Interest in victims of crime has increased markedly in recent years. Growth of a body of "victimology" literature and the emergence of numerous grassroots victims' rights organizations reflect the public's continuing frustration about crime and the criminal justice system's treatment of victims. A common perception among the public is that the criminal justice system cares only about the defendant and his or her rights and that the victim—viewed by the general citizenry as the truly injured party—is neglected in the process.

Under the U.S. system of jurisprudence, it is easy to understand how the sequences of the crime suffered by the victim. Improved social services for victims of crime and frequent use of restitution are suggested as ways to reassess the harm done to victims of crime. Developing better communications between criminal justice professionals and victims can improve victims' degree of satisfaction with the outcome of the case.

On a broader scale, the recently enacted Victims of Crime Act of 1984 will collect fines, penalties, and other assessments from those convicted of Federal crimes, making available as much as $100 million for distribution to States for victim compensation and improved victim services. Research such as the study summarized here will help to target areas where additional resources can improve victim treatment and satisfaction with the criminal justice system.

The National Institute of Justice has made research on crime victims a priority. Our goal is to provide new knowledge to ease the burden on victims and restore them to their proper place, to bring justice for victims into the criminal justice system.

James K. Stewart
Director
National Institute of Justice
victim can be neglected as a case progresses through the various stages of criminal prosecution. From the time the victim might be viewed logically as the criminal offender's adversary, the governmental role of the victim is responsible for taking legal action against the offender. The State brings the case, and the victim serves as the witness, not as complainant.

To balance the overwhelming power of the State with the individual's rights and liberties, constitutional safeguards focus on the defendant. Procedures due process guarantees have been developed to protect innocent persons from unreasonable action by government sanctioned by the State. There are few procedural guarantees for victims.

Concern about these matters has led to the formation of support organizations and to reforms in several areas. At the State and local levels, legislation in support of rape victims, creation of victim-witness programs, and the increased use of victim compensation and restitution all reflect a significant shift on behalf of the victim. At the Federal level, the President's Task Force on Victims of Crime and the Federal Victim and Witness Protection Act of 1982 have provided a variety of specific recommendations and procedures to improve the plight of victims.

The victim harm issue

An important aspect of the victim issue is that harm assessment and resolution provides a limited way in which the degree of harm influences the decision-making process of judicial decisions. Very little is known, in particular, about how practitioners obtain information about harm to the victim and how such information affects judicial decision making.

Does the judge know, for example, that the "simple paraphrasing" resulted in injuries requiring continual medical care? Or does the judge know whether if the judge knows, does she or he take the information into account in sentencing?

The primary purpose of our study, The Criminal Justice Response to Victim Harm, initiated and sponsored by the National Institute of Justice, was to gain a clearer understanding of how police officers, prosecutors, and judges learn about victim harm, how victim harm affects their decisionmaking, and how victims view their experiences with the criminal justice system.

"Victim harm" encompasses the total effect of victimization, including psychological trauma, physical injury, and financial loss. For some victims, the loss, burdens, and adjustments may be merely inconvenient; for others, the damage can be completely disabling; and for victims of homicide, the loss of $5000 and more in costs to survivors defy measurement.

Certain levels of harm are measurable; e.g., number of days in the hospital, full or partial paralysis; but the lasting trauma, the destructive and damaging psychological effects, are much more difficult to assess. How does one measure the fear an elderly person feels about entering a dark house at night? A burglary? How can a woman be compensated for her inability to form an intimate relationship with a man because she has been raped? How can we measure the loneliness and grief a parent feels whose child has been murdered?

Victim harm is not just broken arms, black eyes, lost wallets, or medical bills; it is also fear and shame, frustration and depression.

In civil cases, an attempt is made to measure pain and suffering in order to award damages. But in criminal matters the primary concern is to determine guilt or innocence. Criminal statutes make great distinctions in the degree of harm sustained and the intent of the offender; some jurisdictions now have enhancement statutes that allow the judge to give a longer sentence if the victim is elderly. Except for these very broad standards, there are no meaningful criteria or standards relating to victim harm and how it fits into decisions in criminal cases.

