL/STAFF.....2
INSUFFICIENT MONEY.....3
INSUFFICIENT TIME.....4
INABILITY TO CONTACT VICTIM.....5
RELUCTANCE OF OFFICIALS TO INFORM.....6
OTHER (SPECIFY).....7

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22a. How often are victims informed of any cancellation, rescheduling or continuance of the trial? Would you say...?

ALWAYS.....1	
USUALLY.....2	
SOMETIMES.....3	
RARELY.....4	SKIP TO Q22D
NEVER.....5	SKIP TO Q22D

22b. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....1
REQUIRED BY REGULATION.....2
MATTER OF POLICY.....3
COMMON PRACTICE.....4

22c. Who informs the victim of any cancellation, rescheduling, or continuance? [MULTIPLE RECORD]

POLICE.....1	SKIP TO Q23
PROSECUTOR'S OFFICE.....2	SKIP TO Q23
VICTIM/WITNESS ADVOCATE.....3	SKIP TO Q23
JUDGE.....4	SKIP TO Q23
OTHER (SPECIFY).....5	SKIP TO Q23
[VOL] NOT SURE .....6	SKIP TO Q23

22d. Why are victims rarely or never informed of these changes?

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23a. As a general matter, are victims allowed to attend the trial?

YES.....1  
NO.....2 SKIP TO Q24A  
[VOL] NOT SURE.....3 SKIP TO Q24A

23b. Is there a law, regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....1  
REQUIRED BY REGULATION.....2  
MATTER OF POLICY.....3  
COMMON PRACTICE.....4

23c. How often are victims informed that they are allowed to attend the trial? Would you say...?

ALWAYS.....1 SKIP TO Q23E  
USUALLY.....2 SKIP TO Q23E  
SOMETIMES.....3 SKIP TO Q23E  
RARELY.....4  
NEVER.....5

23d. Why are victims rarely or never informed of their right to attend the trial?

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[SKIP TO Q24a]

23e. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....1  
REQUIRED BY REGULATION.....2  
MATTER OF POLICY.....3  
COMMON PRACTICE.....4

23f. Who notifies the victim about the right to attend trial?  
[MULTIPLE RECORD]

POLICE.....1  
PROSECUTOR/PROSECUTOR'S OFFICE.....2  
PROSECUTOR'S VICTIM/WITNESS ADVOCATE.....3  
OTHER VICTIM/WITNESS ADVOCATE.....4  
COURT.....5  
OTHER (SPECIFY) .....6  
[VOL] NOT SURE .....7

23g. How often do victims actually attend the trial? Would you say...?

ALWAYS.....1  
USUALLY.....2  
SOMETIMES.....3  
RARELY.....4  
NEVER.....5



24a. How often are victims (and/or their families) excluded from trial?  
Would you say...?

ALWAYS.....1  
USUALLY.....2  
SOMETIMES.....3  
RARELY.....4      SKIP TO Q26a  
NEVER.....5      SKIP TO Q26a

24b. What is the basis for exclusion? Is it...? [MULTIPLE RECORD]

VICTIMS POTENTIAL TO BE CALLED AS A WITNESS.....1  
VICTIMS PRESENCE IS DEEMED PREJUDICIAL.....2  
VICTIMS' DISRUPTIVE BEHAVIOR.....3  
OTHER (SPECIFY) .....4

[NO QUESTION 25]

**\*\* [IF S1 =2,3,4,7,8,9 ASK Q26A. IF S1=1,5,6 SKIP TO Q33A] \*\***

26a. When a separate hearing is held on sentencing, how often is the victim  
informed about that hearing? Would you say...?

ALWAYS.....1      SKIP TO Q26C  
USUALLY.....2      SKIP TO Q26C  
SOMETIMES.....3      SKIP TO Q26C  
RARELY.....4  
NEVER.....5

26b. Why are the victims rarely or never informed about the  
hearing for sentencing?

\_\_\_\_\_  
[SKIP TO Q27a]

26c. Is there a law or regulation that requires this, is it a matter  
of policy, or is it just common practice?

REQUIRED BY LAW.....1  
REQUIRED BY REGULATION.....2  
MATTER OF POLICY.....3  
COMMON PRACTICE.....4

26d. Who informs the victim about the hearing on sentencing?  
[MULTIPLE RECORD]

POLICE.....1  
PROSECUTOR'S OFFICE.....2  
VICTIM/WITNESS ADVOCATE.....3  
JUDGE.....4  
OTHER (SPECIFY) .....5

\_\_\_\_\_  
[VOL] NOT SURE .....6



**\*\* [IF S1 =2,4,7,8,9 ASK Q27A. IF S1=1,3,5,6 SKIP TO Q29A] \*\***

27a. How often is the victim consulted about what sentence should be sought?  
Would you say...?

ALWAYS.....	1	SKIP TO Q27C
USUALLY.....	2	SKIP TO Q27C
SOMETIMES.....	3	SKIP TO Q27C
RARELY.....	4	
NEVER.....	5	

27b. Why is the victim rarely or never consulted about what sentence should be sought?

\_\_\_\_\_  
[SKIP TO Q29a]

27c. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....	1
REQUIRED BY REGULATION.....	2
MATTER OF POLICY.....	3
COMMON PRACTICE.....	4

27d. Who consults with the victim about what sentence should be sought?  
[MULTIPLE RECORD]

PROSECUTOR'S OFFICE.....	1
VICTIM/WITNESS ADVOCATE.....	2
JUDGE.....	3
PROBATION DEPARTMENT.....	4
OTHER (SPECIFY) .....	5
[VOL] NOT SURE .....	6

[NO QUESTION 28]



**\*\* [IF S1 =2,3,4,7,8,9 ASK Q29A. IF S1=1,5,6 SKIP TO Q33A] \*\***

29a. How often are victims allowed to make a written or oral Victim Impact Statement at sentencing? Would you say...?

ALWAYS.....1	SKIP TO Q29C
USUALLY.....2	SKIP TO Q29C
SOMETIMES.....3	SKIP TO Q29C
RARELY.....4	
NEVER.....5	

29b. Why are victims rarely or never allowed to make Victim Impact Statements at sentencing?

\_\_\_\_\_  
\_\_\_\_\_  
[SKIP TO Q33a]

29c. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....1
REQUIRED BY REGULATION.....2
MATTER OF POLICY.....3
COMMON PRACTICE.....4

29d. Who informs the victim about their opportunity to make a Victim Impact Statement? [MULTIPLE RECORD]

PROSECUTOR'S OFFICE.....1
VICTIM/WITNESS ADVOCATE.....2
JUDGE.....3
PROBATION DEPARTMENT.....4
OTHER (SPECIFY).....5
[VOL] NOT SURE .....6

29e. In what percentage of cases do victims actually make an impact statement?

\_\_\_\_\_% OF CASES

29f. Are the Victim Impact Statements usually written, oral, or both?

WRITTEN.....1	SKIP TO Q30.
ORAL.....2	
BOTH.....3	

**[IF SAID "ORAL" OR "BOTH" IN Q.29e, ASK Q29g, ELSE GO TO Q30]**

29g. When is the oral statement given?

IN COURT.....1
OTHER (SPECIFY) .....2





30. Does the statement include information on how the crime affected the victim... (READ ITEMS)?

	YES	NO	UP TO VICTIM	NS
A. FINANCIALLY, INCLUDING ANY PROPERTY LOSS AND THE COST OF MEDICAL BILLS.....	1	2	3	4
B. PHYSICALLY.....	1	2	3	4
C. EMOTIONALLY.....	1	2	3	4
D. SOCIALLY (I.E. RELATIONSHIP TO FAMILY AND FRIENDS).....	1	2	3	4
E. ANYTHING ELSE: SPECIFY: .....	1	2	3	4

31a. In the Victim Impact Statement, does the victim have the opportunity to give his/her opinion about how the defendant should be sentenced?

YES.....1  
 NO .....2  
 [VOL] NOT SURE .....3

31b. In your experience, does the Victim Impact Statement usually have no effect, some effect or a lot of effect on... [READ]?

	NO EFFECT	SOME EFFECT	A LOT OF EFFECT
A. WHETHER A DEFENDANT IS INCARCERATED.....	1	2	3
B. THE AMOUNT OF INCARCERATION TIME GIVEN TO THE DEFENDANT.....	1	2	3
C. WHETHER OR NOT THE DEFENDANT IS ORDERED TO MAKE ANY FINANCIAL RESTITUTION FOR THE CRIME.....	1	2	3
D. THE AMOUNT OF RESTITUTION ORDERED.....	1	2	3



32a. How often is the victim informed of the sentence if they are not present for the sentencing? Would you say...?

ALWAYS.....1  
USUALLY.....2  
SOMETIMES.....3  
RARELY.....4      SKIP TO Q32D  
NEVER.....5      SKIP TO Q32D

32b. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....1  
REQUIRED BY REGULATION.....2  
MATTER OF POLICY.....3  
COMMON PRACTICE.....4

32c. Who informs the victim? [MULTIPLE RECORD]

POLICE.....1      SKIP TO Q33a  
PROSECUTOR'S OFFICE.....2      SKIP TO Q33a  
VICTIM/WITNESS ADVOCATE.....3      SKIP TO Q33a  
JUDGE.....4      SKIP TO Q33a  
PROBATION DEPARTMENT.....5      SKIP TO Q33a  
OTHER (SPECIFY) .....6      SKIP TO Q33a  
[VOL] NOT SURE .....7      SKIP TO Q33a

32d. Why is the victim rarely or never informed of the sentence if they were not present for the sentencing? [DO NOT READ - MULTI-RECORD]

INSUFFICIENT RESOURCES - PROBE: [What resources do you lack?]  
INSUFFICIENT EQUIPMENT.....1  
INSUFFICIENT PERSONNEL/STAFF.....2  
INSUFFICIENT MONEY.....3  
INSUFFICIENT TIME.....4  
INABILITY TO CONTACT VICTIM.....5  
RELUCTANCE OF OFFICIALS TO INFORM.....6  
OTHER (SPECIFY:).....7

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**\*\* [ASK EVERYONE, S1=1-9] \*\***

33a. In cases where the defendant is adjudicated "guilty", is the victim allowed to request restitution?

YES.....1  
NO .....2      **SKIP TO Q33G**  
NOT SURE .....3      **SKIP TO Q33G**

33b. How often are victims informed that they can request restitution? Would you say... ?

ALWAYS.....1  
USUALLY.....2  
SOMETIMES.....3  
RARELY.....4      **SKIP TO Q33G**  
NEVER.....5      **SKIP TO Q33G**

33c. Who informs the victim that he/she can request restitution?  
[MULTI-PUNCH]

POLICE.....1  
PROSECUTOR'S OFFICE.....2  
VICTIM/WITNESS ADVOCATE.....3  
JUDGE.....4  
PROBATION DEPARTMENT.....5  
OTHER (SPECIFY) .....6  
[VOL] NOT SURE .....7

33d. Is this information provided in verbal or written form?

VERBALLY.....1      **SKIP TO Q33F**  
IN WRITTEN FORM.....2  
BOTH VERBAL AND WRITTEN...3

33e. In what written form is it provided? [MULTI-PUNCH]

CARD.....1  
PAMPHLET.....2  
BOOKLET.....3  
POSTER.....4  
VICTIM IMPACT STATEMENT FORM....5  
OTHER FINANCIAL LOSS FORM.....6  
OTHER.....7

**\*\* [IF S1 =2,3,4,7,8,9 ASK Q33F. IF S1=1,5,6 SKIP TO Q33G] \*\***

33F. In what percentage of cases where restitution is requested by the victims or the prosecutor/DA, does the judge order it?

\_\_\_\_\_ % OF CASES



**\*\* [ASK EVERYONE, S1=1-9] \*\***

33g. Is the court required to order restitution in all criminal cases, or to state on the record the reasons for not ordering restitution?

YES.....1  
NO .....2 SKIP TO Q33i  
NOT SURE .....3 SKIP TO Q33i

33h. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....1  
REQUIRED BY REGULATION.....2  
MATTER OF POLICY.....3  
COMMON PRACTICE.....4

33i. Is the court required to order restitution in the FULL AMOUNT of the victim's loss as proven?

YES.....1  
NO .....2 SKIP TO Q33k  
NOT SURE .....3 SKIP TO Q33k

33j. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....1  
REQUIRED BY REGULATION.....2  
MATTER OF POLICY.....3  
COMMON PRACTICE.....4

**\*\* [IF S1 =2,3,4,7,8,9 ASK Q33K. IF S1=1,5,6 SKIP TO Q33p] \*\***

33k. In what percentage of cases where restitution is ordered does the court order restitution in the FULL AMOUNT of victim's loss?

\_\_\_\_\_ % OF CASES

33l. What reasons do judges in your state give for not ordering restitution? Do they state the... [READ]? multi-record

YES  
a. DEFENDANTS' INABILITY TO PAY.....1  
b. VICTIM'S FAILURE TO DEMONSTRATE LOSS.....2  
c. INAPPROPRIATE IN LIGHT OF ADDITIONAL PENALTIES IMPOSED....3  
d. INABILITY TO CALCULATE AMOUNT OF LOSS.....4  
e. VICTIM'S FAILURE TO REQUEST RESTITUTION.....5  
f. DEFENDANT RECEIVED JAIL TIME.....6  
g. SOMETHING ELSE (SPECIFY: \_\_\_\_\_).7  
None of these.....8

33m. In what percentage OF ALL CRIMINAL CASES is at least some restitution to the victims ordered?

\_\_\_\_\_ % OF CASES





33n. What factors do judges consider in determining the amount of loss to the victim? Do they consider the... [READ]?

YES  
VICTIM IMPACT STATEMENT.....1  
CONSULTATION WITH VICTIM.....2  
SEPARATE INVESTIGATION.....3  
PRE-SENTENCE REPORT.....4  
OTHER (SPECIFY: \_\_\_\_\_).5

33o. What factors do judges consider in determining the amount of restitution to be ordered? Do they consider the... [READ]?

YES  
FINANCIAL LOSS OF VICTIM.....1  
NON-FINANCIAL LOSS OF VICTIM.....2  
ANTICIPATED FUTURE FINANCIAL LOSS OF VICTIM.....3  
DEFENDANT'S FINANCIAL RESOURCES.....4  
DEFENDANT'S OTHER FINANCIAL OBLIGATIONS.....5  
DEFENDANT'S FINANCIAL GAIN FROM THE OFFENSE.....6  
NATURE OF THE CRIME.....7

**\*\* [IF S1 =2,3,4,5,6,7,8,9 ASK Q33P. IF S1=1 SKIP TO Q34a.] \*\***

33p. Who sets the payment schedule for the defendant? **MULTI-PUNCH**

COURT.....1  
CORRECTIONS.....2  
PROBATION.....3  
PAROLE.....4  
OTHER.....5 (SPECIFY: \_\_\_\_\_)

33q. Who administers the collection and distribution of restitution?  
**MULTI-PUNCH**

COURT.....1  
CORRECTIONS.....2  
PROBATION.....3  
PAROLE.....4  
OTHER.....5 (SPECIFY: \_\_\_\_\_)

33r. In your estimation, in what percentage of cases where restitution is ordered is any restitution ACTUALLY COLLECTED AND DISTRIBUTED?

\_\_\_\_\_ % OF CASES

33s. In you estimation, what percentage of the total monetary amount of restitution ordered is actually collected, on average?

\_\_\_\_\_ % OF RESTITUTION MONEY COLLECTED



33t. How often is restitution made a condition of probation or parole?  
Would you say... ?

ALWAYS.....1  
USUALLY.....2  
SOMETIMES.....3  
RARELY.....4  
NEVER.....5

SKIP TO Q34A  
SKIP TO Q34A

33u. Is there a law or regulation that requires this, is it a matter  
of policy, or is it just common practice?

REQUIRED BY LAW.....1  
REQUIRED BY REGULATION.....2  
MATTER OF POLICY.....3  
COMMON PRACTICE.....4

33v. Which of the following sources of offender assets are available to  
satisfy restitution orders? Are... [READ] available?

	YES	NO
PRISON WAGES.....1	1	2
WORK RELEASE WAGES.....1	1	2
OUTSIDE INCOME.....1	1	2
DEFENDANT'S GOVERNMENT ENTITLEMENTS.....1	1	2
LIENS AGAINST FUTURE INTERESTS.....1	1	2
GARNISHMENT OF WAGES.....1	1	2
ATTACHING ASSETS.....1	1	2
LIENS.....1	1	2
SEIZURE OF PERSONAL OR REAL PROPERTY....1	1	2
CIVIL JUDGMENTS WON BY OFFENDERS.....1	1	2

33w1. When restitution is ordered as a condition of PROBATION, and the  
probationer fails to comply with the restitution requirement, how  
often is a... [READ ITEM] ordered? Would you say always, usually,  
sometimes, rarely or never?

	ALWAYS	USUALLY	SOMETIMES	RARELY	NEVER
A. PROBATION EXTENSION.....1	1	2	3	4	5
B. PROBATION REVOCATION.....1	1	2	3	4	5

33w2. When restitution is ordered as a condition of PAROLE, and the  
parolee fails to comply with the restitution requirement, how  
often is a... [READ ITEM] ordered? Would you say always, usually,  
sometimes, rarely or never?

	ALWAYS	USUALLY	SOMETIMES	RARELY	NEVER
a. PAROLE EXTENSION.....1	1	2	3	4	5
b. PAROLE REVOCATION.....1	1	2	3	4	5



33w3. When restitution is ordered as a condition of SUSPENDED SENTENCE, and the offender fails to comply with the restitution requirement, how often is the SUSPENDED SENTENCE REINSTATED? Would you say...?

ALWAYS.....1  
USUALLY.....2  
SOMETIMES.....3  
RARELY.....4  
NEVER.....5

33w4. When the offender fails to pay restitution as ordered, how often is the RESTITUTION ORDER TRANSFERRED TO CIVIL JUDGMENT? Would you say...?

ALWAYS.....1  
USUALLY.....2  
SOMETIMES.....3  
RARELY.....4  
NEVER.....5

33x. Are restitution collection and payment records and processes automated in your jurisdiction?

YES.....1  
NO .....2  
NOT SURE .....3

33y. Are restitution orders enforceable as civil judgments?

YES.....1  
NO .....2  
NOT SURE .....3



[IF S1 =2,3,4,5,7,8,9 ASK Q34a. IF S1=1,6 SKIP TO Q40a]

34a. When the defendant is incarcerated, is the victim ROUTINELY informed about the earliest possible release date from incarceration?

YES.....1

NO .....2 SKIP TO Q40

[VOL] NOT SURE .....3 SKIP TO Q40

34b. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....1

REQUIRED BY REGULATION.....2

MATTER OF POLICY.....3

COMMON PRACTICE.....4

34c. Who informs the victim? [MULTIPLE RECORD]

PROSECUTOR'S OFFICE.....1

VICTIM/WITNESS ADVOCATE.....2

JUDGE.....3

PROBATION.....4

CORRECTIONS.....5

OTHER (SPECIFY).....6

.....6  
[VOL] NOT SURE .....7

[NO QUESTIONS 35,36,37,38,39]





[IF S1 =5,6,7,8,9 ASK Q40A. IF S1=1,2,3,4 SKIP TO Q42a]

40a. When an offender comes up for parole, how often is the victim informed in advance of the parole hearing? Would you say...?

ALWAYS.....1  
USUALLY.....2  
SOMETIMES.....3  
RARELY.....4 SKIP TO Q40G  
NEVER.....5 SKIP TO Q40G

40b. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....1  
REQUIRED BY REGULATION.....2  
MATTER OF POLICY.....3  
COMMON PRACTICE.....4

40c. Who informs the victim? [MULTIPLE RECORD]

PAROLE BOARD.....1  
VICTIM/WITNESS ADVOCATE.....2  
JUDGE.....3  
CORRECTIONS.....4  
OTHER (SPECIFY).....5  
[VOL] NOT SURE .....6

40d. How far in advance is the victim usually informed of the parole hearing? [DO NOT READ]

DAY OF THE HEARING.....1  
LESS THAN A WEEK BEFORE.....2  
ONE TO THREE WEEKS BEFORE.....3  
ONE MONTH OR MORE BEFORE.....4  
[VOL] NOT SURE.....5

40e. How often is the victim informed that he/she can attend the parole hearing? Would you say... ?

ALWAYS.....1 SKIP TO Q41A  
USUALLY.....2 SKIP TO Q41A  
SOMETIMES.....3 SKIP TO Q41A  
RARELY.....4  
NEVER.....5

40f. Why are victims rarely or never informed about such hearings?

\_\_\_\_\_  
\_\_\_\_\_  
[SKIP TO Q41a]



40g. Why are victims rarely or never informed about such hearings?  
[DO NOT READ - MULTI-RECORD]

INSUFFICIENT RESOURCES - PROBE: [What resources do you lack?]  
INSUFFICIENT EQUIPMENT.....1  
INSUFFICIENT PERSONNEL/STAFF.....2  
INSUFFICIENT MONEY.....3  
INSUFFICIENT TIME.....4  
INABILITY TO CONTACT VICTIM.....5  
RELUCTANCE OF OFFICIALS TO INFORM.....6  
OTHER (SPECIFY: ).....7

---

41a. Is the victim allowed to make a victim impact statement to the parole authorities?

YES.....1  
NO.....2 SKIP TO Q42A  
[VOL] NOT SURE.....3 SKIP TO Q42A

41b. Is there a law or regulation that requires this, is it a matter of policy, or is it just common practice?

REQUIRED BY LAW.....1  
REQUIRED BY REGULATION.....2  
MATTER OF POLICY.....3  
COMMON PRACTICE.....4

41c. How often is the victim informed that he/she can offer a Victim Impact Statement to the parole board? Would you say... ?

ALWAYS.....1  
OFTEN.....2  
SOMETIMES.....3  
RARELY.....4 SKIP TO Q41F  
NEVER.....5 SKIP TO Q41F

41d. Who informs the victim? [MULTIPLE RECORD]

VICTIM/WITNESS ADVOCATE.....1  
JUDGE.....2  
PAROLE BOARD.....3  
CORRECTIONS.....4  
OTHER (SPECIFY) .....5

41e. Generally, in your experience, is a victim's impact statement considered significant and does it have an impact on the parole decision?

YES.....1 SKIP TO Q42  
NO.....2 SKIP TO Q42  
[VOL] NOT SURE .....3 SKIP TO Q42



41f. Why are victims rarely or never informed that they can offer a Victim Impact Statement? **[DO NOT READ - MULTI-RECORD]**

INSUFFICIENT RESOURCES - PROBE: [What resources do you lack?]

INSUFFICIENT EQUIPMENT.....1

INSUFFICIENT PERSONNEL/STAFF.....2

INSUFFICIENT MONEY.....3

INSUFFICIENT TIME.....4

INABILITY TO CONTACT VICTIM.....5

RELUCTANCE OF OFFICIALS TO INFORM.....6

OTHER (SPECIFY: ).....7

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**\*\* [ASK EVERYONE, S1=1-9] \*\***

42a. In most states, crime victims' rights legislation does not include any penalty if officials fail to provide victims with the type of rights we've been discussing even if it is required by law. Would you support or oppose allowing crime victims to be able to bring... [READ]... against officials who do not provide them with their rights under the law?

42b. How much impact would such a provision have on ensuring victims their enumerated rights? Would you say... ?

[ASK ACROSS]----->

	-----Q42a-----		-----Q42b-----			
	SUPPORT	OPPOSE	A LOT	SOME	NOT MUCH	NONE
A. CIVIL ACTION FOR DAMAGES.....1	2	1	2	3	4	
B. INJUNCTIONS OR DECLARATORY RELIEF.....1	2	1	2	3	4	
C. DISCIPLINARY PROCEEDINGS.....1	2	1	2	3	4	

43. Do you think that victim's rights are best protected by constitutional amendment, statutory provisions, agency guidelines or something else?

CONSTITUTIONAL AMENDMENT.....1  
STATUTORY PROVISIONS.....2  
AGENCY GUIDELINES.....3  
OTHER (SPECIFY) .....4

44a. Does your state have a constitutional provision that enumerates (lists) victims rights?

YES.....1  
NO.....2 [SKIP TO Q44D]  
NOT SURE.....3 [SKIP TO Q44D]

44b. Do you support or oppose this constitutional provision?

SUPPORT.....1  
OPPOSE.....2

44c. How much impact does this constitutional provision have on ensuring victims such rights? Would you say... ?

A LOT.....1	SKIP TO Q.45a
SOME.....2	SKIP TO Q.45a
NOT MUCH.....3	SKIP TO Q.45a
NONE.....4	SKIP TO Q.45a

44d. Would you support or oppose a constitutional provision that enumerates (lists) victims rights?

SUPPORT.....1  
OPPOSE.....2





44e. How much impact would such a provision have on ensuring victims the enumerated rights? Would you say... ?

A LOT.....1  
SOME.....2  
NOT MUCH.....3  
NONE.....4

45a. Does your state have a constitutional provision that provides victims an explicit cause of action to collect money damages from public officials who are negligent in providing victim rights?

YES.....1  
NO.....2 [SKIP TO Q45D]  
NOT SURE.....3 [SKIP TO Q45D]

45b. Do you support or oppose this constitutional provision?

SUPPORT.....1  
OPPOSE.....2

45c. How much impact does this constitutional provision have on ensuring victims such rights? Would you say... ?

A LOT.....1	SKIP TO Q.46a
SOME.....2	SKIP TO Q.46a
NOT MUCH.....3	SKIP TO Q.46a
NONE.....4	SKIP TO Q.46a

45d. Would you support or oppose a constitutional provision that provides victims an explicit cause of action to collect money damages from public officials who are negligent in providing victim rights?

SUPPORT.....1  
OPPOSE.....2

45e. How much impact would such a provision have on ensuring victims the enumerated rights? Would you say... ?

A LOT.....1  
SOME.....2  
NOT MUCH.....3  
NONE.....4

[NO QUESTION 46]



47. Do you think that the current funding for crime victims services is very adequate, somewhat adequate, somewhat inadequate or very inadequate?

VERY ADEQUATE.....1  
SOMEWHAT ADEQUATE.....2  
SOMEWHAT INADEQUATE.....3  
VERY INADEQUATE.....4

48. Which of the following do you feel would be appropriate methods for funding additional crime victims services? Would you strongly favor, somewhat favor, somewhat oppose, or strongly oppose the use of (READ ITEM)?

	STRONGLY FAVOR	SOMEWHAT FAVOR	SOMEWHAT OPPOSE	STRONGLY OPPOSE
A. ADDITIONAL OFFENDER PENALTIES.....1		2	3	4
B. VOLUNTARY DESIGNATION ON STATE INCOME TAX FORMS.....1		2	3	4
C. TRUST FUND.....1		2	3	4
D. COMMEMORATIVE LICENSE PLATES.....1		2	3	4
E. LOTTERY.....1		2	3	4
F. SOMETHING ELSE.....1		2	3	4
(SPECIFY) _____				

49. What could be done in your state to improve the treatment of crime victims within the criminal justice system?

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That completes the interview. I'd like to thank you for your help in answering our questions. We hope that what we have learned from these interviews will help to improve the criminal justice system process. Thank you again.

[TIME ENDED: \_\_\_\_\_]



Schulman, Ronca and Bucuvalas, Inc.  
145 East 32nd Street New York, New York 10016  
September 25, 1995

STUDY #61510FF  
[RESP.# \_\_\_\_\_]

**PROTECTION OF CRIME VICTIMS RIGHTS: STATE OFFICIALS**

**S1. SAMPLE TYPE:**

Governor.....1  
Lt. Governor.....2  
State Judiciary.....3  
House Judiciary.....4  
Attorney General.....5  
Department of Corrections.....6  
Parole Board.....7  
Victim Compensation.....8  
Victim Assistance.....9  
MADD.....10  
Coalition Against Dom Viol....11  
Victims Coalition.....12  
Sexual Assault Coalition.....13

**S2. STATE:**

TENN.....1  
NORTH CAR.....2  
MICHIGAN.....3  
MISSOURI.....4

INTERVIEWER: \_\_\_\_\_ Date: \_\_\_\_\_

DESIGNATED RESPONDENT: \_\_\_\_\_

TITLE: \_\_\_\_\_

STATE: \_\_\_\_\_

TELEPHONE NUMBER: (\_\_\_\_\_) \_\_\_\_\_

[START TIME: \_\_\_\_\_]

Hello, I'm \_\_\_\_\_ from SRBI, the national survey research organization. We are conducting a study for the National Institute of Justice, of the U.S. Department of Justice, and the National Victim Center. The purpose of the study is to help understand how well the needs of crime victims are being met by the police, courts and state government agencies.

A. You should have received a letter from the National Victim Center about this study. Did you receive the letter?

Yes.....1 [SKIP TO C.-INTRODUCTION]  
No.....2

B. If you can give me your fax number, I can have another copy of the letter sent to you immediately.

NAME: \_\_\_\_\_

POSITION: \_\_\_\_\_

FAX: \_\_\_\_\_ THANK AND END

C. [INTRODUCTION]: We would like to ask you some questions about your opinions about some aspects of the criminal justice system in your state and how its interacts with victims of crime and their families.

Could we speak now? The interview will only take about ten minutes.

[IF RESPONDENT ASKS ABOUT CONFIDENTIALITY: The names of survey respondents, their offices and their states will be strictly confidential and not released under any circumstances.]



—



I'd like to begin with some questions about your personal opinions about the criminal justice system in your state.

1. Overall, how would you rate the criminal justice system in your state compared to other states? Would you say it was.....

Among the very best.....1  
 In the top quarter.....2  
 In the middle.....3  
 In the lower quarter.....4  
 Among the worst.....5

2. Based on your experience and your knowledge, how would you rate the criminal justice systems in (STATE) in the following areas. On average, would you rate the system as excellent, very good, good, only fair, poor or very poor in (READ ITEM)?

[ROTATE]		EXCELLENT	VERY GOOD	GOOD	ONLY FAIR	POOR	VERY POOR
A. PROTECTING PUBLIC SAFETY.....1			2	3	4	5	6
C. EFFECTIVE PROSECUTION.....1			2	3	4	5	6
E. APPROPRIATE SENTENCING.....1			2	3	4	5	6
G. PROTECTING THE RIGHTS OF THE ACCUSED.....1			2	3	4	5	6
H. PROTECTING THE RIGHTS OF VICTIMS.....1			2	3	4	5	6

3. How would you rate the funding for the criminal justice system in your state? Would you say that it is more than adequate, adequate, less than adequate, or very inadequate?

More than adequate.....1  
 Adequate.....2  
 Less than adequate.....3  
 Very inadequate.....4

4. How adequate do you consider the following in your state? Do you consider (READ ITEM) -- very adequate, somewhat adequate, somewhat inadequate or very inadequate?

	VERY ADEQUATE	SOMEWHAT ADEQUATE	SOMEWHAT INADEQUATE	VERY INADEQUATE
A. FUNDING FOR LAW ENFORCEMENT....1		2	3	4
B. FUNDING FOR PROSECUTORS.....1		2	3	4
C. FUNDING FOR COURTS.....1		2	3	4
D. FUNDING FOR PRISONS.....1		2	3	4
E. FUNDING FOR IMPLEMENTATION OF VICTIMS RIGHTS.....1		2	3	4





5. Do you think that victim's rights are best protected by constitutional amendment, statutory provisions, agency guidelines or something else?

CONSTITUTIONAL AMENDMENT.....1  
STATUTORY PROVISIONS.....2  
AGENCY GUIDELINES.....3  
OTHER (SPECIFY) .....4

- 6a. Does your state have a constitutional provision that enumerates (lists) victims rights?

YES.....1  
NO.....2 [SKIP TO Q7]  
NOT SURE.....3 [SKIP TO Q7]

- 6b. What do those provision require (agencies/your agency) to do?

\_\_\_\_\_  
\_\_\_\_\_

- 6c. How have those provisions been implemented in your state?

\_\_\_\_\_  
\_\_\_\_\_

- 6d. Have agency procedures changed as a result of the need to implement this legislation?

Yes.....1  
No.....2 SKIP TO 6f

- 6e. How have they changed?

\_\_\_\_\_

- 6f. How much impact does this constitutional provision have on ensuring victims such rights? Would you say... ?

A LOT.....1  
SOME.....2  
NOT MUCH.....3  
NONE.....4

- 6g. What have been the major obstacles or problems in implementing the requirements of this legislation?

\_\_\_\_\_  
\_\_\_\_\_



7a. Do you think a constitutional provision to protect victims' rights is desirable or not?

Desirable.....1  
Not desirable.....2  
NOT SURE.....3  
REFUSED.....4

7b. Why is that?

---

---

7c. What do you think are the primary advantages to a constitutional protection of victims' rights?

---

---

7d. What do you think are the primary disadvantages to a constitutional protection of victims' rights?

---

---

8. How adequate do you consider existing statutory protections of victims rights in your state?

More than adequate.....1  
Adequate.....2  
Less than adequate.....3  
Very inadequate.....4

9. What changes could be made to existing legislation in your state to improve victim service mandates?

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10. What resources are needed to implement existing victim service mandates?

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11a. Are you aware of any problems that victims experience in obtaining mandated services and benefits?

Yes.....1

No.....2 SKIP TO Q12

11b. What types of problems?

---

---

11c. What do you think could be done to minimize these types of problems in the future?

---

---

12. If existing statutory or constitutional protections of victims rights are violated, what recourse do victims have in this state?

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---

13. What do you consider should be the top priority in improving the treatment of crime victims within the criminal justice system in your state?

---

---

That completes the interview. I'd like to thank you for your help in answering our questions. We hope that what we have learned from these interviews will help to improve the criminal justice system process. Thank you again.

[TIME ENDED: \_\_\_\_\_]



## STANDARDS

## RIGHT TO NOTICE

1. NOTICE OF PROCEEDINGS/ACTION/OTHER:

306 points possible, but no state approaches that. Multiply total by 30, divide by 306.

right to compensation.....	7 pts.	_____
right to restitution.....	7 pts.	_____
legal rights and remedies.....	7 pts.	_____
explanation of legal process/ct. proceedings .....	3 pts.	_____
contact person in system .....	3 pts.	_____
case status.....	3 pts.	_____
how to obtain info. on case status .....	3 pts.	_____
arrest of accused offender.....	8 pts.	_____
canceled/rescheduled hearings.....	7 pts.	_____
bail hearing .....	6 pts.	_____
right to attend bail hearings.....	4 pts.	_____
bail release.....	9 pts.	_____
pretrial release hearing .....	6 pts.	_____
right to attend pre-trial release hearings.....	4 pts.	_____
pre-trial release.....	9 pts.	_____
dismissal/dropping .....	8 pts.	_____
plea bargain negotiations.....	7 pts.	_____
plea bargain.....	8 pts.	_____
trial dates/times.....	7 pts.	_____
right to attend trial.....	4 pts.	_____
sentencing hearing .....	7 pts.	_____
right to participate in sentencing .....	4 pts.	_____
right to attend sentencing hearings.....	4 pts.	_____
final disposition/sentence .....	8 pts.	_____
earliest possible release/parole date .....	5 pts.	_____
probation hearing .....	6 pts.	_____
right to attend probation hearings.....	4 pts.	_____
probation.....	9 pts.	_____
post-trial relief hearings .....	1 pt.	_____
right to attend post-trial relief hearings.....	1 pt.	_____
right to attend temporary relief hearings.....	1 pt.	_____
appeals process.....	3 pts.	_____
change of security status hearings .....	1 pt.	_____
right to attend change of security status hearings.....	1 pts.	_____
change of security status.....	5 pts.	_____
conditional release hearing .....	6 pts.	_____
right to attend conditional release hearings.....	4 pts.	_____
conditional release.....	9 pts.	_____
parole hearing .....	6 pts.	_____
right to attend parole hearings.....	4 pts.	_____
right to participate in parole hearing .....	4 pts.	_____
parole.....	9 pts.	_____
return of def. to custody for parole violation .....	6 pts.	_____
pardon/commutation hearing .....	6 pts.	_____
right to attend pardon/commutation hearings.....	4 pts.	_____
right to participate in pardon hearing .....	4 pts.	_____





pardon/commutation.....	9 pts.	_____
final release .....	9 pts.	_____
escape of offender.....	10 pts.	_____
recapture .....	9 pts.	_____
death of offender .....	2 pts.	_____
juvenile proceedings .....	6 pts.	_____
release of juvenile .....	9 pts.	_____
release from mental institution .....	9 pts.	_____
subsequent judicial process of def. found insane .....	1 pt.	_____
other.....	variable	_____
<b>SUBTOTAL</b>		_____

**TOTAL = (subtotal X 30)/306 = \_\_\_\_\_**

2. PERSONS HAVING THE RIGHT - 10 pts.

Direct victims .....	2 pts.
rep. or other for deceased victim .....	2 pts.
rep. or other for incapacitated victim .....	2 pts.
(rep. or other for some incap. victims only (such as incap. due to crime) ) .....	1 pt.)
rep. or other for minor victims .....	2 pts.
general Victim OR representative .....	2 pts.
<b>TOTAL</b>	

3. APPLICABLE CRIMES/OFFENSES:

assign highest definitions, add subgroups that do not overlap (i.e., felonies + misdemeanors, but not violent crime + felonies)

any criminal offense.....	9 pts.
violent crimes.....	8 pts.
felony.....	7 pts.
sex offenses.....	2 pts.
homicide (survivors, etc.).....	2 pts.
domestic violence offenses.....	2 pts.
misdemeanor.....	2 pts.
juvenile offenses.....	1 pts.
other.....	variable
<b>TOTAL</b>	



## NOTICE - STRENGTH AND SPECIFICITY

Instructions - complete one sheet for each subject of notice (i.e., notice of the right to compensation, notice of bail release). All strength and specificity scores will be averaged for the state.

