

INITIATIVES IN VICTIMS ASSISTANCE

Mandie M. Patterson*

I. THE VICTIMS' MOVEMENT

The criminal justice system has traditionally emphasized the rights of criminal defendants and, according to many, forgotten or ignored the legitimate rights of crime victims and witnesses. In the past few years, however, a trend has developed at the state and national levels in which the rights of victims and witnesses have been recognized and given attention. The growing responsiveness to the needs of crime victims and witnesses has burgeoned in the past decade.

Although California enacted legislation creating the first state program to compensate innocent victims of violent crime as early as 1965, the victims' movement did not really gain momentum until the 1970's and 1980's. Among the developments in the 1970's were the establishment of victim and witness assistance programs, an increase in the number of state victims' compensation programs, victims' legislation enacted by several states, and the formation of the National Organization of Victims Assistance (NOVA) in 1976. NOVA is an "umbrella" membership organization which coordinates victims' rights efforts nationally.

A. Federal Initiatives

1. *The President's Task Force on Victims of Crime.*

During the 1980's, victims' rights developments continued on both state and national levels. President Reagan appointed the President's Task Force on Victims of Crime on April 23, 1982. The Task Force, chaired by Lois Haight Herrington, reviewed literature on victimization, interviewed professionals working with victims and heard testimony from crime victims—their friends and relatives. Hearings were conducted in Washington D.C., Boston, Denver, San Francisco, St. Louis and Houston.

The Task Force completed its report in December 1982 and formally presented it to President Reagan in January 1983. This report contained sixty-eight recommendations for action by, among others, criminal justice agencies, hospitals, Bar Associations and the private sector. One of the recommendations was to provide federal funding for victims' compensation and for services provided to victims.

2. *The Victims of Crime Act of 1984.*

This assistance was made possible when Congress enacted the Comprehensive Crime Control Act of 1984. President Reagan signed this Act on October 12, 1984. One of the components of this Act is the Victims of Crime Act of 1984 which will provide federal financial assistance to qualified state compensation programs and financial assistance to states for support of programs which provide services to crime victims.

Virginia will participate in both aspects of the Act. Governor Robb has designated the state Department of Criminal Justice Services to administer the victim services program. The compensation program will be administered by the State Industrial Commission and its Division of Crime Victims' Compensation.

Federal guidelines for the implementation of these two programs are at the time of this writing published in the *Federal Register* for draft review prior to being finally adopted. It is anticipated that funds for these programs will be made available to states during the latter part of calendar year 1985.

* Mandie M. Patterson is associated with the Virginia Department of Criminal Justice Services.

3. *The Justice Assistance Act of 1984.*

Another aspect of the Comprehensive Crime Control Act is the Justice Assistance Act of 1984. This Act provides federal financial assistance to eighteen designated target areas or proven effective programs. Of particular interest to those wishing to provide or improve services to crime victims and witnesses is the program area which consists of assistance to jurors and witnesses, and assistance (other than compensation) to victims. Virginia will be participating in this Act. Funds for this program also will be administered by the state Department of Criminal Justice Services.

4. *Omnibus Victim and Witness Protection Act of 1982.*

Congress earlier enacted the Omnibus Victim and Witness Protection Act of 1982 which provides as follows:

- a. a requirement for a victim impact statement containing all financial, social, psychological and medical effects of the crime on the victim, as part of federal pre-sentence reports;
- b. protection of federal victims and witnesses from intimidation;
- c. payment of restitution by offenders to victims of federal crimes;
- d. guidelines for fair treatment of victims and witnesses in federal crimes;
- e. a provision prohibiting a felon from profiting from the sale of the story of his crime (sometimes referred to as the Son of Sam provision).