This study has attempted to help fill this information void. Specifically, this study has addressed the questions: How do police officers, prosecutors, and judges learn about victim harm? Do they take victim harm into consideration in their decisions to arrest or suspects, to accept the case for prosecution, and to impose sentences? If so, to what extent? How do victims learn about court events and decisions? Who usually keeps them most informed? What determines victim satisfaction, and what can the criminal justice system do to increase it?

Study design: Methodology and population surveyed

The primary data source for the project was interviews with victims, police officers (both uniformed officers and civilian supervisors), and judges in eight jurisdictions. The interviews focused on five felony crimes: homicide, sexual assault, aggravated assault, robbery, and burglary.

Eight jurisdictions were chosen to give the project regional representation, a mix in terms of population size, and variety in the types of victim services available to them. The participants were police officers from Essex County (Salem), Massachusetts; Baltimore County, Maryland; the Thirteenth Judicial Circuit (Greenwood), South Carolina; Orleans Parish (New Orleans), Louisiana; Jackson County (Kansas City), Missouri; Hennepin County (Minneapolis), Minnesota; Santa Clara County (San Jose), California; and Multnomah County (Portland, Oregon).

Two complementary methodologies were used. In Salem and Baltimore, practitioners were asked to describe and explain their actions in recent closed cases. The actual cases included in the analysis, however, the opportunity to interview the victim (or victims as well as the responsible police officer, prosecutor, and judge in a case presented itself in five of the seven sample jurisdictions.

Therefore, in the other six sites, practitioners were asked a variety of questions about how they obtain and use victim harm information in making decisions. In some cases, they simulated their decisionmaking process in case scenarios and described their typical interaction with the victim. The participating sites were:

The scenarios were based on the number of days in the hospital, the number of days in parole, and the length of time under parole supervision.

The police respondents also indicated that victim harm influences the effort they put into an investigation. Some police officers explained, however, that victim harm is not always considered. If the evidence suggests the crime was committed by a suspect they have apprehended, they will make an arrest regardless of the extent of victim harm.

Table 1.

Characteristics of victim respondents in six sites

<table>
<thead>
<tr>
<th>Source</th>
<th>Percentage of cases in which source is available</th>
<th>Percentage of respondents citing source as useful</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>89</td>
<td>80</td>
</tr>
<tr>
<td>Prosecutors</td>
<td>81</td>
<td>33</td>
</tr>
<tr>
<td>Medical report</td>
<td>45</td>
<td>43</td>
</tr>
<tr>
<td>Prosector</td>
<td>46</td>
<td>90</td>
</tr>
<tr>
<td>Judge's testimony</td>
<td>90</td>
<td>66</td>
</tr>
<tr>
<td>Prerence investigation report</td>
<td>91</td>
<td>91</td>
</tr>
<tr>
<td>Trial transcript</td>
<td>36</td>
<td>36</td>
</tr>
</tbody>
</table>

Table 2.

Average availability and usefulness of victim harm information sources

In the six 'scenario' sites, 47 victims, 28 judges, 181 police officers were interviewed separately; another 342 victims were interviewed by mail. (Characteristics of the 389 respondents in these six sites are shown in Table 1.) Twenty-three victims and thirty-four practitioners were interviewed in the other two sites. The victim-witness program staff was interviewed individually in all eight jurisdictions.

How criminal justice officials learn about victim harm

Practitioners were asked what sources of victim harm information are available to them, how frequently the information is available, and what two or three sources give the most useful information about victim harm; that, information that can be depended on for making decisions about a case. Table 3 shows the sources that practitioners reported as being most frequently available, the estimated percentage of their availability, and the percentage of respondents who cited the source as useful.

These numbers reflect the nature of each practitioner's role in the adjudication process. Especially noteworthy is the fact that the victim's statement is the direct source of information as the case proceeds from police (89 percent) to prosecutor (76 percent), and on to the judge (16 percent).

Judges reported that the presenceence investigation report or trial transcript is the most important source of information about victim harm. Much of the presenceence report is obtained from second-hand sources such as the police report, medical reports, and discussions with the prosecutor and attorneys involved in the case. The presenceence report the judge sees is thus largely third-hand information about the victim. So, except for the small minority of cases in which the victim testifies at trial (16 percent), the most important avenue the victim has to the judge is both narrow and indirect.