STATE \_\_\_\_\_

NOTICE OF \_\_\_\_\_

### STRENGTH SCORE: (A + B + C + D)

#### A. MANNER OF NOTICE:

"actual" notice.....10 pts.  
telephonic notice..... 9 pts.  
"consult with victim"..... 8 pts.  
certified/registered mail..... 8 pts.  
regular mail..... 7 pts.  
written notice..... 6 pts.  
brochures/pamphlets..... 3 pts.  
notice by publication..... 2 pts.  
posters..... 1 pt.  
other.....variable

#### B. STRENGTH OF NOTICE PROVISION:

shall notify promptly.....10 pts.  
shall notify within \_\_\_\_ (days)..... 9 pts.  
shall notify..... 7 pts.  
shall notify if victim affected..... 6 pts.  
sent to last known address..... 6 pts.  
shall make reasonable effort to provide notice..... 3 pts.  
other.....variable

#### C. ENFORCEMENT MECHANISM:

legal proceeding cannot proceed without notice.....10 pts.  
other action/release cannot occur without notice.....10 pts.  
determination may be set aside for failure of notice... 9 pts.  
civil liability for failure to provide notice..... 9 pts.  
disciplinary action for failure to provide notice..... 8 pts.  
party must certify that notice has been given..... 6 pts.  
state reasons on record for failure to notify..... 5 pts.  
other.....variable

#### D. DUTY OF THE VICTIM:

shall provide current telephone number..... 0 pts.  
shall provide current address..... 0 pts.  
shall maintain current telephone number/address.....-1 pt.  
shall request notification.....-1 pts.  
shall request notification from multiple personnel.....-2 pts.  
failure to maintain telephone number/address  
acts as a withdrawal of request.....-3 pts.  
other.....variable



SPECIFICITY OF STATUTORY LANGUAGE

who besides the victim has the right to notice?..... 2 \_\_\_\_  
applicable crimes/levels of severity?..... 2 \_\_\_\_  
which proceedings?..... 2 \_\_\_\_  
enforcement of right?..... 2 \_\_\_\_  
specific criminal justice official assigned notice duty .... 2 \_\_\_\_

**TOTAL .....** \_\_\_\_



STANDARDS  
(ranking criteria)  
RIGHT TO BE PRESENT

OVERALL COMPREHENSIVENESS SCORE - average of following 10 pt. sub-components.

1. PROCEEDINGS - 10 PTS. (divide total by two)

bail hearings.....	2 pts.	_____
pre-trial release.....	2 pts.	_____
plea bargain negotiations.....	2 pts.	_____
trial.....	2.75 pts.	_____
sentencing hearings.....	2.75 pts.	_____
post-trial relief hearings.....	1.5 pts.	_____
probation hearings.....	2 pts.	_____
temporary relief hearings.....	1.25 pts.	_____
change of security status hearings.....	1.25 pts.	_____
parole hearings.....	2.5 pts.	_____
other..... (1 pt. ea.)		_____

2. PERSONS HAVING THE RIGHT - 10 pts.

Direct victims .....	2 pts.	_____
rep. or other for deceased victim .....	2 pts.	_____
rep. or other for incapacitated victim .....	2 pts.	_____
(rep. or other for some incap. victims only (such as incap. due to crime) ) .....	1 pt.)	_____
rep. or other for minor victims .....	2 pts.	_____
general Victim OR representative .....	2 pts.	_____

3. APPLICABLE CRIMES/OFFENSES - 10 pts.

any criminal offense .....	9 pts.	_____
violent crimes.....	8 pts.	_____
felony.....	7 pts.	_____
sex offenses.....	3 pts.	_____
homicide (survivors, etc.).....	3 pts.	_____
misdemeanor.....	2 pts.	_____
juvenile offenses.....	1 pts.	_____
other.....	variable	_____





STRENGTH OF PROVISION

1. ENFORCEMENT - 10 pts. Select highest provision that applies.

state constitution.....	10 pts.	_____
"mandatory" with penalty/liability.....	9 pts.	_____
"mandatory" with no penalty/liability language.....	6 pts.	_____
other mechanism.....	5 pts.	_____
discretionary/nonliability language.....	0 pts.	_____

SPECIFICITY

1. SPECIFICITY OF STATUTORY LANGUAGE - 10 pts.

Does the statute specify:

Who besides the victim has the right to be present?....	2.5 pts.	_____
Applicable crimes/levels of severity?.....	2.5 pts.	_____
Which proceedings the right applies to?.....	2.5 pts.	_____
Enforcement of right?.....	2.5 pts.	_____

TOTAL.....		_____
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## VICTIM'S RIGHT TO BE HEARD - SCORING

state \_\_\_\_\_

### **I. COMPREHENSIVENESS SCORE** - average of following 10 pt. subcomponents (A + B + C + D)/4 = \_\_\_\_\_

#### **A. DEFINITION OF VICTIM** - 10 pts.

- Direct victims - 2
- rep. or other for deceased victim - 2
- rep. or other for incapacitated victim - 2  
(rep. or other for some incap. victim  
(such as incap. due to crime) - 1)
- rep. or other for minor victims - 2
- general Victim OR representative - 2

**TOTAL** \_\_\_\_\_

#### **B. DEFINITION OF CRIME TO WHICH RIGHT APPLIES** - 10 pts. assign highest definition, add subgroups that do not overlap (i.e., felonies + misdemeanors, but not violent crimes + felonies)

- Any crime, or any crime with injury to a victim - 10 pts.
- All crimes of violence involving injury to victim - 9 pts.
- All felonies or misdemeanors w/ injury to victim - 8 pts.
- All felonies - 4 pts.
- Certain general classes of felonies - 3 pts.
- All misdemeanors - 4 pts.
- Certain general classes of misdemeanors - 3 pts.
- VERY limited offenses - 2 pts.

**TOTAL** \_\_\_\_\_

#### **C. CRIMINAL JUSTICE PROCEEDINGS** - 10 pts.

- presentence report - 2
- sentencing hearing - 2 pts.
- plea bargain hearing - 2
- parole - 1
- other post-trial release - 1
- pre-trial release - 1
- application for pardon - 1
- hearing on sentencing alternative - 1

**TOTAL** \_\_\_\_\_

(total for above IS 11, but state can receive no more than 10 points)



TABLE 3					
BREAKDOWN and NUMBER of RESPONDENTS from the STATE LEADER SURVEY					
STATE AGENCY	STATE				
	S2	S1	W2	W1	TOTAL
Victim Assistance	1	—	—	—	1
Department of Corrections	—	1	1	1	3
Lt. Governor	—	1	1	—	2
Governor	—	1	1	—	2
TOTAL	11	12	12	12	47

2. The Survey Interview: A copy of the survey interview is attached as Appendix F. This interview contained primarily open-ended questions, the answers to which were recorded *verbatim*. The major purpose for these interviews was to gather qualitative data on the opinions, perspectives, and suggestions of these state-level policy makers regarding crime victims' rights.
3. Procedure: Respondents were sent an advance letter, and an appointment was scheduled by SRBI to conduct the telephone interview. The State Leaders were sent advance letters approximately one week prior to initial telephone contact. Additional letters were mailed or faxed to officials who requested a new letter.

### III. PROJECT RESULTS

#### A. STATUTORY ANALYSIS COMPONENT

Analysis of the legislation in the four focus areas, victims' rights to notice, to attend, to be heard, and to restitution, demonstrated that the provision of victims' rights is more uneven than might be anticipated. Only 6 states scored above average in all four of the four issue areas; three of the top seven states had a below average score in one area of victims' rights. The state with the highest overall score also had the highest score for each of the four issue areas. Beyond these, there was no consistency in the overall rankings and the scores within each of the four selected issue areas. The second strongest state overall had the second highest score only in one area of victims' rights - the right to attend.



Similarly, at the bottom end of the scale, 7 of the lowest scoring 12 states scored above average in at least one area. The final state ranking, with state scores for each of the issue areas, is attached as Appendix C.

# 1. Right to Notice:

The provision of notice varied widely, as expected. The various elements of notice provisions are myriad, and no state provided for notice in each of the areas studied. For example, the state with the most comprehensive notice requirements at the time of the legislative review did not require that victims be given an explanation of the legal process nor be kept apprised of the case status or to be informed of a convicted offender's change in security status, including the release of a juvenile offender.

To illustrate the variance with which notice is required, the frequency of some provisions are summarized below, in Table A-1.

TABLE A-1  
Notice Provisions

Subject	Number of States
Explanation of criminal justice process	16 states
Arrest of a suspect	10 states
Bail hearing/pretrial release hearing	27 states
Bail release/pretrial release	25 states
Plea bargain negotiations/proposals	21 states
Sentencing hearing	35 states
Parole hearing	38 states
Parole release	43 states
Escape of convicted offender	29 states
Release of insane offender from mental inst.	6 states

The strength and specificity scores also varied widely, though not as much as the comprehensiveness scores.





## 2. Right to be Heard:

The right to be heard proved somewhat more consistent. The majority of states only provide a right to be heard at sentencing and parole. Seven states appear to give victims the right to be heard at a bail or pretrial release proceeding, but one state's statute applies to "all critical stages," a term that is left undefined; another state allows the right when there is reason to believe the victim is in danger; and the applicable law in a third state applies to all proceedings "when the personal interests of the victim are affected." One state allows victims to make a written preliminary impact statement through law enforcement. That statement remains in the file for consideration throughout the criminal justice process.

At the time of this analysis, every state provided for victim input at sentencing, whether through the presentence report or at the sentencing hearing. Most of those provisions gave victims the absolute right to be heard, but some states provided only that victims could be heard only at the court's discretion. Most laws specified the form of the statement, whether written or oral, but many were unclear. Some basic counts are summarized, below, in Table A-2.

**TABLE A-2**  
**Right to Be Heard Provisions**

Subject	Number of States
Sentencing	
Presentence Report	
Victim has the right	39 states
Discretionary	6 states
Sentencing Hearing	
Victim has the right	35 states
Discretionary	6 states
Parole Hearing	
Victim has the right	30 states
Discretionary	2 states

Twenty-six states explicitly required the court to consider the victim impact statement at sentencing. Eight states required the parole board to consider the victim's statement in making its determination.



### 3. Right to Attend:

Nineteen states provided victims a general right to attend all criminal proceedings, all public proceedings, or all proceedings the defendant is allowed to attend, although many explicitly allowed victims to be excluded by the judge under certain conditions. Two other states give limited groups of victims a general right to attend. Others provide a right to attend specified proceedings such as trial or the sentencing hearing. In the areas of victims' right to be heard, and victims' right to attend, the problem was often a lack of specificity. In many states, these rights attach to "all crucial proceedings," "all critical stages," or a similar term that is never defined.

### 4. Right to Restitution:

At the time of the analysis, 25 states required the court to order restitution or to state the reasons for failing to do so on the record. Most of those states provided an exception where "extraordinary and compelling reasons exist," or by similar terms to that effect. In addition, another 11 states required restitution for limited offenses or as a mandatory condition of probation.

Many states require payment of restitution to be a mandatory condition of parole, where it is ordered at sentencing. Twenty-three states permit collection of restitution generally in the same manner as collection of a civil judgment.

## B. SELECTION OF STATES COMPONENT

None of the six states that scored above average in all four target areas of victims' rights agreed to or were capable of participating in the project. One state provided names, but the list provided by the corrections department was of such poor quality that project staff were not able to contact a sufficient number of victims to meet the minimum requirement of the study. An alternative source of victim contact information in that state simply declined to cooperate. Two of the states had insufficient populations to be able to survey. Three others declined to participate. Another was just beginning to computerize its records in a way that would have enabled it to provide the victim information needed.

Many states from both ends of the scale mentioned a concern about confidentiality of victim information. However, most of those states were not swayed by the suggestion that the National Victim Center bear the cost of a pre-mailing to victims, guaranteeing their anonymity and permitting the victims to "opt-in" to the survey. Thus, it is difficult to determine the extent to which confidentiality was a real concern, or simply a pretext offered to justify non-participation.

A number of states did not have central, computerized files in the corrections departments that would include crime victim information. Others were just beginning to automate. Others indicated their records were in poor shape.



In a majority of cases, project staff were unable to overcome the reluctance of officials to participate. It is apparent that the four participating states demonstrated their desire to facilitate the improvement of the treatment of crime victims' rights by allowing a survey of the "end user" of the laws, the crime victims. Their assistance and cooperation has led to a greater understanding of the implementation of crime victims' rights that will benefit victims nationwide.

The first strong protection state (S1), the state with the second highest score overall, agreed to participate on the condition that the corrections department send an advance letter and reply card to the crime victims in their system, allowing those victims the ability to "opt-in" to the survey.

The second strong protection state (S2), with the thirteenth highest score, agreed to participate by providing names from their crime victims' compensation program. S2 had adopted its constitutional amendment only in 1992, though it was on the books in 1991 pending ratification.

Among the weak protection states, two of the ten with the lowest scores had insufficient populations to participate. However, two others, did agree to participate. The corrections department in State W1 referred us to the Victims Compensation Program, which supplied us with contact information for 2403 victims. The Department of Corrections in State W2 provided information for over several thousand crime victims, of which telephone numbers were obtained for 1557 victims in that state.

## **C. CRIME VICTIM INTERVIEW COMPONENT**

### **1. Breakdown of Types of Crimes:**

As was previously noted, participants were selected on the basis of CJS records, and survey data were case weighted by state using the overall proportions of victims in the entire sample as case weight. Accordingly, the distribution of crime types across strong and weak protection states was identical, as is depicted in Table C-1. Approximately one quarter of respondents in both types of states were victims of physical assault (24.5%), and almost one out of four were victims of robbery (24.3%), slightly more than one out of 10 were victims of sexual assault (10.9%), and about three out of 10 were surviving family members of homicide victims (29.9% and 30.0% in strong vs. weak protection states). The remaining 10.3% of respondents have been victims of some other types of crime.



TABLE C-1

**Percent of Crime Victim Types Within Strong and Weak  
Protection States (Weighted)**

<b>Victim Type</b>	<b>Strong Protection States</b>	<b>Weak Protection States</b>	<b>Total Sample</b>
Physical Assault	24.5%	24.5%	24.5%
Robbery	24.3%	24.3%	24.3%
Sexual Assault	10.9%	10.9%	10.9%
Homicide	29.9%	30.0%	30.0%
Other	10.3%	10.3%	10.3%

**2. Description Information on Case Characteristics of Crimes:**

Information gathered about the characteristics of these cases confirmed the violent nature of most of these crimes. Thirty percent of these cases resulted in the homicide death of a family member. In the remaining 70% of cases in which the respondent was a direct crime victim:

- 53.9% said the assaultant used a gun, knife or other weapon;
- 55.1% said they were physically injured during the assault; and
- 67.3% said they felt they were in real danger of being seriously injured or killed during the assault.

**3. Disposition of Cases in Crime Victim Survey:**

Table C-2, below, describes the disposition of crime victim cases in this survey. Over half of the cases in which an arrest was made did go to trial.





**TABLE C-2**  
*Disposition of Cases in Crime Victim Sample*

OUTCOME	NUMBER OF CASES		
	STRONG PROTECTION STATES	WEAK PROTECTION STATES	TOTAL
TOTAL RESPONDENTS	500	813	1313
Arrest Made	456	652	1108
Def. Entered Plea <sup>1</sup>	149	151	300
Pled Guilty:	138	129	267
To Main Charge	58	54	112
To Lesser Offense	70	56	126
Not Sure	10	20	30
Case Went to Trial	273	415	688
Charges Dropped	0	6	6
Mistrial	2	1	3
Acquitted	10	31	41
Pled Guilty at Trial:	49	120	169
To Main Charge	29	69	98
To Lesser Offense	19	39	58
Not Sure	1	11	12
Found Guilty	207	241	448
Don't Know	16	5	21
Other Outcome <sup>2</sup>	34	72	106
Dropped	7	21	28
Case Still Pending	11	24	35
Other/Don't Know	15	17	32

1. Base: Someone Arrested for Crime, but Case Did Not Got to Trial

2. Base: Defendant Did Not Enter Plea or Don't Know or Defendant Pled Not Guilty, but Case Did Not Go to Trial



4. **Victim Notification at Key Points in the CJS Process:**

Included in Table C-3 are comparisons of strong and weak protection states with respect to pretrial notification of crime victims about key services and CJS proceedings. It was hypothesized that victims would be significantly more likely to be notified in strong protection states than in weak protection states. For the most part, this hypothesis was born out. Victims in strong protection states were significantly more likely than victims in weak protection states to be notified about the availability of victim services, the progress of the investigation, the arrest of the perpetrator, the bond hearing in advance, the right to be heard at the bond hearing, the defendant's release on bond, and the right to protection from intimidation and harm.

Crime victims in strong and weak protection states were equally unlikely to be notified about plea negotiations (56.6% strong vs. 53.2% weak protection states) and about dismissal of charges (42.2% strong vs. 38.8% weak protection states).



TABLE C-3			
COMPARISON OF STRONG AND WEAK PROTECTION STATES PRETRIAL NOTIFICATION: PERCENT NOTIFIED			
TYPE OF NOTIFICATION	Strong Protection States	Weak Protection States	Significance Level
About Victim Services	71.9%	46.7%	.001
About Progress of Police Investigation	65.3%	52.2%	.001
About Arrest of Perpetrator <sup>1</sup>	93.4%	86.3%	.001
About Bond Hearing before It Happened <sup>2</sup>	62.7%	43.2%	.0001
About Right To Be Heard at Bond Hearing <sup>2</sup>	41.6%	28.1%	.0001
About Defendant's Release on Bond by CJS Officials <sup>4</sup>	37.7%	25.5%	.0001
About Grand Jury Hearing Before It Happened <sup>3</sup>	89.5%	80.5%	NS
About Right for Protection From Intimidation And Harm <sup>4</sup>	34.8%	19.9%	.001
About Plea Negotiations <sup>5</sup>	56.6%	53.2%	NS
About Dismissal of Charges <sup>6</sup>	42.2%	38.8%	NS
1. Base: Cases with Arrests (N=456 and 651) 2. Base: Cases with Bond Hearings (N=294 and 396) 3. Base: Cases with G.J. Hearings (N=121 and 304) 4. Base: Cases with Defendant Released on Bond (N=106 and 294) 5. Base: Cases with Plea Negotiations to Lesser Charges (N=71 and 55) 6. Base: Cases Dismissed (N=6 and 20)			

Three points are worth noting concerning these pretrial notification findings. First the strong protection states scored lower than expected, particularly with respect to notification about the right to be heard at bond hearings and about the defendant's release on bail. Secondly, at least some victims *are* receiving notification in weak protection states. Thirdly, rates were quite low in both categories of states with respect to notification of plea negotiations, dismissal of charges and the right to be protected from intimidation and harm.



As Table C-4 indicates, victims in strong protection states were also significantly more likely than those in weak protection states to be notified about the scheduling of the trial, their right to discuss the case with the prosecutor, postponements and continuances, sentencing hearings, the scheduling of sentencing hearings, and the opportunity to make a victim impact statement.

Since most victims are called to testify as witnesses at trial, it was not surprising to learn that a high percentage of victims in both type of states were informed about the trial in advance.

TABLE C-4			
COMPARISON OF STRONG AND WEAK PROTECTION STATES NOTIFICATION OF TRIAL and ADJUDICATION RELATED EVENTS			
TYPE OF NOTIFICATION	Strong Protection States	Weak Protection States	Significance Level
Informed about when trial was scheduled	97.0%	90.7%	.01
Notified in advance of trial	95.6%	90.1%	NS
Of right to discuss case with prosecutor(s) before or during trial	69.7%	41.1%	.0001
Informed about postponements and continuances <sup>1</sup>	81.8%	70.6%	.05
Informed about sentencing hearing <sup>2</sup>	55.8%	30.1%	.0001
Informed about sentencing hearing in advance <sup>3</sup>	91.7%	73.3%	.0001
Informed about what sentence would be sought <sup>4</sup>	62.7%	51.3%	.01
Informed about opportunity to make Victim Impact Statement <sup>2</sup>	75.3%	42.0%	.0001
1. Base: Cases with postponements (N=134 and 240) 2. Base: Cases with defendant adjudicated guilty (N=395 and 491) 3. Base: Cases when victim knew about hearing (N=220 and 148) 4. Base: Cases with guilty verdict or plea (N=395 and 498)			

With respect to post-sentencing notification, as noted in Table C-5, below, victims in strong protection states were significantly more likely than victims in weak protection states to be notified about the earliest possible release from incarceration, hearings on the defendant's conditional release from prison, parole hearings, and the opportunity to make an impact statement at the parole hearing.





TABLE C-5

**Comparison of Strong Protection and Weak Protection States  
with Respect to Notification About Post-Adjudication Events**

Type of Notification	Strong Protection States	Weak Protection States	Significance Level
Informed about earliest possible release date from incarceration <sup>1</sup>	72.1%	38.9%	.0001
Informed in advance about hearing on offenders' conditional release <sup>2</sup>	65.2%	35.0%	.01
Informed in advance about parole hearing <sup>3</sup>	70.0%	35.3%	.0001
Informed about opportunity to attend parole hearing <sup>4</sup>	76.7%	66.2%	NS
Informed about opportunity to make impact statement at parole <sup>4</sup>	61.8%	36.4%	.05

1. Base: Cases where defendant sentenced to incarceration (n = 361 and 339).
2. Base: Cases where victim knew defendant eligible for conditional release (n = 62 and 41).
3. Base: Cases where victim knew a parole hearing had been held (n = 93 and 110).
4. Base: Cases where victim informed in advance of parole hearing (n = 65 and 39).

Just as was the case with pretrial and adjudication-related notification, post-adjudication notification was much more likely to occur in strong protection than in weak protection states. Although many victims were still not being notified even in the strong protection states it seems reasonable to conclude that having strong statutory requirements for notification does appear to increase the likelihood that, more victims will, indeed, receive notice of more rights and more proceedings at more stages throughout the criminal justice process.

## 5. Victim Participation:

We hypothesized that being offered the opportunity to participate and to be heard at key CJS proceedings and hearings would be a more important predictor of victim satisfaction than the victims' actual participation. Providing the opportunity to participate returns control to the victim, who can then choose whether or not they wish to participate. Nevertheless, it is instructive to determine the extent to which crime victims participate when given the option of doing so.



TABLE C-6

**Comparison of Strong and Weak Protection States  
on Elements of Victim Participation**

Element of Victim Participation	Strong Protection States	Weak Protection States	Significance Level
Made Recommendation about Release on Bond <sup>1</sup>	39.4%	25.4%	.01
Attended Grand Jury Hearing <sup>2</sup>	75.6%	63.3%	NS
Talked with Prosecutor about Accepting Plea to Lesser Charges <sup>3</sup>	52.0%	56.0%	NS
Testified in Court <sup>4</sup>	60.2%	49.4%	.05
Attended Sentencing Hearing <sup>5</sup>	73.3%	71.9%	NS
Made Victim Impact Statement at Sentencing <sup>6</sup>	93.3%	93.0%	NS
Gave Opinion about Sentencing <sup>7</sup>	79.1%	60.4%	.0001
Attended Parole Hearing <sup>8</sup>	14.4%	17.9%	NS
Made Impact Statement at Parole Hearing <sup>9</sup>	58.0%	14.5%	.05

1.	Base:	Cases where victim knew of the bond hearing (n = 294 and 396).
2.	Base:	Cases where victim knew of the grand jury hearing (n = 108 and 245).
3.	Base:	Cases where victim knew defendant pled to lesser charges (n = 71 and 55).
4.	Base:	Cases that went to trial (n = 272 and 415).
5.	Base:	Cases with sentencing hearing that victim knew about (n = 202 and 108).
6.	Base:	Cases where victim was given an opportunity to make an impact statement (n = 300 and 213).
7.	Base:	Cases where victim made impact statements (n = 208 and 198).
8.	Base:	Cases where victim knew in advance of parole hearing (n = 65 and 39).
9.	Base:	Cases where victim was given an opportunity to make a statement at parole (n = 16 and 19).

As Table C-6 indicates, victims in strong protection states were significantly more likely to participate in certain proceedings than their counter-parts from weak protection states. They were more likely to make recommendations about the defendant's release on bond, make recommendations as to the sentence, and make impact statements at the parole hearings. They were also more likely to testify at the trial, at point at which their participation is in the prosecutor's control.



Victims in the strong protection states were also more likely to report that criminal justice officials encouraged their participation by suggesting they make a recommendation at bond hearing (21.4% vs. 8.8%), or submit a victim impact statement at sentencing (56.2% vs. 51.3%), or simply by the willingness of the prosecutor to discuss the case with the victims (54.4% vs. 40.7%). Few victims reported that their participation was discouraged at any of these points in the process. The vast majority of victims reported that they were neither encouraged nor discouraged.

Victims in the strong protection states were also more likely to believe that their participation had an impact. While a minority of victims in both states who made a recommendation on bond thought that their recommendation at the bond hearing had an impact, a larger proportion in strong protection states thought their recommendation had an impact (39.4% vs. 25.4%). Of victims who had the opportunity to consult with the prosecutor regarding the possibility of a plea bargain, victims in the strong protection states were far more likely to believe their consultation had "a lot" of impact (46.9% vs. 8.9%), while victims from the weak protection states were more likely to state that the consultation had "only a little" or "no" impact (32.3% strong vs. 53.6% weak).

On the whole, victims from the strong protection states reported more meetings with the prosecutor (median reported - S1 - 3.5, S2 - 4.9, W1 - 3.0, W2 - 2.6). They were also more likely to believe their opinions were taken into account by the prosecutor when decisions were made about the case (70.1% vs. 59.1%).

As shown in Table C-7, victims from the two groups of states had very different impressions of the effect of their impact statements.



TABLE C-7

**Victim's Impressions of the  
Impact of Victim Impact Statement**

Effect	Strong Protection States	Weak Protection States	Significance Level
Whether Defendant Incarcerated			
A LOT of Impact	25.4%	16.3%	.05
SOME Impact	36.5%	33.2%	
NO Impact	30.6%	42.3%	
Length of Sentence			
A LOT of Impact	21.3%	14.2%	.001
SOME Impact	39.6%	27.3%	
NO Impact	34.0%	51.2%	
Whether restitution ordered			
A LOT of Impact	8.3%	9.4%	
SOME Impact	8.0%	20.7%	
NO Impact	73.8%	59.5%	
Amount of restitution ordered			
A LOT of Impact	6.9%	9.1%	
SOME Impact	8.5%	21.5%	
NO Impact	75.4%	59.9%	

There was no significant difference in the percentage of victims in strong and weak protection states who attended grand jury hearings, or talked with the prosecutor about whether to accept a plea. As noted above, more victims in the strong states were informed of the sentencing hearing (91.7% vs. 73.3%), but among victims who were notified, there





was no notable difference in the percentages of victims who attended the sentencing hearing.

While there was a sizeable difference in the percentages of victims given an opportunity to make a victim impact statement at sentencing (75.3% vs. 42.0%), approximately 93% of both groups who were given that opportunity, did, indeed, make an impact statement.

Similarly, while there were considerable differences in the percentages of victims who were notified in advance of the parole hearing (70% vs. 35.3%),<sup>18</sup> and some differences in the numbers informed that they could attend the parole hearing (76.7% vs. 66.2%), very few victims from either group of states who received such notice actually attended the parole hearing (14.4% vs. 17.9%).

#### 6. Restitution to Victims:

Restitution is an important victims' right which involves defendants being ordered to repay economic losses sustained by the victim as a result of the crime perpetrated against them. Typically, only economic losses are subject to restitution. Therefore, the only cases in which restitution would be ordered are those in which the defendant pleads guilty or is found guilty and the victim has sustained economic losses. There were 270 such cases in the strong protection states and 327 in the weak protection states. We hypothesized that restitution would be ordered more often in the strong protection states than in the weak protection states. We also predicted that restitution would be collected more often in the strong than in the weak protection states.

As an inspection of Table C-8 indicates, these hypotheses were not supported by the victim survey data. In eligible cases, judges ordered restitution in significantly fewer instances in strong protection than in weak protection states (22.2% vs. 42.2%). There was no significant difference between strong and weak protection states with respect to the proportion of cases in which restitution was actually received, versus the number of cases in which it was ordered (36.7% vs. 42.8%). However, significantly fewer victims in strong protection states than in weak protection states actually received any restitution (8.1% vs. 18.0%).

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<sup>18</sup> This number could be even greater, as victims in the weak protection states were three times as likely to say they didn't know, or were not sure, whether the offender in their case had come up for parole.



TABLE C-8

**Percentage of Eligible Victim Cases in Which  
Restitution was Ordered and Received by Victims**

	Strong Protection States	Weak Protection States	Significance Level
Defendant Ordered to Pay Restitution	22.2%	42.2%	.0001
Victim Received Any of Restitution Ordered <sup>1</sup>	36.7%	42.8%	NS
Victim Received Any Restitution <sup>2</sup>	8.1%	18.0%	.001
<hr/>			
1. Base: Cases Where Restitution was Ordered (N=60 + 138)			
2. Base: Total eligible cases, Defendant Adjudicated Guilty and Victim Sustaining Loss (N = 270 + 327)			

These restitution findings were contrary to hypothesis and different from the pattern of all other findings concerning the relationship between strength of victims' rights protection and victims' experiences with the criminal justice system. Consequently, we performed additional exploratory analyses examining the impact of another variable that might be expected to influence whether restitution was being ordered. Specifically, we examined the extent to which restitution was ordered in cases where the defendant was incarcerated versus those cases where the defendant was not. These analyses utilized data from the 597 cases in which victims would be eligible for restitution.

Overall, 79.6% of eligible cases resulted in incarceration, but convicted defendants were significantly more likely to have been incarcerated in strong protection than in weak protection states (89.1% vs. 71.7%;  $p < .0001$ ). Next, a chi square analysis was done comparing frequency of restitution orders in strong and weak protection states controlling for whether the defendant was incarcerated. As inspection of Figure F-I indicates, there was a significant relationship between receiving a prison sentence and the likelihood that restitution would be ordered in weak protection states. Defendants in weak protection states sentenced to prison were significantly less likely to be ordered to pay restitution than their unincarcerated counterparts (36.8% vs. 58.1%). The same pattern of results was observed in strong protection states, but the differences were not statistically significant. Among cases in which the defendant was not sentenced to prison, the proportion of restitution orders differed significantly across strong or weak protection states (36.1% vs. 61.4%, sig. at .05). However, a significantly higher proportion of defendants receiving prison sentences were ordered to pay restitution in weak protection states than in strong protection states (44.2% vs. 23.1%;  $p < .001$ ).



These findings have several implications. First these exploratory analyses were unsuccessful in uncovering a reason for the superiority of weak protection states in ordering restitution. Although fewer defendants in eligible cases received prison sentences in weak protection states than in strong protection states, restitution was more likely to be ordered in such cases in weak than in strong protection states. However, rates of restitution orders were also higher in weak protection states in cases where no prison sentence was involved. Thus, the differences in restitution orders between strong and weak protection states cannot be accounted for on the basis of differing incarceration rates.

Second, there is a clear effect on restitution ordered depending on whether a defendant is sentenced to prison, with restitution more likely to be ordered if there is no prison sentence. This variable is not supposed to be a consideration in making decisions about restitution, but it appears to be an important factor nevertheless.

Third, there is ample evidence that the majority of eligible cases in both types of states are not having restitution ordered. Likewise, restitution is being collected in less than 50% of the cases in which it is ordered. Overall, less than 20% of crime victims in eligible cases are receiving any restitution (8.1% in strong protection and 18.0% in weak protection states).

Fourth, the fact that neither strong nor weak protection states did an exemplary job in ordering or collecting restitution suggests: a) that there is substantial room for improvement, and b) that factors other than legislative mandates *per se* are important with respect to the implementation of restitution. A host of variables might be involved, including lack of knowledge of what the law requires judges to do, failure to include relevant information about victims' economic losses on impact statements, failure to identify defendants' assets that might be used to pay restitution, inability to track payment (or nonpayment) of restitution, and inability to monitor and sanction noncompliance.



## 7. Importance of Crime Victims' Rights to Victims:

An important consideration is the extent to which crime victims think various "rights" they are provided in legislation are actually important. Using a scale of very important, somewhat important, not too important, or not at all important, crime victims were asked how important they thought a series of rights were to crime victims and their families. As inspection of Table C-9 indicates, the vast majority of crime victims thought that all of these rights were very important.

- More than nine out of ten victims thought it was very important to inform victims about whether an arrest was made (97.2%), to be involved in the decision about dropping the case, and to be informed about the defendant's release on bond.
- More than eight out of ten victims thought it was very important to inform victims about the earliest release date from incarceration (89.7%), to be heard at bond hearings (88.7%), to discuss the case with the prosecutor (88.6%), to discuss whether a plea agreement should be accepted (86.6%), to make an impact statement during a parole hearing (85.5%), to be present during a grand jury hearing (84.4%), and to make an impact statement before sentencing (82.1%).
- Almost eight out of ten victims said it was very important for victims to be involved in the decision about what sentence should be given to the defendant (78.8%).

Clearly, all of these rights are viewed as very important by most crime victims. This finding is consistent with data reported by Kilpatrick et al (1989) for a group of South Carolina crime victims. For example, 93% of South Carolina crime victims said it was very important for victims to have the right to discuss the case with the prosecutor prior to dropping the case, and 93% said it was very important to be heard in decisions about the defendant's release on bond. These crime victims' rights also have strong support from the American public as was found in a 1991 public opinion poll sponsored by the National Victim Center.<sup>19</sup> Given the exceptionally strong support that these rights have from crime victims, it is reasonable to assume that failure to honor these rights might have negative consequences on victims' satisfaction with and support for the CJS. This hypothesis was tested, and the results are reported in a subsequent section of this document.

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<sup>19</sup> *America Speaks Out: Citizens' Attitudes About Victims' Rights and Violence*, National Victim Center, (April 1991).