5. *Office of Justice Programs.*

In March 1983, President Reagan appointed the Chairman of the Task Force on Victims of Crime, Lois Haight Herrington, Assistant Attorney General for Justice Assistance, to implement the Task Force recommendations. The Justice Assistance Act of 1984 established the Office of Justice Programs headed by Assistant Attorney General Herrington. The Office for Victims of Crime, created in July 1983, is part of the Office of Justice Programs and is the agency which is charged with implementing the task force recommendations. This is being done, in part, by the establishment of a national resource center and development of model legislation. Model legislation is being prepared by, among others, the National Association of Attorneys General. Training programs for professionals are being developed in conjunction with organizations, including the National Sheriff's Association, the National Organization of Black Law Enforcement Executives, the National Judicial College, the National Organization for Victim Assistance, and the National Association of State Directors of Law Enforcement Training.

6. *Attorney General's Task Force on Family Violence.*

In September 1983, the Attorney General's Task Force on Family Violence was created. This task force, like the earlier Task Force on Victims of Crime, conducted hearings throughout the nation. The Task Force presented its report, including sixty-three recommendations for action, to the Attorney General in September 1984.

7. *National Victims Rights Week.*

In April 1981, President Reagan proclaimed the first National Crime Victims Week. Since that time, the designation has been repeated in 1982, 1983 and 1984. National Crime Victims Week in 1985 is scheduled for April 14 through 20. Ceremonies marking this week will be held in localities throughout Virginia. Governor Robb will sign a proclamation on April 17 designating that period as Crime Victims Week in Virginia. This ceremony is being planned by the Virginia Network for Victims and Witnesses and will be attended by members and other interested individuals.

B. State Initiatives

The Virginia General Assembly has enacted a variety of victim related legislation in recent years. Among them are the following measures:

1. *Criminal Injuries Compensation Fund.*

The Virginia Victims of Crime Act, establishing the compensation fund, was enacted by the 1976 session of the General Assembly and became effective on July 1, 1977 (see *Code of Virginia* § 19.2 - 368.1 through 368.18). It provides for the reimbursement of out-of-pocket expenses for personal injuries suffered by victims who are not otherwise covered by insurance or public welfare. The Division of Crime Victims' Compensation is located at 1000 DMV Drive in Richmond and is administered by the State Industrial Commission.

Revenue for the Crime Victims' Compensation Fund is generated by the imposition of an additional court fee against all criminal defendants convicted of a felony or a Class I or Class II misdemeanor (other than drunkenness or disorderly conduct).

Amendments in 1983 included raising the limit on victims' compensation awards from \$10,000 to \$12,500 and the establishment of the toll free numbers for the Division of Crime Victims' Compensation. The General Assembly in 1984 amended the eligibility criteria for awards and repealed the requirement that victims must have suffered financial hardship in order to be compensated for their expenses. Left intact was the \$100 deduction for expenses. In 1985 changes included raising the limit on emergency awards to \$2000 and increasing the limit on compensation awards to \$15,000. Additional information about the victims' compensation fund may be obtained by contacting Mr. Robert Armstrong at the above address; telephone number (804) 257-8686. [Toll Free Number is (800) 552-4007].

2. *Victim Impact Statements.*

The 1983 General Assembly also allowed for the inclusion of a victim impact statement in pre-sentence reports. This gives the crime victim the opportunity to relate the physical, financial and emotional effects of the crime on him/her. During the sentencing phase of the trial, the judge may review the victim impact statement to consider the effects of the crime on the victim(s).

3. *Fair Treatment of Victims and Witnesses.*

House Joint Resolution 105, enacted by the 1984 General Assembly, urges police, prosecutors and other persons in the criminal justice system to assure that crime victims and witnesses receive "... dignified, respectful, courteous and sensitive treatment ...". The resolution goes on to enumerate eight specific services to be provided to victims and witnesses. Among them are protection from threats and intimidation, referral to available social and financial services, separate waiting areas and employer intercession services.

