

CENTER FOR CRIMINAL JUSTICE AND SOCIAL POLICY

MARQUETTE UNIVERSITY VICTIM/WITNESS PROJECT
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VICTIMS AND WITNESSES:

THE IMPACT OF CRIME AND THEIR EXPERIENCE
WITH THE CRIMINAL JUSTICE SYSTEM

MARQUETTE UNIVERSITY MILWAUKEE COUNTY
VICTIM/WITNESS PROJECT

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INTRODUCTION

Most studies indicate that victims and witnesses receive limited satisfaction when they experience a crime event and are faced with a need to participate actively within the criminal justice process. Too often their satisfaction depends upon the punishment of the offender rather than the services rendered to the victim. Often forgotten in the criminal justice system and concerned for their own manipulation by others, victims and witnesses frequently express negative attitudes to the existing criminal justice system. Attempts to redress this imbalance of emphasis have resulted in state victim compensation programs and in the consideration of Federal legislation. But a variety of questions are still being raised: What are the obligations of the State to care for the victim it cannot adequately protect? What can the State do to protect its citizens? What are the citizens doing to protect themselves? What are citizen's attitudes towards victim compensation programs?

This study funded under an LEAA grant and tied to a resurvey of Milwaukee by the United States Bureau of Census was designed to study victim and witness attitudes, beliefs, problems, and needs as a result of the criminal act and as a consequence of their entrance into the criminal justice system. It is assumed that a well-functioning criminal justice system, which strives to benefit society, must eliminate as many obstacles to victim and witness participation as possible if better cooperation is to be secured and justice is to be dispensed more effectively. The principle of distributive justice contends that rewards and costs should

be proportional for all parties in the criminal justice equation. If victims and witnesses perceive that they are in effect being revictimized by entrance into the criminal justice system, the future of criminal justice will naturally be insecure. If, on the other hand, each party sees justice being rendered in an efficient and satisfactory manner, alienation should be reduced and positive citizen response encouraged. If society is content continuing the practices of diversion, probation and parole, the problems of victims and witnesses must be dealt with truly, directly, and fully.

PROJECT METHODOLOGY .

The present study deals with three samples: One of victims and one of witnesses in the criminal justice system, and a third community sample of victims reinterviewed on behalf of the project by the U.S. Bureau of Census. The in-system sample consisted of two saturation samples of citizens actually involved in criminal justice process in the Milwaukee County court system. Members of these two samples were contacted as their cases were considered at one of four stages in the criminal justice process: The screening conference in the district attorney's office; the preliminary hearing; the misdemeanor trial; or the felony trial. The questionnaire, including both fixed answer and open-ended items, was administered to victims and citizen witnesses over four twelve-week periods between December 4, 1974 and November 4, 1975. The average interview time was 15-20 minutes. Of those contacted the overall refusal rate was 17.8 percent.

Part of each sample was interviewed on-site while another portion, composed of those who did not have time or were unwilling to be interviewed while on-site was interviewed by telephone. Of the total in the two samples, 3,000 interviewees, 63 percent were interviewed on site and 37 percent by telephone. A comparison of the responses given on selected items,

controlling for an interviewing situation, yielded almost no variation. As a check to insure the selection process was not biased, a secondary sample of victims and witnesses, referred to as MU Potentials, whose cases had been completed but were not reached while in court, were contacted by telephone and/or by letter. Those reached by telephone were asked all items on the questionnaire. If they refused the lengthy interview, the interviewer made an effort by telephone to use the short letter questionnaire of eleven items designed to determine demographic composition and attitudes to officials of the declining group. A second bias check of reversing the order of possible responses by interviewees was also utilized. A comparison of both items asked both ways showed negligible variation in response.

The community sample involved the reinterviewing of a sample of victims originally located by the National Crime Survey conducted in Milwaukee by the U.S. Bureau of Census in the early part of 1974. This is referred to as the Census sample and utilized a double sampling principle. Of a total of approximately 23,700 persons in the initial 1974 sample of citizens, about 5,400 persons age 12 and over were identified as having been victimized by crime. This latter group became eligible for the follow-up survey. Each of the 5,400 persons was placed in one strata on the basis of whether the victimization was of personal or property nature or whether it was classified serious or nonserious. The final randomly selected sample of 2,177 persons included all those who had been victimized of at least one serious personal crime; 1 in 1.009 victims of at least one serious property crime; and 1 in 11.8545 victims of at least one nonserious property crime. The effective remaining sample size once eliminations were made for death, institutionalization, underage, or mobility was 1,801.

TABLE 1
A BASIC DESCRIPTION OF THE STUDY SAMPLES

Respondent Characteristic	TYPE OF RESPONDENT			
	MU Victim	MU Potential	MU Non- Victim Witness	Census Victims
Number	1603	478	1078	1607
Age Range	14-86	13-86	14-79	14-88
Mean Age	33	38	32	33
Education Range	0-24	1-24	1-23	0-20
Mean Education	12.2	12.6	12.4	11.5
Occupational Prestige Range ^a	9-82	12-82	12-82	NA
Mean Prestige	37	40	38	NA
Race				
White	68%	82%	79%	79%
Black	32%	18%	21%	21%
Sex				
Male	54%	64%	59%	51%
Female	46%	36%	41%	49%
Victims of More Than One Crime Within the Past Year (Two Years for Census)	28%	28%	28%	68%

^aScores assigned to 1970 Census Occupational Code based on 1965 National Opinion Research Center Prestige Studies (Siegel, 1976).