TABLE C-9

## Crime Victims' Opinions about the Importance of Crime Victims' Rights

		Percent Responding Very Important
1.	To be informed about whether anyone was arrested	97.2%
2.	To be involved in the decision about dropping the case	91.3%
3.	To be informed about the defendant's release on bond	90.1%
4.	To be informed about the earliest possible release date from incarceration	89.7%
5.	To be heard in decisions about the defendant's release on bond	88.7%
6.	To discuss case with the Prosecutor's Office	88.6%
7.	To talk about whether plea to lesser charges by defendant be accepted	86.6%
8.	To make a Victim Impact Statement during the defendant's parole hearing	85.5%
9.	To be present during the grand jury hearing	84.9%
10.	To be present during release hearings	84.6%
11.	To be informed about any postponements of grand jury hearing	84.4%
12.	To make a Victim Impact Statement before Sentencing	82.1%
13.	To be involved in decision about what sentence should be given to defendant	78.8%



8. **Victims' Ratings of the Adequacy of Aspects of the CJS Process:**

One hypothesis of the project was that victims in strong protection states would view the adequacy of the CJS process more favorably than victims in weak protection states. Table C-10 presents comparisons of victims in strong and weak protection states with respect to their ratings of the adequacy of several aspects of the CJS process. Our hypothesis was strongly validated by the survey results. Victims in strong protection states were far more likely than victims in weak protection states to rate as more than adequate the CJS's efforts to apprehend the perpetrator, keep the family informed about the case's progress, and allow the victims input into the case. Victims in the strong protection states were also far more likely to view as more than adequate the thoroughness of the case prepared against the defendant, the speed of the process and the support services available. In addition, those same victims were more likely to find the fairness of the trial and the sentence more than adequate.

It is important to note that a sizable minority of victims in both types of states rate some aspects of the CJS process as completely inadequate. For example, almost one victim in ten in the strong protection states and almost one in five in the weak protection states rated efforts to keep them informed as completely inadequate. Likewise, 15.4% of victims in strong states and 25.4% in weak states said that their ability to have input into the case was completely inadequate. One quarter of victims in strong states (25.0%) and one third of victims in weak states (33.6%) said the fairness of the sentence was completely inadequate.



TABLE C-10

**Victims' Ratings of the Adequacy of Aspects of the Criminal Justice Process:  
Comparison of Strong vs. Weak Protection States (Weighted)**

ASPECT OF THE CJS PROCESS	NUMBER		PERCENT		Sig. Level
	Strong Protection States	Weak Protection States	Strong Protection States	Weak Protection States	
Efforts to Apprehend Perpetrator					
More than Adequate	200	175	43.8%	26.9%	.0001
Adequate	182	300	39.9%	46.0%	
Somewhat Less than Adequate	35	73	7.6%	11.2%	
Completely Inadequate	26	70	5.7%	10.8%	
Not Applicable	14	34	3.0%	5.2%	
Efforts to Keep Family Informed of Case's Progress					
More than Adequate	134	85	29.3%	13.0%	.0001
Adequate	216	308	47.4%	47.4%	
Somewhat Less than Adequate	64	112	14.0%	17.2%	
Completely Inadequate	39	120	8.5%	18.5%	
Not Applicable	3	25	0.7%	3.8%	
Ability to Have Input in the Case					
More than Adequate	97	60	21.4%	9.2%	.0001
Adequate	193	268	42.3%	41.3%	
Somewhat Less than Adequate	88	116	19.2%	17.8%	
Completely Inadequate	70	166	15.4%	25.4%	
Not Applicable	8	41	1.8%	6.3%	



TABLE C-10

**Victims' Ratings of the Adequacy of Aspects of the Criminal Justice Process:  
Comparison of Strong vs. Weak Protection States (Weighted)**

ASPECT OF THE CJS PROCESS	NUMBER		PERCENT		Sig. Level
	Strong Protection States	Weak Protection States	Strong Protection States	Weak Protection States	
Thoroughness of the Case Prepared Against the Defendant					
More than Adequate	129	89	28.3%	13.6%	.0001
Adequate	213	276	46.8%	42.4%	
Somewhat Less than Adequate	47	97	10.4%	15.0%	
Completely Inadequate	45	122	9.9%	18.7%	
Not Applicable	21	67	4.6%	10.3%	
Fairness of the Trial					
More than Adequate	91	65	19.9%	10.0%	.0001
Adequate	181	252	39.7%	38.7%	
Somewhat Less than Adequate	50	73	11.0%	11.2%	
Completely Inadequate	49	132	10.8%	20.3%	
Not Applicable	85	129	18.6%	19.8%	
Fairness of the Verdict or Plea Bargain					
More than Adequate	78	37	17.2%	5.7%	.0001
Adequate	165	236	36.2%	36.3%	
Somewhat Less than Adequate	84	104	18.5%	16.0%	
Completely Inadequate	97	181	21.2%	27.8%	
Not Applicable	32	93	7.0%	14.3%	





TABLE C-10

**Victims' Ratings of the Adequacy of Aspects of the Criminal Justice Process:  
Comparison of Strong vs. Weak Protection States (Weighted)**

ASPECT OF THE CJS PROCESS	NUMBER		PERCENT		Sig. Level
	Strong Protection States	Weak Protection States	Strong Protection States	Weak Protection States	
Fairness of Sentence					
More than Adequate	63	34	13.7%	5.3%	.0001
Adequate	146	209	32.0%	32.1%	
Somewhat Less than Adequate	106	91	23.2%	14.0%	
Completely Inadequate	114	219	25.0%	33.6%	
Not Applicable	28	97	6.1%	14.9%	
Speed of the Process					
More than Adequate	78	38	17.0%	5.8%	.0001
Adequate	201	281	44.1%	43.2%	
Somewhat Less than Adequate	102	116	22.4%	17.8%	
Completely Inadequate	66	173	14.6%	26.6%	
Not Applicable	9	43	1.9%	6.6%	
Support Services Available for Victim or Victim's Family					
More than Adequate	75	52	16.3%	8.0%	.0001
Adequate	161	207	35.3%	31.8%	
Somewhat Less than Adequate	102	121	22.4%	18.6%	
Completely Inadequate	68	148	14.9%	22.8%	
Not Applicable	51	123	11.1%	18.9%	



## 9. Victims' Requests for Assistance and Whether They Actually Received Assistance:

While the CJS cannot meet all needs of crime victims, it may be useful to gain a better understanding of the nature of those needs and the extent to which the CJS fulfills them. One could hypothesize that victims in strong protection states would be more likely than victims in weak protection states to request services, based on the presumption that they are more likely to be informed of the fact that such services exist.

However as inspection of Table C-11 indicates, this hypothesis was not supported by study findings. Victims from strong and weak protection states did not differ significantly with respect to the percentage requesting assistance with getting property back from law enforcement, preparing victim impact statements, transportation to court or employer intervention.

Victims in strong protection states were significantly more likely than those in weak protection states to request help in getting psychological counseling (21.0% vs. 12.9%), but victims in weak protection states were more likely to request help completing compensation forms (20.5% vs. 29.3%).

Somewhat striking was the low percentage of victims who actually requested such services. This raises two questions, firstly, "Were victims informed that these services exist?" and secondly, "Were they aware that they were entitled to request them?"

TABLE C-11

### Percent of Crime Victims in Strong and Weak Protection States Requesting Specific Types of Victim Assistance

Type of Victim Assistance	Percent of Victims Requesting Assistance		
	Strong Protection States	Weak Protection States	Significance Level
Help getting property back from police	29.7%	30.0%	NS
Help filling out compensation forms	20.5%	29.3%	.001
Help preparing victim impact statement	8.3%	10.1%	NS
Police protection	22.6%	12.1%	NS
Transportation to court	3.9%	1.7%	NS
Help telling employer about court-related absences	12.1%	10.3%	NS
Help getting psychological counseling	21.0%	12.9%	.01



Of victims who actually requested assistance with services, as Table C-12 indicates, there were no significant differences between types of states in the protection of victims who received:

- Help getting property back from police (59.0% vs. 59.5%);
- Help preparing victim impact statement (80.7% vs. 88.0%);
- Police protection (67.7% vs. 67.5%);
- Help telling employer about court - related absences (78.3% vs. 74.2%);
- Help getting psychological counseling (73.7% vs. 80.5%).

A higher percentage of victims in weak protection states than in strong protection states who requested help filling out compensation forms got help (63.8% vs. 82.4%), but more victims in strong than in weak states who requested transportation to court got it (87.7% vs. 52.5%).

Taken in combination with the findings on requesting assistance, these findings suggest that most crime victims do not receive these types of assistance. The primary reason is that they don't request assistance, but many victims who request assistance say they never received it.

TABLE C-12

**Percent of Victims Requesting Specific Types of Victim Assistance  
Who Actually Received It in Strong and Weak Protection States**

Type of Victim Assistance	Percent of Victims Receiving Assistance		
	Strong Protection States	Weak Protection States	Significance Level
Help getting property back from police	59.0%	59.5%	NS
Help filling out compensation forms	63.8%	82.4%	.01
Help preparing victim impact statement	80.7%	88.0%	NS
Police protection	67.7%	67.5%	NS
Transportation to court	87.7%	52.5%	.05
Help telling employer about court-related absences	78.3%	74.2%	NS
Help getting psychological counseling	73.7%	80.5%	NS



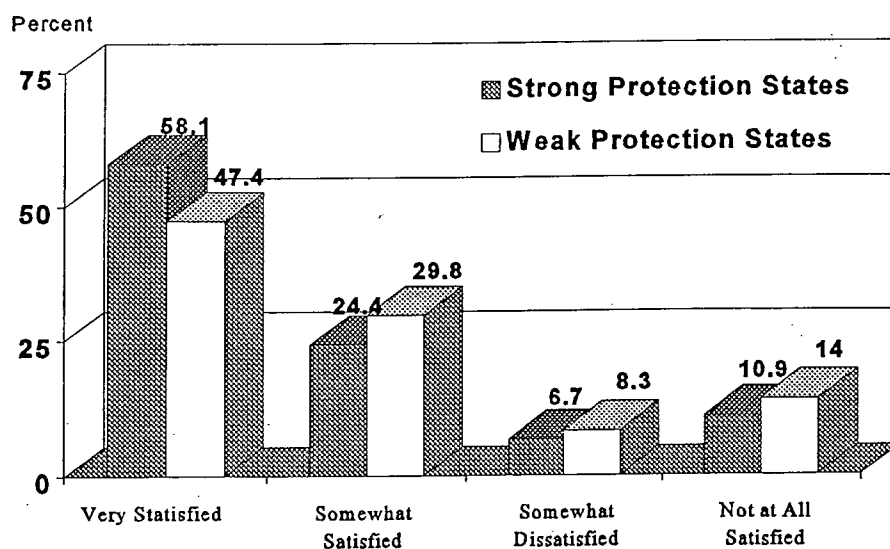
## 10. Crime Victim Satisfaction:

Perhaps the most significant result of the survey of crime victims is the strong link discovered between crime victims' rights and victim satisfaction with criminal justice agencies. Crime victims in the strong protection states were significantly more satisfied with police, prosecutors, the victim/witness staff, the judges, and with the criminal justice system as a whole. Victims in the weak states were more often "very dissatisfied" with those agencies and with the criminal justice system.

### Police

A majority of victims from both groups of states reported that they were "somewhat satisfied" or even "very satisfied" with the police. As a group, law enforcement among all criminal justice agencies received the highest ratings by crime victims. While victims from both types of states rated law enforcement favorably, there were still significant differences between strong and weak protection states, as shown in Figure C-I, below.

**Figure C-I**  
*Victim Satisfaction with Police*  
*in Strong vs. Weak Protection States*



Base: Number of victims who had contact with police expressing opinions (n=442 victims in strong protection states and 637 in weak protection states). Chi Square significant at  $p < .05$ .





As the first criminal justice officials to have contact with crime victims, law enforcement officers are often the first to inform victims of any legal rights, and refer them to services. Victim advocates believe that the capacity of law enforcement officials to demonstrate compassion, and to treat crime victims with dignity and respect, often sets the tone for the victims' relationship with the criminal justice system and can dramatically affect the victims' entire recovery process. Thus, it is very significant that the majority of crime victims in both strong and weak protection states are satisfied with the performance of the law enforcement officials. It is worth noting that many law enforcement agencies across the nation have made a concerted effort to include victim sensitivity training in their basic and continuing education curricula.

Law enforcement is the one CJS agency with which virtually all crime victims come into contact. Whether or not an arrest occurs and whether or not the case is adjudicated, victims interact with the police. Thus, it is important to obtain information about specific police behaviors that might affect victims' opinions about police. The specific police behaviors of interest are not mandated by victims' rights statutes, so it is difficult to make predictions about whether these police behaviors are likely to differ between strong and weak protection states.

As inspection of Table C-13 reveals, a substantial majority of crime victims in both types of states said police were polite, seemed to care about what happened, showed an interest in their feelings, gave them a chance to talk about what happened, seemed interested in catching the offender, and tried to gather all evidence necessary. Except in the area of victim satisfaction with police efforts to gather evidence, there were no significant differences with respect to the rates of satisfaction with police behaviors in strong versus weak protection states. These findings suggest that, in the view of most victims, police are, for the most part, demonstrating these important victim-related behaviors.



TABLE C-13

**Crime Victims' Reports of Their Experiences With  
Specific Police Behaviors in Strong and Weak  
Protection States**

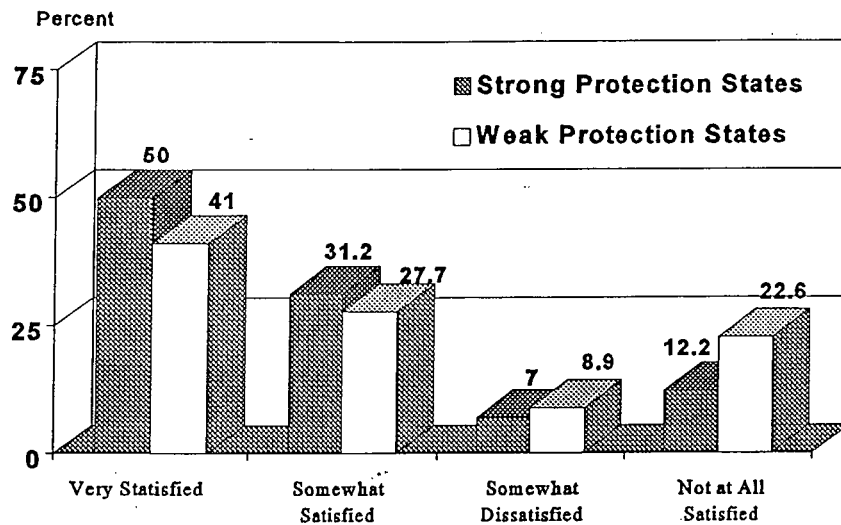
Police Behavior	Percent Victims Saying Behavior Occurred		
	Strong Protection States	Weak Protection States	Significance Level
Tried to be polite	84.5%	86.4%	NS
Seemed to care about what happened	77.0%	76.6%	NS
Showed interest in victims' feelings	72.0%	72.9%	NS
Gave victim chance to talk about what happened	73.5%	73.9%	NS
Seemed interested in catching the offender	83.1%	77.3%	NS
Tried to gather all evidence necessary	79.7%	74.1%	.05

Prosecutor

Most of the duties mandated by victim-related statutes fall to the prosecutor, or the prosecutor's victim/witness coordinator. Most notification responsibility falls to the prosecutor, including informing the victim of the steps in the criminal justice process, notifying the victim of hearings, or plea negotiations, of pretrial releases, and other events; consulting throughout the process; informing the victim of his or her legal rights; encouraging the victim to exercise those rights; and assisting the crime victim generally. A majority of crime victims from both groups of states were "somewhat satisfied" or even "very satisfied" with the prosecutor, but the differences between the groups of victims were statistically significant. As demonstrated in Figure C-II, below, victims in the weak protection states were almost twice as likely to be "very dissatisfied" with the prosecutor.



**Figure C-II**  
*Victim Satisfaction with Prosecutors in  
 Strong vs. Weak Protection States*



**Base:** Number of victims who had contact with prosecutors expressing opinions (n=442 victims in strong protection states and 603 in weak protection states). Chi Square significant at  $p < .0001$ .

Separately, crime victims were asked whether they were satisfied with *the way the prosecutor handled the case*. Again, as shown in Table C-14, there were strong differences between the two groups of crime victims. Victims in the strong protection states were significantly more satisfied, and more often "very satisfied," with the prosecutor's handling of the case. Those in weak protection states were more likely to say they were "dissatisfied" with the way the prosecutor handled the case.



TABLE C-14

**Crime Victims' Satisfaction with  
Prosecutor's Handling of the Case**

<b>Reported Satisfaction</b>	<b>Strong Protection States</b>	<b>Weak Protection States</b>
SATISFIED (net)	79.48%	63%
VERY SATISFIED	55.31%	44.1%
VERY DISSATISFIED	13.45%	22.41%

Those victims who reported that they were dissatisfied with the prosecutor's handling of the case were asked to state the reasons for their dissatisfaction, and could provide more than one reason. The reasons victims gave for their dissatisfaction diverged among the two groups of states. Of those victims from the strong protection states who reported that they were dissatisfied with the prosecutor's handling of the case, victims were more likely to cite the outcome of the case as the reason for their dissatisfaction. Those who cited some aspect of the prosecutor's performance overwhelmingly said that the prosecutor "wasn't aggressive enough," or "didn't fight hard enough for me."

Those victims from the weak protection states who were dissatisfied with the way the prosecutor handled the case also frequently cited the outcome of the case. However, more crime victims in those states cited some aspect of the prosecutor's performance; AND, of those, half the crime victims were dissatisfied due to the prosecutor's failure to communicate with the victims or to keep them informed of proceedings (see Table C-15).

TABLE C-15

**Reasons for Victims' Dissatisfaction with Prosecutor's Handling of the Case**

<b>Reported Reasons (multi-select)</b>	<b>Strong Protection States</b>	<b>Weak Protection States</b>
Outcome of the Cases	58.8%	43.0%
Prosecutor's Performance (net)	56.9%	45.8%
Prosecutor Not Aggressive/Didn't Fight Hard Enough	47.1%	22.5%
Prosecutor Didn't Communicate with Victim/Didn't Notify of Proceedings	7.8%	20.4%





More importantly, of those victims dissatisfied with the prosecutor's handling of the case for some reason *other than* the outcome of the case, victims from the strong states overwhelmingly cited the prosecutor's lack of aggression (82.8% strong vs. 49.3% weak protection states) and victims from the weak states more often cited the failure of the prosecutor to communicate or to keep them informed (13.8% strong vs. 44.6% weak protection states).

As noted above, most victims said that they were satisfied with the way the prosecutor handled the case, and a greater percentage of victims from the strong protection states were satisfied. Crime victims who reported being satisfied with the prosecutor's handling of the case were also asked to state the reasons for their satisfaction. These are summarized below in Table C-16.

Approximately half of all crime victims cited the outcome of the case, but victims from the strong protection states were almost three times as likely as other victims to say their satisfaction was due to their treatment by the prosecutor.

TABLE C-16

**Reasons for Victims' Satisfaction with  
Prosecutor's Handling of the Case**

Reported Reasons (multi-select)	Strong Protection States	Weak Protection States
Sentence/Outcome of Case	50.2%	52.7%
Presented Evidence Well	5.1%	12.7%
Kept Us Informed	12.0%	13.9%
Treated Me Well/Seemed to Care	23.5%	8.5%

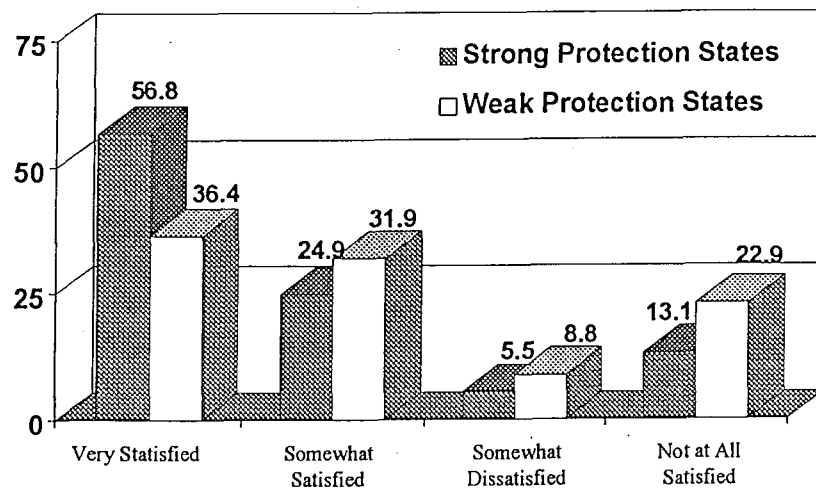
Victim/Witness Staff

Those crime victims who had contact with victim/witness staff were asked about their satisfaction with treatment by those officials. Those results are reported in Figure C-III, below. There were significant differences in victims' reported satisfaction (81.7% vs. 68.3%), but the differences between those saying they were "very satisfied" or "not at all satisfied" were more telling.



Figure C-III

*Victim Satisfaction with Victim/Witness  
Staff in Strong vs. Weak Protection States*



Base: Number of victims who had contact with victim/witness staff expressing opinions (n=329 victims in strong protection states and 376 in weak protection states). Chi Square significant at  $p < .0001$ .

Separately, victims whose cases went to trial were asked for the reasons for their satisfaction with the victim/witness coordinator. Their responses are summarized below, in Table C-17. Victims from both groups of states were most likely to cite the personal aspects of their interaction with the victim/witness coordinator. They were also likely to mention the victim/witness coordinator's efforts to keep them informed.



TABLE C-17

**Reasons for Victims' Satisfaction with  
Victim/Witness Coordinator**

<b>Reported Reasons (multi-select)</b>	<b>Strong Protection States</b>	<b>Weak Protection States</b>
Encouraging/Supportive/ Concerned/Caring	46.63%	31.25%
Explained Process/Procedure Very Well/ Informative	23.93%	25.63%
Kept Me Informed/Stayed in Touch/ Personal Contact	25.0%	20.0%
Reacted quickly/Handled Case Swiftly	8.13%	2.45%
Defendant Was Convicted	7.5%	3.07%
Very Good Program	7.5%	1.23%

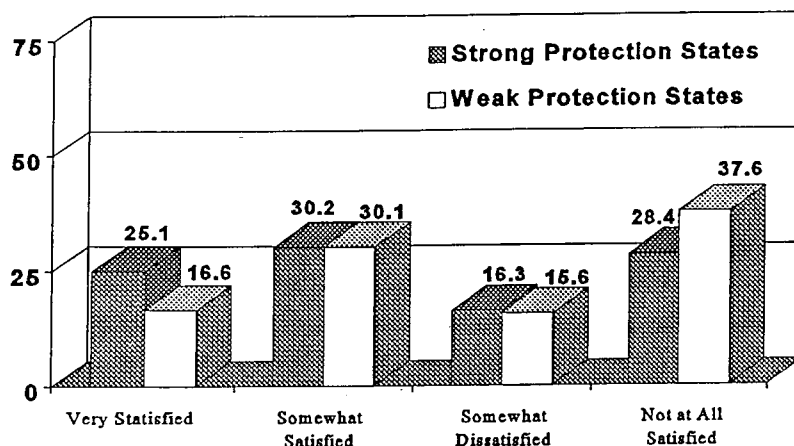
**Judges**

Most victims also reported high levels of satisfaction with judges, and satisfaction ratings were significantly higher among victims in strong protection states. As shown in Figure C-IV, below, majorities from both groups of states were "very satisfied" or "somewhat satisfied" with judges (79.5% strong vs. 69.3% weak). Once again, the most noteworthy differences were in the percentages of victims that reported being "very satisfied" or "not at all satisfied."



Figure C-IV

*Victim Satisfaction with Judges  
in Strong vs. Weak Protection States*



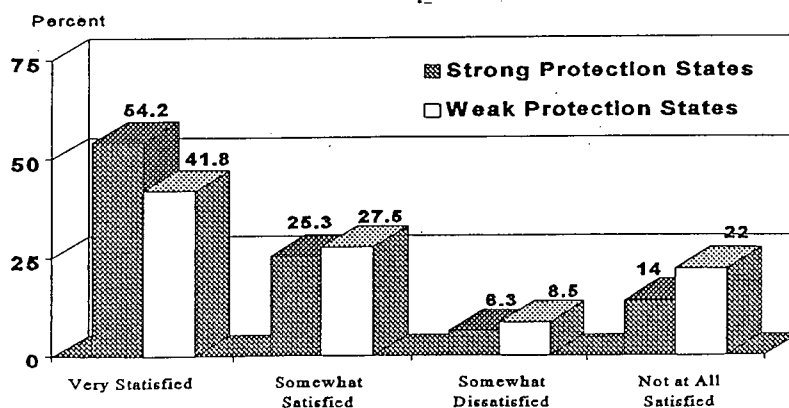
Base: Number of victims who had contact with the Criminal Justice System expressing opinions (n=443 victims in strong protection states and 628 in weak protection states). Chi Square significant at  $p < .005$ .

Criminal Justice System, Generally

While victims were generally satisfied with their treatment by each individual agency within the criminal justice system, their satisfaction with the system overall remains low. Only 55.3% of victims in the strong protection states and 46.7% of victims in the weak protection states reported being "very satisfied" or "somewhat satisfied" with the criminal justice system as a whole. Victims in the weak protection states were more likely to report that they were "not at all satisfied" with the criminal justice system (see Figure C-V, below).

Figure C-V

*Victim Satisfaction with the Criminal Justice System in  
Strong vs. Weak Protection States*



Base: Number of victims who had contact with judges expressing opinions (n=415 victims in strong





Substantial percentages of victims from both groups of states, in whose cases an arrest had been made, said that they were not satisfied with the outcome of the case (37.72% strong vs. 48.93% weak protection states). Of victims' whose cases went to trial or the defendant pleaded guilty, 65% thought the sentence was too lenient, and this was roughly equal across the states. These figures may help explain victims' low level of satisfaction with the criminal justice system overall.

**11. Factors Associated with Crime Victims' Satisfaction with Treatment by the CJS Results of Multi Variate Analyses:**

Previously reviewed findings confirmed the hypothesis that victim satisfaction with treatment by various actors within the CJS and with different aspects of the CJS process was significantly higher in strong protection than in weak protection states. However, these univariate findings provide little information about potential mechanisms that might drive victim satisfaction. Nor do these univariate analyses identify or control for the effects of other variables that might influence victim satisfaction. To address these issues, a series of multi variate analyses were run using data from four scales that were constructed using appropriate items from the survey interview. The following provides a brief description of how each of the four scales was constructed and how each scale was scored.

- a) **Victim Satisfaction Scale (VSS).** This 22-item measure was designed to assess victims' overall satisfaction with the criminal justice system. Participants rated their degree of satisfaction with different aspects of the criminal justice system, such as the police, the victim/witness staff, efforts to apprehend the perpetrator, fairness of the trial, etc. using Likert scales. Responses on those scales ranged from "very satisfactory" to "not satisfactory" or from "more than adequate" to "completely inadequate." Higher scores reflect greater levels of satisfaction. The VSS is a reliable measure possessing high internal consistency (coefficient alpha = .90).

Items included: 62a-e, 63a-g, 64a, 65a-I

Items were recoded so that higher scores reflect increased satisfaction.

Means were used instead of total scores because victims were allowed to indicate "not applicable" when appropriate.



- b) Informed Victim Scale (IVS). This is a 23-item instrument used to measure the extent to which victims believed they were informed of their rights. Participants responded "Yes" or "No" to questions asking if they were given information about specific rights, such as the right to protection from intimidation and harm and to make a victim impact statement, and if they were kept informed of case progress, such as the defendant's arrest and release. Higher scores reflect being more informed.

Items included: 16, 18a, 19b, 19d, 22a, 23a, 24b, 24e, 25b, 25d, 27b, 29e, 30a, 32a, 33b, 41b, 41g, 45e, 47b, 49f, 50b, 50c, 50d

Items were recoded (No=1, Yes=2, Not sure=1) so that higher scores reflect being more informed.

Means were used to allow for missing data for respondents who were not asked all questions.

- c) Victims' Losses Scale (VLS). This nine-item measure was designed to assess the losses/hardships victims experienced as a result of being the victim of a crime. Respondents answered "Yes" or "No" to indicate whether or not they experienced each item, such as loss of time from work or school due to injuries, loss of money or property stolen, and receipt of psychological counseling for mental or emotional injuries. Higher scores reflect greater losses experienced by the victim.

Items included: 70a-I

Items were recoded (No=1, Yes=2, Not sure=1) so higher scores are associated with more crime-related losses.

Responses were summed to create total score.

- d) Victim Impact Scale (VIS). This is a five-item scale designed to assess victims' perceptions of effectiveness related to their victim impact statements. Participants responded "No effect," "Some effect," or "A lot of effect," to items asking if they believed their victim impact statement affected whether the defendant was sentenced to jail or not, the amount of jail time given to the defendant, whether or not the defendant had to make any financial restitution for the crime, the amount of money the defendant was ordered to pay back, and the parole decision. Higher scores reflect perceptions of greater effectiveness.

Items included: 45aa, 45ab, 45ac, 45ad, 51e

Item 51e was recoded (Yes=3, No=1, Not sure=1) to be consistent with items 45aa-45ad.

Responses were summed for total scores.



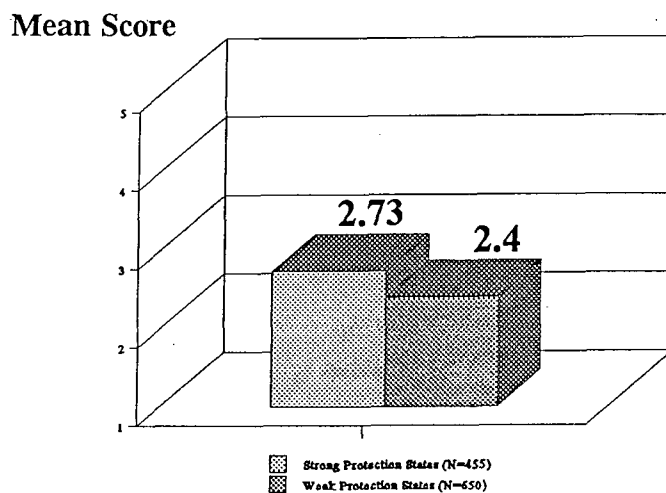
The first set of analyses examined the relationship between demographic characteristics and victim satisfaction scale scores. A series of one factor analyses of variance were done in which crime victims were categorized into groups based on demographic characteristics, and mean VSS scores of each group were determined and evaluated for statistical significance using analyses of variance. The first analysis found a significant difference between the VSS scores of male and female victims ( $M = 2.57$  vs.  $M = 2.48$ ;  $F = 4.20$ ;  $df = 1$ ;  $p < .05$ ). Female victims were significantly more satisfied than male victims. There was also a significant difference in VSS scores among racial groups ( $f = 4.19$ ;  $df = 4$ ;  $p < .01$ ). Following Tukey - HSD multiple range tests indicated that African Americans were significantly less satisfied than whites ( $M = 2.38$  vs.  $M = 2.58$ ). Differences between all other racial groups were not statistically significant, although the reader may recall that very few victims fell into racial groups other than African American or white. With respect to household income, victims were divided into five groups: less than \$10,000, \$10,000 - \$25,000, \$25,001 - \$50,000, more than \$50,000, and not sure/refused. VSS scores were significantly different across income groups ( $F = 3.79$ ,  $df = 4$ ,  $p < .01$ ). Victims making less than \$10,000 per year were significantly less satisfied than victims making between \$25,001 and \$50,000 ( $M = 2.37$  vs.  $M = 2.54$  and  $M = 2.63$ ). Because age is a continuous variable, the Pearson product moment correlation between age and VSS scores was determined ( $r = .048$ ). This correlation was not statistically significant, indicating that there was no significant relationship between age and VSS scores. In summary, VSS scores were significantly related to gender, race, and household income, but not to age.

A second analysis tested the hypothesis that victims in strong protection states would have significantly higher VSS scores than victims in weak protection states. A one factor analysis of variance of VSS scores of the two state types yielded a significant difference ( $F = 56.10$ ,  $df = 1$ ,  $p < .0001$ ), with victims in strong protection states having higher mean scores ( $M = 2.73$  vs.  $M = 2.40$ ). This finding is depicted in Figure C-VI.



Figure C-VI

*Mean Satisfaction Scale Scores of Crime Victims in  
Strong Protection vs. Weak Protection States*



**F Test Significant at  $p < .0001$**

The third analysis examined the combined relationship between type of state (strong vs. weak protection) and type of crime (physical assault, sexual assault, homicide, robbery and other) in a 2 X 5 factorial analysis of variance with VSS scores as the dependent variable. Results of this analysis indicated that there was a significant main effect for type of state ( $F = 49.7$ ,  $df = 1$ ,  $p < .0001$ ) and a significant interaction between type of state and type of crime with respect to VSS scores ( $F = 5.25$ ,  $df = 4$ ,  $p < .0001$ ).

Victims of physical assault, sexual assault, and robbery had higher satisfaction scores in strong protection states than in weak protection states. In strong states, surviving family members of homicide victims appeared to be substantially less satisfied than physical assault, sexual assault, and robbery victims in those states. However, surviving family members in low protection states appeared to be MORE satisfied than victims of physical assault, sexual assault, and robbery. Victims of other crimes resembled surviving family members with respect to satisfaction scores.

The meaning of this interaction is somewhat difficult to interpret, but it may be that the special needs of surviving family members results in their receiving special treatment in weak protection states. Additionally, in strong protection states, the level of crime-related trauma surviving family members sustain may result in decreased satisfaction relative to that of other victims in spite of the generally better treatment afforded victims in strong protection states. In any case, satisfaction scores of all types of crime victims were always higher in strong protection states than in weak protection states. Given these findings and





the fact that both types of states had identical percentages of all types of crime victims, there was no need to control for type of crime victim in subsequent multi variate analyses.

To determine whether type of state would still have a significant effect on VSS scores after controlling for the effects of demographic variables, an analysis of covariance was used in which race, income, and gender were used as covariates. The results of this analysis are depicted in Table C-17, below. When the covariates were entered simultaneously, the effects of race and income on VSS scores remained statistically significant, but the effects of gender were not significant. VSS scores were significantly different in strong and weak protection states after controlling for the effects of race, income, and gender. These findings suggest that the observed differences in VSS scores across types of states are not mediated or moderated by demographic variables or by type of crime.

TABLE C-17

**Analysis of Covariance of VSS Scores by Type of State  
with Demographic Variables as Covariates**

Source of Variation	Sum of Sq.	DF	Mean Sq.	F	Sig. of F
Covariates	7.461	3	2.487	4.827	.01
Race	3.558	1	3.558	6.907	.01
Income	2.339	1	2.339	4.539	.05
Gender	.314	1	.314	.610	NS
Main Effects	26.226	1	26.226	50.906	.001
Type of State	26.226	1	26.226	50.906	.001
Explained	36.653	4	9.163	17.787	.001
Residual	567.537	1102	.515		
TOTAL	604.190	1106	.546		

1312 Cases Were Processed.

205 Cases (15.7%) Were Missing.

The final analysis in this section focused on testing the hypothesis that the extent to which victims believe they were informed about their rights and think their participation had an impact on decisions made in the case will increase victim satisfaction. This hypothesis was



tested by examining the correlations between the Informed Victim Scale scores, Victim Impact Scale scores, and VSS scores. The Pearson correlation coefficient between IVS scores and VSS scores was .595. This correlation suggests that 35 % of the variance in VSS scores is attributable to IVS scores ( $R^2 = .354$ ). Thus, the hypothesis that increased victim notification would increase victim satisfaction received strong support.

The correlation between Victim Impact Scale scores and VSS scores was .376. This indicates that approximately 14% of the variance in VSS scores was attributable to variations in VIS scores ( $R^2 = .141$ ). Although not as large as the relationship between notification and satisfaction, it is clear that victim satisfaction is also related to victims' belief that their involvement has had an impact on what happens in the case. This finding provides additional support for one of the key study hypotheses.

## 12. Victims' Physical, Financial, and Crime-Related Mental Health Problems:

The President's Task Force on Victims of Crime Report (1982) noted that crime victims often sustain crime-related physical injuries, psychological injuries, and financial injuries. The President's Task Force Report also called for more research documenting the extent and nature of these crime-related injuries. Because this project included one of the largest samples of crime victims reporting their crimes to police in the existing literature, it was important to assess the extent of crime-related injuries sustained by these crime victims.

Presented in Table C-18 is a comparison of crime victims from strong and weak protection states with respect to crime-related injuries, losses, and other problems. Inspection of the data in this Table reveals several interesting findings:

- Victims from strong and weak protection states did not differ significantly with respect to time lost from work or school to consult with police; loss of property or money; property damaged or destroyed; or having insurance canceled or premiums increased due to crime.
- A higher percentage of victims from weak protection than from strong protection states said they had lost time from work or school due to injuries and received medical treatment for crime-related injuries.
- A greater proportion of victims from strong protection states had lost time from work or school to consult with the prosecutor or for trial; received counseling for crime-related psychological injuries; and had problems with their families.