4. *State Funding of Victim-Witness Programs.*

The General Assembly in 1984 authorized the state Department of Criminal Justice Services to make grants, totaling \$75,000, to localities for the purpose of funding programs to serve crime victims and witnesses. This year the appropriation was more than doubled, so that \$200,000 will be available for grants during the next state fiscal year.

5. *Other legislation.*

Other victim related legislation includes provisions for victim restitution by offenders, funding of rape crisis centers and domestic violence shelters. Additional legislation provides for the appointment of interpreters for deaf and/or non-English speaking victims. Considered also in 1985 was legislation relating to child victims. Legislation creating the Missing Children Information Clearinghouse was adopted.

II. VICTIM ASSISTANCE IN VIRGINIA

Several localities in Virginia have initiated, as a result of legislation passed by the General Assembly or prior to General Assembly action, programs to serve crime victims and witnesses.

A. Objectives of Victim-Witness Programs

Victim-Witness programs are designed to reduce the trauma of victimization and to increase witness cooperation in prosecuting cases. The major objectives of victim-witness programs are:

1. Increasing the victim's access to counseling and other financial and service resources.
2. Facilitating the victim's understanding of the law enforcement and criminal justice process.
3. Producing greater law enforcement and criminal justice responsiveness to the victim's needs.
4. Educating the victim about future crime prevention activities.
5. Reducing the time and money lost by witnesses in a criminal case.
6. Improving the amount of information received by victims and witnesses about the processing and outcome of their cases.

B. Crime Commission Report

In 1983, the Virginia State Crime Commission conducted an evaluation of these programs. At that time, there were fourteen victim and/or witness assistance programs in Virginia. Based on figures provided by eight of the programs, the Crime Commission estimated that these programs have "initial contact with a total of 40,000 victims and witnesses across the Commonwealth each year. If the other programs maintained these records, it could probably be demonstrated that the total number of contacts for all programs would be well over 60,000 persons on a yearly basis."

C. Victim-Witness Programs in Virginia

Since the publication of the Crime Commission's report, the number of victim-witness programs in Virginia has increased to seventeen. After the establishment of the first program in Portsmouth in 1976 with Law Enforcement Assistance Administration (LEAA) funds, five other localities - Virginia Beach, Lexington/Rockbridge, Arlington, Leesburg/Loudoun and Richmond - also initiated programs. When LEAA funding was discontinued, several of the localities assumed the costs of the programs themselves. In addition to these programs, there are eleven other programs in Virginia. Six of the eleven are state grant programs and five are partial programs. Partial programs do not have full-time program coordinators and provide fewer services than the full-time programs. Of the seventeen programs in Virginia, twelve are full time and five are partial programs. (See chart for specifics.)

D. Programs in Other States

On the national scene there are over 500 victim-witness assistance programs in the country, with programs in virtually every state. Beginning in Florida in 1974, these programs have burgeoned all over the country, primarily with the initial support of LEAA funds. The first ones were set up as exemplary projects in Alameda County, California, in 1974; Milwaukee, Wisconsin in 1974; Brooklyn, New York in 1974; and Pima County, Arizona in 1974. Today at least nineteen states provide state revenue funding for the establishment and maintenance of these programs. With the passage of the federal legislation outlined earlier and the increase in state funding, it is expected that the number of programs providing services to crime victims will increase.

E. Program Models

There are three major program models—the victim model, the witness model and the victim-witness model. In recent years, especially with the initiation of state funding of programs, most of the programs in Virginia are based on the victim-witness model.

Highlights of the types of programs are as follows:

1. *Victim Model*

- a. Sponsor - generally hosted by law enforcement agencies, community based organizations, and local sponsors, such as city managers, mental health centers and human resource departments.
- b. Major objective - reducing the trauma of victimization and restoring the victim to his/her former state.
- c. Specific objectives -
 - (1) increasing the victim's access to counseling and other financial and service resources;
 - (2) facilitating the victim's understanding of the law enforcement and criminal justice process;
 - (3) producing greater law enforcement and criminal justice responsiveness to the victim's needs;
 - (4) educating the victim about future crime prevention activities.
- d. Clients are usually located -
 - (1) through telephone calls at the crime scene;
 - (2) through routine screening of police reports;
 - (3) through referrals from other agencies.