Of this group of 1,607, 89.2 percent of the potential unit, were sampled.

The characteristics of all three samples are presented in Tables One and Two. MU Victims were somewhat more likely to be Black (32%) than MU Potentials or Census Victims. They were also somewhat more likely (54%) to be male than were members of the Census Sample (51%). MU Witnesses (59%) and Potentials (54%) were even more likely to be male. All the MU samples showed similar victimization patterns, with 28 percent of each group having been a victim in at least one other crime within a twelve month interval. While the Census group claimed much higher levels of victimization, this resulted in part from using a two year time span referent and also from counting a number of trivial events in the revictimization assessment. The MU groups gave an indication of high satisfaction of police handling of the case, although the Census sample showed a lower degree of satisfaction with 63 percent giving one or other of the responses (see Table Two). Those who were actually on-site had a higher rating of the district attorney than those reinterviewed by Census. Satisfaction with the judge's handling of the case followed the pattern established for the district attorney. In general, the Census sample was somewhat less positive about criminal justice personnel, although almost two-thirds of the Census sample was positive. Males, Blacks, and youth were overrepresented among Milwaukee County crime victims. Close to 30 percent of the total respondents in the MU samples indicated that they had been victims of at least one other crime during the twelve months preceding the interview. Over a two year period, 68 percent of the Census victims claimed to have been victimized more than once.

EMPIRICAL DOCUMENTATION OF VICTIM AND WITNESS PROBLEMS

The most commonly experienced problems of crime victims are mental

TABLE 2
STUDY SAMPLES' RESPONSE TO ATTITUDINAL ITEMS IN PERCENTAGE TERMS

Item	TYPE OF RESPONDENT			
	MU Victim	MU Potential	MU Witness	Census Victims
<u>Satisfaction with Police Handling of Case</u>				
Very Satisfied	42	40	44	16
Satisfied	42	45	46	47
Dissatisfied	10	9	7	24
Very Dissatisfied	6	5	3	13
Number	1379	426	911	1585
<u>Satisfaction with District Attorney Handling of Case</u>				
Very Satisfied	32	19	30	28
Satisfied	50	52	54	37
Dissatisfied	12	14	10	16
Very Dissatisfied	7	14	5	19
Number	1414	383	943	105
<u>Satisfaction with Judge Handling of Case</u>				
Very Satisfied	31	23	31	18
Satisfied	50	50	53	47
Dissatisfied	12	19	11	22
Very Dissatisfied	8	8	5	14
Number	598	282	525	51

or emotional suffering and property loss. In terms of seriousness, however, income and property losses are rated highest. A composite index including both frequency of mention as well as seriousness of problems discloses that time losses and physical-emotional suffering are the most serious problems for the greatest number of people. However, victims who get involved in the criminal justice system experience additional problems. Added time loss, resulting in part from making unnecessary trips, and associated income losses are the most commonly experienced problems. They are also regarded by respondents as the most serious.

Neither crime-related nor system-related problems are unique to any one group. Females were slightly more likely than others to experience mental or emotional suffering, physical injury and problems with their family. Within the system females were more likely to report child care needs. Better educated white males were also more likely to report time loss. While each of the associations is statistically significant, each is only at a moderately low level. The data do not support the view that the elderly experience problems more frequently. If anything, the opposite is evident. Females are somewhat more likely to consider the problems they encounter as serious, but only in the specified instances noted above. The general conclusion of these findings is that any program designed to assist victims and witnesses should not focus on subgroups within the population but should be generally accessible to all.

Such access should extend to others close to the victim or witness as well. These data point out the degree to which the impact of crime extends beyond the victim and witness to others. This secondary victimization was noted by more than one-third of the victims interviewed and as many as one-fifth of the witnesses. The average number of other persons

affected ranged from 1.6 to 2.8 depending on the type of problem. Services to victims should also encompass these secondary victims.

As noted above, a variety of groups or agencies in any community may already provide the types of services victims and witnesses need. When added to new victim support programs, much more can be done for victims/witnesses than is being done. Part of the problem is that public knowledge of such services is not high. Greater efforts must be made to publicize the assistance that is available.

At the same time, new efforts to deal with the victim/witness problems are necessary, particularly within the criminal justice system. The data suggest that the most important problems to be dealt with are time and related financial losses of victim/witnesses and their mental anguish and fear of offender retaliation. Only the court system itself can have an impact on time losses. Programs to notify witnesses when they will not be needed and to make scheduling more efficient may have the greatest effect. Mental anguish and fear of the offender may be lessened by procedural and legislative changes which enact and enforce greater sanctions against offenders when witnesses are threatened.

Other problems of somewhat lesser importance, but still requiring some attention, are transportation and parking difficulties and the child care needs, particularly of women. These problems, particularly the transportation/parking difficulties, may not be easily solved because they are beyond the control of the criminal justice system.