In the three sites with prosecutor-based victim-witness programs, the responses reveal the victim-witness program plays an important part in communicating to prosecutors the degree of harm to the victim. Sixth-three percent of the victim-witness program respondents in Greenville, 32 percent in Portland, and 33 percent in Minnesota said that the victim-witness program in their offices is an important source of information.

Effect of victim harm on decisions: How information about victim harm is used

While the evidentiary standard of probable cause is a necessary condition for making an arrest, about half (22 percent) of the police officers interviewed said that they also consider victim harm in deciding whether to arrest or to hold suspect.

The police respondents also indicated that victim harm influences the effort they put into an investigation. Some police officers explained, however, that victim harm is not always considered. If the evidence indicates the crime was committed by a suspect they have apprehended, they will make an arrest regardless of the extent of victim harm.

To systematically measure the effect of victim harm on the decision making, prosecutors and police officers were asked to estimate the rate at which each of ten different case types is typi-
cally accepted for prosecutions. Each practitioner reviewed 10 case scenarios. They were asked to think of a "typical" distribution of case factors similar to each scenario case. Each scenario had from no to all of each factor, and were divided into four main categories:

Victim harm variables: (1) physical injury: 10 days hospitalization vs. no physical injury, (2) psychological injury: victim needs psychological counseling as a result of the crime vs. victim does not need counseling, and (3) cash value of property: $0,000 vs. $20,000.

Victim characteristics variables: (1) victim sex, (2) victim age: 65 years old vs. 25 years old, (3) criminal status: one prior felony conviction vs. no criminal record, and (4) relationship between victim and offender: strangers vs. immediate family.

Defendant-related variable: prior record: prior record was not at all significant. They were asked to think of a number of defendant-related variables, such as physical injury, (2) psychological injury, (2) property value, and (3) relationship between victim and offender.

Evidentiary variables: (1) property recovered: recovered vs. no property recovered, and (2) other witness other than the victim vs. no witnesses.

The case factors for sentencing scenarios were like those for the screening scenarios, except that a guilty-by-plea vs. guilty-at-trial variable replaced the evidence factors. Respondents were asked to estimate the average sentence they would impose (or recommend) in the typical distribution of 100 cases with characteristics like each sample case.

Analysis of both prosecutors' and judges' responses to these scenarios revealed that the influence of the sentence in assault cases by the defendant's prior record was not as significant. In those cases that are seen by prosecutors, evidence variables were statistically more significant than other variables, victim harm variables were statistically more significant, and the defendant's prior record was not all significant.

More victim variables were significant for police vs. prosecutors. In sexual assault cases, both police and prosecutors considered age, injury requiring hospitalization and factors that influence the sentencing decision.

If victim harm has only a modest influence on the sentencing decision, what kind of impact does it have on the sentencing decision? To address this question, prosecutors and judges were asked to state an approximate sentence in each of 10 scenario cases.

**Table 3.** Perceptions of which practitioner keeps the victim most informed

<table>
<thead>
<tr>
<th>Practitioner:</th>
<th>Victim</th>
<th>Police</th>
<th>Prosecutor</th>
<th>Judge</th>
<th>All Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>(N = 186)</td>
<td>(N = 186)</td>
<td>(N = 186)</td>
<td>(N = 186)</td>
<td>(N = 186)</td>
<td>(N = 742)</td>
</tr>
<tr>
<td>Police</td>
<td>35%</td>
<td>51%</td>
<td>11%</td>
<td>5%</td>
<td>28%</td>
</tr>
<tr>
<td>Prosecutor</td>
<td>35</td>
<td>25</td>
<td>60</td>
<td>90</td>
<td>48</td>
</tr>
<tr>
<td>Victim witness staff</td>
<td>14</td>
<td>11</td>
<td>28</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>No one</td>
<td>21</td>
<td>12</td>
<td>2</td>
<td>2</td>
<td>14</td>
</tr>
<tr>
<td>Other</td>
<td>5</td>
<td>6</td>
<td>2</td>
<td>15</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

*Percent over 100% due to rounding.*

**Table 4.** Victim satisfaction with practitioners, six sites

<table>
<thead>
<tr>
<th>Scenario:</th>
<th>Victim satisfied with</th>
<th>All Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>67%</td>
<td>68%</td>
</tr>
<tr>
<td>Prosecutor</td>
<td>54%</td>
<td>56%</td>
</tr>
<tr>
<td>Judge</td>
<td>67%</td>
<td>67%</td>
</tr>
<tr>
<td>Victim witness staff</td>
<td>50%</td>
<td>50%</td>
</tr>
</tbody>
</table>