2. *Witness Assistance Model*

- a. Sponsor - generally sponsored by Commonwealth's Attorneys.
- b. Major objectives - increasing witness cooperation and saving time for system personnel.
- c. Specific objectives -
 - (1) reducing the time and money lost by witnesses in a criminal case;
 - (2) improving the amount of information received by witnesses about the processing and outcome of their cases;
 - (3) getting the witness to court.
- d. Clients are usually located by -
 - (1) a routine review of witness or subpoena lists;
 - (2) referral from prosecutors;
 - (3) referral from other agencies.

3. *Victim-Witness Model*

Combines aspects of the victim model and witness model.

F. State Grant Programs

The Department of Criminal Justice Services (DCJS) administers the \$75,000 state grant program. Because of the limited funds during its first year of operation, DCJS limited the number of localities eligible to apply. Twenty-six eligible localities were selected based on proven experience in administering victim-witness programs, crime rate, violent crime rate, and number of cases initiated in circuit court. All these measurements were based on relative population.

Six localities were awarded funds to help them establish new programs to crime victims and witnesses, or to expand existing services. The six—the cities of Alexandria, Roanoke, Chesapeake, Hampton, and Norfolk and Albemarle County—were among eleven jurisdictions which applied for funding. Guidelines for the second year of the program will be promulgated in the near future. Hampton and Norfolk did not have formal victim-witness assistance programs at the inception of the state program on July 1, 1984 and have used the grant funds to initiate programs. The others have used funding to assist in expanding their existing services. Hampton's and Norfolk's programs operate through the offices of the Commonwealth's Attorneys, as do those in Roanoke and Alexandria. In Chesapeake, the Sheriff's Department provides victim-witness services; the Police Department has operated Albemarle County's program since July 1, 1984.

State grant programs are required to perform three broad functions. These are:

1. Assistance to victims and witnesses in dealing with the complexities of the criminal justice system.
2. Provision of information and direction in applying for victims' compensation.
3. Provision of or referral to specialized counseling or social services for victims.

In addition, programs must coordinate with community and social service agencies as well as agencies of the local criminal justice system. The use of volunteers is encouraged, as is providing public education and crime prevention information.

III. BENEFITS OF VICTIM-WITNESS PROGRAMS

Statistical analysis of program effectiveness on both the state and national levels is limited. DCJS will be conducting an evaluation of state grant programs later this year. Despite the limited research efforts, there are indications that these programs are beneficial. In localities where programs exist, law enforcement, court service personnel, and prosecutors report measurable benefits. Commonwealth's Attorneys, for example, report more victim cooperation and more successful prosecution because victims and witnesses are more educated about courtroom procedure and less intimidated by their experiences in the criminal justice system.

Several successful programs in Virginia have independently compiled data which demonstrates their cost-effectiveness. For example, in Virginia it has been shown that the annual savings incurred by the coordination of the trial docket and police officers' schedules is the equivalent of the annual salary for a full-time victim-witness coordinator. Similarly, it has been shown that the simple system of putting police witnesses "on call" has saved the annual starting salary of one full-time police officer. The heavy reliance of these programs on volunteers has significantly reduced operating expenses for the localities involved. For example,

Loudoun County's victim-witness assistance program estimates that in 1982 it saved the locality approximately \$7,000 in staff time by its use of community and student volunteers. Likewise, Virginia Beach's program estimates a savings of \$2,574.66 over a six month period.