CRIME VICTIMS AND VICTIM COMPENSATION

Victim compensation laws and programs tend to respond to victim needs in the areas of physical injury, income loss, and medical expenses but do not react to time loss, property loss-damage, or in-system costs of vic-

timization. As a consequence, victims are victimized both as a result of the crime event and as a result of their entrance into the criminal justice system. The median dollar cost of reimbursed physical injury costs for Census-interviewed victims due to the crime was \$75; for the Marquette University sample the figure reached \$98.13. The median crime victim income losses suffered by the Census group was \$53.75 and by the Marquette sample was \$85.50. Members of the Census sample suffered a median time loss due to the crime event of 1.83 days. For the MU sample the figure was 1.4 days, with victims interviewed at screening reporting .8, preliminary hearing 1.4, misdemeanor trial 2.2, and felony trial 1.5 days. Median crime victim unreimbursed property loss or damage costs were \$195.66 for Census respondents and \$137.50 for those of the MU sample. Sixty-two percent of those having unreimbursed losses had losses of more than \$100. White males, were more likely to suffer income loss, while persons within lower prestige occupations were more likely to experience unreimbursed medical costs for physical injury. This suggests that programs to compensate and service victims should consider especially the problems encountered by lower income persons. They seem to have special problems related to the acquisition of insurance, the maintenance of insurance coverage at adequate levels, and/or program eligibility.

Serious losses due to victim and witness entrance into the criminal justice system tend to center in income loss and time loss. The median in-system income loss for MU sample victims was \$49.04, with about 23 percent of the respondents having a loss of \$100 or more, and MU witnesses was \$36.34, with about 7 percent having the same loss of more than \$100. Non-victim/witness monetary losses increased by stages. Median in-system time losses for MU victims and for MU witnesses was 1.2 days, with ranges

in days lost reaching from 1/2 - 90 days for victim and 1/2 - 120 days for witness respondents. The total time loss for 959 victims in the system was 2,120 eight-hour days. Once again, the further the victim went into the criminal justice system, the greater was the time loss he/she experienced. Median days lost at screening by the victim witness was .04, at preliminary hearing 1.1, at misdemeanor trial 1.4, and felony trial 1.95. Comparable median time losses by the non-victim witness was .96 for screening, 1.0 for preliminary hearing, 1.2 for misdemeanor trial, and 1.4 for felony trial respondents. Males and persons with high prestige occupational status were most likely to claim income losses. However, low occupational prestige victims had a special time loss problem which did not fully reveal itself in dollar loss figures, due probably to the lower salaries (or no salaries) received by such persons.

Existing victim compensation programs generally provide support for only a portion of those victimized by the crime event and totally ignore the in-system costs incurred. For those who are eligible for coverage, there may be other restrictions as well. Most compensation programs offer reimbursement only to victims of crime, surviving dependents, persons previously dependent upon the deceased for support, and persons responsible for the maintenance of the injured victim in categories of crime related to events against the person. Common compensable acts are attempts to prevent a crime, attempts to apprehend a suspected criminal, and criminal acts causing injury or death. Payments are commonly allowed for medical expenses, loss of earnings, out-of-pocket expenses, and a funeral or death benefit. Restrictions generally placed upon victim compensation eligibility include: The victim must have no major involvement in the crime; the crime must be reported to the police within a stated time period; the victim

or eligible dependent must apply for compensation within a specified number of days; under certain circumstances the victim may be a relative of the offender; and only clear criminal forms of automobile, boat, or airplane injuries are coverable. The maximum award claim that is most evident in existing State legislation is \$10,000, with a minimum claim loss of \$100-200 and/or one or two week's loss of earnings experienced. Other elements of crime compensation concern, however, are still being debated. The proposed federal bill, H.R. 13157-13158, is under current consideration.

Most crime victim compensation programs do little, if anything, for victims who enter the criminal justice system as witnesses. Therefore, without the existence of victim/witness assistance programs, the only benefits such persons usually receive are a partial reimbursement of costs through recovery of a witness fee. However, not all witnesses, victim as well as non-victim, know how to collect or do receive the witness fees for which they are eligible.

Milwaukee County victims in the Census sample overwhelmingly supported victim reimbursement for medical payments (77.6 percent) and loss of earnings (71.8 percent). Lesser percentages encouraged payments for out-of-pocket expenses (49.1 percent) and pain and suffering (51.3 percent). While over 90 percent of the respondents supported payment of compensation to low and middle income victims, the figure dropped to 65 percent for high income citizens. Three-fifths of the respondent population supported increased state taxes in order to fund a victim compensation program, if necessary. While victims tend to support a reduction in the offender's sentence if he/she participates in a restitution to victim-type program, the majority of victims want no contact with the actual offender.

The data suggest that any program designed to ameliorate victim and

witness problems should focus on the time and income loss problems. This finding has strong implications for court administration and calendaring, utilization of police and prosecuting attorney time, attitudes of criminal justice system officials to victims and witnesses, dispensation of information on system process to citizens, court acceptance of defense or prosecution delay tactics, service of subpoenas, and other related dimensions. Efforts to modernize court calendaring procedures and utilize all courtroom outlets should be strengthened. Better cooperation among law enforcement, prosecution and defense and court personnel must be sought and achieved if victim and witness concerns are to be faced realistically.