TABLE C-18

**Percentage of Crime Victims in Strong and Weak Protection States Who  
Sustained Crime-Related Losses and Problems**

Type of Crime-Related Loss or Problem	Percent of Victims		Sig. Level
	Strong Protection States	Weak Protection States	
Time from work or school due to injuries	41.0%	47.3%	.05
Time from work or school to consult with police	47.7%	46.1%	NS
Time from work or school to consult with prosecutor or for trial	56.3%	45.5%	.01
Loss of property or money	58.8%	58.6%	NS
Property damaged or destroyed	45.5%	42.9%	NS
Medical treatment for crime-related injuries	39.3%	47.6%	.01
Counseling for crime-related psychological injuries	40.3%	25.2%	.0001
Insurance canceled or premiums increased due to crime	10.7%	8.3%	NS
Problems with family	54.7%	34.0%	.0001

These findings have several implications. First, they confirm the extent to which this sample of crime victims had sustained major crime-related injuries, losses, and problems. Second, the findings suggest that victims from strong protection states were not less impacted by crime than their counterparts in weak protection states. Although victims in weak protection states were somewhat more likely to have sustained physical injuries, victims in strong protection states were more likely to have psychological injuries and family problems. This finding is important because it suggests that the higher satisfaction of victims in strong protection states is not attributable to the possibility that these victims had simply sustained less damage than victims in weak protection states. Third, the fact that victims in strong protection states were more likely to have lost time to consult with prosecutors and to have received counseling is probably indicative of these victims having been afforded more opportunities to participate and to receive services.



### Crime-Related Post-Traumatic Stress Disorder

The President's Task force on Victims of Crime (1982) noted that the psychological wounds suffered by crime victims are more difficult to observe and understand than property damage and physical injuries. However, the President's Task Force urged the mental health community to study the psychological effects of criminal victimization, and a substantial proportion of crime victim compensation funds are used to pay for mental health treatment of crime-related psychological trauma. Consequently, it was important to learn more about the psychological trauma experienced by crime victims in this project, and the extent to which these crime victims have recovered from their crime-related psychological trauma.

The primary measure of crime-related psychological trauma used in this study was Post-traumatic Stress Disorder (PTSD; APA, 1994). Briefly described, PTSD is a diagnosis comprised of a characteristic set of symptoms following exposure to an extreme traumatic stressor. Violent crime is specifically identified as the type of traumatic stressor that can produce PTSD. PTSD symptoms include reexperiencing the traumatic event (e.g., nightmares, persistent memories, or flashbacks), avoiding situations and feelings associated with the traumatic event, emotional numbing, and symptoms of physiological arousal that were not present before the traumatic event (e.g., difficulty concentrating, sleep difficulty, outbursts of anger). This study measured PTSD using a structured interview that has been found to correlate well with a structural diagnostic interview administered by trained mental health professionals.

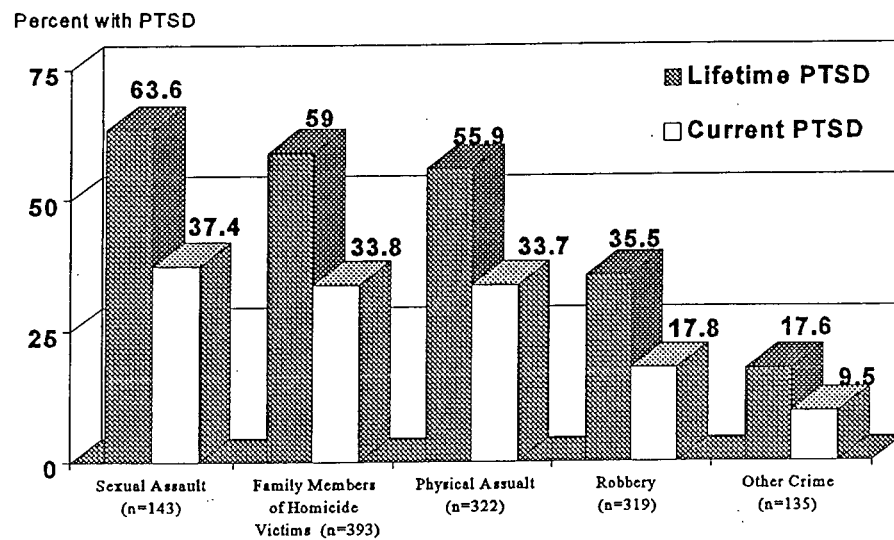
- Almost half of all crime victims in this sample (48.8%) developed PTSD at some point in their lives, and almost three out of ten crime victims (27.8%) had PTSD within the past six months.
- As Figure C-VII depicts, lifetime PTSD was highest among sexual assault victims (63.6%), family members of murder victims (59.0%), and physical assault victims (55.9%). Robbery victims (35.9%) and victims of other crimes (17.6%) had significantly lower rates of lifetime PTSD.
- Current PTSD rates were also significantly higher among sexual assault victims (37.4%), family members of murder victims (33.7%), and physical assault victims (33.7%), than among robbery victims (17.8%) and victims of other crimes (9.5%).
- At the time interviews were conducted, only 7.9% of the crimes occurred within the past year. The remaining crimes had occurred between one and two years (22.8%), between two and three years (26.1%), or three or more years (43.2%). Therefore, the fact that 27.8% of crime victims still had PTSD suggests that they were getting no mental health treatment, insufficient mental health treatment, or ineffective mental health treatment.





Figure C-VII

*Proportion of Crime Victim Groups with  
Lifetime and Current Post-traumatic Stress Disorder*





#### D. LOCAL CRIMINAL JUSTICE/VICTIM ASSISTANCE PROFESSIONALS INTERVIEW COMPONENT

The survey of local criminal justice system officials and other victim assistance professionals (hereafter "CJS/victim service professionals") consisted of a total of 145 respondents, 71 from the relatively strong protection states and 74 from the weak protection states. There were some differences in the professional classes in each sample pool, however. The respondents were classified as follows:

**TABLE D-1**  
**Respondents in the Criminal Justice Survey**

Professional Class	Strong Protection States	Weak Protection States
Police/Sheriff	6%	3%
Prosecutor/D.A. (including Asst. Pros.)	4%	27%
Judges	63%	35%
Probation	8%	14%
Victim/Witness Coordinator	7%	7%
Non-system based victim assistance(MADD, Domestic Violence, Sexual Assault, General)	7%	9%
Defense Attorneys	4%	5%

Results from the survey of local criminal justice officials and other victim assistance professionals are instructive in assessing the impact of stronger victims' rights legislation. They are also illustrative of the extent to which victims' rights have been implemented outside of legislative mandates. Finally, they show the varying degrees to which officials are aware of the existence of legal mandates. NOTE: Given the relatively small sample size for each type of state, these data were not subjected to the same type of statistical analysis as the victim data.



# 1. Overall Opinions of the Criminal Justice System:

Respondents were asked to rate their criminal justice system's performance in each of eight areas as "excellent," "very good," "good," "only fair," "poor," or "very poor." In many areas, the assessment of officials from Strong and Weak Protection states was roughly the same (see Table D-2).

TABLE D-2

Criminal Justice/Victim Service Respondents  
*Criminal Justice System Performance*  
 Areas in which system was judged  
 EXCELLENT, VERY GOOD, or GOOD

Area	Strong Protection States	Weak Protection States
Protecting public safety	68%	74%
Apprehending Criminals	70%	84%
Effective Prosecution	80%	85%
Fair Trials	89%	85%
Appropriate Sentencing	68%	54%
Effective Penalties	63%	42%
Protecting the Rights of the Accused	85%	89%
Protecting the Rights of Victims	69%	59%

Of note, 42% of all judges polled thought the system did an "excellent" or "very good" job of protecting victims rights, while no system-based or non-system based victim professionals held that view. Indeed, 50% of victim-witness coordinators and 75% of non-system based victim assistance professionals rated this aspect of the system as "only fair," "poor" or "very poor."

Respondents were asked for their opinions about the adequacy of funding for various aspects of the criminal justice system. Their responses are depicted in Table D-3. Their views of the adequacy of funding for law enforcement and for jails or prisons was roughly the same between the strong protection states and the weak protection states. The differences were most pronounced on the issues of funding for prosecutors and funding for crime victim services, and there was also a 12 percentage point difference in their views on the adequacy of funding for implementation of victims' rights and for courts.



Professional respondents in the strong protection states were much more likely to believe that funding was "adequate" for crime victims' services or the implementation of victims' rights than those in weak states; however, a high percentage of respondents from all states thought such funding was "very inadequate." The groups most likely to say that funding for victims' services was "very inadequate" were law enforcement (50%) and prosecutors (48%). Those officials also found funding for implementation of victims' rights to be "very inadequate," with 17% of all law enforcement and 35% of all prosecutors so responding.<sup>20</sup>

TABLE D-3

**Criminal Justice/Victim Service Respondents**  
*Opinions of Adequacy of Funding*

<b>Funding Category</b>	<b>Strong Protection States</b>	<b>Weak Protection States</b>
<b>Law Enforcement</b>		
Adequate (net)	63%	66%
Very Adequate	15%	24%
Very Inadequate	8%	9%
<b>Prosecutors</b>		
Adequate (net)	80%	53%
Very Adequate	38%	15%
Very Inadequate	4%	18%
<b>Courts</b>		
Adequate (net)	61%	49%
Very Adequate	14%	12%
Very Inadequate	11%	22%

<sup>20</sup> In many of the tables in the remainder of the report, percentages are given only for the more noteworthy responses. Response rates for answers such as "not sure" or "don't know" will rarely be provided. Thus, percentages reported in the tables will very often not total to 100%.





TABLE D-3

**Criminal Justice/Victim Service Respondents**  
*Opinions of Adequacy of Funding*

<b>Funding Category</b>	<b>Strong Protection States</b>	<b>Weak Protection States</b>
<b>Prisons/jails</b>		
Adequate (net)	44%	41%
Very Adequate	17%	16%
Very Inadequate	8%	23%
<b>Implementation of Victims' Rights</b>		
Adequate (net)	39%	27%
Very Adequate	10%	7%
Very Inadequate	14%	24%
<b>Crime Victim Services</b>		
Adequate (net)	55%	34%
Very Adequate	10%	4%
Very Inadequate	15%	35%

When asked whether their office had funds that could be used for victim services programs or implementation for victims' rights, a majority of law enforcement (100%), judges (75%), and probation (63%) said they did not have such funding. Other categories also reported that they did not have such funding, including prosecutors (22%) and victim/witness coordinators (40%).

As shown in Table D-4, only about a third of all respondents said that their office had any funding for victim services or implementation of victims' rights. However, very few of those without funding had actively sought funding. The groups that most often reported that they had sought funding for victim services within the past year were law enforcement (33%), victim/witness coordinators (25%), and non-system based victim assistance (67%). Only 13% of prosecutors without funds had sought such funding.



Three-quarters of respondents stated that the funds available for victims' rights and services are earmarked for such use. Only about one-third of those with funds thought the funding was adequate (see Table D-4).

TABLE D-4

**Criminal Justice/Victim Service Respondents**  
*Funding for Victim Services*

<b>Funding Category</b>	<b>Strong Protection States</b>	<b>Weak Protection States</b>
Respondent's Office has Funding that Could be Used for Victims' Services or Implementation of Victims' Rights	34%	36%
General Funding	26%	24%
Earmarked Funding for Victims Services	70%	72%
Funding is Adequate	39%	28%
Those Without Funding which Sought such Funding Within the Past Year	11%	11%

Those offices with funding were asked about the primary sources of such funding. Responses varied considerably. Federal and state grant funds (i.e., VOCA money) were mentioned most often, followed by general funding from the state budget. The next groups to receive a large number of responses were local government funding, and offender penalties. Probation officials and judges were the groups most likely to mention offender penalties. Prosecutors generally mentioned federal and state grants or general state appropriations. Non-system based victim assistance professionals cited local funding, federal, state, and private grants.

Respondents were also asked whether they favored specified mechanisms to increase funding for crime victims services. Officials generally favored increased offender penalties, a voluntary checkoff for contributions on state tax forms, and the sale of commemorative license plates (see Table D-5).



TABLE D-5

**Criminal Justice/Victim Service Respondents**  
*Support for Additional Funding Mechanisms for Victim Services*

<b>Funding Category</b>	<b>Strong Protection States</b>	<b>Weak Protection States</b>
Increased Offender Penalties	59%	66%
Voluntary Contribution Designation on State Tax Forms	72%	61%
Establishment of Trust fund	59%	57%
Sale of Special License Plates	63%	69%

Criminal justice and victim service respondents from both types of states had the same view of the adequacy of the legal rights for defendants, but as shown in Table D-6, respondents from strong protection states were about one-third more likely to believe that the legal rights of crime victims were "adequate" (see Table D-6).

TABLE D-6

**Criminal Justice/Victim Service Respondents**  
*Opinions of Legal Rights*

<b>Funding Category</b>	<b>Strong Protection States</b>	<b>Weak Protection States</b>
Defendants' Legal Rights		
Adequate (net)	76%	76%
Very Adequate	39%	51%
Very Inadequate	6%	4%
Victims' Legal Rights		
Adequate (net)	63%	47%
Very Adequate	20%	12%
Very Inadequate	10%	12%



Along with the general views regarding the criminal justice system and crime victims' rights, criminal justice respondents were asked about the provision of specific victims' rights at various stages in the criminal justice process. Respondents were asked about notification of crime victims, victims' rights to attend proceedings, victims' rights to participate or be heard at certain proceedings, and restitution awarded to crime victims. Responses to those questions are grouped below as Victims' Rights Pretrial, Victims' Rights At Adjudication or Disposition, Victims' Rights At Sentencing and Restitution, and Victims' Rights Postsentencing.

2. **Provision of Victims' Rights, Pretrial Phase:**

a. *Victims' Right to Notice*

Basic Notices

Central to a crime victim's ability to exercise his or her legal rights is awareness of those rights. Both of the strong protection states and one of the weak protection states require that victims be provided with information about their legal rights. However, we wanted to examine the issues of who provides this information and the form in which it was provided. Responses are summarized in Table D-7. In all states, respondents most often said that prosecutors provide the information. However, in the strong protection states, both law enforcement and the courts are somewhat more likely to provide that information, while respondents in the weak protection states were much more likely to say that the victim/witness coordinator provided the information. Those in the strong protection states were more likely to say the information was provided in writing or both verbally and in writing. However, majorities from both states said the information was provided in both forms.





TABLE D-7

**Criminal Justice/Victim Service Respondents**  
*Victim Notification re. Basic Rights*

Element	Strong Protection States	Weak Protection States
Which Agency Notifies Victim of Basic Rights		
Police	10%	7%
Prosecutor	76%	76%
Victim/Witness Coordinator	22%	41%
Court	10%	6%
No One	3%	3%
Form of the Information Provided		
Verbal Only	6%	16%
Written Only	18%	9%
Both Oral and Written	59%	53%

Crime victims' recovery and even ability to cope with the aftermath of the offense and the stress of participation in the criminal justice system is dependent in large part upon their access to services. Criminal justice and victim assistance professionals were also asked whether their office provided information or referrals to victim services. They reported as depicted in Table D-8.



TABLE D-8

**Criminal Justice/Victim Service Respondents**  
***Victim Notification, Information/Referrals***  
***to Victim Services***

Frequency of Notification/referrals	Strong Protection States	Weak Protection States
Always Provided	46%	31%
Usually Provided	23%	29%
Sometimes Provided	12%	21%
Rarely or Never Provided	12%	16%

Victim advocates have long realized the benefits to victims and to the criminal justice process of coordinating victim services with the criminal justice system. To determine whether any such coordination may exist, respondents were asked about the tracking of referrals. There was no uniformity reported on the frequency of such tracking. In fact, respondents in the strong states evenly claimed "always" and "rarely," although 33% "sometimes" track the outcome, and 14% reported they "usually" tracked referrals. In the weak states, only 21% responded that they "always" or "usually" track referrals, with 28% "sometimes" and 23% "rarely" tracking referrals.

Those who said their office did track referrals reported that such tracking is done by the victim/witness coordinator (40% strong vs. 37% weak protection states), the victim (27% strong vs. 32% weak protection states), or the victim services organization (27% strong vs. 16% weak protection states). Thus, the strong protection states appear to show slightly more coordination between the criminal justice system and non-system based victim services.

The average citizen, newly thrust into the criminal justice system as a victim of crime, often has little understanding of the basic workings of that system. A comprehension of the various steps in the criminal justice process provides context to the victim, and helps them understand the events and proceedings and enables them to better exercise their rights. This is the rationale behind the laws in both the strong states and one of the weak states which require that victims be given information about the criminal justice process.

Respondents were asked about their provision of such notice, and responses are shown in Table D-9.



TABLE D-9

**Criminal Justice/Victim Service Respondents**  
*Victim Notification re. Criminal Justice Process*

Notice Attribute	Strong Protection States	Weak Protection States
Frequency with Which Respondent Office Provides Information	49%	50%
Form of information		
Verbal	24%	31%
Written	12%	17%
Both	61%	51%

Not surprisingly, only 21% of judges reported that they provided such information. Strong majorities of prosecutors and system-based victim assistance professionals reported providing such information, with 87% of all prosecutors and 100% of all victim/witness coordinators so responding. Only 50% of law enforcement and 56% of probation officials reported the same.

Respondents were asked whether information about certain pretrial events was normally provided to victims. In some cases, they were also asked whether such notice was required by law. The responses did not vary substantially between groups of states (see Table D-10).



TABLE D-10

**Criminal Justice/Victim Service Respondents**  
*Other Pretrial Victim Notification*

Information	Strong Protection States	Weak Protection States
Status of Investigation	65%	55%
Perceived Mandate:		
req. by law	54%	29%
matter of policy	31%	43%
common practice	15%	29%
Arrest	65%	66%
Defendant's Right to Bail Hearing	50%	47%

Informed of the status of the investigation

As Table D-10 illustrates, officials in the strong protection states more often responded that victims were normally kept informed of the progress of the investigation. Only one of the strong states, and neither of the weak states, requires such notice by law.

While a majority of officials said that law enforcement was the branch that normally kept the victim informed, a substantial number responded that it was the prosecutor's office or victim/witness coordinator. Law enforcement always reported that the notifying agency was law enforcement, while prosecutors and victim witness coordinators were split.

When asked about the barriers to keeping victims adequately informed of the progress of the investigation, officials in the weak states were over 50% more likely to cite insufficient staff as the reason. The reason most cited in the strong states was insufficient funding. The officials in the weak states were also more likely to cite structural problems, such as insufficient time (15% strong vs. 26% weak protection states) or inability to contact victim (5% strong vs. 16% weak protection states).

Informed of arrest

A majority of officials in all states said that victims are normally informed of an arrest, but officials in stronger states provide notice quicker (61% vs. 20% immediately or within





one day), while those in weak states generally notify victims within one week (20%) or one month (28%). A majority of respondents in all states were accurate in reporting that such notification was a matter of policy or common practice, rather than required by law (77% strong and 76% weak protection states). Notice of arrest is not legally mandated in any of the four states surveyed in this project. Still, nearly a quarter of all respondents inaccurately believed that notice of arrest WAS required by law.

Notice of arrest was generally provided by telephone (62% strong and 48% weak protection states); however, 20% of respondents from the weak states were unsure how notice was provided, while only 8% of those from the strong protection states were unsure). Respondents from the weak states were more likely to say that notice was provided in writing (8% strong vs. 24% weak protection states). Twenty percent (20%) of the respondents from the weak states were not sure how notice was provided. (The majority of those respondents were defense attorneys.)

#### Informed of the bail hearing

Three of the participating states require victim notification of the bail hearing; State S1 only required that victims be notified of the defendant's right to a bail hearing. However, respondents do not report that such notice is being given (see Table D-11). While notice is reported to be given in strong protection states almost twice as often as weak protection states report, the percentages for both groups of states are low. To some extent, this low reporting may be due to a lack of knowledge, as a fair percentage of respondents were not sure how often notice was provided.



TABLE D-11

**Criminal Justice/Victim Service Respondents**  
*Advance Victim Notification of Bond Hearing*

Element	Strong Protection States	Weak Protection States
Frequency		
always or usually	32%	18%
sometimes	22%	17%
rarely or never	17%	40%
not sure	29%	25%
Perceived Mandate		
required by law	51%	14%
matter of policy	14%	41%
common practice	29%	41%
CJS Official Who Notifies (multi-select)		
police	14%	27%
prosecutor	71%	64%
victim/witness coordinator	11%	18%
other victim advocate	14%	18%
court	9%	5%

It is interesting to note that overall 37% of judges were not sure how often notice was provided.

While the law of each state requires that victims be notified of the bond hearing, as is demonstrated above, there appears to be a lack of awareness among judges regarding this legal mandate. This may explain, in part, the low frequency with which such notice is provided.



Those respondents who said that notice is rarely or never provided cite insufficient personnel (9% strong vs. 50% weak protection states), insufficient time (27% both groups), inability to contact the victim (18% strong vs. 15% weak protection states). One judge in a weak state attributed it to a reluctance of officials to allow victims to attend or participate.

As reported in Table D-12, below, almost three times as many officials in the strong protection states thought victims "always" or "usually" received notice of their right to make a recommendation regarding the defendant's release on bond. Those in the strong protection states were also more likely to believe notice is most often provided by the prosecutor's office (81% strong vs. 76% weak protection states), victim/witness advocate (14% strong vs. 33% weak protection states) or police (19% strong vs. 5% weak protection states).

TABLE D-12

**Criminal Justice/Victim Service Respondents**  
*Victim Notification of Right to Make*  
*Recommendation on Bond*

Element	Strong Protection States	Weak Protection States
Frequency		
always or usually	45%	16%
not sure	26%	16%
Official Who Notifies (Multi-select)		
Prosecutor	81%	76%
Victim/Witness Corrdinator	14%	33%
Police	19%	5%
Mandate		
Required by Law	62%	5%
Common Practice	22%	62%



Both strong states and one of the weak states have laws requiring that victims be notified of their legal rights, but only one of the strong states gives victims the right to make a recommendation on bond. Of those who believed such notice was given, respondents in the strong protection states were far more likely to state that notice was provided as a matter of law (62% strong vs. 5% weak protection states), whereas a majority of such respondents in the weak protection states thought it was provided as a matter of common practice (22% strong vs. 62% weak protection states).

Respondents indicated that victims are still not being informed of the defendant's release on bond. As shown in Table D-13, respondents from strong protection states were two and a half times more likely to report that victims are "always" or "usually" informed, but the percentages for both groups of states are quite low. However, slightly more than half of those from the strong protection states reported that victims are notified at least "sometimes." Respondents in the weak protection states were more than twice as likely to report that notice was "rarely" given. A high percentage of those from both states were not sure how often victims received such notice.

TABLE D-13

**Criminal Justice/Victim Service Respondents**  
*Victim Notification of Defendant's Bond Release*

Element	Strong Protection States	Weak Protection States
Frequency		
Always or Usually	31%	12%
Sometimes	20%	23%
Rarely or Never	18%	43%
Not Sure	31%	22%
Mandate		
Required by Law	52%	17%
Policy or Practice	33%	60%
Method		
Telephone	45%	65%
in Writing	15%	4%
Both Verbally and in Writing	9%	—
Not Sure	27%	26%
Official Who Notifies (multi-select)		
Police	30%	30%
Prosecutor	67%	52%
Victim/Witness Coordinator	3%	39%
Other	12%	4%





Most respondents said that the information is provided over the telephone, but 26% of respondents in State S2 said it was provided in writing. A substantial number in all states were not sure how the information was provided.

Some of the apparent discrepancies may be traced back to the laws. State S1 by law required that victims be given a telephone number that they may call to find out if the defendant has been released. State S2's constitution gave victims the right to information about a defendant's release, but until last year that state's statute only required officials to make a reasonable effort to provide notice. In W1, in which a high percentage of respondents said notice was "rarely" provided the law reads "to the extent possible, and subject to available resources, [officials] should make a reasonable effort." On the other hand, State W2 has no law requiring such notice<sup>20</sup>, but it is a common practice by prosecutors and victims often report receiving notice. However, 33% of officials think notice is required by law.

**b. Victims' Right to Participate**

Bond Hearing

Respondents were asked about victim notification of the bond hearing. In the strong protection states, half the criminal justice and victim service respondents said that victims are "always" or "usually" consulted regarding the accused's release on bond (see Table D-14). In the weak protection states, only 16% report the same. Almost all of those who reported that victims were at least "sometimes" consulted also reported that the victim's wishes had an impact on the prosecutor's recommendations at the hearing.

**TABLE D-14**

**Criminal Justice/Victim Service Respondents**  
***Prosecutor Consultation with Victim Re. Offender's Release on Bond***

Element	Strong Protection States	Weak Protection States
Frequency of Consultation		
Always	10%	3%
Usually	40%	13%
Sometimes	10%	26%
Rarely	—	42%
Consultation Impacts Prosecutor's Recommendation at Hearing		
Always	50%	69%
Sometimes	42%	31%

<sup>16</sup> In 1995, State W2 added a right to notice of bail release, but only for victims of this offense, or in cases of violations of a protective order.



Criminal justice and victim assistance professionals were asked how often victims make a recommendation to the court concerning the accused's release on bond, and about the effect of that recommendation. Their responses are summarized in Table D-15, below. Respondents from strong protection states more often reported that victims at least "sometimes" made a recommendation. Nearly all respondents who had an opinion said that the victim's recommendation at least "sometimes" had an impact on the outcome of the proceedings, and over one-third of all respondents said the victim's recommendation "always" or "usually" impacted the outcome.

TABLE D-15

**Criminal Justice/Victim Service Respondents**  
*Victim Statement in Court Re. Offender's Release on Bond*

Element	Strong Protection States	Weak Protection States
Victims Actually Make Recommendation in Court		
Always or Usually	5%	10%
Sometimes	26%	14%
Rarely	38%	63%
Not Sure	26%	8%
Victim's Rec. Impacts Outcome of Hearing		
Always or Usually	40%	34%
Sometimes	45%	67%
Rarely	5%	—
Don't Know	10%	—

All those who said the victim's information "rarely" impacts the outcome, or who didn't know, were judges from one of the strong states.

Interestingly, 50% of all judges said the victim's recommendation "usually" impacts the outcome, and 83% of victim/witness coordinators and 67% of prosecutors said it "sometimes" has an impact. It is possible that prosecutors and victim-witness coordinators do not realize the impact victims are having on judges at this point in the criminal justice process. This in turn may mean victims are not being encouraged by prosecutors and victim/witness coordinators in many cases to make such a statement.



### 3. Provision of Victims' Rights, Adjudication or Disposition:

#### a. *Victims' Right to Notice*

##### Dismissal

Respondents were asked whether the prosecutor notifies the victim before dismissing a case. Majorities from all states said the victim was notified at least "sometimes," and at least half of all respondents said the victim was "always" or "usually" notified. Those from strong protection states who reported that victims are notified of dismissal at least "sometimes" also reported that the victim was informed of the reasons for the dismissal. A smaller majority from the weak protection states reported the same (see Table D-16).

TABLE D-16

**Criminal Justice/Victim Service Respondents**  
*Advance Notification of Victims re. Dismissal of the Case or Charges*

Element	Strong Protection States	Weak Protection States
Advance Notice of Dismissal		
Always or Usually	69%	50%
Sometimes	—	39%
Rarely or Never	12%	11%
Notice of Reasons for Dismissal (asked of those who responded that victims are notified of dismissal at least SOMETIMES)		
Always or Usually	91%	62%

Those who stated that victims are "rarely" or "never" notified of dismissal attributed that failure most often to insufficient staffing and insufficient time, but one official responded that it was the reluctance of officials to provide that notice that accounted for the failure.

##### Trial

Respondents from all states said that victims were "always" or "usually" notified of the date and time of the trial, but those from strong protection states were far more likely to say that notice was required by law (see Table D-17). Majorities also said that victims were



notified of any cancellation, continuance or rescheduling of the trial, and of their right to attend trial. The strong performance in this area could be attributed to the frequency with which victims are called as witnesses at the trial; thus, prosecutors may have a strong incentive, based on self-interest, to keep the victim informed of the trial date and time.

TABLE D-17

**Criminal Justice/Victim Service Respondents**  
*Victim Notification re. Trial*

Element	Strong Protection States	Weak Protection States
Date, Time and Place of Trial Frequency		
Always	75%	63%
Usually	20%	26%
Perceived Mandate		
Req. By Law	59%	18%
Policy or Practice	38%	68%
Cancellation, Continuance, Rescheduled Frequency		
Always	39%	32%
Usually	34%	39%
Sometimes	8%	8%
Rarely	3%	10%
Perceived Mandate		
Req. by law	28%	6%
Policy or Practice	60%	90%
Right to Attend Trial Frequency		
Always	77%	69%
Usually	13%	16%
Perceived Mandate		
Req. By Law	64%	17%
Policy or Practice	26%	77%

While both strong protection states and one of the weak protection states require notice of any rescheduling or continuance, most officials are unaware of this legal mandate.





Note: 18% of respondents in the strong protection states said notice of any trial continuance or cancellation was provided by law enforcement. This does not appear logical.

**b. *Victims' Right to be Heard***

At Dismissal

Most respondents from the strong protection states said that prosecutors "always" or "usually" consulted with the victim prior to dismissal of the case (see Table D-18). A majority of the other respondents said that victims were at least "sometimes" consulted.

**TABLE D-18**

**Criminal Justice/Victim Service Respondents**  
*Consultation with Victim Prior to Dismissal*

<b>Frequency of Consultation</b>	<b>Strong Protection States</b>	<b>Weak Protection States</b>
Always or Usually	73 %	43 %
Sometimes	18 %	38 %
Rarely	—	13 %

At Plea Bargain

A majority of all respondents said victims were "always" or "usually" consulted prior to a plea bargain, but more respondents from the strong protection states reported this (see Table D-19). However, one non-system based victim assistance professional from a strong protection state said that victims are "never" consulted. Respondents from the strong protection states reported that consultation with the victim had a much greater impact on the plea bargain decision than was reported by respondents from weak protection states.



TABLE D-19

**Criminal Justice/Victim Service Respondents**  
***Prosecutor Consultation with Victim re.***  
***Plea Bargain***

Element	Strong Protection States	Weak Protection States
Frequency		
Always or Usually	69%	56%
Sometimes	19%	44%
Rarely or Never	6%	—
Not Sure	6%	—
Perceived Mandate		
Required by Law	64%	6%
Policy or Practice	21%	92%
Impact of Consultation		
A Lot	64%	39%
Some	36%	42%
A little	—	17%

**c.     *Victims' Right to Attend***

**Trial - Victims Right to Attend**

At the time of the analysis, twenty-five of the states gave crime victims a right to attend trial. In both of the strong states, this right is guaranteed by the state constitution. Generally, however, there are separate statutes or court rules, which may operate to limit a victim's attendance, such as those which permit someone to be excluded from the courtroom because they are subject to being called as a witness, and thus it is argued must be sequestered so as not to have their testimony tainted by hearing other witnesses, or because they are or may be disruptive, or because their presence is deemed to be prejudicial, traditionally a means by which defense counsel had homicide survivors excluded from the courtroom. Many states have passed laws which expressly limit the use of such measures to exclude victims from the courtroom.



As inspection of Table D-20 indicates, most respondents say that victims are allowed to attend trial. Respondents in strong protection states were more likely to view rights to attend trial as legal mandates, whereas those from weak protection states were more likely to view these rights as provided by policy or practice.

TABLE D-20

**Criminal Justice/Victim Service Respondents**  
*Victim's Attendance at Trial*

Element	Strong Protection States	Weak Protection States
General, Victims Allowed to Attend Trial	98%	100%
Perceived Mandate		
Required by Law	50%	31%
Policy	5%	27%
Practice	32%	39%
Frequency with Which Victims Are Excluded		
Always	7%	—
Usually	11%	3%
Sometimes	11%	5%
Reasons for Exclusion Victim (multi-select)		
Victim May Be Called as a Witness	89%	60%
Victim's Presence Deemed Prejudicial	17%	—
Victim's Disruptive Behavior	17%	20%
Other	11%	40%

State S1's right to attend law specifies that the victim may be sequestered until after he or she first testifies. The other states surveyed do not have laws specifically applying to sequestration of victims.



#### 4. Provision of Victims' Rights at Sentencing and Right to Restitution:

##### a. *Victims' Right to Notice*

Most respondents reported that victims were "always" or "usually" notified of the sentencing hearing. A majority from the strong protection states said that notice is required by law, whereas a majority from the other two states said that it is a matter of policy or practice.

TABLE D-21

**Criminal Justice/Victim Service Respondents**  
*Victim Notification of Sentencing Hearing*

Element	Strong Protection States	Weak Protection States
Frequency		
Always or Usually	88%	71%
Sometimes	4%	13%
Not Sure	8%	16%
Perceived Mandate		
Required by Law	81%	15%
Required by Regulation	—	5%
Policy or Practice	14%	76%

Both strong states and one of the weak states require that victims be given notice of the sentencing hearing. There appears to be a fair understanding of this mandate in the strong states, but one would expect that more respondents from the weak states would also know of this requirement. Even though it is not statutorily required in both weak states, it is encouraging to see that notice is being given in a high percentage of cases.

##### b. *Victims' Right to be Heard*

###### Consulted

As shown in Table D-22, respondents say that victims are generally not consulted regarding the sentence to be sought in a case.





TABLE D-22

**Criminal Justice/Victim Service Respondents**  
*Victim Consultation re. Sentence*

Element	Strong Protection States	Weak Protection States
Frequency		
Always Consulted	23%	15%
Usually	32%	24%
Sometimes	18%	41%
Rarely or Never	10%	13%
Not Sure	18%	7%
Perceived Mandate (those who said notice ALWAYS, USUALLY OR SOMETIMES provided)		
Required by Law	63%	8%
Regulation	19%	—
Policy	13%	32%
Practice	6%	54%
Who Consults Victim (multi-select)		
Prosecutor	75%	89%
Victim/Witness Coordinator	25%	16%
Probation	31%	—

In fact, only one of the strong protection states does require consultation by law. Thus, for this category, most respondents appear to understand the legal mandates.

Most respondents said that victims are "always" or "usually" given an opportunity to make an impact statement at sentencing (see Table D-23). While victims in both strong states are given the right to make an impact statement at the sentencing hearing by law, only 75% of respondents from those states realized that this opportunity was required by law.



TABLE D-23

**Criminal Justice/Victim Service Respondents**  
***Victim Opportunity to Make Impact Statement***  
***at Sentencing***

Element	Strong Protection States	Weak Protection States
Frequency		
Always or Usually	88%	63%
Sometimes	7%	25%
Perceived Mandate		
Required by Law	75%	35%
Policy or Practice	16%	54%

Respondents who stated that victims were "always," "usually" or "sometimes" allowed to make an impact statement were also asked for an estimate of the percentage of cases in which victims actually do make a statement. The mean responses from each group of states were surprisingly similar, with strong protection states estimating 39.2%, and weak protection states estimating 43.3%.

In every state, the law states that the victim impact statement may include information about the victim's financial loss, physical harm, emotional harm, social harm (harm to the victim's personal or familial relationships), and the victim's opinion about sentencing. Still, the survey showed an uneven understanding of the contents of the impact statement between the strong and weak protection states (see Table D-24).



TABLE D-24

**Criminal Justice/Victim Service Respondents**  
*Contents of Victim Impact Statement*

Element	Strong Protection States	Weak Protection States
Victim's Financial Loss	98%	100%
Physical Harm to the Victim	98%	97%
Emotional Harm to the Victim	98%	90%
Social Harm to the Victim	95%	79%
Victim's Opinion Re. Sentence	97%	78%

Table D-24 illustrates that criminal justice and victim assistance professionals in the weak states are more likely to continue to think of the victim impact statement primarily in terms of the financial losses and physical injuries sustained by the victim.