Reports also suggest that localities with victim-witness programs are more likely to utilize restitution and community services as alternatives to incarceration. In Loudoun County alone, \$345,200.79 was collected in restitution for the year 1982. Furthermore, improved notification services by the victim-witness programs have eliminated a tremendous volume of court time which might otherwise have been wasted as a result of delays and continuances. The best example can be seen in the 80% reduction of "no shows" reported by Alexandria's Commonwealth's Attorney's Office with initiation of a notification letter sent to all witnesses prior to their receipt of a subpoena.

On the national scene, findings are similar to the results we have observed in programs in Virginia. In 1981 an evaluation of selected victim-witness assistance programs across the country by the National Institute of Justice revealed several significant benefits including the following:

- A. System costs are reduced and system efficiency is increased. This is accomplished in 3 primary ways:
 - 1. Unnecessary waiting time for police is eliminated.
 - 2. The need for the prosecution to make initial contact with the witness is eliminated.
 - 3. Staff effort notifying and contacting the witness is substituted for efforts by the police and prosecution.
- B. Less police, lay, and expert witness time is spent waiting.
- C. Police time delivering subpoenas is reduced. Time and dollar savings are reported in several jurisdictions as a result of:
 - 1. Substitution of mail service for personal service.
 - 2. Substitution of phone alert for personal service.
 - 3. Substitution of project (civilian) personnel for police.
- D. Prosecutors are freed from notification and other witness management duties.
- E. Prosecutors receive improved witness information, and witnesses give better testimony.
- F. Police sensitivity to victims and witnesses is increased significantly.
- G. Surveys of victims and witnesses indicate a far greater level of satisfaction with law enforcement and the criminal justice system in jurisdictions with victim-witness assistance programs than in those without them.

IV. THE FUTURE

With the passage of the Victims of Crime Act of 1984, a potential \$100 million will be available nationwide for funding programs which provide compensation and/or services to crime victims. In addition to this and other federal funding, more and more states are providing funding for programs. Coupled with the increased awareness of the need for better treatment of crime victims, it would seem that there will be an increase in programs in Virginia and nationally. There also will be more emphasis placed on providing services to "special" victims such as children, and victims of sexual assault and domestic violence. Those programs should increase the criminal justice system's responsiveness to victims and witnesses. Victims will be better educated about the criminal justice system and will demand more participation in the system. For example, victims will be interested in obtaining information about parole hearings and release dates of their assailants. There also may be an increase in the use of victim impact statements. The

increased emphasis on victims' rights may lead to an increase in so-called victims' legislation. For example, compensation programs may become more "generous" and legislation may mandate that victims have certain basic rights. In the future, the victims' rights movement will likely force changes in the criminal justice system. It is a movement which has been gaining momentum and seeks to provide better treatment for crime victims and witnesses not at the expense of defendants, but rather to balance the scales of justice.

VICTIM-WITNESS PROGRAMS IN VIRGINIA

LOCALITY	PROGRAM LOCATION
Full-Time Programs:	
** Albemarle County ** Alexandria Arlington County ** Chesapeake ** Hampton Leesburg/Loudoun County ** Norfolk Portsmouth Richmond ** Roanoke City Rockbridge/Lexington County Virginia Beach	Police Department Commonwealth's Attorney's Office Commonwealth's Attorney's Office Sheriff's Department Commonwealth's Attorney's Office Local Government Commonwealth's Attorney's Office Commonwealth's Attorney's Office Commonwealth's Attorney's Office Commonwealth's Attorney's Office Commonwealth's Attorney's Office Commonwealth's Attorney's Office
Number of Programs: 12	
Partial Programs:	
Henrico County Lynchburg Montgomery County Suffolk Williamsburg	Sheriff's Department Commonwealth's Attorney's Office Private non-profit agency Commonwealth's Attorney's Office Commonwealth's Attorney's Office
Number of Programs: 5	

TOTAL NUMBER OF PROGRAMS IN VIRGINIA: 17

**** Full or partial funding through DCJS Grants**

Compiled by the Department of Criminal Justice Services
805 East Broad Street
Richmond, Virginia 23219
(804) 786-4000