*Percent over 100% due to rounding.*

**Table 5.** Victim attitudes about the court system

<table>
<thead>
<tr>
<th>Scenario:</th>
<th>Victim satisfied with</th>
<th>All Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>70%</td>
<td>70%</td>
</tr>
<tr>
<td>Prosecutor</td>
<td>55%</td>
<td>55%</td>
</tr>
<tr>
<td>Judge</td>
<td>80%</td>
<td>80%</td>
</tr>
<tr>
<td>Victim witness staff</td>
<td>70%</td>
<td>70%</td>
</tr>
</tbody>
</table>

*Percent over 100% due to rounding.*

**Table 6.** Victim and practitioner suggestions to improve relations between victims and the courts

<table>
<thead>
<tr>
<th>Scenario:</th>
<th>Victim satisfied with</th>
<th>All Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>67%</td>
<td>67%</td>
</tr>
<tr>
<td>Prosecutor</td>
<td>54%</td>
<td>54%</td>
</tr>
<tr>
<td>Judge</td>
<td>67%</td>
<td>67%</td>
</tr>
<tr>
<td>Victim witness staff</td>
<td>50%</td>
<td>50%</td>
</tr>
</tbody>
</table>

*Percent over 100% due to rounding.*

**Table 7.** Determinants of victim satisfaction

-**Victims** were also asked to indicate their level of satisfaction with various aspects of the criminal justice system.
- They were asked, first, how satisfied they were with the practitioners involved in their cases. As Table 4 shows, victims were significantly more satisfied with prosecutors than with police in those cases that are seen by prosecutors.
- Victims satisfaction with the various practitioner groups generally parallels their degree of direct contact with each group. Their lessened satisfaction with judges, however, may also be explained in part by the results shown in Table 5.
- Six out of seven victims, on average, believe that judges do not punish guilty offenders enough. Despite their belief that judges are generally fair, most victims think the courts could do better. Only 30 percent before that they could offer their courts could be improved. (See Table 3.)

**Policy Implications**

It is widely perceived that better deals with victims and victim sensitivity to their needs implies distributed protection of defendants and their rights. Obviously, according to the victim's opinion about a just case outcome or sentence could only be increased if victims were better informed and to receive improved social services for offenders. In over 10 percent of each group recommended more frequent use of restitution as a way to improve relations. Hashire treatment of offenders was recommended by more than 15 percent of the victims and police officers, but only 6 percent of the prosecutors and none of the judges.

Obviously, all of the parties involved cannot be expected to see eye-to-eye on every issue. To the extent that there is agreement about anything, however, it is that victims be better informed and to receive improved social services. Keeping victims better informed may be especially feasible because it is less costly to do than many other alternative measures to lessen victim dissatisfaction with the criminal justice system.
Keeping victims better informed need not be expensive. The process begins by clearly assigning responsibility for providing information to victims, usually within the prosecutor's office, and then following up to ensure that the information gets communicated. Many prosecutors already use computers to inform victims routinely of both forthcoming court events and case outcomes. Others do not and could. This would be especially important in prosecutors' offices that do not have victim-witness units to tend specifically to such matters.

The findings of this study indicate that victims are, indeed, kept better informed in jurisdictions that rely on the police for crime victim assistance. Crime scene investigators and witnesses are found to be generally more satisfied with the handling of their cases. Prosecutors found the victim-witness staffs to be an important source of information about victim harm, as well as a source of support for the victim—something prosecutors themselves are ordinarily ill-equipped to provide. Legislation to facilitate the implementation of victim-witness units could lead to improved relations between victims and the courts by increasing communication among victims, legal professionals, and community-based victim services agencies.

Improvised relations between victims and the criminal justice system could begin with the police. About one-fourth of the victims surveyed indicated that the police were their primary source of information. The systematic transmission of information from the prosecutor to the police about past and future court events would be of special importance in jurisdictions that rely on the police to provide such information to victims.

A potential side benefit of policing better feedback about what happens to their cases—improved arrest quality—might in fact turn out to be an important benefit of improved communication with victims.

Selected Bibliography


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(continued on back)
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