VICTIM/WITNESS PERCEPTION OF CRIMINAL JUSTICE

Milwaukee citizens are generally more positive about officials in the criminal justice system than are citizens in other communities. The most significant finding concerning assessment is the distinction made regarding the police between the community (Census) and system samples. Within the system sample, the response was more positive. Those who dealt with the police had seen results. An offender had been arrested and was being processed through the system. Within the community sample, reporting to the police often did not result in an arrest. Although over 1,700 incidents in which respondents were asked about the police were reported, only about 110 actually reached the system. Therefore, most of the community respondents had not seen definitive police results at the time they were interviewed. Their less positive assessment of police actions, therefore, is understandable. It also supports the view that positive assessments result when action occurs and that the major hurdle to a good community image is lack of action by the police.

The distinct relationship between positive assessment and intentions

of future cooperation is also significant. While it is logical, and follows conventional wisdom, that when one is dissatisfied one will be less likely to want to be involved again, the very high levels of intentions to be involved (over 90 percent) occurring among those who are satisfied should not be assumed. Yet, very strong willingness to cooperate was expressed. This suggests that citizen cooperation can be expected when action is taken in criminal cases. Cooperation, in turn, should make law enforcement officials' jobs less difficult.

Other findings show the high percentage of persons who expect to be victims. When expectation of being a victim of a violent crime in the next year is expressed by 43 percent and of a property crime by 54 percent of the respondents, it is evident that fear of crime is high. The reality of this fear, however, is questionable in view of the fact that only 28 percent of the respondents reported that they had actually been revictimized within the last year.

Victim and witness views regarding punishment of offenders suggests that victims are not more punitive than witnesses. While this may seem surprising, others show that the principal factor affecting punitive reactions is the seriousness of the act. Because witnesses do not differ from victims in their perception concerning the seriousness of the offense, they may be expected to hold similar views concerning punishment.

The most significant implications to arise in these findings are those linking attitudes and future reporting intentions. They are particularly encouraging for two reasons: 1) a significant proportion of these respondents expect to be victimized in the future; and 2) those reporting have already had experience with a crime and many (all of the MU sample) have become involved in the criminal justice system. The results for the Census

sample are especially significant. Although the reporting rate for victimization uncovered in the first interview with persons, of whom these represent a sample, was found to be about 30 percent, two-thirds of these respondents had reported at least one victimization. Such findings suggest that the nature of the incident makes a difference.

The sample of victims selected for reinterview was weighted to include more serious types of criminal events. Thus, instead of about one-third reporters, this group includes two-thirds reporters. Over four-fifths indicate that they generally expect to report crime. While this may partially reflect a tendency to respond in a socially acceptable way, there is reason to believe, in fact, that a large proportion will report serious events. The factors associated with reporting are delineated in a later section, but these findings certainly indicate citizens are not all negative but rather have substantial positive feelings about law enforcement.

PRECAUTIONARY EFFORTS OF VICTIMS AND WITNESSES

Fifty percent of the victims interviewed expect to be the victim of another crime within the next year. In fact, over 28 percent had been re-victimized during the past twelve months. Therefore, it is reasonable that precautions will be taken by these persons to reduce their vulnerability. The data here indicate that victims are twice as likely as nonvictims to take at least one precaution. The most likely response was to procure a weapon, increase use of locks, watch for suspicious persons or things, and request better police service. Of those who indicated they did something specifically in response to the incident in question, almost half of those in the community sample said they moved.

Females were more likely to take precautions, particularly to engage in avoidance techniques. Males, on the other hand, were more likely to

take a self defense course and to be certain they had insurance.

While some researchers have shown that those who perceive crime as high are more likely to be victimized, there is no evidence that those who perceive their chances of victimization as high take specific precautions to a greater extent. There is also no evidence that reporters more than non-reporters and the elderly more than others in the population try to protect themselves from crime.

For the most part, these findings are descriptive of the type of precautions taken and the factors associated with specific precautions. Finding that one of the most likely responses to crime is procurement of a weapon is somewhat frightening but perhaps not surprising.

REPORTERS AND NONREPORTERS: MOTIVATIONAL AND ATTITUDINAL CONSIDERATIONS

As at least one writer has indicated, the reporting of crime may be motivated by egoistic reasons and an assessment of what is to be gained versus the costs. Respondents interviewed here ranked fear of offender retaliation and a need for help because of injury or recovery of property among the most important reasons for reporting. However, as Skogan (1976) has suggested, the seriousness of the offense is also a factor. This finding is clearly supported by the present data. The primary variable associated with reporting was perceived seriousness. While this is hardly an unexpected finding it gives some assurance that the type of criminal incident about which the community should be concerned is more likely to be reported.

A finding that serious property crime is more likely to be reported than serious personal crime is a more unexpected finding. However, linked with the perspective that the victim weighs the advantages of reporting when making the decision, this finding is less surprising. Recovery of

property may seem to be a more pertinent reason for reporting than recovery from an injury. Reporting the event is not likely to assist the healing process.