Respondents were asked for their opinions about the effect of the victim impact statement on certain aspects of sentencing. Responses are summarized in Table D-25. Majorities from both groups of states reported that the impact statement has "a lot" of impact on whether restitution is ordered, and the amount of restitution ordered paid. However, a slightly greater number of respondents from the weak states reported this impact. Minorities of respondents from both groups said that the impact statement had "a lot" of impact on whether the defendant was incarcerated, or the length of the sentence. However, respondents from the strong states were much more likely to report such impact than those of the weak protection states.



TABLE D-25

**Criminal Justice/Victim Service Respondents**  
*Effect of Victim Impact Statement*

<b>Factor Affected by VIS</b>	<b>Strong Protection States</b>	<b>Weak Protection States</b>
Whether Defendant Incarcerated		
A Lot of Effect	28%	16%
Some Effect	63%	68%
No Effect	8%	13%
Length of Sentence Given		
A Lot of Effect	19%	11%
Some Effect	28%	27%
No Effect	5%	3%
The Amount of Restitution Ordered		
A LOT of Effect	59%	68%
SOME Effect	33%	24%
NO Effect	5%	2%

Interestingly, most judges thought the victim impact statement had some effect on whether the offender was sentenced to imprisonment, and 44% of victim/witness coordinators thought the statement had "a lot" of effect (33% of probation and 22% of judges thought it had a lot of effect).

Also noteworthy is the fact that 75% of judges and 83% of probation officials thought the victim impact statement had "a lot" of effect on whether any restitution was ordered, but only 44% of victim/witness coordinators thought so.

**c. *Victims' Right to Restitution***

Respondents were asked whether the law in their state requires judges to order restitution for victims or to state on the record the reasons for failing to order restitution. Thirty percent (30%) of those in strong protection states, and 12% of those in the weak protection states responded "yes" to that question. Of those who responded affirmatively, 81% of those in strong protection states and 33% of those in weak protection states said that this was required by law.





Both the strong protection states give victims the right to restitution, "as provided by law." The statutes require the court to order restitution or state the reasons for failure to order restitution.

TABLE D-26

**Criminal Justice/Victim Service Respondents**  
*Restitution; Percent of Cases in Which Ordered, Collected*

Restitution Category <i>Mean Scores</i>	Strong Protection States	Weak Protection States
% of Cases in Which Restitution Ordered	59.2%	53.2%
% of Cases in Which Restitution Requested That Restitution Is Ordered	83.1%	83.8%
% of Cases Where Restitution Ordered in Which Any Restitution Collected	57.6%	51.9%
Don't Know	24.0%	38.0%
% of Restitution Ordered That Is Collected	47.9%	47.0%

A high percentage of respondents did not know the percentage of cases in which any restitution ordered is collected, and that percentage is about equal among the professions, including the judges, who order it and set payment schedules, and probation, which collects payments. However, most respondents in both types of states said that restitution was ordered in the majority of cases where it is requested, and that restitution was collected in about half of the cases where it is ordered (see Table D-26).

Respondents were asked about the sources of information about the victim's financial loss, for purposes of ordering restitution. As Table D-27 indicates, the source most often cited was the victim impact statement, but officials from the strong protection states were just as likely to cite the presentence report.



TABLE D-27

**Criminal Justice/Victim Service Respondents**  
*Factors Considered by Courts in  
Determining Victim's Loss*

Factor	<u>Percent CJS Respondents Citing Factor</u>	
	Strong Protection States	Weak Protection States
Frequency		
Victim Impact Statement	82%	85%
Consultation with Victim	57%	56%
Separate Investigation	36%	40%
Presentence Report	82%	64%

Respondents were asked about the reasons judges give for failing to order restitution. The results were very similar across the states. The reason most often given was the offender's inability to pay, but this was followed closely by the victim's failure to demonstrate loss (see Table D-28).

TABLE D-28

**Criminal Justice/Victim Service Respondents**  
*Reasons Judges Give for Failure to Order Restitution*

Reason	<u>Percent CJS Respondents Citing Factor</u>	
	Strong Protection States	Weak Protection States
Defendant's Inability to Pay	69%	64%
Victim's Failure to Demonstrate Loss	64%	63%
Inappropriate in Light of Other Penalties Imposed	55%	58%
Inability to Calculate Victim's Loss	61%	51%
Victim's Failure to Request Restitution	58%	60%
Gave Defendant Jail Time	54%	60%



Over 50% of respondents in all states also said that judges do not order restitution because they find it inappropriate in light of all penalties, or that the defendant was given jail time, which demonstrates that the traditional thinking about restitution is unchanged despite the law. (Traditionally, restitution was a penalty ordered in the alternative, or only as a condition of probation.) Over half of all respondents also said that judges declined to order restitution based on the inability to calculate the amount of the victim's loss, or the victim's failure to request restitution.

As noted in Table D-28, above, many judges give the victim's failure to request restitution as a reason for failing to order restitution. Over 75% of respondents from both groups of states said that victims were "usually" or "always" notified that they could request restitution. However, respondents from strong protection states were more likely to say that it was the probation department that so informed the victims. (28% strong vs. 12% weak protection states)

## 5. Provision of Victims' Rights Post-sentencing:

Since the respondents in the criminal justice survey were at the local level, most had limited experience with postconviction events, which largely occur at the state level (i.e., Department of Corrections, Parole Board, etc.). However, the survey was designed to include their opinions and test their knowledge of victims' rights at the postconviction phase as well.

### a. *Victims' Right to Notice*

As noted in Table D-29, over half of all respondents reported that victims are notified of the earliest possible release date of the offender. This number was slightly higher in the weak protection states, but more respondents from the strong states said that they did not know whether notice was provided. Those from the strong states were more likely to say that notice was required by law.

Respondents from strong protection states were far more likely to say that victims are "always" or "usually" notified of the parole hearing and of their rights to attend and make a statement at the hearing.



TABLE D-29

**Criminal Justice/Victim Service Respondents**  
*Postconviction Notices*

Notice Category	Strong Protection States	Weak Protection States
Earliest Possible Release Date		
Notice Provided	54%	60%
Not Sure	28%	17%
Required by Law	72%	56%
Parole Hearing		
Always or Usually Provided	69%	31%
Sometimes Provided	8%	44%
Required by Law	90%	58%
Right to Attend the Parole Hearing (asked of those who said victim is notified of parole hearing)		
Always or Usually Provided	80%	59%
Sometimes Provided	—	25%
Rarely or Never Provided	10%	8%

Of the four respondents who said that notice of the parole hearing was "rarely" or "never" provided, those from the weak protection states attributed this to insufficient personnel, while those from strong states cited reluctance of officials. Due to the low number of responses, this may not be very illustrative.

**b. *Victims' Right to Participate***

Majorities of respondents from both groups of states said that victims are allowed to make an impact statement to parole authorities. They also thought the victim's statement impacted the parole decision. (See Table D-30).





TABLE D-30

**Criminal Justice/Victim Service Respondents**  
***Victims' Right to Make Statement at Parole***

Category	Strong Protection States	Weak Protection States
Victim Allowed to Make Statement	69%	88%
Not Sure	23%	13%
Victim's Statement Impacts Parole Decision	75%	100%
Not Sure	25%	—

**6. Enforcement of Victims' Rights Laws:**

Criminal justice and victim service respondents were asked whether they supported or opposed various enforcement mechanisms to enforce crime victims' rights. Their answers are summarized in Table D-31. Nearly half of all officials supported the idea of allowing disciplinary proceedings to be brought against officials who violated crime victims' rights. Interestingly, more respondents in the weaker states thought such a provision would have "a lot" or "some" impact on the provision of victims' rights. However, a greater number of respondents from the strong protection states thought such a provision would have "a lot" of impact ( 32% strong vs.18% weak protection states).

Officials were not strongly opposed to other enforcement mechanisms, including the use of injunctive actions, or civil actions for damages, and a majority of respondents from both groups thought such provisions would have "a lot" or "some" impact on the provision of rights.



TABLE D-31

**Criminal Justice/Victim Service Respondents**  
*Support for Enforcement Mechanism for*  
*Victims' Rights Laws*

<b>Mechanism</b>	<b>Strong Protection States</b>	<b>Weak Protection States</b>
Support Victims' Right to Bring Civil Action for Damages to Enforce Rights	37%	23%
Impact Provision Would Have on Ensuring Victims' Rights		
A LOT	30%	28%
SOME	27%	30%
NOT much, or NONE	33%	27%
Support for Victims' Rights to Bring Injunctive or Declaratory Action to Enforce Rights	39%	28%
Impact Provision Would Have on Ensuring Victims' Rights		
A LOT	32%	24%
SOME	20%	34%
Not Much, or NONE	38%	30%
Support for Victims' Right to Bring Disciplinary Proceeding Against Officials to Enforce Rights	46%	45%
Impact Provision Would Have on Ensuring Victims' Rights		
A LOT	32%	19%
SOME	21%	42%
Not Much, or NONE	37%	26%



## 7. Constitutional Amendment:

Criminal justice officials and victim service professionals were asked whether they thought victims' rights were best protected by constitutional amendment, statutes, or agency guidelines. Majorities from both groups of states said that rights were best protected by statutes (see Table D-32). However, victim/witness coordinators and non-system based victim assistance professionals overwhelmingly said that victims' rights were best guaranteed by constitutional amendments.

**TABLE D-32**

**Criminal Justice/Victim Service Respondents**  
*Method Best Suited to Protect Victims' Rights*

Victims' Rights Best Protected by	Strong Protection States	Weak Protection States
Constitutional Amendment	24%	20%
Statutory Provisions	63%	47%
Agency Guidelines	6%	14%

As mentioned above, 80% of victim/witness coordinators and 58% of non-system based victim professionals thought victims' rights were best protected by a constitutional amendment. Those groups also had the least favorable opinion about the current state of victims' rights.

Surprisingly, only 39% of the professionals in the strong protection states knew their state had a constitutional amendment enumerating victims' rights. None of the defense attorneys from the strong states knew their state had such an amendment. All probation officers knew of the amendment, as did all victim-witness coordinators and non-system based victim assistance professionals. (In addition, one victim/witness coordinator and one non-system based victim assistance professional thought they had an amendment, when they did not. However, those respondents may have been from State W1, where the legislature gave final approval to the language of a constitutional amendment in 1995, which was subsequently ratified by the voters in 1996). Of those who thought their state did have such a provision, overwhelming majorities favored such a provision (93% of respondents from the strong protection states, and 100% from the weak protection states).



TABLE D-33

**Criminal Justice/Victim Service Respondents**  
*Effect of Constitutional Amendment on Victims' Rights*

Effect of Constitutional Amendment on Ensuring Victims' Rights	Believed State DID Have Constitutional Amendment	Believed State DID NOT Have Constitutional Amendment
A LOT of Effect	63 %	31 %
SOME Effect	29 %	29 %
NOT MUCH Effect	8 %	18 %
NONE	—	16 %
NOT SURE	—	7 %

While criminal justice respondents do not generally say they support constitutional amendments for crime victims' rights, strong majorities do believe that such amendments would have "a lot" or "some" effect on ensuring the provision of victims' rights.

TABLE D-34

**Criminal Justice/Victim Service Respondents**  
*Percentages of Officials' Opinions of*  
*Effect of Constitutional Amendment*  
*on Ensuring Victims' Rights*

Professional Class	A Lot	Some	Not Much	None	Unsure
Law Enforcement	17 %	33 %	33 %	17 %	—
Prosecutors	26 %	48 %	13 %	13 %	—
Judges	38 %	21 %	17 %	16 %	8 %
Victim/Witness Coord.	80 %	20 %	—	—	—
Non-System Based Victim Assistance	58 %	25 %	17 %	—	—
Probation	31 %	44 %	6 %	13 %	6 %
Defense Attorneys	43 %	29 %	29 %	—	—





Of those respondents who knew or thought their state had a constitutional amendment, 68% from the strong protection states and 50% from the weak protection states thought such a provision had "a lot" of effect on ensuring victims' rights. Of special note, 67% of all judges who thought their state had such an amendment said it had "a lot" of effect on the provision of victims' rights.

Of those respondents who thought they did not have an amendment, half of all judges thought such an amendment would have "some" or "a lot" of effect on the provision of victims' rights, and 11% were not sure of the effect. Forty-three percent (43%) of defense attorneys thought it would have "a lot" of effect, and 29% thought it would have "some" effect.

Those from states without a constitutional amendment, or who thought their state did not have a victims' rights constitutional amendment, generally did not support such an amendment. This included 63% of those from the strong states that did not know they had such an amendment. Approximately half of those in the strong states, and 67% of those from the weak states, who knew or believed they did not have an amendment, thought such an amendment would have "a lot" or "some" effect on the provision of victims' rights.

## 8. Suggestions For Improving Treatment of Victims by the Criminal Justice System:

### a. Strong Protection States

Respondents were given the opportunity to offer suggestions on "what could be done in their states to improve the treatment of crime victims within the criminal justice system" in their states. Forty-two responses were derived from criminal justice officials in the two strong states and, while the suggestions varied considerably, there were five common themes. (See Table D-35).

Over one-third of respondents (36%) emphasized the importance of funding. Specific areas requiring greater monetary resources included training of CJS officials; money to provide secure waiting areas and victim protection; funding for full-time victim/witness advocates in law enforcement, prosecutor's offices, and probation and parole divisions; and greater monetary support for victims' rights and services in general.

Fourteen percent of respondents believed that judicial education about victims' needs, rights and services would improve the treatment of crime victims. A solution offered by one respondent was "judges becoming more aware of victims' rights and honoring them."

The emphasis on professional education as a measure to improve the CJS's treatment of crime victims, however, extended beyond simply judicial education. Twelve percent of respondents also believed that broader education efforts — addressing victim sensitivity and victims' rights — should be geared toward all CJS officials and, as one respondent noted, to legislators as well.



Five respondents (12%) believed that adherence to existing victims' rights laws by CJS officials would improve victims' treatment within the system. One judge stated simply that "everyone should obey the law."

Another 12% of respondents focused on the need for better communication with and about victims. Two respondents believed that improved automation systems would help augment communication, citing victim notification and restitution as specific areas that could benefit from automation. The creation of a centralized victim service office in the state, termed by one respondent to be an "ombudsman," was offered as a means to improve victims' treatment by the CJS.

Other measures to enhance how the CJS treats victims, as suggested by more than one respondent, included:

Improved and more victims' rights and programs	4 respondents
Public education about victims' rights and services	3 respondents
Broader restitution	2 respondents

#### **b. Weak Protection States**

Sixty-two respondents from weak states offered their suggestions on what could be done to improve the treatment of crime victims within the CJS. Similar to the strong states, five strong themes emerged.

Almost half of the respondents (44%) thought that additional funding would improve how victims are treated, including monies for personnel, computers, training, and increased direct services to victims. One prosecutor noted that "...the dichotomy is while we can't let defendants or victims run the justice system, because of underfunding the victims are getting the shaft. We're not being given the resources to keep the victims informed." His solution was to "take money out of work release funds to service victims."

One out of five respondents (19%) said that increasing victim involvement, and providing them with more information about their rights and services available to assist them, would improve their overall treatment.

Offender accountability was cited by 13% of respondents, including serving longer sentences that are more realistic in terms of the sentence ordered by the court, and paying restitution. The importance of victim restitution was noted by a judge, who suggested that "from a financial standpoint, when defendants pay fines, court costs and restitution, the judge should have the discretion to say that restitution should be paid first." The reality of sentencing structures was addressed by a probation/parole officer: "Victims should clearly understand that the criminals are not always away as long as they (the victims) think they are."



Another 13% of respondents focused on training of CJS officials — including judges (four respondents), law enforcement (one respondent) and all CJS officials (four respondents) — as a measure to improve the treatment of victims.

Finally, six respondents (10%) suggested enhancing communications among CJS officials about victims' rights and services, which would ultimately improve communications with crime victims. A judge said that "we should establish good lines of communications with victims and those who administer the justice system."

Other suggestions that were offered by more than one respondent included: better education of victims about their rights and services (three respondents); more victim advocates to provide consistent assistance in the CJS; improved prosecutions; and better use of technology and computers (two respondents each). In addition, two respondents in the weak states felt that the passage of a constitutional amendment for victims' rights would improve their treatment by the CJS.

c. Commonalities Among State Groups

Clearly, funding was considered by the largest number of survey respondents (40%) to be critical to improving victims' treatment. Training of CJS officials of victims' rights and needs — cited by 18% of respondents — and increasing victim involvement in CJS processes — cited by 16% of respondents — also received considerable consensus among both the strong and weak states.

TABLE D-35

**Criminal Justice/Victim Service Respondents**  
*Suggestions for Improving the Treatment of Crime Victims; Number of Responses*

Suggestion	Strong Protection States	Weak Protection States	Total Responses
Increased Funding	15	27	42
Improved Training of Criminal Justice Officials	11	8	19
Improved Training of Judges	6	4	10
Increased Adherence to Statutes	5	1	6
Better Communications Among Criminal Justice Officials	5	6	11
Increased Victim Involvement	5	12	17
Offender Accountability	1	8	9



## E. STATE LEVEL INTERVIEW COMPONENT

To complete our examination of the provision of crime victims' rights, we surveyed state level leaders in the criminal justice and crime victim services community. The opinions and suggestions of leaders at the state level indicate the extent to which crime victims rights have gained understanding and acceptability at the highest levels.

### 1. Overall Impressions of the Criminal Justice System:

State leaders were first asked for their opinion about their state's criminal justice system in relation to the other states. Significantly, leaders from the strong protection states were more than twice as likely to rate their system as "among the very best." Responses are grouped below, in Table E-1.

TABLE E-1

**State Leader Responses**  
*Opinions of State Criminal Justice System*

Opinion	Strong Protection States	Weak Protection States
Among the Very Best	16.7%	6.9%
In the Top Quarter	45.8%	44.8%
In the Middle	25%	31%
In the Bottom Quarter	8.3%	6.9%
Among the Worst	—	3.4%
Don't Know	4.2%	6.9%

Leaders were then asked for their opinions regarding the performance of their state's criminal justice system in five specific areas. Responses are summarized in Table E-2. Leaders from both groups of states gave the highest marks to their system in the area of protection of the rights of the criminal defendant. There were significant differences between groups of state leaders in regard to their opinions about effective prosecution, appropriate sentencing, and protection of crime victims' legal rights. In all areas except protecting the rights of the accused, leaders from the strong protection states had higher opinions about the performance of the criminal justice system than did those from the weak protection states.





TABLE E-2

**State Leader Responses**  
*Areas in Which the State Criminal Justice System's Performance  
 Was Judged EXCELLENT, VERY GOOD, or GOOD*

Area	Strong Protection States	Weak Protection States
Protecting Public Safety	83.3%	75.8%
Effective Prosecution	75.0%	65.4%
Appropriate Sentencing	62.6%	48.2%
Protecting the Rights of Accused	91.7%	96.5%
Protecting the Rights of Victims	66.6%	37.9%

One of the areas of concern frequently cited by local victims' advocates and criminal justice officials is the lack of funding for the criminal justice system, generally, and for crime victims' rights and services, specifically. Therefore, we asked the state leaders, whose opinions have the most influence over funding decisions, for their assessment of the adequacy of funding in several areas. Their responses are summarized in Table E-3, below.

In general, the areas of widest divergence on the adequacy of funding between strong and weak protection states are funding for prosecutors, funding for courts, and funding for implementation of victims' rights. Over one-third of state leaders from the weak protection states thought that funding for implementation of victims' rights was "very inadequate."

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TABLE E-3

**State Leader Responses**  
*Opinions of Adequacy of Funding*

<b>Funding Category</b>	<b>Strong Protection States</b>	<b>Weak Protection States</b>
<b>Criminal Justice System</b>		
Adequate (net)	54.2%	48.3%
More than Adequate	—	—
Very Inadequate	—	10.3%
<b>Law Enforcement</b>		
Adequate (net)	58.4%	58.6%
Very Adequate	16.7%	6.9%
Very Inadequate	—	3.4%
<b>Prosecutors</b>		
Adequate (net)	58.3%	41.3%
Very Adequate	12.5%	10.3%
Very Inadequate	—	10.3%
<b>Courts</b>		
Adequate (net)	79.2%	65.5%
Very Adequate	16.7%	17.2%
Very Inadequate	—	3.4%
<b>Prisons</b>		
Adequate (net)	66.6%	65.5%
Very Adequate	45.8%	34.5%
Very Inadequate	12.5%	13.8%
<b>Implementation of Victims' Rights</b>		
Adequate (net)	50%	31%
Very Adequate	16.7%	6.9%
Very Inadequate	12.5%	37.9%



## 2. Protecting the Rights of Crime Victims:

State leaders were asked for their opinions about the most effective means to protect the rights of crime victims. Their responses are summarized in Table E-4. State leaders from the strong protection states were equally likely to say that statutes or a constitutional amendment were the best means to protect rights, while those from the weak protection states were much more likely to favor reliance on statutes. Very few leaders thought that victims' rights could be adequately protected by mere agency guidelines.

**TABLE E-4**

**State Leader Responses**  
*Opinions on Best Means to Protect Victims' Rights*

<b>Mechanism</b>	<b>Strong Protection States</b>	<b>Weak Protection States</b>
Constitutional Amendment	41.7%	31%
Statutory Provisions	41.7%	62.1%
Agency Guidelines	4.2%	3.4%
Other	8.3%	3.4%
Not Sure	—	4.2%

### a. Constitutional Amendments

State leaders were asked a series of questions regarding constitutional protections for crime victims' rights. It was encouraging to learn that 79.2% of the leaders from the strong protection states knew they had a constitutional amendment. In addition, 6.9% of leaders from the weak protection states believed they had an amendment. This anomaly might be due to a misperception in State W1, whose legislature gave final approval of a constitutional amendment for crime victims' rights in 1995, although the amendment still awaited ratified by the voters at the time of the survey.

Nearly all leaders from the strong protection states who knew that their state gave constitutional protection to crime victims said that agency procedures had changed as a result of the constitutional amendment (94.7%). Several leaders cited additional monitoring of victim notification, as well as providing information to the court or parole



board about the impact of the offense directly from the victim. Other officials mentioned: that each agency has developed guidelines or procedures for the provision of victims' rights; that there is more awareness in courts of the crime victim; agencies were cooperating to provide notification to victims; agencies were more aware of victims' rights; and agencies were ensuring the provision of those rights.

In the strong protection states, of those who knew they had a constitutional amendment providing rights for crime victims, 47.4% said the amendment had "a lot" of impact on ensuring victims' rights, while 42.1% said it had "some" impact.

Those in states with such an amendment, who were aware of the amendment, were asked about the major obstacles or problems in implementing it. Several leaders reported that prosecutors were unwilling to implement the amendment because of lack of funding. Several said the problem is lack of enforcement: there is no penalty for failure to provide the victims' rights. As one respondent phrased it, "The enabling legislation didn't provide a mechanism for recourse for the victim when rights were violated or ignored." One government official stated that, "There is no recourse, and this is a problem. Prosecutors still don't do what they should." The lack of funding for rural jurisdictions was mentioned. There were also several comments about the lack of public awareness of the existence of the constitutional rights. One respondent described the problem as one of "getting information out regarding the constitutional amendment to agencies, what it requires them to do for victims."

Of those who did not have or did not know they had a constitutional amendment, a majority thought such a provision was desirable — 67.9% of all respondents (72.4% of the weak, who have no amendment, and 62.5 of those from the strong protection states, who did not realize they had an amendment).

All state leaders were asked about the importance of constitutional amendments guaranteeing victims' rights, or the primary advantages of such an amendment. The most frequently heard comments are summarized below, in Table E-5. The comment most often heard was that such a provision would ensure compliance with victims' rights, removing official discretion and making provision of such rights mandatory. One respondent from a state without a constitutional amendment stated that "We've had a victims' bill of rights statute since 1990. It's not being enforced." Another stated that unless protection of victims' rights was spelled out in a constitutional amendment, "attorneys and the court system don't consider it a necessity." Similarly, another respondent stated that "Laws can be ignored, but not the Constitution in [this state]." Still another high level official stated that a constitutional amendment was "more likely to be followed by the courts; not [just] something that 'ought' to be done."





The second advantage most frequently cited was that a constitutional provision provides stability and/or uniformity; it is not subject to the whim of the legislature or local government.

Many state leaders mentioned that a constitutional provision balances the rights of victims with those of criminal defendants. Several said it provides a sense of justice.

TABLE E-5

**State Leader Responses**  
*Importance/Advantages of Constitutional*  
*Protection of Crime Victims' Rights<sup>1</sup>*

<b>Advantages of Constitutional Provision</b>	<b>Strong Protection States</b>	<b>Weak Protection States</b>	<b>Total Responses</b>
Ensures Provision of Rights/ Makes Victims' Rights Mandatory	15	16	31
Makes Enforcement of Victims' Rights Implicit	3	3	6
Provides Stability and/or Uniformity to Victims' Rights	2	15	17
Balances the Rights of the Victim with Those of the Criminal	8	5	13

Other advantages cited were: raising public awareness of crime victims' rights; providing victims with standing in the legal system; requiring the legislature to pass strong statutes; and making it easier to get funding for victims' rights and services.

State leaders were also asked about the primary disadvantages to constitutional amendments for victims' rights, and/or why they felt such amendments weren't important. Their most common responses are summarized in Table E-6, below. The comment heard most often was that the constitution was too inflexible, and could not be changed as quickly as statutes. Several felt that constitutions should be broad and not amended. Many thought an amendment was simply unnecessary; that statutes could adequately provide victims' rights. One state level victims' advocate said that requiring a constitutional amendment to enforce the statutes, "makes a mockery of the statutes. It is the responsibility of the judiciary and the prosecutors to fulfill the obligations [listed] in the statutes."



Many respondents were concerned about the costs such an amendment would impose, and a number cited concern about the potential for civil suits against state agencies or other complex litigation over victims' rights. A few expressed concern that a constitutional amendment was subject to judicial interpretation.

TABLE E-6

State Leader Responses  
*Unimportance/Disadvantage of Constitutional  
Protection of Crime Victims' Rights<sup>2</sup>*

Disadvantages of Constitutional Provision	Strong Protection States	Weak Protection States	Total Responses
Too inflexible; Difficult to Change	6	6	12
Not Necessary; Statutes Should Be Sufficient	5	4	9
Constitution Shouldn't Change; Should Remain Broad	1	5	6
Will Cost Too Much	2	2	4
Raises Possibility of Civil Suits or Other Litigation	2	3	5
Provision Would Be Subject to Judicial Interpretation	—	3	3

Finally, other concerns mentioned were that a constitution amendment: creates false expectations; would be difficult to implement; would be unenforceable; would create a conflict within the criminal justice system; or would put too much pressure on criminal justice officials.

**b. Statutory Protections of Crime Victims' Rights**

The interview then returned to discussion of statutory protections of crime victims' rights. State leaders were asked for their opinion of the adequacy of such protections. Not surprisingly, as reflected in Table E-7, below, those in the strong protection states had a much higher opinion of the adequacy of their existing statutes than did those from the weak protection states.



TABLE E-7

**State Leader Responses**  
*Opinions of Adequacy of Existing Statutory Protections of Victims' Rights*

Adequacy of Existing Statutory Protections	Strong Protection States	Weak Protection States
More than Adequate	42%	3%
Adequate	38%	48%
Less than Adequate	17%	38%
Very Inadequate	4%	10%

State leaders were then asked for their suggestions about changes to existing legislation that would strengthen victims' rights. The most commonly heard suggestions are summarized in Table E-8, below. The most frequent comment was that the best or even the only way to increase victims' rights was to increase the funding. Often, the funding suggestion was directed specifically at funding more victim/witness coordinator positions.

TABLE E-8

**State Leader Responses**  
*Suggested Changes in Legislation to Strengthen Victims' Rights*

Suggestion for Change in Legislation	Strong Protection States	Weak Protection States	Total Responses
Increase Funding	10	10	20
Make Existing Rights Mandatory	—	4	4
Provide for Enforcement of Rights	3	3	6
General Increase in Basic Victims' Rights	—	6	6
Make Current Statutes More Specific Re. Implementation	1	3	4
Strengthen Restitution Laws	1	2	3
Education or Training in Victims' Rights	3	1	4
Better Coordination Between Agencies Providing Rights	1	1	2
More Uniformity Between Counties	2	—	2
Tougher Sentencing	1	2	3



State leaders also recommended: passing a constitutional amendment; reducing the number of continuances; broadening the definition of victim to include victims of offenders found not guilty by reason of insanity; improving the treatment of crime victims whose cases originated prior to existing victims' rights; and improving consultation with victims regarding pleas and sentences, so that victims better understand the potential length of the sentence. Several respondents mentioned specific improvements to sexual assault, domestic violence, or child protection laws.

**c. Resources Needed To Improve Implementation of Victims' Rights**

When asked specifically about the additional resources needed to better implement victims' rights, more state leaders mentioned the need for increased personnel — victim/witness coordinators at various levels and increased criminal justice officials — than any other resource (see Table E-9). Another resource frequently mentioned was increased training. Several state leaders mentioned the need to establish an outreach program to inform more citizens and victims about victims' rights, and a large number simply said more money was needed. Three leaders from the strong protection states mentioned a need for more resources for smaller or rural counties.

**TABLE E-9**

**State Leader Responses**  
*Resources Needed to Better*  
*Implement Victims' Rights*

<b>Resources Needed</b>	<b>Strong Protection States</b>	<b>Weak Protection States</b>	<b>Total Responses</b>
Additional Personnel (Victim Advocates or Criminal Justice Officials)	7	18	25
More Money Generally	7	8	15
More Money for Training	7	2	9
Comprehensive Outreach Program	2	2	4
More Resources for Smaller or Rural Jurisdictions	3	—	3





TABLE E-10

State Leader Responses  
*Problems Victims Experience in Obtaining  
 Services and Benefits*

Problems Victims Experience in Obtaining Services	Strong Protection States	Weak Protection States	Total Responses
Notice			
notice of events/proceedings not provided	2	9	11
notice not provided quickly enough	2	1	3
no notice of rights	4	3	7
No Enforcement of Victims' Rights	4	1	5
Insufficient Staff to Provide Rights	—	4	4
No Restitution	1	2	3
Victim Impact Statement Not Allowed	1	3	4
Victims Need Personal Assistance to Exercise Rights or Receive Services	4	1	5
Compensation Unavailable or Delayed	2 —	2 —	4

Other problems cited included: the criminal justice process is too lengthy; difficulty identifying the homicide survivor who is to receive notice; calls from victims to officials are not returned; agencies are not aware of their duties regarding victims' rights; victims are unsure where to go for information; victims are not notified of the disposition of the case on appeal; victims need more empathy from criminal justice officials; judges are not considering the victim's right to be present at hearings; and insufficient provision of victims' rights at the juvenile level.



When asked about ways to minimize the problems state leaders cited in providing victims' services, most leaders recommended increased funding or staffing. Another frequent recommendation was improved training of criminal justice officials. One respondent recommended "train[ing] prosecutors and their staff to provide information and notice to victims. Information is the main goal; its what the victims lack. Once they have information, they use it." The most commonly made suggestions are shown in Table E-11, below.

Leaders also pointed to the need for: better and more frequent collaboration among criminal justice agencies; enforcement or built-in accountability for the provision of victims' rights; and improvements in the funding structure, such as increased funding for rural areas or separating funding for victim services from funding for criminal justice agencies. Two leaders mentioned establishing a central location for notification or information about victims' rights. In State W1, where a constitutional amendment for victims' rights was pending ratification, three leaders recommended passage of the amendment as the way to improve the provision of victims' rights.

**TABLE E-11**  
**State Leader Responses**  
*Suggestions to Minimize Existing Problems*  
*of Victims in Obtaining Services and Benefits*

Suggestion to Minimize Existing Problems	Strong Protection States	Weak Protection States	Total Responses
Increase Funding/Improve Staffing	4	11	15
Train Criminal Justice Officials	7	3	10
More Collaboration between CJS Agencies and/or Victim Services	2	3	5
Enforceability or Built-in Accountability	4	1	5
Pass a Constitutional Amendment	—	3	3
Restructure Funding	3	—	3



Other recommendations included: increased judicial involvement, including judicial exploration on the record of the victim's request for postconviction notification; increased sensitivity of criminal justice professionals; and increased victim protection. One official recommended limiting victims' rights to victims of violent offenses or major property offenses as a better allocation of resources.

e. Existing Remedies for Violations of Victims' Rights

State leaders were asked what, if any, recourse crime victims have if their rights are violated. The greatest number of state leaders said that victims have no recourse. A surprising number thought victims could bring a civil action. Many stated that victims could pursue equitable relief in the court, through mandamus or injunctive actions. A few said victims had recourse through "the court system" generally.

Many said that victims' recourse was the ballot box, especially where judges, sheriffs, and district attorneys are elected. Several said that victims could bring their case to the media, or otherwise protest and raise public awareness.

TABLE E-12

State Leader Responses  
*Victims' Recourse for Violation of Rights*

Victims' Recourse for Violation of Rights	Strong Protection States	Weak Protection States	Total Responses
No Recourse/None Known	4	12	16
Civil Suit	5	5	10
Equitable Legal Action	7	2	9
"Court System" Generally	—	3	3
Publicity/Protest/Media	5	2	7
Ballot Box	4	2	6

In addition, leaders said that victims had recourse through individual agency grievance processes, or could contact public officials, or could seek criminal sanctions. One leader said that victims would have recourse once the constitutional amendment was ratified.



f. Top Priority in Improving Crime Victims Rights

State leaders in each state were asked to respond to the open ended question, "What do you consider should be the top priority in improving the treatment of crime victims within the criminal justice system in your state?" Fifty-three leaders participated offering approximately seventy priorities in response to the question (twenty-four leaders from strong protection states and twenty-nine in weak protection states).

**STRONG PROTECTION STATES**

The question elicited thirty-six (36) responses concerning victim-related priorities from the twenty-four (24) state level officials and victim service professionals who were surveyed in the strong protection states. While the specific issues mentioned varied considerably, most related to several broad issue areas, including: funding, education, communication, and enhancement, in addition to enforcement of victims' rights.

The largest percentage of responses (30%) dealt with issues of increased funding and resources for victim-related services and programs. The majority of these specified increased funding for victim service programs generally, while others indicated funding should be increased for specific victim-related programs such as victim compensation or for specific system-based programs such as those operating in prosecutors' offices.

Nearly a third of all responses (27%) focused on issues related to education. Most priorities in this area focused on better education of criminal justice officials concerning victims' rights. One leader suggested that such education should be "mandatory." The same respondent indicated that the "law won't change the priority or opinion [of criminal justice officials]." To change such "opinions and practices" would require "education on a personal basis."

Two state officials suggested that educating the general public should be a priority as well. Several others felt that educating crime victims themselves was of critical importance. This same notion was reflected in similar concerns expressed by several officials that greater emphasis be placed on general communications with victims and specific communications, including the right to notice.

Ten percent of the responses highlighted the need for greater communication not only between victims and the system but within the system. One respondent gave the example of cases that may be pending in three separate courts simultaneously — criminal, civil, and family court, yet the various judges who preside over each court have no knowledge of what is happening in the other two courts.

Other respondents (16%) listed concerns about the enforceability of victims' rights and the accountability of criminal justice officials charged with the duty of implementing such





rights. One official suggested that documenting the fact that a victim exercised his or her right to be heard might encourage greater compliance and enhanced communication among criminal justice officials and victims. Respondents concerned with enforceability of victims' rights suggested both "law suits" and "legislation" as possible solutions. As one respondent put it, "There is no repercussion for the judiciary who ignore victims rights." The respondent added that, "victim recourse" as a priority would, "make the system accountable."

## WEAK PROTECTION STATES

Twenty-nine state level officials and victim service professionals responded to the same question from the weak protection states yielding forty-seven priority points for improving the criminal justice system treatment of crime victims. While issue areas most often mentioned paralleled those in the strong states, the responses offered a slightly different focus and emphasis.

Thirteen percent of the responses addressed funding issues. Victim services were most often mentioned as programs deserving of additional funding, though additional monetary support for victim compensation programs was also mentioned.

Six percent of the responses related to better education of criminal justice officials and crime victims while an additional 6% suggested making communication within the criminal justice system and with victims a priority.

By far, the greatest response from state level officials pertained to issues of establishing, enhancing, and/or enforcing victims' rights within the system. Almost forty percent (39%) of all priorities named fell into this category.

About a third of these described their concern in broad terms saying victims should "have more rights" or "equal rights." Another third mentioned specific rights as priorities including the rights to notice, to be heard, and to restitution. In the words of one respondent, "victims should have as much input as defendants." At least two respondents alluded to the need for greater specificity with respect to victim mandates.

Yet another third of responses in this category stated that the top priority to improve treatment of crime victims was to pass a constitutional amendment to protect their rights and interests. One respondent expressed the need to, "swing the pendulum back from criminal rights" and "balance the guaranteed rights of crime victims." Another expressed the importance of "giving them equal treatment," allowing victims to be, "a fair partner in the criminal justice system."



Other priorities listed by respondents included: expediting the criminal justice process; the need for greater consistency in victim services across the state; offering services at an earlier point in the process; tougher penalties for offenders; and extending victims rights to the juvenile justice system.

Given the wide divergence in the existing legal rights for victims across the state, the most significant results of the survey of state level leaders are probably the similarities in their recommendations. Funding, education and enforcement were top priorities in both groups of states.

## **F. DISCUSSION OF KEY FINDINGS**

Having summarized the results from the surveys of victims, local CJS/victim service professionals, and state level officials and victim service leaders, this section attempts to compare and analyze the results of those three surveys to the extent that is possible. A conscious attempt was made to draft the surveys in a parallel fashion to facilitate such comparisons. However, it was not possible to create surveys that were 100% parallel given the inherent differences between the categories of respondents surveyed.

The most obvious example of the inherent incongruity between the categories of respondents relates to the breadth of their experience. Victims were asked about victims' rights and interests in the limited context of their own case throughout the criminal justice process. CJS/victim service professionals, on the other hand, were asked questions about victims' rights as they pertained to the many victims with whom they have had contact. Also, each class of professional was surveyed only about the portion of the criminal justice process in which they were involved.

Nevertheless, attempts have been made to draw parallels and comparisons between survey responses to questions which address essentially similar victims' rights issues common to the survey populations.

In keeping with the chronological format of the survey results sections above, the comparative analysis of this section will address victims' rights issues in approximately the same order in which they occur in most criminal justice systems.

### **1. Victims' Rights Pretrial:**

#### Referral to Victim Services

The phrase "victim services" is used to refer to a wide range of programs and policies which provide assistance directly to crime victims. Such assistance and services include crisis counseling, transportation, employer intercession, etc.

While not all of the many victim services offered by the criminal justice system are mandated by law, a growing number of legislatures are establishing such services as a



statutory right. Numerous studies have indicated that providing victims with such services not only can have a dramatic effect on the quality of the victim's life but also can reduce the trauma and stress victims feel as a result of their participation in the criminal justice process. For example, most victim crisis counselors and mental health professionals believe that counseling in the immediate wake of the victimization benefits victims by reducing the actual psychological harm and emotional stress that result from the crime and thus hastens the healing process to a much greater degree than would be afforded by similar services offered months or even weeks after the fact. Therefore, referrals by criminal justice professionals to such victim services appear to have a dramatic impact on crime victims.

A majority of CJS/victim service professionals across all states surveyed indicated that they "always" (37%) or "usually" (27%) made referrals to victim service organizations. [Table D-8] The scores for individual states range from a high of seventy-nine percent (79%) in State S1 to a low of forty-five percent (45%) in State W2.

The results of the victim survey mirrored a similar distribution of responses between states. When asked if they were referred to a victim service organization, the percentage of victims in each state answering "yes" largely paralleled the responses of CJS/victim service professionals in their respective states.

TABLE F-1

**Responses of Victims and CJS/Victim Service Professionals  
Concerning Referrals to Victim Service Organizations**

State	Victims Who Report Being Referred to Services	Professionals Stating Victims Always/Usually Ref'd to Services
State S1	71%	79%
State S2	75%	58%
State W1	69%	72%
State W2	24%	45%

The percentage of responses are relatively the same as reported in State S1 and State W1, but there are noticeable differences in State S2 and State W2. In State S2, the percentage of victims who reported that they received a referral was nearly seventeen points higher than the percentage of local professionals stating that such referrals are always or usually



made. It should be noted that CJS/victim service professionals may only be aware of the frequency with which they or their agency makes such referrals. Thus, a particular prosecutor may only make referrals occasionally while the police "always" make a referral. The cumulative effect of dual referrals could explain why victims report actually receiving such referrals at a higher rate than individual CJS officials report making such referrals.

This difference in perception would not, however, explain the distinctions between victim and CJS/victim service professional responses in State W2. Here, only twenty-four (24%) of victims indicated they had received such a referral while forty-five (45%) of professional respondents reported that they always or usually provided such referrals — a relative difference of more than twenty percentage points. This may be a function of over-estimation on the part of criminal justice and victim service professionals, but the fact that only one in four victims report having received such a referral while almost half of all CJS/victim service professionals believe such referrals are being made more often than not may have important implications in terms of policy and practice. CJS/victim service professionals may mistakenly believe that such victims are receiving services to assist in their recovery. Those professionals may be providing referrals in a form at and under circumstances where crime victims are unable to understand or make use of the information.

Similarly, crime victims in State W2 reported having contact with a victim service organization or professional in only nineteen percent (19%) of the cases. This is likely to be a function of the low rate of referrals reported by victims; however, other factors could account for this low contact rate. For instance, victims may have actually received a referral but chose not to pursue it. It may be useful to note that according to the victim survey, most victims who requested assistance received it (see Table C-11). A more pragmatic explanation for the differences may be that such services are simply not available in all jurisdictions and thus CJS/victim service professionals are unable, as a practical matter, to make referrals. Further research would be necessary to confirm either of these hypotheses.

Apart from information about services, victims are also interested in information about the criminal justice process itself, how it works, and what they can expect from it. Half of CJS/victim service professionals in all states said that their offices normally provided crime victims with information about the criminal justice process in general [Table D-9], yet victims in the strong protection states (67.7%) were more likely to say they were satisfied with the explanations they received than those in weak protection states (58.9%).

There was also a ten percentage point difference among CJS/victim service professionals in strong (61%) and weak (51%) states reporting that they provided information about the criminal justice process both verbally and in writing. [Table D-9] This difference may partially account for the difference in satisfaction between victims in strong versus weak protection states.





Informed of the Status of the Investigation:

Generally, crime victims have a keen interest regarding information related to the status of the investigation in their own cases. As mentioned above, victim satisfaction with the criminal justice system is closely linked to the extent to which that system kept them informed of critical events and developments. Indeed, information about the investigation and any resulting arrest ranks as among the most important pieces of information in the minds of most crime victims. This may be due at least in part to concerns regarding their own safety.

In most states, the majority of victims reported they were kept informed of the status of the investigation, with only a slightly higher percentage reporting in strong protection states (65.3%) than in weak protection states (52.2%). [Table C-3] This is similar to responses of CJS/victim service professionals. [Table D-10]

However, there was a wide variance between the responses from State S1 and the responses from other states. While slightly more than half of the CJS/victim service professionals in three states indicated that they normally kept victims informed of the progress of the investigation, (S2 - 50%, W1 - 56%, and W2 - 54%), eighty percent (80%) of all CJS/victim service professionals in state S1 reported that they normally provide such information. Among victim responses, the percentages were similar. (S1 - 70%, S2 - 50%, W1 - 58%, and W2 - 47%). The most obvious explanation for this variance may stem from the fact that until 1994, *only* state S1 had a law requiring criminal justice officials to provide this information to crime victims - state S2 added a similar law in 1994.

It is interesting to note, however, that a majority of CJS/victim service professionals in strong states (54%) and nearly thirty percent (30%) of CJS/victim service professionals in weak states believed that providing such information was required by law. Only thirty-one percent (31%) of respondents in strong states thought this duty was imposed as a matter of policy, while more than forty percent (43%) in weak states believed that to be the case. [Table D-10]

Who actually provided this information seemed to be a point of confusion as well. The majority of victims surveyed (63%) indicated that law enforcement officials were the ones who had kept them informed of the progress of the case. A slightly smaller percentage (53%) of CJS/victim service professionals reported that it was primarily law enforcement's responsibility to provide such information. A more notable difference was found when comparisons were made within specific states. For example, sixty-one percent (61%) of victims in state S2 indicated that they were given case status information from law enforcement officers, yet only forty percent (40%) of the CJS/victim service professionals in that state indicated that law enforcement was the source of this information.



Given the fact that law enforcement officers logically have the greatest responsibility for carrying out criminal investigations, it was interesting to note the number of victims and CJS/victim service professionals who reported that information concerning the progress of such investigations was actually provided from some other source. Approximately thirty percent (30%) of victims in all states indicated it was either the prosecutor or a victim/witness advocate who provided information concerning the status of the investigation. See Table F-2, below.

**TABLE F-2**  
**Victim Response Indicating the**  
**Source of Information**  
*Concerning Status of the Investigation*

<b>Criminal Justice Official</b>	<b>S1</b>	<b>S2</b>	<b>W1</b>	<b>W2</b>
Law Enforcement	63%	61%	67%	58%
Prosecutor's Office	22%	21%	26%	29%
Victim/Witness Advocate	10%	9%	4%	—

CJS/victim service professionals were nearly split in their response to the same question indicating that law enforcement, prosecutors, and victim/witness advocates, were just as likely to provide case status information to victims (Police - 37%, Prosecutor's Office - 31%, Victim/Witness Advocates - 31%). It is particularly interesting to note that the majority of prosecutor and victim/witness advocate respondents indicated that some other agency normally provides such information. This apparent lack of clarity concerning whose responsibility it is to provide this information might explain, in part, why such a relatively high number of victims are not provided with this information.

It is interesting to compare these numbers with statistics indicating the number of victims who actually received such notice. Approximately one in three victims in strong protection states and almost one in two victims in weak protection states reported that they were *not* given information about the status of the on-going investigation in their case. [Table C-3] The fact that almost equal numbers of victim service professionals indicated that such information could have come from any one of three sources (law enforcement, prosecutors, or victim/witness advocates) indicates there may be some confusion and/or overlap with respect to which agency has the primary responsibility for providing such information.



When asked about the barriers that keep victims from being adequately informed of the progress of the investigation, CJS/victim service professionals in weak protection states (58%) were more likely to cite insufficient staff as a barrier as compared with professionals in strong protection states (35%). [See page 77] Weak state professionals were also more likely to cite "structural problems" for their inability to provide investigation status information (26%) as compared with their counterparts in strong states (15%). Weak state professionals were also three times more likely to list "inability to contact the victim" as a barrier than those in strong states.

Conversely, professionals in strong states were more apt to suggest "insufficient funding" as the primary barrier in such circumstances (35% in strong states versus 21% in weak states).

While the differences in responses between strong and weak protection states over the question of barriers may be explained by the fact that more personnel are available to effect such notice in strong states, it doesn't explain why a considerably higher percentage of CJS/victim service professionals in weak states cited "inability to contact victim" as a barrier. Since it can be assumed that the means of communicating with victims in both states (telephone, mail, etc.) are roughly equivalent in all four states, possible explanations may include better record keeping or transmittal of victim contact information. Additional research to probe beyond this broad question would be necessary to shed further light on these apparent incongruities.

#### Arrest

For what may be obvious reasons, victims are very interested in information concerning the arrest of suspects. Victims who assume their perpetrator is at large often exercise heightened degrees of vigilance and may even take measures to enhance their safety. Thus, information concerning the arrest of the suspected perpetrator will impact the victims' peace of mind and may also have a dramatic impact on the way in which they conduct their daily lives.

The vast majority of crime victims reported that they were informed when an arrest was made in their case - ninety-three percent (93%) in strong protection states and eighty-six percent (86%) in weak protection states [Table C-3]. These statistics were considerably higher than the nearly sixty-six percent (66%) of officials who reported that victims in their state were normally informed of an arrest [Table D-10]. Only the response of CJS/victim service professionals in state S1 (80%) paralleled that of victims. While notice of arrest was not required by statute in any of the four states surveyed, state S1 law requires that victims be given a phone number to call if they have not been notified of an arrest within six months of the crime.



Although CJS/victim service professionals in both strong and weak protection states reported informing victims of arrest at approximately the same rate, officials in strong states reported giving notice more promptly than in weak states. [See page 77] Sixty-five percent (65%) of strong state local professionals indicated that they provided notice immediately or within one day of arrest while only twenty percent (20%) of their counterparts in weak protection states made the same claim. However, another twenty percent (20%) of CJS/victim service professionals in weak protection states reported providing such notice within one week.

Sixty-three percent (63%) of all local professionals named law enforcement as the agency that actually provides the notice of arrest.

The preferred means of providing such notice in both strong (62%) and weak states (48%) was by telephone. It was interesting to note, however, that one in three CJS/victim service professionals in State W1 and one in five professionals in State W2 reported that such notice was provide in written form *only*. Given the urgency victims attach to such information, it was interesting to learn that a quarter of officials in weak states still rely on the U.S. mail to deliver word to victims that a suspect has been arrested in their case.

#### Bond Hearings

Until very recently, victims had virtually no opportunity to learn of pretrial bond hearings, let alone attend them or participate in them. Traditionally, the only information the court could consider at such a hearing was evidence related to the likelihood the defendant would appear at trial. With the growing concern over the risk such defendants potentially pose to the victim or larger society, laws and even state constitutions have been amended to allow courts to consider public safety when making bond decisions. In keeping with these heightened safety concerns, policy makers are beginning to expand crime victims' general right to attend and be heard at key proceedings including bond hearings. Victims are beginning to receive advance notice of such hearings and in some cases are allowed to offer their views of the safety risk the defendant represents to them personally.

#### Notice of Bond Hearings:

According to the CJS/victim service professionals surveyed, about one quarter (24%) of crime victims received advance notice of a pending bond hearing — thirty-two percent (32%) in strong protection states and seventeen percent (18%) in weak protection states [Table D-11]. Victims reported much higher rates, with sixty-three percent (63%) in strong protection states indicating they were informed of the time and place of the bond hearing.<sup>21</sup> [Table C-3] Forty-three percent (43%) of victims in weak protection states

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<sup>21</sup> However, these responses were from a base of respondents who knew there had been a bond hearing. The overall percentage responses were likely lower.





reported the same, which was still more than twice the number of victim service professionals who reported providing such notice. It is interesting to note that almost twice as many professionals in strong than in weak protection states reported that they "always" or "usually" provide such notice. But it may be important to recognize that, by all accounts, at least one-third of victims in strong states and more than half of victims in weak states are still not receiving notice of bond hearings.

Also of interest was the response of judges, thirty-seven percent (37%) of whom indicated that they were unsure how often victims were informed of bond hearings. Given the newly acquired statutory rights of crime victims regarding bond hearings, it is worth noting that a high percentage of the judges who preside over such hearings are unaware of whether or not victims are receiving notice. This realization may have important implications for victim advocates and policy makers who seek to make crime victims active participants in the bond hearing process.

There is a some uncertainty regarding who actually provides notice of bond hearings. The greatest percentage of CJS/victim service professionals in all states thought that prosecutors usually provided notice of bond hearings.

TABLE F-3

**CJS/Victim Service Professionals Response**  
*Re. Who Provides Notice of Bond Hearings*

Responsible Agency (multi-select)	S1	S2	W1	W2
Law Enforcement	29%	—	30%	25%
Prosecutor/Prosecutor's Office	59%	83%	80%	50%
Prosecutor's Victim/Witness Advocate	12%	11%	20%	17%
Other Victim/Witness Advocate	18%	11%	—	33%
Court	6%	11%	—	8%

Between twenty-five (25%) and thirty percent (30%) of CJS/victim service professionals in states S1, W1 and W2 thought that the police provided such information. Still others thought it was within the purview of victim/witness advocates either inside or outside of the prosecutor's office to provide victims with this information. Again, the apparent disagreement about who provides such notice may help to explain why such large numbers of victims never receive notice of pending bond hearings.



On further questioning, professionals who said victims were rarely or never given notice of bond hearings most often cited insufficient time as the reason (27% strong vs. 27% weak protection states). However, half the respondents in weak states cited insufficient personnel as the reason victim were not given such notice (9% strong vs. 50% weak protection states).

#### Consultation Concerning Bond Recommendations:

Considering the keen interest most victims have in the outcome of bond hearings, it is not surprising to learn that most value their opportunity to consult with the prosecutor concerning bond hearings before such hearings actually take place.

Half of the professionals in strong states reported that the prosecutor "always" or "usually" talks to the victim about their wishes concerning a defendant's release on bond prior to the hearing. Only 16% of professionals in weak states made similar claims. [Table D-14]

Approximately the same percentage of victims in strong protection states (54.7%) reported having been consulted as the professionals reported that victims "always" or "usually" receive such consultations (50%). However, a similar comparison in weak protection states reveals that more than twice as many victims in those states indicated they had consulted with the prosecutor than CJS/victim service professionals estimated were "always" or "usually" granted such consultations. Again, this may simply be due to poor estimations on the part of professionals or a lack of knowledge.

The survey detected a pervading view among professionals that such consultations have a considerable impact on the prosecutor's recommendation regarding bond. Ninety-two percent (92%) of CJS/victim service professionals in strong protection states and one-hundred percent (100%) of professionals in weak protection states felt that victim recommendations concerning bond "always" or "sometimes" had an impact on the prosecutor's recommendation.

As stated previously, some victims are granted the right to make recommendations regarding bond decisions directly to the presiding court. However, fewer than half the victims in each state reported that they had been informed of a right to make such a recommendation: 23% in State W1, 33% in State W2, 44% in State S1, and 29% in State S2. Nearly one in five professionals in both weak and strong protection states indicated that they did not know whether victims received notice of a right to make a recommendation to the court. [Table D-12] Of those who did express an opinion, nearly three times as many officials in strong states said victims "always" or "usually" received such notice, as compared to their colleagues in weak protection states.



It is also interesting to note that eighty-nine percent (89%) of local professionals in state S2 indicated that such notice was mandated by law, when indeed, it was the only state where the victim's right to notice in this instance *was* required (i.e., by state S2's Victims' Amendment to the state's constitution).

In weak protection states, roughly the same number of victims and professionals reported that victims actually made recommendations to the court regarding bond release: twenty-five percent (25%) of crime victims reported making a recommendation, and twenty-four percent (24%) of CJS/victim service professionals said victims "always," "usually" or "sometimes" make such a recommendation. In the strong protection states, there was a slight difference between victim and professional responses: thirty-nine percent (39%) of victims indicated they had made such a recommendation while thirty-one percent (31%) of professionals said victims, "always," "usually," or "sometimes," offer a recommendation. [Tables C-6 and D-15]

This still leaves a large percentage of victims who did not make such recommendations. According to victims surveyed, only one in three made a recommendation. Half of all CJS/victim service professionals reported that victims rarely make a recommendation.

Victims and local professionals also had different perceptions concerning the impact that victims' recommendations to the court had on the bond decision. On the whole, barely more than half (57%) of all crime victims who made such a recommendation believed their recommendation had an impact, while ninety-one (91%) of all professionals felt that the victims' recommendation had an impact at least some of the time. [Tables C-7, D-15] Of considerable importance is the fact that half of all judges, who actually make such bond decisions, felt that victim recommendations "usually" have an impact while another thirty-three (33%) said they had an impact "sometimes."

#### Notice of Release on Bond:

The reasons most victims are very interested to learn when their perpetrators have been released on bond may be self-evident. Many choose to take precautionary actions to reduce the possibility that their assailant will attempt to intimidate or even revictimize them while they are out on bond awaiting trial. But victims can only make use of this information if CJS/victim service professionals provide them with prior notice of the offender's release.

More victims in strong protection states (47%) reported being notified of the defendants' release than in weaker states (32%). [Table C-3] Likewise, CJS/victim service professionals in strong states were two and a half times more likely to say such notice is always or usually given than were their counterparts in weak protection states (i.e., 31% in strong, 12% in weak). [Table D-13] Professionals in weak protection states were also twice as likely to report that such notice was "rarely" or "never" given (43% in weak states vs. 18% in strong states).



#### Victim Concern Regarding Defendant's Release on Bond:

The finding that at least half of all victims were not notified of the accused's release is of greater moment when considered in conjunction with expressed safety concerns of victims. The vast majority of victims surveyed (75.9% of the total respondents) said that they were "concerned" for their own safety and/or the safety of their family as a result of the defendant's release on bond. Over half (58%) said that they were "very concerned."

When broken down by crime category, sexual assault victims expressed the highest level of concern (71% indicating they were very concerned; 91% saying that they were at least somewhat concerned). However, they were the group least likely to receive notice that their offender had been released.<sup>22</sup> In addition, only 17% of sexual assault victims indicated that they had been informed of their right to protection from intimidation and harm, and how to obtain that protection. This may provide valuable guidance to policy makers and criminal justice administrators looking to focus effort and resources in this regard.

#### Means of Communicating Notice:

Given the time sensitive nature of release information, the means, and thus, the speed with which notice is communicated is of critical importance to many victims who are concerned for their own safety.

Overall, only thirty-two percent (32%) of local CJS/victim service professionals reported that notice was provided immediately. These responses ranged from a high of forty-three percent (43%) in State S1 to a low of eighteen percent (18%) in State W1, although another forty percent (40%) reported that notice to victims in State W1 was provided within 24 hours of the defendant's release. A large number of professionals across all four states (43%) indicated they were not sure how quickly notice was provided. This number included forty percent (40%) of police/sheriffs, fifty-four percent (54%) of judges, and seventeen percent (17%) of prosecutors. Such statistics would seem to bolster arguments in favor of improved victims' rights education for criminal justice officials.

The means by which CJS/victim service professionals actually provide notice is of considerable significance. As Table F-4 indicates, most professionals in each of the four states reported that notice was provided by contacting the victim by phone. However, a high number of respondents in State S2 (26%) indicated that they provide the notice to victims in writing (i.e., via U.S. mail). Another twenty-six percent (26%) of professionals in State S2 indicated that they were unsure how notice was provided.

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<sup>24</sup> While on the whole, thirty-six percent (36%) of victims reported being informed of the offender's release, only twenty-seven percent (27%) of sexual assault victims reported that they were informed.





TABLE F-4

**Means of Providing Notice to Victims  
of Defendant's Release on Bond**

Means of Communication	S1	S2	W1	W2
By Telephone	57%	37%	82%	50%
In Person	7%	—	—	8%
In Written Form	—	26%	—	8%
Both Verbally and in Writing	7%	11%	—	—
Not Sure	29%	26%	18%	33%

Some of these apparent discrepancies may be traced to the specific provisions of the law which address the issue of notice of the release of offenders on bond. In State S1, the law requires that victims be given a telephone number they can call to find out if the defendant has been released. State S2's law only requires officials to make a reasonable effort to provide such notice. In State W1, where thirty-nine percent (39%) of the CJS/victim service professionals reported that victims "rarely" received notice, the law states, "to the extent possible, and subject to available resources, [officials] should make a reasonable effort" to provide notice of offenders release on bond. Conversely, in State W2, fifty-two percent (52%) of CJS/victim service professionals (the highest percentage of the four states) indicated that victims "always," "usually," or "sometimes" received such notice - despite the fact that no statutory mandate exists in the state. However, a follow-up question indicated that thirty-three percent (33%) of the professionals in state W2 *believed* that such notice was required by law.

#### Plea Agreements

With the vast majority of criminal cases ending in plea agreements, many crime victims are very interested in participating in the process that produces such agreements. While no state allows crime victims to wield veto power over plea bargain decisions, many are beginning to afford victims an expanded role, including the right to receive notice of pending agreements, the right to consult with the prosecutor prior to the submission of such agreements, and in some states the right to make a statement in court regarding the proposed agreement.



### Notice Concerning Possibility of Plea Agreement:

In cases where the offender was allowed to plead to a lesser offense, about half of all victims said they were informed of plea negotiations (56.6% in strong, 53.2% in weak protection states). [Table C-3] While officials in strong protection states were more likely to say victims were "always or usually" consulted about plea bargains (69% in strong vs. 56% in weak protection states), officials in weak protection states were much more likely to report that victims were "sometimes" consulted (44% weak vs 19% strong protection states). Six percent (6%) of CJS/victim service professionals in the strong protection states said victims were "rarely" or "never" consulted. [Table D-19]

### Impact of Consultation:

Victims in strong protection states were far more likely to believe that consultations with prosecutors had a substantial impact on the prosecutor's plea decision than victims in weak protection states. (See Table F-5). Of interest is the fact that although sixty-nine percent (69%) of victims in State W2 reported that they consulted with the prosecutor (more than in any other state), almost half felt their consultation had no impact on the prosecutor's decision.

**TABLE F-5**

**Impact of Victim Consultation  
on Plea Agreement Decisions  
Comparison, Victims vs. Professionals**

Degree of Impact	S1 Victim/Prof.	S2 Victim/Prof.	W1 Victim/Prof.	W2 Victim/Prof.
A Lot	41% / 71%	67% / 57%	14% / 40%	3% / 36%
Some	20% / 29%	24% / 43%	14% / 40%	53% / 45%
Only a Little	18% / —	5% / —	14% / 16%	38% / 18%
None	21% / —	5% / —	48% / —	6% / —

CJS/victim service professionals, on the other hand believed that such consultations have a far greater impact on plea agreements than the victims themselves.



### Dismissal of Charges:

It is not uncommon for prosecutors to drop charges against accused offenders for a variety of reasons. Yet most victims feel they have a major stake in the outcome of such decisions. Beyond simply receiving notice of such dismissals, victims also seek some input into the decision-making process. Some states have begun to adopt statutes that grant victims these limited rights in the context of case dismissal decisions.

Officials in the strong protection states surveyed more frequently reported that they "always" or "usually" notified victims prior to dismissal of charges (69% strong vs. 50% weak). [Table D-16] Of those who stated that victims were notified of dismissal in strong protection states, ninety-one percent (91%) said they "always" or "usually" notified victims of the reasons for the dismissal, whereas in weak protection states, almost thirty percent (30%) fewer CJS/victim service professionals reported providing such notice (62%). A similar thirty point difference was found when CJS/victim service professionals were asked how often victims had the opportunity to consult with prosecutors prior to dismissal – seventy-three percent (73%) in strong protection states said "always" or "usually", while only forty-three (43%) in weak protection states gave similar responses. [Table D-18] However, another thirty-eight percent (38%) in weak protection states reported that victims were "sometimes" given the opportunity to consult.

## 2. Victims' Rights at Trial:

Most observers believe that the trial is the focal point of the criminal justice system. Victims are no different. Not surprisingly, many victims enthusiastically welcome the opportunity to attend the trial in their own case and to have some involvement in the proceeding beyond the role they may play as witness to the crime.

### Notice of Trial

Obviously, victims will not have the opportunity to attend or participate in the trial unless they are kept informed of the time, date, and place of the trial. Both crime victims and CJS/victim service professionals uniformly report very high rates of notification in both strong and weak protection states. Ninety-seven percent (97%) of victims in strong and more than ninety percent (90%) of victims in weak protection states reported that they had received such notice. [Table C-4] By comparison, ninety-five percent (95%) of professionals in strong protection states reported that they "always" or "usually" provided such notice, while a slightly lower percentage of professionals in weak protection states (89%) reported the same. [Table D-17]

These "notice of trial" statistics represent some of the highest numbers recorded in either survey for notice. The reason for such high compliance rates may simply be the gravity of the proceeding as viewed by CJS/victim service professionals and crime victims themselves. However, it should be observed that the trial is the only point along the



criminal justice continuum where the victim has an official role, indeed an essential role, as witness to the crime perpetrated against them. It is the one time that the system recognizes it *needs* the victim in order to carry out its designated function. Thus the high victim notification rates of trial may be motivated more by the system's need for victim involvement than its desire to meet the needs of the crime victims themselves.

Most victims reported that they were notified about the trial by the prosecutor's office (67%), but a large number of victims (17%) said they were informed by the police. Most victims reported that they had received notice several weeks or months in advance — eighty-five percent (85%) in strong protection states, nearly eighty percent (80%) in weak protection states. But thirteen percent (13%) of the crime victims in State W1 said they received less than one week's notice before trial.

Victims across all four states reported roughly the same number of trial postponements. However, victims in strong protection states were somewhat more likely to report being notified of postponements or continuances — eighty-one percent (81%) in strong versus seventy percent (70%) in weak protection states. [Table C-4] Moreover, victims in the strong protection states were almost three times as likely as victims in weak protection states to say the "speed of the process" was "more than adequate," while victims from the weak protection states were almost twice as likely to say the speed was "completely inadequate." [Table C-10]

While there may be an objective difference in the amount of time it takes to process a criminal case in the strong versus the weak protection states, given the similar number of postponements, it is logical to assume that better and more frequent communications between the prosecutor's office and the victim have an impact on the victim's views regarding the speed of the process. Victims in the strong protection states were more likely to report that they were notified of the trial postponements, and were more likely to say they were notified by the prosecutor, while those from the weak protection states who learned of trial postponements were more likely to say they were informed by their own attorney, a friend, or the police. Victims from the strong protection states also reported meeting with the prosecutor and meeting with the victim/witness coordinator more times than did those from the weak protection states.

#### Consultation With Prosecutor Before Trial:

Most victims have little or no experience with the criminal justice process, let alone experience as a witness in a criminal trial. Advocates indicate that much of the trepidation and stress that victims feel may be attributed directly to their fear of the trial as an unknown. They are unsure of the course of the process and what role they play in it. Service providers have found that a great deal of this fear can be alleviated by prosecutors who are willing to spend time with them to explain what will happen, when and why. Victim advocates argue that consultation with the prosecutor can prove to be of tremendous





assistance to victims not only in terms of their mental and emotional well-being, but also in terms of their satisfaction with the prosecutor and the process. As a result, some states are beginning to grant victims this consideration as a matter of statutory or even constitutional right.

More victims in strong protection states received notice that they had a right to discuss the case with the prosecutor before the trial than in weak protection states — nearly seventy percent (70%) in strong versus only forty-one percent (41%) in weak protection states. [Table C-4] Slightly more victims in strong protection states related that they had consulted with the prosecutor during the trial as compared with those in weak protection states. [See page 36] Victims in strong protection states also reported that they met with the prosecutors more often than those in weak states. Forty-three percent (43%) of victims surveyed reported that they had met with the prosecutor three or more times during the trial, while only thirty percent (30%) of victims could make a similar claim in the weak protection states.

Overall, victims in strong protection states more often reported that they believed their opinions were taken into account by the prosecutor when decisions were made concerning the case — seventy percent (70%) in strong protection states versus fifty-nine percent (59%) in weak protection states.

#### Testifying at Trial

Most victims (84%) found their experience testifying in court to be “upsetting.” Half found it to be “very upsetting.” When broken down by crime categories, the survey indicated that more rape and sexual assault victims found their court room experience to be “very upsetting” (72%) than any other category, and a full ninety-eight (98%) reported that testifying was at least somewhat upsetting. Such figures may have implications for the need to consult with or otherwise prepare victims in advance of trial, or to permit victim services such as court accompaniment.

About half the victims reported that they were scheduled to testify as a witness at the trial, slightly more in strong protection states (60.8%), slightly fewer in weak protection states (48.1%). Roughly the same percentages reported that they actually testified (60.2% in strong vs. 49.4% in weak protection states). [Table C-6]

### **3. Victims' Rights at Sentencing and Restitution:**

Approximately sixty-five percent of victims from both groups of states thought the sentence handed down in their case wasn't harsh enough. Despite this, victims from the strong protection states were more likely to report that they were satisfied, even very satisfied, with the way the prosecutor handled the case (“satisfied:” 79.4% strong vs. 62.5% weak protection states; “very satisfied:” 55.4% strong vs. 44.1% weak protection states). [Figure C-II] Victims in the weak protection states were almost twice as likely to say they were “very dissatisfied” with the prosecutor (13.45% strong vs. 22.41% weak protection states) [Table C-14].



The results of the victim survey demonstrate the degree to which victim satisfaction is influenced by notification and communication.

Notification of the Sentencing Hearings

At least one-third of victims in the weak protection states, and approximately ten percent of victims in the strong protection states, said they were not informed of the sentencing hearing. In fact, the figure could be higher due to the fact that fifteen to twenty percent of victims were not sure whether there had been a sentencing hearing, and one-quarter to one-half of victims surveyed believed that there had been *no* sentencing hearing.

Encouraging victims to attend sentencing

Only about half of the victims who were informed about the sentencing hearing said they were encouraged by the prosecutors to attend the hearing. Victims gave various reasons for not attending the hearing (i.e., "I didn't think it was necessary," or "I'd had enough of the trial.") Such views might well be influenced by the encouragement of prosecutors or other advocates within the system.

Consulting victims about the sentence to be sought

Only a little more than a third of all victims in cases where the defendant pled or was found guilty reported being consulted about the sentence to be sought, and only about seventy-five percent (75%) of those consulted said they spoke directly to the prosecutor. Victims may also be consulted by the probation department or victim/witness coordinators.

Notifying victims in advance of the sentence to be sought

Only a little more than half of all victims in cases where the defendant pled or was found guilty reported being informed in advance about the sentence that would be sought.

Informing victims of their right to make an impact statement

Majorities of professional respondents said that victims were usually or always given the opportunity to make a victim impact statement, but the figure from the strong protection states was over twenty points higher than those reported in the weak protection states. [Table D-23] Professional respondents also reported that only about forty percent (40%) of victims actually choose to make an impact statement. [See page 91]



Over ninety percent of all victims who said they were given an opportunity to make an impact statement reported making a statement. [Table C-6] However, a large number (25% from the strong and 50% from the weak protection states) said that they were not given such an opportunity.<sup>23</sup> [Table C-4] Thus, it appears that consistently providing victims with notification of the right to make an impact statement directly correlates to increased participation by the victim in the sentencing process.

#### Encouragement of Victims to Complete a Victim Impact Statement

A slight majority of victims who said they were given an opportunity to provide a victim impact statement said that they were encouraged to do so by the prosecutor.

#### The Impact of the Victim Impact Statement to the Victim

Taken on the whole, victims generally believe their impact statements have less of an impact on sentencing and restitution than do the members of the criminal justice system. Those who are notified that they *can* make a statement do so over ninety percent of the time, but only about half are encouraged to make a statement, and very few are provided assistance with such an undertaking. While *more* victims in the strong protection states are satisfied with their ability to be heard at sentencing, that number is still only *half* of the victims.

#### Restitution

One of the most noteworthy findings of this project was the dramatic underutilization of state restitution statutes across all four states. In short, restitution is simply not being ordered. In weak protection states, restitution was ordered in only eighteen percent of the cases where the defendant pled or was found guilty and the victim sustained losses. In the strong protection states, that percentage fell to eight point one percent. [Table C-8]

The data from the CJS/victim service professionals survey provides insight into the reasons for the breakdown in this area. Professional respondents from both groups of states reported that restitution was ordered in approximately eighty-three percent (83%) of the cases in which it is requested. [Table D-26] However, they also reported that victims are notified that they can make such a request in only about a *half* of all cases.

Also striking was the fact that CJS/victim service respondents indicated that the victim impact statement served as the primary source of information about the victim's loss in a majority of cases. [Table D-27] Over sixty-five percent (65%) of professional respondents

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<sup>23</sup> However, the base of victim respondents who were asked this question included all those for whom the case went to trial or the offender pled guilty, including a small number of cases in which the charges were dropped at trial, the offenders were acquitted, or there was a mistrial (2.6% of the base from the strong protection states, and 5.8% of the base from the weak protection states).



also reported that the victim impact statement has "a lot" of impact on *whether* restitution is ordered, and nearly as many reported that the statement has "a lot" of impact on the *amount* of restitution ordered. However, over eighty-five percent (85%) of victims in each targeted state reported that they were not given assistance in preparing either their written or oral victim impact statements.