From a policy perspective, the data concerning reporting or not reporting crime comes down to one major point: The thrust of community efforts to increase citizen involvement in the control effort should focus on upgrading the image and effectiveness level of the police. The two reporting reasons most highly correlated with intentions of future cooperation were a feeling that the police are effective and are "on my side." The factor analyses of reasons for reporting and reasons for not reporting both highlighted the importance of a good police image. Being pro-police or having a good experience with the police is associated with reporting. Being anti-police or having a belief that they are ineffective or could not do anything is associated with not reporting.

Support for efforts to upgrade police-community relations is clearly indicated. Whether this may involve training in human relations, increased use of beat patrolmen where they interact with citizens, or some other effort, the emphasis should be to improve relationships between citizens and law enforcement personnel. This emphasis should not be isolated to a department or unit within the police organization but should encompass all police officers. Although the primary function of a law enforcement agency may be to maintain order in a community, this can only be accomplished with the support and cooperation of the citizenry. This point is strongly supported by the data.

VICTIMS AND WITNESSES: IMPLICATIONS FOR POLICY

Victim and witness problems have a wide breadth and are generally much greater in number and scope than the funds available for dealing with them. Consequently, action programs to be realistic must establish priorities. The findings presented here should provide a basis for determining priorities.

A. THE COSTS OF CRIME FOR THE VICTIM

Being a crime victim often means incurring financial costs. For example, the average medical expenditure beyond that covered by insurance for 303 Milwaukee County respondents who experienced crime incident inflicted physical injury was \$193. The average noninsured cost for 867 respondents for property replacement or repair as a result of theft or criminal damage was \$432. Four hundred and thirty-eight victims averaged \$373 in income loss as a result of their crime incident. The direct financial impact of victimization for the study sample was \$868,434. This figure includes both insured and noninsured costs and represents a composite of medical and property expenses and income losses. If extrapolated to a one-year period (52 weeks), the Milwaukee impact figure would be \$940,804. When considering that the interviewing effort missed some eligible victims in the course of the study, a \$1,000,000 estimate does not seem an extravagant figure for the annual cost of Milwaukee County victimization. However, it should also be noted that the impact of victimization extends beyond the notion of financial costs. For example, 864 Milwaukee County respondents indicated a median loss of 1.4 working days as a result of the crime incident, a total of 1210 working days or the equivalent of five years of work.

Another cost of crime is the need for extended medical attention.

This cost does not affect as many individuals as only a small fraction of the total number of victimized individuals need extended medical attention. The majority of the physically violated victims need neither treatment nor emergency room care. The evidence presented by this study suggests that the ratio of personal injury through crime to need for extended medical care will range between 5:1 and 6:1.

A significant minority of injured persons do not have and are likely not to have insurance coverage for their personal crime victimization. While nearly two-thirds are likely to have some insurance protection, nearly one-third, largely in the lower income population, do not. They are the ones who are commonly victimized by the crime as well as by the lack of insurance support.

B. MEETING VICTIM COSTS BY COMPENSATION

In only a relatively few categories of victim need do victim compensation laws and programs actually serve the victim. In a sense, victim compensation legislation is legislation designed to assist a small targeted group of serious personal crime victims. Victims, as indicated in this study, overwhelmingly favor the reimbursement of personal crime victims for medical costs and loss of earnings. The majority support compensation eligibility for low, middle, and high income victims. A direct death benefit for a victim's survivors, a death caused as a direct result of crime, or a Good Samaritan acting to prevent a crime or protect a victim, is strongly favored. Receiving less support is financial reimbursement for pain and suffering, supported by a bare majority, and out-of-pocket expenses, supported by slightly less than 50 percent. Supporting compensation is backed by a willingness to pay increased taxes by sixty percent of the victims. The key determinant for such support appears to be the reasonable-

ness of the proposed coverage. The majority of Milwaukee County victims do not support the idea of the victim dealing directly with the offender in matters relating to restitution to victims of crime, however. If victim-witness contact, therefore, is to be established as a desired social goal, special efforts will have to be made to minimize victim-offender tensions. The Milwaukee County victim is generally supportive of the program designed to encourage increased offender responsibility for his/her actions.

The examination of the data contained in this document tends to be supportive of a federal victim compensation bill, designed along the lines of H.R. 13157-13158 "Victim of Crime Act of 1976:." Whatever Federal legislation is enacted, however, should take into consideration the findings of a previous Center for Criminal Justice and Social Policy document, Crime Victim Compensation Law and Programs, already submitted to LEAA. It appears that H.R. 13157-13158 allow the flexibility and coverage necessary to respond to victim crime event needs. However, it should be noted at the outset that crime victim compensation laws do little for the great majority of non-personal crime event victims. And yet, victim compensation for property offenses is not too likely to become a realized goal, no matter how great the need. Similarly, the needs of victims and nonvictims who enter the criminal justice system, delineated below, is not covered by victim compensation programs.

C. COSTS FOR VICTIM AND NONVICTIM WITNESSES

Financial costs accrue due to entrance into the criminal justice system as a witness. The mean system-related income loss for 514 victims and 289 nonvictim witnesses in Milwaukee County was \$127 and \$81, respectively. This totals \$88,687 in system-related income losses. When added to the total financial impact of the crime incident, indicated above,

the result is \$957,121 in financial costs. Had the study been conducted over a one-year period, the estimated crime-related and system-related financial cost total for those interviewed would be \$1,036,882. Because it was impossible to contact all victims and witnesses, these figures are conservative.