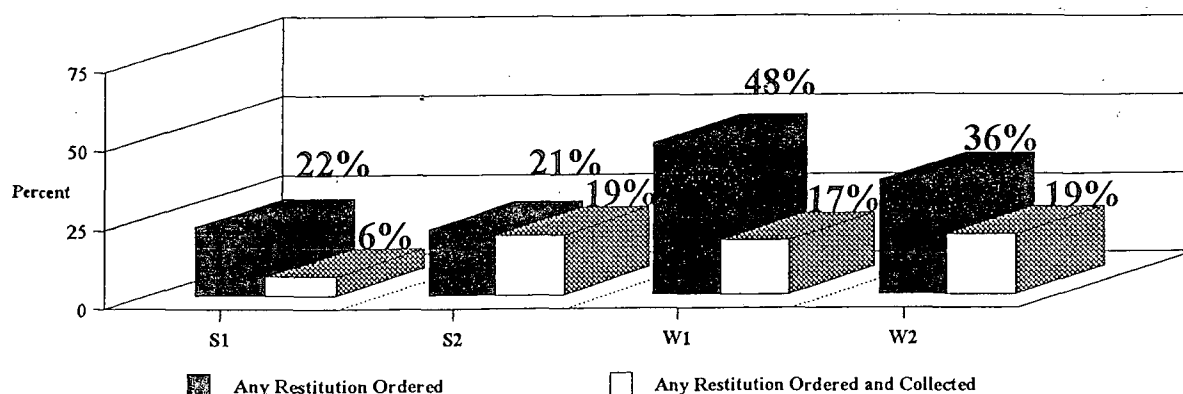
CJS/victim service respondents were asked about the reasons judges give for failing to order restitution. One of the chief reasons cited was the inability of the offender to pay. However, the means to collect restitution are already in existence. Both of the weak protection states provide for payment of restitution from prison work wages or wages earned during work release. In the two strong protection states, restitution is enforceable as a civil judgment, which can potentially remain in force for many years. Thus, conceivably, victims could execute such judgments against offenders if they ever become gainfully employed or obtain any assets in the future.

Over fifty percent (50%) of CJS/victim service professionals also said that judges were not ordering restitution because they found it inappropriate in light of other criminal penalties levied, or that the defendant was given jail time. However, restitution statutes exist in large part to facilitate the victim's recovery of losses *regardless* of the offender's immediate ability to pay and *regardless* of any other penalties.

A look at some of the data from individual states regarding restitution is also instructive. The two states with generally weaker victims' rights protection appear to be ordering restitution more often than the two stronger states. Figure F-I, below, based on the reports of crime victims themselves, illustrates this.

Figure F-I

**STRONG vs. WEAK PROTECTION STATES with RESPECT to  
Restitution**



<sup>1</sup>Base: Total eligible cases (N = S1-223; S2-47; W1-170, W2-157).





The low performance of State S2 in the awarding of restitution is explained largely by its law. State S2's restitution laws scored *lower* than those of State W1 and State W2. State S2's constitution provides that victim's have the right to restitution "as provided by law," but the law doesn't explicitly provide a right to restitution, it merely permits the judge to order restitution.

In contrast, in State S1 (which received a high score for its restitution law), the low performance score appears to be attributable to a breakdown in implementation and/or administration. More than any other state, professional respondents in State S1 reported that judges were not ordering restitution because of the victim's failure to demonstrate his or her loss. [See Table D-28] This comports with the victims' responses regarding the contents of the victim impact statement. While the laws in each state provide that the impact statement may contain information about the victim's financial loss, only about half of the victims in State S1 reported that their statement included such information, in contrast to the more than eighty percent (80%) of the victims in each of the other three states who reported providing such information. This may have important policy implications, and may indicate a need to provide assistance or information to victims about the inclusion of financial loss data in their impact statements.

Also, while more CJS/victim service professionals in State S1 said that victims were always informed of their right to request restitution (67% of respondents from State S1, while the scores for other states ranged from 35% to 53%), they were also more likely to report that this information was conveyed by a probation officer, presumably in the course of that officer's preparation of the presentence report. The reliance upon another professional, with whom the victim has had no prior contact and has developed no rapport, as opposed to communication of this information through the victim/witness coordinator or the prosecutor, may help to explain State S1's low performance. An alternate explanation may be that probation officers have not received adequate training regarding the crime victims' right to restitution and the implementation of those rights.

The differences in the frequency with which restitution is ordered is similar to the differences in the collection rates for restitution. First, there appears to be a general lack of knowledge about restitution collection. Twenty-four percent (24%) of CJS/victim service professionals from the strong protection states, and thirty-eight percent (38%) from the weak protection states, said they did not know approximately how often *any* restitution was collected in cases where it was ordered. Those numbers are about standard across all criminal justice system categories, including among the judges, who order the restitution, and the probation officers, who are generally charged with collecting it. Similar percentages of these respondents said they did not know the average percentage of the restitution collected versus the amount ordered. Therefore, it appears that very few officials who have duties related to restitution know whether or how restitution laws are being implemented in their jurisdiction.



More crime victims in the two weak protection states report receiving any restitution than do their counterparts in the strong states. [Table C-8] This may be related to the fact that the two weak protection states provide for enforcement of restitution ordered by garnishing wages earned by incarcerated offenders in prison work or work release programs. The survey also indicated that a full sixty percent (60%) of the officials in those states are aware of the availability of those enforcement mechanisms.

Restitution is enforceable as a civil judgment in both strong protection states, but only fifty-seven (57%) of local professional respondents in States S1, and only thirty-six percent (36%) in State S2, were aware of this enforcement option. Policymakers may want to consider providing officials with a more information about these enforcement measures in order to enhance restitution efforts.

Strong majorities of crime victims from both states who said restitution had been ordered report that they have not received any restitution. However, of those who had received any restitution, at least half were satisfied with the amount paid.

#### 4. Victims' Rights Post-Sentencing:

In the weak protection states, far more local professionals than victims reported victim notification of the offender's earliest possible release date, while in the strong protection states the reverse was true. [Tables C-5, D-29].

Also, majorities of all local professionals who said victims were notified of the earliest possible release date thought this was required by law, but, in fact, only one of the states, a strong protection state, requires notice by statute.

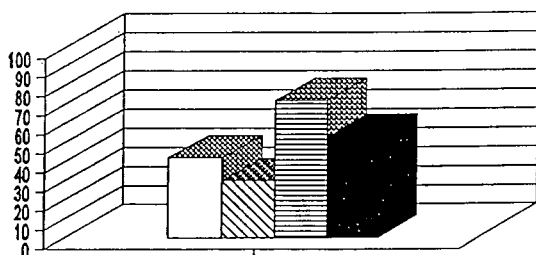
Victims were asked about other post-sentencing rights. Specifically they were asked whether they thought they had a legal right to be notified of the convicted offender's work release, parole eligibility, escape, and final release. Victims from the strong protection states, who generally have more rights to post-sentencing notice, indicated that they were aware of those rights. However, a sizeable number of victims from states that *did not* grant them such rights mistakenly believed they *were* entitled to notice in such cases. This is illustrated in Figures F-II through F-V, below.



# COMPARISON of STRONG vs. WEAK STATES: VICTIMS BELIEVING THEY HAVE a RIGHT to CERTAIN POST-CONVICTION NOTIFICATION

## WORK RELEASE

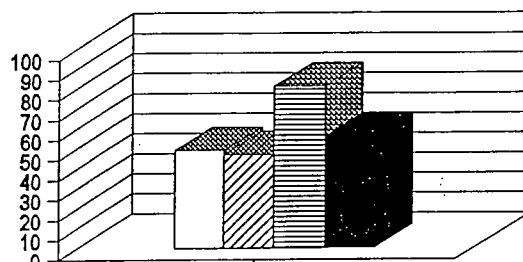
Figure F-II



- W1 (Not Entitled to Post-Conviction Notification)
- W2 (Not Entitled to Post-Conviction Notification)
- S1 (Entitled to Notification of Furlough or Com., Residential Release)
- S2 (Entitled to Notification of Temporary Release)

## ESCAPE

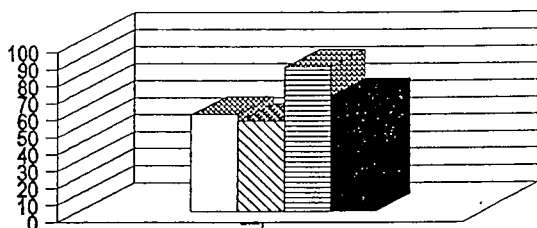
Figure F-III



- W1 (Entitled to Notification)
- W2 (Not Entitled to Notification)
- S1 (Entitled to Notification)
- S2 (Entitled to Notification)

## ELIGIBILITY FOR PAROLE

Figure F-IV

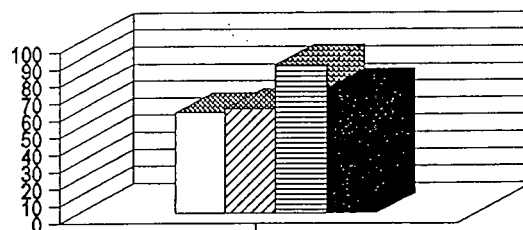


ALL STATES PROVIDE NOTIFICATION

- W1
- W2
- S1
- S2

## ELIGIBILITY FOR RELEASE

Figure F-V



- W1 (Not Entitled to Notification)
- W2 (Not Entitled to Notification)
- S1 (Entitled to Notification)
- S2 (Entitled to Notification)

## Victims' Rights at Parole:

It appears that victims in the strong protection states are being kept better informed of the parole of the offender. Victims in the weak protection states were three times as likely as other victims to say they did not know whether the offender had come up for parole.



Of those victims who knew their offender had come up for parole, victims from the strong states were almost twice as likely to say that they were informed of the parole hearing in advance. By the same token, CJS/victim service professionals from the strong states were more than twice as likely to say that victims are "always" or "usually" notified in advance of the parole hearing. *Each* of the states surveyed gives victims the right, under the law, to be notified in advance of the offender's parole hearing. Nearly all system respondents from the strong protection states knew that such notice was required by law, but only about half of the respondents from the weak protection states were aware of that fact.

Those victims who reported being notified of the parole hearing were also asked whether they were notified of the right to be present and heard at such hearings. More victims in the strong protection states said they were notified that they could attend and that they could make or submit a statement. Similarly, more respondents from the local professionals survey reported that victims were notified of those rights. This, too, corresponds to the law - i.e., only the strong protection states explicitly granted those rights to victims.<sup>24</sup> However, even though it was not required by law in the weak states, it appears that the parole boards were allowing a substantial portion of victims to be present and to be heard as a matter of policy.

## 5. Victim Satisfaction and Victims' Rights:

The previous discussion has focused, primarily, on the questions of what crime victims and officials know about victims' rights and to what extent such rights are being implemented. As a result of this project, we have a much clearer picture of victims' rights as they existed in 1991-92 within the subject states. To the extent that these results provide a rough standard by which progress might be measured, they serve as a useful instrument.

Along with learning what victims' rights exist and whether they are implemented, this project also sought to determine the effect of crime victims' rights. Victims from both groups of states were asked directly about their satisfaction with the criminal justice system. As the "consumers" of crime victims' rights, victims may be in the best position to judge the relative effectiveness of the criminal justice system, and whether laws designed to meet their needs are having their intended effect.

Responses to questions about satisfaction with the criminal justice system were quite revealing. Victims from the strong protection states were, generally, more satisfied with each branch of the criminal justice system than their counterparts in weak states. Not only are more victims in the strong protection states satisfied with the prosecutor's handling of the case, more of them report being "very satisfied." And even when victims from the strong protection states indicated they were dissatisfied with the prosecutor, they generally

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<sup>26</sup> State W2 recently added such a right, effective in May of 1994.





cited reasons relating to the outcome of the case rather than the performance of the prosecutor. On the other hand, when victims from the weak protection states reported being dissatisfied with prosecutors, the reasons frequently related to the prosecutor's interaction with or treatment of the victim.

The reasons for victim satisfaction also differed between the two groups of states. When victims in weak protection states reported that they were satisfied with the prosecutor, they more often cited the outcome of the case as the reason for their satisfaction. However, victims in the strong states often responded that they were satisfied because the prosecutor kept them informed, or seemed empathetic.

A higher percentage of crime victims from State S1 reported that they were "satisfied" or "very satisfied," with the outcome of the case. All victims were asked about aspects that they found the "most" and the "least" satisfying. A greater percentage of those from State S1 were able to provide a reason for their satisfaction and that reason was most often "the way the prosecutor handled the case" or that the prosecutor's office kept them informed or provided support.

More victims in the strong protection states reported that they believed their opinions were taken into account by the prosecutor. The aspect of the case that victims from strong states most often named as "least satisfying" was the sentence given to the defendant. In contrast, more victims from the weak protection states were *unable* to name the aspect they found least satisfying.

Of note, nearly a third of victims from each of the states said the "least" satisfying aspect of the case related to a lack of communication or information.

A similar correlation was found with respect to victim satisfaction with law enforcement officers. On the whole, victims reported that the police did a relatively good job of providing victims with information, referrals, and notice of significant developments in the early stages of the case. Thus, it was not surprising to learn victims were most satisfied with law enforcement officers.

In the end, victim satisfaction may have less to do with the end results of the process and more to do with the extent to which victims are included as part of the process and the extent to which they are accorded respect by the criminal justice professionals throughout the process.

#### G. RECOMMENDATIONS/IMPLICATIONS

The primary purpose of the study was to explore the correlation between strong statutory protection of victims' rights and the treatment of crime victims in the criminal justice system. In short, the study sought to answer the question, "Are victim statutes being implemented, and do



To a considerable extent, implementation of victims' rights is a linear process, a chain of events and behaviors which occur in the context of the larger criminal justice system. The first link in the chain is the statute ( in some cases coupled with a constitutional amendment) which establishes the right. For purposes of our study we focused on laws which established victims' rights: to notice, to attend, to be heard at critical criminal justice proceedings and to restitution. However, passage of a law in one of these four victims' rights arenas marked only the initial step in the process. It was the process to implement these rights which served as the primary focus of this study.

The next link in the implementation chain is necessarily education. The CJS/victim service professionals must first be made aware that the law exists and that they have a duty with regard to that law before they can reasonably be expected to implement the law. Crime victims, too, must be made aware that they have rights, and must be given at least some cursory instruction concerning the exercise of those rights.

Beyond knowledge, criminal justice officials must also have the means to carry out the duties assigned them by victim-related laws. No matter how willing the official, s/he cannot practically implement these statutory rights without at least a minimal level of essential resources.

However, even when such resources are available, criminal justice officials must be sufficiently motivated to act – they must be willing to apply the available resources in order to carry out their duty as required by law.

Results of this project demonstrated that each of these conditions, events, and behaviors linked together represent the chain by which victims' rights as defined by law, become victims' rights in reality. As is true for all chains, the chain of events that convey such rights is only as strong as its weakest link. When any link in the chain fails, the entire process may fail, denying crime victims their rights within the criminal justice process.

This study's findings should be of considerable interest to legislators, policy makers, criminal justice administrators, victim advocates, individual victims, and anyone else who is interested in advancing the rights and interests of crime victims. Many of the policy implications are broad in their scope, but to the extent that this study is able to help identify specific elements that facilitate or inhibit progress toward the realization of rights for crime victims as intended by legislators, we have attempted to enumerate them here.

## 1. The Statutes:

We began with the assumption that statutes serve as the primary source of victims' rights. They largely define the scope and nature of the right to be mandated. From this assumption, we developed perhaps the most basic premises of the study – that the presence and character of laws that mandate these rights affects the extent to which crime victims actually enjoy such rights. In short, the existence of victims' rights laws *matter*, and what those laws say also matters.



This is not to say that such laws were necessarily a prerequisite to the observance of objectives these laws intended to realize. Indeed, in some instances, the study indicated that CJS/victim service professionals provided various victims' rights and services *despite* the fact that there was no law requiring them to do so.

However, we hypothesized that victims would be more likely to be afforded basic rights if they were mandated by law. We further hypothesized that the stronger the law, the better the likelihood victims' rights would be observed by criminal justice officials and enjoyed by their intended beneficiaries – crime victims.

The results of both the CJS/victim service professionals survey and the crime victim survey supported these hypotheses to a considerable extent. With a few notable exceptions, victims and CJS/victim service professionals reported higher rates of compliance with the basic crime victims' rights.

For example, half of all criminal justice officials and victim service professionals in strong protection states reported that the prosecutor, "always" or "usually" talks to victims about their wishes concerning the defendant's release on bond. Only sixteen percent (16%) of such respondents in weak protection states made similar claims. Criminal justice officials and victim service professionals in strong protection states were also two and one-half times more likely to report that victims were given notice of the offender's actual release on bond than were their counterparts in weak protection states.

Even in cases when victims and professionals in all four states reported very high rates of compliance, the scores in strong protection states still almost always out-paced those of the weak protection states. For instance, while more than ninety percent (90%) of victims and officials in all four states reported that victims receive notice of trial, those in strong states still edge weak states by the notable margin of seven percentage points (90% in weak versus 97% strong protection states).

Thus, for the most part, both victims and officials consistently awarded higher scores to systems in states with strong victims' rights laws than those in states with weaker protections.

Although there may be many factors that impact the delivery of victims' rights and services, it is difficult to deny the persistent correlation between states with strong victims' rights laws and the higher rates of compliance as reported by victims and CJS/victim service professionals in those states.

Belief by criminal justice officials that they have a victim-related duty under the law, even a mistaken belief, appears to have a positive influence on officials' willingness to discharge that duty. Time and time again, the study highlighted instances where officials performed their victims' rights duties well, even in the absence of a statute mandating such duties.



But, when asked the follow-up question of whether this right was provided by law, policy, or practice, large percentages of officials indicated that they believed they were implementing a right that was required as a matter of law, even though no such law existed. This would seem to indicate that the willingness of criminal justice officials to perform victim related duties and services is directly linked to statutes which mandate such conduct.

While this project demonstrated the importance of statutes mandating the provision of crime victims' rights, the statutory analysis component also brought to light the uneven quality and quantity of victims' rights when compared from state to state. While a tremendous number of victims' rights statutes have been passed across the country, this study demonstrated a considerable amount of inconsistency in the provisions of just the four issue areas of rights examined here. As was noted earlier, many of the states that ranked at the top of the scale overall had at least one weak issue area of victims' rights, while many of those at the bottom of the scale had strong provisions in a particular area. It appears that the quality and nature of rights a victim is entitled to depend largely on what side of a state line the victim was standing at the time of the offense. Thus, this project illustrates the need for greater uniformity in providing basic rights to crime victims.

## 2. Knowledge of Victims' Rights Laws:

What criminal justice officials and victims know or don't know about victims' rights affects their conduct with respect to those rights. Criminal justice officials are not likely to enforce victims' rights statutes if they are unaware they exist. Nor is it likely the victims will attempt to assert rights they do not realize they have.

Thus, education and communication concerning victims' rights are essential if such rights are to be effectively implemented. Officials and victim advocates from every level stressed the need for better education and/or training regarding crime victims' rights, not only for officials and for crime victims, but for members of the general public as well. One respondent from the survey of CJS/victim service professionals recommended the state "establish programs aimed to educate the public about where to go and how to have rights assured."

The survey of local criminal justice officials and victim service professionals showed a lack of awareness of victims' rights and how they are implemented. For the majority of victims' rights questions asked, a substantial number of officials incorrectly identified the source of the right as a statute, policy, or practice. If such officials are mistaken about whether or not a right is mandated by law, it is highly unlikely that they are aware of what the law specifically requires of them.





While dozens of examples might be cited, one stands out as the most indicative of the education gap regarding victims' rights. One-third of all CJS/victim service professionals surveyed responded incorrectly when asked whether or not their state had a constitutional amendment that enumerated the basic rights of crime victims. This finding has important implications for both officials and victims. If officials who work within the criminal justice system are unaware of constitutional amendments that charge them with victim-related responsibilities, it seems unlikely that those same officials will know what victim-related *statutes* might require of them. More importantly, how likely is it that victims will be afforded their rights by criminal justice officials who are unaware of what those rights are? Furthermore, where a substantial number of criminal justice professionals are unaware of victims' rights laws, how likely is it that victims, who have no prior experience with the criminal justice system, will ever learn of their rights?

The surveys also highlighted the apparent state of confusion among criminal justice officials over which official was responsible for carrying out specific rights under the law. For example: approximately one in three victims in strong protection states and almost half of those in weak protection states reported that they were not given information about the status of the on-going investigation in their case. The fact that almost equal numbers of CJS/victim service professionals indicated that such information could have come from any one of three sources (law enforcement, prosecutors, or victim/witness advocates) indicates considerable confusion and/or overlap with respect to which agency has the responsibility for providing this information.

This same state of confusion was apparent at several other junctures in the process as revealed by the responses of CJS/victim service professionals themselves. One state level official noted that there were different expectations regarding the provision of victims' rights in each agency, and "nothing gets done when they pin responsibility on each other."

These findings clearly illustrate the need for better training and education with regard to victims' rights laws across the entire spectrum of criminal justice officials. Such education should be incorporated into the initial training curriculum for all professionals in the criminal justice process, but there is clearly a need to educate professionals already in the field as well. In addition, programs to provide for continuing education will be necessary to keep such professionals apprised of the constant changes in victim-related laws in their respective states.

While educating criminal justice officials may be the best way to increase the awareness of crime victims' rights among victims themselves, other means of educating victims might be worth considering. Indeed, educating victims before they become victims through a broader public education program would not only reduce the responsibility of criminal justice officials to perform this function, but would also increase public support for their efforts.



### 3. The Role of Resources in the Implementation of Victims' Rights:

Even when criminal justice officials know what the law requires of them, they may not have the means to carry out their duties under that law. Resource limitations were cited by officials as the most common reason they were unable to carry out their duties. This might well explain why the notice rates as reported were relatively low at numerous points along the criminal justice continuum.

One suggested solution would involve the development and implementation of an information tracking and accounting system. If policy makers and criminal justice administrators had a better idea of what resources they are currently spending to implement victims' rights (i.e., time, money, manpower, etc.) and how those resources were being spent, they would be in a better position to allocate resources in a way that maximizes the impact of every dollar or hour spent.

Policy makers might also consider the extent to which greater resources are necessary to fully implement existing laws. A majority of officials supported various suggested funding mechanisms. But unless policy makers are willing to pass laws establishing such mechanisms, the issue will remain one of funding priorities as judged by the criminal justice officials themselves.

Many would argue that the lack of resources allocated to the implementation of victims' rights reflects the low priority such matters are given by criminal justice officials. If this is the case, the challenge for victims and their advocates may be to convince those making allocation decisions that victims' rights should be a higher priority. Given the growing public concern over victims' rights as expressed through their elected officials, such re-prioritizations seem more likely today than at any other time in recent years.

The study seems to indicate that when criminal justice officials *do* choose to make a victims' right a priority, for whatever reason, full implementation of that right is indeed possible. For example, some of the highest rates of compliance recorded during the study concerned informing victims of the time, date and place of the trial – the one proceeding where the victims' involvement as a witness is often essential to the successful prosecution of the case. Any barriers involved in providing such notice were obviously overcome by criminal justice officials in such situations. Yet, when these officials faced similar notice challenges, such as in providing notice of the trial outcome, performance rates seemed to drop dramatically.

The solution to the resource priority problem may rest, once again, with education. The more criminal justice officials know about victims' rights and their importance to crime victims, the more likely criminal justice officials will be willing to find the resources necessary to implement them.



Furthermore, once those local criminal justice officials who are in elected positions recognize the impact of crime victims' rights on victim satisfaction with their agency and its impact on their public image, they may have additional incentive to pursue the necessary resources.

#### 4. Motivation/Enforcement to Ensure Victims' Rights:

Even where strong laws exist and are fully understood, and where adequate resources are available, some criminal justice officials may still lack the will or motivation to carry out their responsibilities with respect to victims' rights statutes. Policy makers and administrators may need to initiate policies and procedures that will allow them to better track the compliance of officials with statutory mandates. A simple certification process that requires criminal justice officials to validate in written form the fact that they have properly executed their duty (i.e., submit copies of notice letter to the case file, maintain a contact log, etc.) would allow administrators, officials, and other parties to track the performance of criminal justice officials in this regard. Several of the CJS/victim service professionals surveyed specifically suggested this approach.

Without such a tracking system, performance cannot be easily measured and policy makers and administrators will be unable to improve the implementation or adjust resource allocations in order to maximize performance. What is more, criminal justice officials themselves will be unable to determine whether they are in compliance with victims' rights laws.

However, for those criminal justice officials who know their duties and have the means to carry them out, yet simply refuse to do so, the only alternative may be to give victims the right to enforce their rights.

A large number of officials actually supported a variety of enforcement mechanisms suggested in the survey. A third of all local CJS/victim services professionals surveyed supported giving victims the right to bring injunctive or declaratory actions against officials who fail to provide victims with the rights they are entitled to by law. Nearly a third supported giving victims the right to bring civil suits for money damages against officials who deny them their rights. Almost half the CJS/victim service professionals supported the idea of giving victims the right to pursue disciplinary actions against themselves and their fellow professionals for failing to give victims their rights. This may prove enlightening to both policy leaders and advocates who are considering giving victims remedies to enforce their rights.

Thus, key implications for policy makers center around: the passage of strong laws; education regarding crime victims' rights; resources to implement rights; and enhancing motivation and/or allowing for the enforcement of victims' rights.



Policy Implications from the Project Process

In addition to the foregoing broad policy implications, some narrower implications can be drawn from the attempts by project staff to carry out this project. This project initially contemplated the inclusion of six states — three from the top of the scale and three from the bottom. However, project staff encountered such difficulty obtaining access to victim contact information that the number of states was reduced to four.

One of the difficulties in obtaining victim information was the inherent limitations of current record keeping practices within the criminal justice system. From the condition of the crime victim contact lists obtained in the course of this project (in particular, material provided by corrections departments) it is evident that there are significant problems in maintaining current victim contact information. Even in State S1, with its strong record of victims' rights and services, the victim information was out of date. Of the 2500 letters sent to crime victims, several hundred were returned of bad addresses.

The problem was even more marked in other states. Of the 5,000 names provided by State W2, telephone matching programs could only supply numbers for 1,557 persons. Most of the remainder were no longer listed at the address on file. In another state whose victims' rights legislation received strong scores, the 713 victim names provided resulted in only 250 valid telephone numbers — and of those, only 45 victims were reachable.<sup>25</sup>

If victim contact information maintained by the criminal justice system is not current, then victims cannot receive the notice to which they are entitled, and which they have clearly requested.

From our inability to obtain victim contact information, we also learned of the poor state of record keeping in corrections departments. Even in states that ranked near the top for strong legal protection of crime victims' rights, many did not have centralized records, and many more did not have their records computerized. Throughout our initial inquiries among numerous states, corrections departments reported that they would have to manually pull crime victim contact information from their records, and often that the staff person assigned that task would have to travel to various institutions to collect the necessary victim records. Matters were even worse in the states with the weakest crime victim protections. One corrections department official described her records as "four hundred pieces of non-computerized paper." Another, newly designated victim assistant reported that she was keeping her crime victim information in a shoebox.<sup>26</sup>

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<sup>25</sup> As a result of the poor quality of its victim contact information, this state was removed from consideration as a participating state.

<sup>26</sup> As a result of NVC's contact, this official was provided with materials to assist her in developing her program and received referrals to persons willing to act as mentors from other states.





Such systemic problems raise the inevitable question: how are corrections officials managing to fulfill their duties to provide notice to crime victims? How can they coordinate the transfer of crime victim contact information to the parole board so that the parole board might fulfill its requirements? Policy makers and criminal justice administrators might consider the adoption of a vertically integrated case tracking system, one which tracks offenders and victims in tandem as a case moves through the criminal justice system. In such a system, crime victims would be incorporated into the record keeping of the criminal justice system at the outset of the case, and notification would be automatically triggered at various points throughout the process. Even without a unified system, many records departments in corrections programs may still benefit from improved technology. Providing those departments with the means to computerize their records would dramatically increase productivity and would likely increase their compliance with victim-related statutes.

Another reason that states were unable or unwilling to participate was confidentiality concerns regarding victim contact information. Such confidentiality restrictions serve to prevent the kind of quality control that a project of this nature provides. Many statutes protecting the confidentiality of certain classes of records provide exceptions for researchers. Policy makers may wish to consider extending such exceptions to statutes that protect the confidentiality of crime victim information maintained by the criminal justice system.

This project also initially contemplated a review of criminal case files, to draw objective data about the frequency with which crime victims are provided their rights. NIJ had specifically requested the inclusion of such information in order to provide objective verification of the information the surveys were intended to provide. It was anticipated that files would contain indications of victim notification and participation. However, two clerk of court case reviews run by SRBI demonstrated the impracticability of such a process. Access to clerk of court files was extremely cumbersome. Moreover, the files reviewed contained very little documentation of the information sought.

In the absence of better documentation and improved record keeping, it is unlikely that completely objective data regarding the provision of crime victims' rights can be obtained. Criminal justice officials might consider implementing procedures to require such documentation.

#### Research Implications

As was noted many times in this report, criminal justice officials are often unaware of the existing crime victims' rights provisions in their state. Additional research should be conducted to determine the extent to which increased training of officials would correlate with increased implementation of victims' rights. Research into the effectiveness of judicial training might be particularly valuable, since judges can have a greater influence on the enforcement of victims' rights provisions than other classes of criminal justice professionals.



The impact of the lack of knowledge of criminal justice officials regarding victims' rights might also be explored. If criminal justice officials do not understand the law, could it be that some of them are not simply failing to inform victims, but are actually *misinforming* victims? If so, could this impact the victim's participation and satisfaction with the criminal justice system?

The lack of updated victim contact information maintained by corrections departments raises several questions suitable for additional research. The first is whether the problem is a result of actions or omissions by the criminal justice system or actions or omissions by the crime victims themselves. If criminal justice officials are failing to administratively maintain victim information, what procedures could be instituted to correct this failing?

If victims are not maintaining their personal information, what are the reasons? Are they aware of their duty to keep their contact information current, and are they provided an address or telephone number for postconviction agencies such as parole or corrections? If victim services are institutionalized at the postconviction level, are victims more likely to maintain their contact information? If the criminal justice system takes the initiative, could it obtain updated information every six months?

Another research question arises if victims are aware of their duty to maintain their contact information, and are aware of the means to do so. What is the reason, then for failing to maintain contact information? Might victims not understand the speed with which an offender becomes eligible for release, and assume there is no urgency to update their information? Are victims concerned that the offender might have access to their contact information? Or is it simply that these crime victims do not wish to be involved with the process any longer?

Restitution appears to be denied to victims on a broad scale, regardless of legislation. Due to the complexities of the issue, the area of restitution presents many research possibilities. There are many points along the restitution chain that could be weak. For example, do courts have sufficient information about the victims' losses and the offenders' assets or ability to earn? Judges indicated that they did not order restitution because it was not requested or they did not have information regarding the victim's loss. Would the institutionalization of procedures to gather and present such information increase the frequency with which restitution is ordered?

Are restitution orders being efficiently forwarded to the agency charged with collection and tracking of payments? Is that agency able to maintain victim contact information? Does the agency with control of the offender have the means to enforce restitution orders? Research should be conducted to determine effective means to administer and enforce restitution orders.



Other areas for future research concern special populations. The results of the victim survey indicate some differences in treatment and/or perception of women, African-Americans and the poor. In fact, since the study included only victims who had reported the offenses, the disparity may be much greater. More must be done to ensure that all victims are served by our criminal justice system, and the exact nature and causes of any such disparate treatment must be explored in-depth.

The victim populations from the strong states included proportionately more women. Research should be considered to determine the possible reasons. Is this related to the stronger victims' rights laws, either directly by making it easier for women to feel protected and better informed, or indirectly by simply making the criminal justice system more victim friendly? This would be worth exploring. For the crimes that most often affect women (sexual assault, assault in the nature of domestic violence) their decision whether to report may depend on conversations with a counselor, and it could be the rape crisis or domestic violence crisis counselor's opinion of the criminal justice system that influences the victim's decision to report the offense.

A broader research question would explore the relationship of the state's makeup and history to its laws. What are some of the underlying, socio-political realities that may lead a state to enact strong crime victim protections to begin with? Are those factors more likely to lead to better treatment (or, conversely, poorer treatment of victims) even in the absence of statutes?

As mentioned earlier, one of the limitations of this study is that it focuses on the opinions and recollections of individual players. A large proportion of the variance in attitudes may not be explained by the variables mentioned here. Future research might address how some of the other important variables might influence attitude.

Objective information, hard data, may prove more useful than data based on opinions and recollection. Perhaps there are some jurisdictions that utilize methods of tracking, certification, etc., that would provide objective statistical information about the provision of victims' rights. In undertaking an examination of any available objective data, future researchers should be mindful of the impact that the existence of a tracking mechanism may itself have on compliance.

Another ground for possible future research is the link between the passage of time and a victim's satisfaction with the criminal justice system. As victims move through the process of readjustment, what impact does the passage of time and their different levels of healing have on their perceptions?

These are just a few of the discrete areas of research that the results of this project suggest. In addition, on a broad scale, researchers should consider replicating this study in every state, to provide a way to measure the effectiveness each state's statutes.



#### IV. CONCLUSION

This project has demonstrated the relationship between strong victims' rights laws and increased implementation of victims' rights — that the quantity and quality of victim-related laws have a strong impact on the quantity and quality of rights crime victims actually enjoy. It has also demonstrated the link between provision of crime victims' rights and victim satisfaction with the criminal justice system. Finally, it has brought to light many of the suggestions for improvement of victims' rights made by the individuals who have experience with the provision of crime victims' rights. It is hoped that advocates and policy makers will find guidance in this data, and will use it to further the establishment and implementation of effective crime victims' rights.





## PROJECT WORKING GROUP BIOGRAPHIES

HELEN G. CORROTHERS Helen Corrothers served as the President of the American Correctional Association in 1992. She currently serves on the ACA Victim Issues Committee. From 1985 to 1991, Ms. Corrothers served as Commissioner on the United States Sentencing Commission. Previously, she was appointed to the United States Parole Commission, and has served on numerous local, state, and federal policy-making boards. Ms. Corrothers has extensive experience in the criminal justice field. She has been a faculty member at numerous regional training conferences, including the National Victim Center's *Corrections and Crime Victims Project Series*, which was funded through the U.S. Department of Justice Office for Victims of Crime.

Susan W. Hillenbrand Ms. Hillenbrand has worked for the American Bar Association (ABA) for over 10 years and currently is director of special projects for the ABA's Section for Criminal Justice, where she has served in various positions since 1980. During her tenure, Ms. Hillenbrand has contributed to a variety of victim assistance research projects and publications. She also has served as a consultant to the National College of the Judiciary and as a contractor for the U.S. Department of Labor, Office of the Assistant Secretary for Policy, Evaluation, and Research. Ms. Hillenbrand holds a bachelor's degree in political science from Marymount College in Tarrytown, N.Y. and a certificate from the Paralegal Institute in New York, N.Y.

MICHAEL INSCO Mr. Insko has been a criminal practitioner for 20 years. For thirteen years, he served as the elected prosecutor of Buchanan County, Missouri, a post which he left in 1991. He continues to serve as a special prosecutor in the State of Missouri. In 1977 while a prosecuting attorney, he started the first prosecutorial victim/witness assistance program in the four state region of Missouri, Kansas, Nebraska, and Iowa. He is a former president of the Missouri Prosecuting Attorneys Association and Chairman of the Missouri Office of Prosecution Services. He was instrumental in the passage of Missouri's Constitutional Amendment for Victims' Rights. He has also served on numerous state and national task forces, boards, and commissions, including the U.S. Parole Commission, Victim Services Advisory Panel and the Missouri Governor's Crime Commission.

VICTORIA O'BRIEN Ms. O'Brien joined the staff of the Office for Victims of Crime (OVC) in May, 1990 as a general attorney. She has served as Director of Operations of OVC's Special Projects Division. That division is responsible for providing victim service providers and criminal justice system professionals with training and technical assistance support. Ms. O'Brien served as a legal advisor and grant monitor at the Legal Services Corporation from



1985 to 1990. Prior to that time, she was an associate at a small, general practice law firm located in Chicago, Illinois. She obtained a Juris Doctorate from Loyola University Law School of Chicago and a bachelor of arts degree from Denison University in Granville, OH. In 1980, Ms. O'Brien served as a VISTA community organizer in Denver, CO.