Additional time losses occur because of system involvement. Over 1800 victim and nonvictim witnesses lost a total of 3524 eight-hour work days or fourteen and two-thirds working years. Adding this to the five years reported for crime-related time losses reveals a total time loss due to crime for Milwaukee victims and witnesses of almost twenty years. Extending the time to a full one year period, the total time loss impact is 21.37 working years. Noncontact with some victims and witnesses makes this a conservative estimate of total time losses.

D. MEETING WITNESS IN SYSTEM NEEDS

The primary focus of in-system victim assistance should be to lessen the losses resulting from time exposures and income losses. These loss areas, together with emotional suffering and property loss, constitute the main important areas of victim concern. It is obvious, however, that if the concerns of victim and witnesses are truly to be met, they will have to be processed and handled in a manner completely different from victim compensation. Time, income loss and emotional suffering can be ameliorated with imaginative programming and administrative adjustments. For property loss greater attention should be given to offender restitution to the victim as a means of making things whole once again. A worthwhile system which minimizes middlemen expenses could theoretically do much to deescalate the level of victim-criminal hostility and bring the violator to a greater understanding of the consequences of his/her actions.

Within the criminal justice system experiments should be considered which attempt to find new solutions to those problems, especially those of time and monetary loss. Simple modifications can greatly assist victims and witnesses. For example, administrative reforms can save victim-witness time; waiver or other procedures can free victim property from the requirement of having to be presented as evidence at a court trial; greater police follow-through on subpoena processing can greatly assist the case flow; better allocation of person-power in a district attorney's office can lessen witness frustration, and the like.

Victims and witnesses do not expect miracles of the criminal justice system, and give ready evidence of their willingness to rank law enforcement, district attorney, and court officials higher when they perceive they have rendered effective human services. While victim and witness opinion of criminal justice officials should improve if victim assistance programs are strengthened, this should not be the motive behind efforts to justify victim and witness services. Ultimately, such services must be grounded in the fact that they provide economic assistance, facilitate case flow, enhance the dispensation of criminal justice, and equalize the satisfactions necessary for each party in the criminal and post-criminal event. Victim and witness assistance programs and services must have their foundation within the process of system amelioration and should be conceived as one facet of needed criminal justice system improvement.

It is questionable whether the providing of increased aid to law enforcement, the courts, and corrections will have maximum value as long as crime victims refuse to enter the criminal justice system, decline to cooperate with the system once they enter, or are victimized further in money and time by entrance into the system proper. Unless the interests of

victims and witnesses are considered and broadened within the system itself, it is highly probable that their participation in the process of justice will not increase and will probably remain the same or even decrease over time.

Because there is evidence that the orientation and practices of law enforcement personnel have an effect upon the decision of the victim to report the crime, police and sheriffs departments should pay greater attention to their role in effective prosecutorial and judicial activity. The law enforcement officer remains the first line of contact with persons who have been victimized and those who may serve as potential witnesses. If this encounter is unpleasant or unrewarding either to the victim or the witness, it is highly probable that the request by police to the victim to enter into the system will be either refused or will be half-hearted. The data suggest that attitudes toward criminal justice representatives, while related to one's willingness to cooperate, tend to improve rather than become worse once victims and witnesses enter into the criminal justice system. If this is true, the act of making initial contact takes on added importance and has long-term implications for the criminal justice system. If persons are encouraged to report, they will be reinforced within the criminal justice system despite experiencing problems within that system. Hence, more attention should be placed upon police-citizen relationships. Of utmost importance is that each police officer be his/her own public relations specialist for she/he has the capacity to influence the future course of criminal justice case process. But the police are not alone in this requirement. Prosecutorial personnel must be more receptive to citizen complaints as well. In short, the system of criminal justice should be increasingly personalized and human-

ized and the place of the crime victim within the criminal justice equation should be strengthened. The data suggest that there is a need to deemphasize the traditional role differences between outsiders (victims and witnesses) and insiders (policemen, district attorneys, judges, clerks, bailiffs, and other operatives). Until this is done, victims and witnesses are likely to feel that they are aliens in their own country.

Of course, the criminal justice system should not bear the entire responsibility for meeting victim/witness needs. Inter-agency cooperation should be encouraged in the establishment of any local victim assistance program. Because useful programs have to be multifaceted and inter-organizational, efforts must be taken at the outset of program development to secure the cooperation of representative private agencies and public social control personnel.

A greater effort should be made to publicize community services which may already provide many of the services needed by victims and witnesses. Each jurisdiction should provide brochures or other documents which give potential victims and witnesses not only information as to what to expect within the criminal justice system but also where they can go for services within the local community. These brochures and other informational booklets should be made available at the entrances of public buildings, courtrooms, and other appropriate facilities, and to designated public and private service agents. The mailing or serving of such brochures with a subpoena can do much to ease problems caused by victim and witness entrance into the criminal justice system.

It is clear that system-related problematic experiences are often cumulative. Persons who have problems in one area are likely to have problems and needs in other areas as well. It is also obvious that no one

set of individuals or group of persons appears to have a monopoly on problematic experiences. While some individuals or groups are more likely than others to perceive their problems as serious, seriousness is not allied to type of offense or to the experience of that offense. The data suggest that the development of programs oriented to one particular age, sex, or racial group may actually undermine the potential value of the service offered. Not all men or women experiencing a particular crime share the same degree of seriousness of the crime event or have the same needs due to the crime event. Similarly, although many elderly now believe that they are being increasingly victimized, the data do not support this contention. Therefore, the development of such specialized service programs may actually result in a misapplication of resources from areas of greatest need to areas of popular concern. As money becomes scarce, service planners will have to determine increasingly what client groups they are attempting to serve and to target specifically their program in order to reach these groups.

E. NEW APPROACHES TO SERVING VICTIM/WITNESS NEEDS

While many of the suggestions in the preceding pages confirm the correctness of current approaches to serving victim/witness needs or suggest modifications which may be merely adaptations of programs which already exist, new approaches are needed also.

1. Victim Reporting Fees

The Law Enforcement Assistance Administration, or one of its agencies should undertake a test of the impact of the use of victim reporting fees for crime reporting patterns. Because a large percentage of victimized individuals do not report their crime to the police, the exact volume of crime is unknown and their cooperation in the criminal

justice system is not secured. By the use of a victim reporting fee, as opposed to a witness fee, the time involved in reporting a crime or cooperating with the police could be reimbursed and possibly better crime control rendered. Although it is impossible to estimate the costs of such a program at this time, the idea does provide an interesting concept for possible field testing. The victim fee could be based on a time spent basis plus a set amount for transportation support (mileage, parking, or public transportation). Because victim compensation laws generally serve only seriously victimized persons, a victim reporting fee approach could better serve the larger numbers of citizens who have not been physically abused but have nevertheless been crime victims. Such an approach potentially could encourage better reporting and have an impact upon the assignment of resources. While the payment of witness fees, payable to those testifying in court, should be continued and expanded, the public should recognize that the payment comes too late for those victims who fail to report and have no incentive to do so. An effort should be made to determine whether victim fees do result in greater reporting and citizen case follow-through or not.

2. Equitable Witness Fees

The National Institute for Law Enforcement and Criminal Justice should also support experimentation in the area of witness fees to determine whether or not an increase in the amount of witness fees eventually results in greater citizen response to court subpoenas and procedures. The witness fee support could, for example, be tied to an average hourly rate rather than to a direct per diem allowance which hardly covers the actual cost of participation in the criminal justice system. At present, jurors in some jurisdictions receive considerably more than witnesses for

their participation and yet, the witness is a central actor in the drama leading to successful prosecution. Questions should be asked: How can this support discrimination be justified if each of these parties is equally important to a successful prosecution? Why should the unvictimized jurors be reimbursed at a higher rate while the already victimized victim (and witness) are left to absorb the greater portion of their own losses?

3. Office of Justice Advocate

In order to regularize victim and witness interests within the criminal justice system, consideration should be given to the testing of the concept of an Office of Justice Advocate, which could also be identified as an Office of Citizen Justice Advocacy, or Office of Criminal Witness Support. Such a unit could serve as a constant representative of victim, witness, and juror interests within the criminal justice system. Staff would have responsibility for the establishment of guidelines important to victim-witness concerns, negotiation of new administrative and court procedures, development of new concepts and services, coordination of criminal justice activity, creation of new or ameliorative legislation, and the like.

It is doubtful whether such an Office could be operated effectively by a private or nonprofit corporation. Rather, it would probably have to be established by law in a manner which mandates full attention to the problems of victims, witnesses, and even jurors. As conceived, it would have the same legal foundation as the police, the prosecutor, the courts and corrections. Having a legal equality, it would serve to balance the criminal justice equation and provide needed victim and witness (and juror) influence within the criminal justice system. By having the Office grounded in law, its occupants could speak as equals to other members of the system,

The advantage of such an approach is that it treats the criminal event and its subsequent consequences wholistically. It ties the ideal of justice to all parties of the criminal justice equation, including the offender, the victim, the witness, the system's operatives, and the community. The occupant of this Office would be empowered to represent and negotiate victim and witness interests among and with the other official participants composing the criminal justice system. The grounds for supporting such an office rest in the fact that law enforcement, which emphasizes crime control, enforcement of departmental procedures and policy, and adherence to the law, is not designed to represent victim and witness concerns. Similarly, most district or prosecuting attorney's offices, because of the continuing press of cases and their generally understaffed condition, are unable to give much attention to victim and witness problems. In fact, many jurisdictions are even now refusing to prosecute thefts under \$10.00, and in some instances, \$25.00, a situation which bodes ill for the future. If this trend continues, the small thefts which are successful due to lack of prosecution may become the foundation upon which larger crimes are built. Even the courts, which are pledged to impartiality and are in a sense restrained from advocating the concerns of one party in a criminal case, are unable to serve as victim and witness representatives on a systematic basis. Even if they were, their contact comes too late in relationship to the point of greatest victim need.