SENATOR BILL VAN REGENMORTER Senator Van Regenmorter has been a member of the Michigan State Legislature for the past 13 years, first as a member of the Michigan House of Representatives and currently in the Senate. The Senator has been the architect of a wide variety of victim-related legislation, including the state's first Victims' Bill of Rights more than a decade ago, regarded by many as the most comprehensive in the nation, and Michigan's Constitutional Amendment for Victims' Rights, which has served as the model for many other states who have passed similar measures. Senator Van Regenmorter has been the recipient of numerous awards, including the National Victim Center's 1996 *Legislative of the Year Award*.



**D. CONTENTS OF VICTIM IMPACT STATEMENT AT SENTENCING**

- 10 pts.

Impact of offense - 4 pts.

physical, emotional, financial, social(change in familial relationships or  
personal welfare - 1 ea.)

Opinion re. sentencing/expressing views - 3 pts.

Evidence in aggravation/version of events - 1 pt.

Need for restitution - 1 pt.

Need for/receipt of compensation - 1 pt.

**TOTAL** \_\_\_\_\_

**II. SPECIFICITY OF LANGUAGE - 10 pts.**

(2 pts. possible - 2 for yes, 1 for very general terms only, 0 for no)

Elements of victim impact statement specified? \_\_\_\_\_

Victim defined? \_\_\_\_\_

Offense specified? \_\_\_\_\_

Use of impact statement specified? \_\_\_\_\_

Confidentiality/availability of impact statement specified? \_\_\_\_\_

**TOTAL** \_\_\_\_\_



**III. STRENGTH OF PROVISION - 10 pts. - average of each of the following subcomponents**

(A + B + C + D)

**A. IS PROVISION OF RIGHT TO BE HEARD MANDATORY - 10 PTS.**

(assign highest score applicable)

if mandatory or guaranteed by Constitution - 10 pts.

if mandatory with conditions - 7 pts.

if discretionary - 4 pts.

**B. IS DUTY OF CJO TO CONSIDER VICTIM STATEMENT MANDATORY**

- 10 pts.

at all proceedings where victim has right to be heard - 10 pts.

at sentencing only - 4 pts.

at parole only - 4 pts.

**C. IS THERE ANY ENFORCEMENT MECHANISM - 10 pts.**

(assign highest score applicable)

if victim has any right of enforcement - 10 pts.

some recourse for victim, short of enforcement, or assigns CJO a duty to enforce - 7 pts.

appears to leave the door open for injunctive relief - 3 pts.

**D. PRIVACY/CONFIDENTIALITY PROTECTIONS FOR VICTIM IMPACT STATEMENT - 10 PTS.**

(assign highest score applicable)

complete confidentiality, no rebuttal, no cross-examination - 10 pts.

reveal to defense counsel without identifying information - 8

reveal to defense counsel without removing identifying information - 7

reveal to defendant without identifying information - 6

reveal to public without identifying information - 5

reveal to defendant or public without removing identifying information - 2

for allowing cross-examination - -2pts.

for allowing rebuttal - -1 pt.





STATE \_\_\_\_\_

**RESTITUTION SCORING - ranking criteria**

**OVERALL COMPREHENSIVENESS** - an average of the following four 10 pt. subcomponents:

1. enforcement/payment - 10 pt scale

enforced as civil judgment - 5 pts. \_\_\_\_\_

(only as lien, 1, just freeze bank account, 1 attach assets, 1)

fine used to pay - 1 pt. \_\_\_\_\_

bail used to pay - 1 pt. \_\_\_\_\_

paid by work wages - 3 pt. \_\_\_\_\_

TOTAL \_\_\_\_\_

2. damages recoverable - 10 pt scale

all econ. damages - 9 pt. \_\_\_\_\_

(medical, long-term med., counseling, lost wages, burial, property loss,

prosthetics, dental, physical therapy -- 1 ea.)

punitives - 1 pt. \_\_\_\_\_

TOTAL \_\_\_\_\_

3. when it can be ordered - 10 pt scale

sentencing - 6 pts. \_\_\_\_\_

probation - 1 pt. \_\_\_\_\_

parole - 1 pt. \_\_\_\_\_

juvenile disposition - 1 pt. \_\_\_\_\_

pre-trial diversion - 1 pt. \_\_\_\_\_

TOTAL \_\_\_\_\_



4. who is entitled to restitution - 10 pts.

victim - 6 pts.

(victim of felonies only - 3, only certain other classes of victims 2)

survivors of victim - 2 pts.

3rd parties - 2 pts.

TOTAL

**SPECIFICITY - 10 pts.**

2 pts each possible - 2 for yes, 1 where the terms used are very general, 0 for no

\* Does a certain entity administer restitution?

\* Are there specific enforcement procedures if defendant fails to pay?

\* Does the law specify what damages may be the subject of restitution?

\* Does the court provide for modification?

\* May the court/other set a schedule for payments?

TOTAL

**STRENGTH OF PROVISION**

**MANDATORY/DISCRETIONARY - (assign highest score applicable)**

If court must order restitution and must order full damages - 10 pts.

If mandatory, court must make statement for failure to order full damages - 9 pts.

If restitution mandatory/court may order reduced damages - 8 pts.

If restitution mandatory, court must make a statement for failure to order - 7 pts.

If mandatory restitution very limited (only when probation ordered, etc.) - 6 pts.

If court has discretionary authority to order restitution - 4 pts.



**PROTECTION OF CRIME VICTIMS RIGHTS: VICTIMS' SURVEY**

INTERVIEWER: \_\_\_\_\_ Date: \_\_\_\_\_

TELEPHONE #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

DESIGNATED RESPONDENT: \_\_\_\_\_  
-----

SAMPLE READ IN: CLASSIFICATION OF CRIME

Assault/physical assault.....1  
Robbery/armed robbery.....2  
Sexual assault/rape.....3  
Family of homicide victims.....4

Hello, I'm \_\_\_\_\_ from SRBI, the national survey research organization. May I speak to (designated respondent)?

**RESPONDENT INTRODUCTION**

Hello, I'm \_\_\_\_\_ from SRBI, the national survey research organization. We are conducting a study for the National Institute of Justice. The purpose of the study is to help understand how well the needs of crime victims are being met by the police, courts and other government agencies. In order to really know what works well and what needs to be done, we are interviewing people who have been involved as victims or relatives of victims in criminal cases. All of your answers will, of course, be strictly confidential. If you wish to confirm the authenticity of this study, you may call our toll free number 1-800-772-9287.

(IF ASKED HOW NAMES OBTAINED: The sample was drawn from public court records around the country.)

A. According to court records, (you were/a member of your family was) a victim of \_\_\_\_\_ within the past several years. Is that correct?

Yes.....1 **SKIP TO Q.1a**  
No.....2

B. Have you or another member of your household ever been victims of a serious crime?

Yes, but different crime.....1  
No, not a victim.....2 **CONFIRM NAME AND ADDRESS; IF SAME AS SAMPLE, THANK AND END.**

C. What was the nature of the crime? Was it... [READ]?

Assault/physical assault.....1  
Robbery/armed robbery.....2  
Sexual assault/rape.....3  
Family of homicide victims.....4  
NONE OF THESE.....5

**SCREEN OUT Q.C**



[DUMMY QUESTION: CRIME IN SAMPLE READ IN OR C IF B=1]

1a. Were you the victim or was it someone else?

Respondent.....1      **SKIP TO Q2a**  
Other.....2

1b. What was the relationship of the (victim/other person) to  
you? OTHER PERSON WAS RESPONDENT'S:

Husband.....1  
Wife.....2  
Son/stepson.....3  
Daughter/stepdaughter.....4  
Brother.....5  
Sister.....6  
Grandson.....7  
Granddaughter.....8  
Father.....9  
Mother.....10  
Other (SPECIFY) .....11

[IF CRIME IS "HOMICIDE" CONTINUE. IF "CRIME" IS NOT HOMICIDE AND Q1A=2, THEN  
ASK TO SPEAK TO THAT PERSON]

2a. How long ago did the (crime) occur?

Within the past year.....1  
One, less than 2 years ago.....2  
Two, less than 3 years ago.....3  
Three or more years ago.....4  
Not Sure.....5

2b. In what month did the (crime) occur?

JANUARY.....1  
FEBRUARY.....2  
MARCH.....3  
APRIL.....4  
MAY.....5  
JUNE.....6  
JULY.....7  
AUGUST.....8  
SEPTEMBER.....9  
OCTOBER.....10  
NOVEMBER.....11  
DECEMBER.....12  
NOT SURE.....13

3. When the (crime) happened, was it in the morning, afternoon, evening, or  
nighttime?

MORNING.....1  
AFTERNOON.....2  
EVENING.....3  
NIGHTTIME.....4





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4. Where were you [person in 1b if victim is other than respondent] when this happened? At home, outside in your (his/her) neighborhood, or somewhere else?

HOME.....1  
NEIGHBORHOOD.....2  
SOMEWHERE ELSE..3  
(SPECIFY) \_\_\_\_\_

- 5a. Was one person responsible for this crime, or was there more than one person?

ONE.....1      SKIP TO Q.6  
MORE THAN ONE.....2  
NOT SURE.....3      SKIP TO Q.6

- 5b. How many persons were involved? [Your best estimate is fine.]

\_\_\_\_\_ NUMBER OF PERSONS INVOLVED

- 5c. Was this a gang?

YES.....1  
NO.....2

6. Was (were) the person(s) male or female?

MALE.....1  
FEMALE.....2  
BOTH.....3

(SEX OF DEFENDANT TO BE PROGRAMMED FOR USE IN LATER QUESTIONS)

- 7a. About how old was this person? (If more than one person, ask: About how old was the oldest person?)

\_\_\_\_\_ YEARS      SKIP TO Q.8a  
NOT SURE.....98      ASK Q.7b

- 7b. Was this a child, teenager or adult?

CHILD.....1  
TEENAGER.....2  
ADULT.....3

- 8a. Did you know the person (or persons) who committed the crime or was it a stranger?

Knew person.....1  
Stranger.....2      SKIP TO Q.9  
Don't know (didn't see them) .....3      SKIP TO Q.9



8b. Was this person a relative, a friend, a co-worker or someone else?

Relative.....	1	[CONTINUE WITH Q.8c]
Boyfriend/Girlfriend.....	2	-
Friend.....	3	-
Co-worker.....	4	-
Neighbor.....	5	-
Other (SPECIFY).....	6	-
Not sure .....	7	-
Refused.....	8	-

SKIP TO Q.9

8c. What was the relationship of this person to you?

Husband.....	1
Wife.....	2
Ex-husband.....	3
Ex-wife.....	4
Father.....	5
Mother.....	6
Brother.....	7
Sister.....	8
Other (SPECIFY).....	9
Not sure .....	10
Refused .....	11

[HOMICIDE VICTIMS SKIP TO Q15]

9. Did the person who committed the crime have a weapon, such as a gun or knife, or something that was used as a weapon?

Yes, had weapon.....	1
No, didn't have.....	2
Not sure.....	3

10. Did the offender threaten you in any way?

Yes, threatened.....	1
No, but felt threatened.....	2
No, not threatened.....	3
Not sure.....	4

11. Did the offender(s) physically attack you?

Yes.....	1
No.....	2
Not sure.....	3



12. While the crime was being committed did you feel that you were in real danger of being seriously injured or killed?

Yes.....1

No.....2

13. Were you physically injured during the incident?

Yes.....1

No.....2 **SKIP TO Q15**

14. How would you describe the seriousness of those physical injuries?  
Would you say that they were... [READ]?

Very serious.....1

Somewhat serious.....2

Not too serious.....3

Not at all serious.....4

[VOL] Victim killed.....5

Now, let me ask you a few questions about your experience with the police in this case.

15. Overall, did the police officers... [READ ITEM]?

	Yes	No	Not Sure
a. Try to be polite to you?.....1		2	3
b. Seem to care about what happened to you?.....1		2	3
c. Show an interest in your feelings?.....1		2	3
d. Give you a chance to just talk about what happened?.....1		2	3
e. Seem interested in catching the offender?.....1		2	3
f. Try to gather all the evidence necessary?.....1		2	3

16. Were you given information about or a referral to a victim services organization?

Yes.....1

No.....2

17. Did you contact or were you contacted by a victim services organization?

Yes.....1

No.....2



18a. After the police left, did you feel that you and your family were kept informed about the progress of the police investigation?

Yes.....1  
No .....2 **SKIP TO Q.19a**  
Not sure .....3 **SKIP TO Q.19a**

18b. Who kept you informed about the progress of the investigation?

Police.....1  
Prosecutor's office.....2  
Victim/witness advocate.....3  
Other (SPECIFY) .....4

19a. Was anyone ever arrested for the crime?

Yes.....1  
No.....2 **PROBE FOR DETAILS; THEN SKIP TO Q.67**  
[VOL] Not sure.....4 **PROBE FOR DETAILS; THEN SKIP TO Q.67**

19b. Were you or was anyone in your household ever informed that someone had been arrested?

Yes.....1  
No .....2 **SKIP TO Q.21a**  
Not sure .....3 **SKIP TO Q.21a**

19c. Who informed you that the defendant was arrested?  
(MULTIPLE RECORD)

Police.....1  
Prosecutor's office.....2  
Victim/witness advocate.....3  
Family/friends.....4  
Other (SPECIFY) .....5  
Not sure .....6

ASK Q19d ONLY IF 1,2, OR 3 NOT GIVEN AS RESPONSES IN 19c

19d. Did any office or official inform you?

Yes.....1  
No.....2

19e. Who was that?

Police.....1  
Prosecutor's office.....2  
Other (SPECIFY) .....3





20. Often, after an arrest, a hearing is held to consider releasing the defendant. In most states, this is called a bond or bail hearing. Did the person who was arrested have a hearing to consider whether he/she would be released on bond or bail?

Yes.....1  
No.....2 SKIP TO Q.24  
Not sure.....3 SKIP TO Q.24

- 21a. Did anyone from the courts or prosecutor's office talk to you about your wishes concerning the release on bail?

Yes.....1  
No .....2 SKIP TO Q.22a  
Not sure .....3 SKIP TO Q.22a

- 21b. Who talked with you?

Police.....1  
Prosecutor/Prosecutor's office.....2  
Victim/witness advocate.....3  
Judge.....4  
Other (SPECIFY) .....5  
Not sure .....6

- 22a. Were you informed that you could make recommendations concerning the defendant's release on bond?

Yes.....1  
No.....2  
Not sure .....3

- 22b. Did the Prosecutor's office or police encourage you to make recommendations at the bond hearing, discourage you from making recommendations, or neither?

Encouraged.....1  
Discouraged.....2  
Neither.....3

- 22c. Did you actually make a recommendation concerning the defendant's release on bond?

Yes.....1  
No.....2 SKIP TO Q.23a

- 22d. Did you feel that your recommendations had an impact on the outcome of the bond hearing?

Yes.....1  
No.....2  
Not sure [AFTER PROBE FOR BEST GUESS]...3



23a. Were you informed about the bond hearing before it happened or not?

Yes.....1  
No.....2   SKIP TO Q24a  
Not sure.....3   SKIP TO Q24a

23b. Who informed you about the bond hearing?

Police.....1  
Prosecutor/Prosecutor's office.....2  
Prosecutor's Victim/witness advocate.....3  
Other Victim/witness advocate.....4  
Court.....5  
Own attorney.....6  
Family/friend.....7  
Other (SPECIFY).....8  
Not sure .....9



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24a. Was the defendant ever released from jail on bond (e.g., let out on bail) before there was a final decision about what would happen in the case?

Yes.....1  
No .....2 SKIP TO Q.25a  
Not sure .....3 SKIP TO Q.25a

24b. Were you informed about the defendant's release by anyone, other than friends or relatives?

Yes.....1  
No.....2 SKIP TO Q.24d  
Not sure.....3 SKIP TO Q.24d

24c. Who informed you about the defendant's release?

Police.....1  
Prosecutor/Prosecutor's office.....2  
Victim/witness advocate.....3  
Other (SPECIFY) .....4  
Not sure .....5

24d. How concerned were you about your safety or the safety of other family members as a result of the defendant's release on bond? Were you... [READ]?

Very concerned.....1  
Somewhat concerned.....2  
Not too concerned.....3  
Not at all concerned.....4

24e. Were you informed by the Prosecutor's office or the police of your right to protection from intimidation and harm, and how to obtain that protection?

Yes.....1  
No.....2  
Not sure .....3

25a. In certain cases, a grand jury hearing is held to determine whether there should be a trial. This is sometimes called an indictment. In this case, was there a grand jury hearing on whether or not the defendant should be tried?

Yes, grand jury hearing.....1  
No.....2 SKIP TO Q.26a  
Not sure.....3 SKIP TO Q.26a

25b. Were you informed in advance about the grand jury hearing on whether the defendant should be tried?

Yes.....1  
No.....2 SKIP TO Q.26a  
Not sure.....3 SKIP TO Q.26a



25c. Who informed you about the grand jury hearing?

Police.....1  
Prosecutor/Prosecutor's office.....2  
Prosecutor's Victim/witness advocate.....3  
Other Victim/witness advocate.....4  
Court.....5  
Own attorney.....6  
Family/friend.....7  
Other (SPECIFY)

.....8  
Not sure .....9

25d. Were you informed about the time and place this hearing would be held?

Yes.....1  
No.....2  
Not sure.....3

25e. Did the Prosecutor's office encourage you to attend the grand jury hearings, discourage you from attending, or neither?

Encouraged.....1  
Discouraged.....2  
Neither.....3  
Not sure .....4

25f. Did you actually attend the grand jury hearings?

Yes.....1  
No.....2 SKIP TO Q.26a

25g. Did you feel that your attendance had an impact on the outcome of the grand jury hearing?

Yes.....1  
No.....2  
Not sure .....3





26a. Did the case go to trial?

Yes.....1 SKIP TO Q. 30a

No.....2

26b. Did the defendant enter some plea?

Yes.....1

No.....2 SKIP TO Q. 26c.

What was it?

Guilty to main crime

Guilty to lesser charges

Not guilty

26c. Was the case dropped?

Yes.....1 SKIP TO Q. 28e

No.....2

26d. What happened to the case?

[VOL] Trial is pending/trial hasn't happened yet.....1

[VOL] Not sure/have no idea.....2

OTHER [SPECIFY].....3

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[ALL RESP. ASKED Q.26D SHOULD GO TO Q.60a]



[IF PLED GUILTY, "YES" IN Q.26b]

27a. Did the defendant plead guilty to the main crime he or she committed against you or was he or she allowed to plead guilty to lesser crimes (i.e. plea bargain arrangement)?

Pled guilty to main crime.....1 SKIP TO Q.28e

Pled guilty only to lesser crimes.....2

Not sure.....3

27b. Were you informed that the prosecutor might let the defendant plead guilty to lesser crimes?

Yes.....1

No .....2 SKIP TO Q.28a

Not sure .....3

27c. Who informed you that the defendant might be allowed to plead to lesser crimes?

Police.....1

Prosecutor's office.....2

Victim/witness advocate.....3

Judge.....4

Other (SPECIFY).....5

Not sure .....6

28a. Were you given an opportunity to talk with the prosecutor about whether or not a plea to lesser charges should be accepted?

Yes.....1

No .....2 SKIP TO Q.28e

Not sure .....3

28b. Who talked with you about it?

Police.....1

Prosecutor's office.....2

Victim/witness advocate.....3

Judge.....4

Other (SPECIFY).....5

Not sure .....6

28c. How much impact do you believe that your discussion with the Prosecutor had on the outcome of the case -- a lot, some, only a little or none?

A lot.....1

Some.....2

Only a little.....3

None.....4

Not sure [AFTER PROBE FOR BEST GUESS].....5



28e. Do you think that the case should have gone to trial?

Yes.....1      SKIP TO Q.41a  
No.....2      SKIP TO Q.41a

[IF CASE WAS DROPPED BEFORE TRIAL, "YES" IN Q.26C]

29a. Did anyone talk with you about whether or not the case should be dropped?

Yes.....1  
No.....2      SKIP TO Q.29c  
Not sure.....3

29b. Who talked with you about it?

Police.....1  
Prosecutor's office.....2  
Victim/witness advocate.....3  
Judge.....4  
Other (SPECIFY) .....5  
Not sure .....6

29c. Did you ask for the case to be dropped?

Yes.....1  
No .....2      SKIP TO Q.29e  
Not sure .....3      SKIP TO Q.29e

29d. Who did you ask to drop the case?

Police.....1	-	SKIP TO Q60a
Prosecutor's office.....2	-	
Victim/witness advocate.....3	-	
Judge.....4	-	
Other (SPECIFY) .....5	-	
Not sure .....6	-	



29e. Were you informed that the case was dropped or going to be dropped?

Yes.....1  
No .....2     **SKIP TO Q. 29g**  
Not sure .....3

29f. Who informed you the case was dropped or going to be dropped?

Police.....1  
Prosecutor's office.....2  
Victim/witness advocate.....3  
Judge.....4  
Other (SPECIFY) .....5  
Not sure .....6

29g. Were you told why the charges were dropped?

Yes.....1  
No.....2     **SKIP TO Q.60a**

29h. Were you satisfied with the reasons for dropping the case?

Yes.....1     **SKIP TO Q.60a**  
No.....2     **SKIP TO Q.60a**  
Not sure [AFTER PROBE FOR BEST GUESS].....3     **SKIP TO Q.60a**





[IF CASE WENT TO TRIAL, IF "YES" IN Q.26a]

30a. Were you informed when the trial was scheduled to be held?

Yes.....1  
No .....2 SKIP TO Q. 31a  
Not sure .....3

30b. Who informed you about the trial?

Police.....1  
Prosecutor's office.....2  
Victim/wit



PROTECTION OF CRIME VICTIMS RIGHTS: CJS OFFICIALS

S1. SAMPLE TYPE:

Police.....1  
Prosecutors/District Attn.....2  
Judges.....3  
Probation.....4  
Corrections.....5  
Parole.....6  
Victim-Witness Coordinators...7  
Non-System.....8  
Defense Attorney.....9

S2. STATE:

A.....1  
B.....2  
C.....3  
D.....4  
E.....5  
F.....6

[ASK ENTIRE QX]  
[ASK ENTIRE QX]  
[ASK ENTIRE QX]

INTERVIEWER: \_\_\_\_\_ Date: \_\_\_\_\_

DESIGNATED RESPONDENT: \_\_\_\_\_

TITLE: \_\_\_\_\_

STATE: \_\_\_\_\_

TELEPHONE NUMBER: (\_\_\_\_\_) \_\_\_\_\_

[START TIME: \_\_\_\_\_]

Hello, I'm \_\_\_\_\_ from SRBI, the national survey research organization. We are conducting a study for the National Institute of Justice, of the U.S. Department of Justice. The purpose of the study is to help understand how well the needs of crime victims are being met by the police, courts and other government agencies.

A. You have been referred to us as the person to be contacted about agency practices regarding crime victims? Is that right?

Yes.....1 [SKIP TO C.-INTRODUCTION]  
No.....2

B. Could you tell me who would be able to answer these types of questions for your agency?

NAME: \_\_\_\_\_

POSITION: \_\_\_\_\_

PHONE: \_\_\_\_\_ THANK AND END

C. [INTRODUCTION]: We would like to ask you some questions about how your agency interacts with victims of crime and their families. We will make the findings of the study available to all participants.

Could we speak now? The interview will take about twenty minutes. We are interested in trying to get an accurate picture of how agencies, like yours, address victims' needs and the types of problems they may have and recommendations about how they can be solved.

[IF RESPONDENT ASKS ABOUT CONFIDENTIALITY: The names of survey respondents will be strictly confidential and not released under any circumstances. Survey reports on victims rights will indicate which states have adopted specific procedures and which have not.]



**\*\* [ASK EVERYONE] \*\***

I'd like to begin with some questions about your personal opinions about the criminal justice system in your state.

1. Based on your experience and your knowledge, how would you rate the criminal justice systems in (STATE) in the following areas. On average, would you rate the system as excellent, very good, good, only fair, poor or very poor in (READ ITEM)?

[ROTATE]	EXCELLENT	VERY GOOD	GOOD	ONLY FAIR	POOR	VERY POOR
A. PROTECTING PUBLIC SAFETY.....1		2	3	4	5	6
B. APPREHENDING CRIMINALS.....1		2	3	4	5	6
C. EFFECTIVE PROSECUTION.....1		2	3	4	5	6
D. FAIR TRIALS.....1		2	3	4	5	6
E. APPROPRIATE SENTENCING.....1		2	3	4	5	6
F. EFFECTIVE PENALTIES.....1		2	3	4	5	6
G. PROTECTING THE RIGHTS OF THE ACCUSED.....1		2	3	4	5	6
H. PROTECTING THE RIGHTS OF VICTIMS.....1		2	3	4	5	6

2. On the whole, would you say that the criminal justice system in (STATE) treats victims better than the defendants, defendants better than the victims, or are both treated about equally?

TREATS DEFENDANTS BETTER.....1  
TREATS VICTIMS BETTER.....2  
TREATS ABOUT EQUALLY.....3  
[VOL] NOT SURE.....4

3. Do you think that the current balance between victims' rights and defendants' rights favors victims too much, favors defendants too much, or is about right?

FAVORS VICTIMS TOO MUCH.....1  
FAVORS DEFENDANTS TOO MUCH.....2  
ABOUT RIGHT.....3  
[VOL] NOT SURE.....4



4. How adequate do you consider the following in your jurisdiction? Do you consider (READ ITEM) -- very adequate, somewhat adequate, somewhat inadequate or very inadequate?

	VERY ADEQUATE	SOMEWHAT ADEQUATE	SOMEWHAT INADEQUATE	VERY INADEQUATE
A. FUNDING FOR LAW ENFORCEMENT....1	2	3	4	
B. FUNDING FOR PROSECUTORS.....1	2	3	4	
C. FUNDING FOR COURTS.....1	2	3	4	
D. FUNDING FOR PRISONS AND/OR JAILS.....1	2	3	4	
E. FUNDING FOR IMPLEMENTATION OF VICTIMS RIGHTS.....1	2	3	4	
F. DEFENDANTS LEGAL RIGHTS.....1	2	3	4	
G. VICTIMS LEGAL RIGHTS.....1	2	3	4	

**\*\* [IF S1=1,2,3,4,5,6,7,8 ASK Q5A. IF S1=9 SKIP TO Q10A.] \*\***

- 5a. Does your office have funds that can be used for victims services programs or for implementation of victims rights?

YES.....1      **SKIP TO Q5C**  
 NO.....2  
 [VOL] NOT SURE....3

- 5b. Have you sought funding for victim service programming for your office in the past year?

YES.....1      **SKIP TO Q8a**  
 NO.....2      **SKIP TO Q8a**

- 5c. Is this general funding, or funds specially earmarked for victims?

GENERAL FUNDS.....1  
 EARMARKED FUNDS.....2

- 5d. What are the primary sources of this funding?

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- 5e. Is this funding adequate?

YES.....1  
 NO.....2

**[NO QUESTIONS 6,7]**





STATE	Notice Comprehensiveness	Notice Strength	Notice Specificity	NOTICE TOTAL	VIS Comprehensiveness	VIS Strength	VIS Specificity	VIS TOTAL
	9.23	6.07	10.00	8.31 **	7.25	9.50	10.00	8.46 **
	8.18	3.29	7.83	6.51 **	6.50	4.00	10.00	6.25
	7.06	2.31	5.71	5.25 **	7.25	2.50	8.00	5.79 **
	5.90	4.17	7.38	5.57 **	6.75	6.75	8.00	6.96 **
	7.95	2.74	7.73	6.18 **	6.25	2.75	9.00	5.54 **
	8.52	4.14	7.82	6.94 **	6.75	3.50	10.00	6.21 **
	6.29	3.20	7.53	5.47 **	9.50	3.50	8.00	7.25 **
	6.83	1.29	8.08	5.19 **	6.25	4.75	10.00	6.38 **
	6.28	2.92	7.38	5.35 **	8.00	2.25	10.00	6.42 **
	7.79	4.01	8.00	6.56 **	7.75	2.50	10.00	6.38 **
	3.83	3.04	6.44	4.00	7.75	2.50	9.00	6.21 **
	6.49	3.07	5.40	5.17 **	7.00	3.50	8.00	6.00 **
	6.66	0.79	6.88	5.05	7.50	5.75	7.00	6.83 **
	6.16	2.32	7.63	5.13 **	6.75	4.25	9.00	6.29 **
	4.71	1.06	5.17	3.57	8.00	6.75	10.00	7.92 **
	3.24	7.47	8.40	5.51 **	4.50	3.25	6.00	4.33
	4.97	3.00	6.72	4.61	5.50	2.50	9.00	5.08
	4.65	3.57	5.07	4.36	6.75	8.00	10.00	7.71 **
	4.81	1.64	5.14	3.81	5.75	6.50	9.00	6.54 **
	7.15	1.43	6.52	5.14 **	7.75	5.00	10.00	7.21 **
	7.05	0.80	1.09	3.98	6.00	5.50	9.00	6.33 **
	3.34	5.67	8.00	4.89	5.75	1.75	8.00	4.79
	5.99	3.18	7.41	5.29 **	6.50	4.00	10.00	6.25 **
	6.57	0.00	7.00	4.45	6.75	1.00	3.00	4.21
	5.75	2.57	8.00	5.06 **	5.75	3.25	7.00	5.13
	5.70	2.06	7.25	4.75	5.50	7.25	10.00	6.83 **
	6.61	1.98	6.89	5.12 **	7.50	5.75	10.00	7.33 **
	5.62	2.39	8.00	4.94	6.00	5.25	8.00	6.08 **
	6.98	3.69	6.40	5.79 **	5.00	2.75	9.00	4.92
	5.45	4.72	8.00	5.63 **	5.75	5.50	0.00	4.71
	6.56	3.98	7.06	5.78 **	6.50	2.25	9.00	5.50
	4.73	2.61	7.50	4.49	6.75	3.25	7.00	5.63 **
	5.57	4.33	8.00	5.56 **	5.75	6.00	8.00	6.21 **
	4.51	2.04	7.20	4.14	5.75	2.75	8.00	5.13
	7.49	4.44	7.21	6.43 **	7.50	3.75	0.00	5.00
	4.09	2.67	6.00	3.93	7.00	2.50	9.00	5.83 **
	4.93	3.57	5.71	4.61	3.50	2.50	4.00	3.25
	4.95	1.74	8.00	4.39	6.50	4.25	5.00	5.50
	4.58	4.79	6.15	4.91	7.00	2.50	6.00	5.33
	3.16	3.11	4.00	3.29	4.75	3.50	0.00	3.54
	2.67	2.67	5.50	3.14	5.25	1.25	10.00	4.71
	5.30	1.65	6.76	4.32	4.25	2.00	4.00	3.46
	6.70	1.75	7.40	5.17 **	4.50	5.50	9.00	5.58 **
	6.25	3.45	7.86	5.58 **	5.25	2.75	8.00	4.88
	5.63	2.78	7.19	4.94	4.25	2.75	6.00	4.04
	2.50	4.33	8.00	4.03	5.00	5.25	10.00	5.92 **
	5.67	4.93	8.57	5.91 **	2.25	4.25	5.00	3.38
	5.62	2.58	5.73	4.62	4.00	2.50	1.00	3.00
	4.09	2.21	4.55	3.54	5.00	3.75	10.00	5.42
	4.26	3.17	5.07	4.03	6.00	1.00	0.00	3.33
	2.61	2.92	5.00	3.11	2.00	2.75	1.00	2.08

## APPENDIX C



Attend Comprehensiveness	Attend Strength	Attend Specificity	ATTEND TOTAL	Restitution Comprehensiveness	Restitution Strength	Restitution Specificity	RESTITUTION TOTAL	STATE SCORE
9.38	10.00	5.00	8.85 **	9.25	10.00	10.00	9.63 **	8.81
6.67	10.00	7.50	7.92 **	8.25	9.00	8.00	8.46 **	7.28
7.54	10.00	5.00	7.94 **	8.00	7.00	10.00	8.00 **	6.75
6.67	0.00	5.00	4.17 **	9.00	10.00	9.00	9.33 **	6.51
5.00	10.00	7.50	7.08 **	6.50	6.00	9.00	6.75	6.39
5.83	0.00	7.50	4.17 **	8.75	7.00	9.00	8.21 **	6.38
6.25	0.00	7.50	4.38 **	8.50	7.00	10.00	8.25 **	6.34
5.13	6.00	7.50	5.81	9.00	7.00	6.00	7.83 **	6.30
7.83	0.00	5.00	4.75 **	8.00	9.00	10.00	8.67 **	6.29
4.13	0.00	7.50	3.31	8.50	9.00	6.00	8.25 **	6.13
7.33	6.00	5.00	6.50 **	6.75	8.00	10.00	7.71 **	6.10
6.13	10.00	10.00	8.06 **	5.00	4.00	8.00	5.17	6.10
7.17	10.00	5.00	7.75 **	4.75	4.00	5.00	4.54	6.04
4.79	0.00	7.50	3.65	7.75	9.00	10.00	8.54 **	5.90
5.88	0.00	5.00	3.77 **	9.00	6.00	8.00	7.83 **	5.77
7.33	0.00	2.50	4.08 **	8.75	8.00	10.00	8.71 **	5.66
6.67	0.00	2.50	3.75 **	8.25	8.00	10.00	8.46 **	5.47
4.54	0.00	5.00	3.10 **	8.00	4.00	8.00	6.67	5.46
6.25	0.00	2.50	3.54 **	7.00	9.00	8.00	7.83 **	5.43
6.25	0.00	5.00	3.96 **	6.75	4.00	4.00	5.38	5.42
5.92	0.00	7.50	4.21 **	7.25	8.00	5.00	7.13 **	5.41
7.08	0.00	2.50	3.96 **	8.00	7.00	7.00	7.50 **	5.29
4.13	0.00	2.50	2.48	6.50	9.00	5.00	7.08 **	5.28
6.33	0.00	2.50	3.58 **	7.75	9.00	9.00	8.38 **	5.15
5.58	0.00	5.00	3.63	7.25	4.00	10.00	6.63	5.11
1.67	0.00	0.00	0.83	8.25	8.00	6.00	7.79 **	5.05
2.42	6.00	2.50	3.63 **	4.00	4.00	3.00	3.83	4.98
5.42	0.00	0.00	2.71	5.75	6.00	6.00	5.88	4.90
6.25	0.00	5.00	3.96 **	2.00	8.00	6.00	4.67	4.83
0.00	0.00	0.00	0.00	8.25	10.00	9.00	8.96 **	4.83
4.79	0.00	2.50	2.81 **	6.25	4.00	4.00	5.13 **	4.81
4.13	0.00	0.00	2.06	6.00	8.00	7.00	6.83 **	4.75
0.00	0.00	0.00	0.00	6.75	9.00	5.00	7.21 **	4.75
4.08	0.00	5.00	2.88 **	8.00	4.00	9.00	6.83 **	4.74
0.00	0.00	0.00	0.00	7.50	4.00	9.00	6.58	4.50
2.88	0.00	2.50	1.85	7.25	4.00	8.00	6.29	4.48
4.13	0.00	0.00	2.06	9.50	4.00	10.00	7.75 **	4.42
0.00	0.00	0.00	0.00	7.50	8.00	7.00	7.58 **	4.37
2.21	0.00	0.00	1.10	5.50	6.00	8.00	6.08	4.36
5.67	0.00	2.50	3.25 **	7.50	8.00	4.00	7.08 **	4.29
4.08	0.00	0.00	2.04	7.75	4.00	10.00	6.88 **	4.19
4.13	0.00	7.50	3.31	5.25	4.00	7.00	5.13	4.06
4.42	0.00	7.50	3.46 **	3.25	0.00	0.00	1.63	3.96
4.75	0.00	0.00	2.38	1.75	4.00	2.00	2.54	3.84
0.00	0.00	0.00	0.00	7.25	4.00	6.00	5.96	3.73
0.00	0.00	0.00	0.00	5.50	4.00	4.00	4.75	3.67
0.00	0.00	0.00	0.00	5.25	4.00	5.00	4.79	3.52
0.17	0.00	0.00	0.08	6.50	4.00	10.00	6.25	3.49
0.00	0.00	0.00	0.00	5.00	6.00	3.00	5.00	3.49
0.00	0.00	0.00	0.00	7.25	4.00	9.00	6.46	3.46
2.67	0.00	0.00	1.33	7.00	7.00	6.00	6.83 **	3.34