The most strategic point at which to have an impact upon victim and witness concerns is immediately following the victimization, about the time of law enforcement contact, or at the latest when the case is referred to the prosecutor's office. Because there is such a decrease between the number of cases actually experienced and actually reported, it would appear

that the most strategic point of contact with victims and witnesses is as close to the crime event as possible. This could mean that members of an Office of Justice Advocacy could be most effective by following up cases as soon as they are reported by the police as official crimes. If such a concept were tied to the victim and/or witness fee ideas, proposed earlier in this section, an interesting option could be tested experimentally. Theoretically, such a dual thrust could have impact upon future non-cooperation and reporting patterns, victim and witness satisfaction and attitudes, public confidence, and criminal justice system procedures.

In the long run, citizen cooperation through reporting of crime may be the benefit seen from increased attention to victim/witness problems. The universe of unidentified and untapped physically injured victims, like victims of property crimes, is greater than that known to the police and reported in official crime statistics. For example, the 1,607 Milwaukee County victims interviewed in the Census sample experienced 3,585 events which they considered crimes. However, they reported only 1,330 (37%), leaving unreported 2,255 incidents (63%). On the other hand, 67 percent of the victims interviewed reported at least one incident. This indicates there are reasons and motivations which will cause a person to report some events and not others.

The Law Enforcement Assistance Administration or one of its divisions should move to determine whether victim non-reporting is a rational victim response to cut losses due to the criminal event or not. Every effort should be made to determine whether this hypothesis is valid and whether it helps explain why some crimes are reported and others are not. The perceived seriousness of the event is clearly a factor. Thus, in addition to the continuing effort to determine the hidden crime rate, efforts should be

made yearly to monitor the magnitude of crime as a social problem by using seriousness of offense measurements.

If a significant reduction in crime non-reporting is to occur, greater efforts will have to be made to secure the cooperation of non-reporters. It is doubtful that this can be done through an appeal to civic duty but may be possible through an approach to the victim's self-interest.

Victim compensation programs are unlikely to lead to major changes in non-reported crime reporting. Not only is compensation rather narrowly conceived as a program, but it does not really reach the majority of victims that are victimized through property offenses. If twelve percent of all serious crimes known to the FBI are against the person and eighty-eight percent are against property, it is obvious that compensation law focus on personal crimes only provides less than one-eighth of the known crime victim population with coverage.

Although some of the current victim compensation theorizing suggests that compensation support will lead to higher reporting patterns of personal crimes, this has not been the case. Recent work by this research team indicates that victim compensation operations are not solely responsible for any observed changes in known violent crimes. This does not mean that victim compensation programs are not beneficial, but rather that the pre-supposition that increased crime reporting will occur once victim compensation is enacted is open to serious question.

Rather, some other motivation based on self-interest but which is more broadly applicable should be devised. The victim reporting fee is one such idea. Any form of victim or witness fee should not restrict support for unemployed or self-employed victimized persons. When such individuals, especially the unemployed, are refused consideration or are

offered lesser benefits because they have no or a low wage, they are doubly victimized -- by the crime and by the system. Every effort should be made to provide equal benefits for such persons.

Obviously, no one approach to serving the victim and witness is likely to be able to serve all needs or create a climate within which reporting is encouraged. Probably the most economic model of victim services is that which is closely related to the conviction of offenders. In this model victim services are provided in order to bring about increased and more successful prosecution. Because victim service programs are given low priority in most public budgets, it is likely that such services will have to be justified in terms of more apparent priority needs. For example, victims and witnesses may be served by computerizing court calendaring, subpoena recall, and judicial assignment procedures, and by lessening the monetary and time losses experienced by system personnel. Other areas could and should be probed, as well. Potentially, an Office of Justice Advocate, or the like could serve this function.

F. CONCLUSION

The policy implication of this data are numerous. They range from better public-police contacts to adjustments in court procedures, experimentation with victim fees, and support for victim compensation programs.

It is evident from the data secured that heightened sensitivity and response by criminal justice system officials to victim and witness needs and problems go a long way in lessening their anxieties, concerns, and even hostilities. In fact, the data suggest to this research team that extensive victim/witness service programs are not needed by most victims and witnesses. What is needed is greater knowledge about and coordination

of already existing community services, increased public and private agency willingness to service these client groups, designation of responsibility to some person or group for victim/witness concerns (probably with legal power), lessened competition among the various elements constituting the criminal justice system, and increased desire by system operatives to respond to victim/witness problems. Public agencies need to encourage and expand steps taken to make citizens aware of their responsibility for their own vulnerability. The data in this study suggest that a large percentage of victims are not protecting themselves as well as they can or should. An increased emphasis needs to be placed upon the individual's responsibility to protect himself/herself and his/her property. However, this does not mean that the State should use this reason as an excuse to lessen its support for victims and witnesses.

The question of victim/witness assistance is one for system balance. Right now, it appears that most elements of the criminal justice system are directed to conviction of the offender and the maintenance of regularized system operation. As long as the victim and witness is treated as an intervening actor and not a person in need within the system, he/she will respond negatively. Only when these individuals perceive their concerns are given equal attention as those related to the offender will they recognize that the system cares about them and values their participation. Until this happens the system of justice will not be completely whole.

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