

WHAT DO WE WANT (AND WHAT ARE WE GETTING) FROM THE CRIMINAL JUSTICE SYSTEM ?

Comparing the general public's expectations and perceptions with crime victims' experiences

SELECTED FINDINGS:

Statewide Surveys of the Public and Crime Victims in Connecticut, Delaware, Maine, Massachusetts, Vermont, New Hampshire, New Jersey, New York, and Rhode Island

CONDUCTED FOR:

Council of State Governments/Eastern Regional Conference



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I. Introduction

In a region-wide meeting in November 1997, Republican and Democratic state lawmakers, criminal justice policymakers, and judges across the Northeast voiced similar frustrations: despite falling crime rates, the passage of state policies, laws, or constitutional amendments designed to guarantee victims certain rights and services, and dramatic increases in state and local funding for criminal justice-related efforts, the public, crime victims, and victim-advocacy organizations felt that the criminal justice system still failed to meet their needs. Key criminal justice officials in each of the nine states agreed that a survey of the public and victims in their states would improve their understanding of the public and victims' perspectives on the current state of the criminal justice system.

Consequently, the officers of the Criminal Justice Board of Directors of the Council of State Governments Eastern Regional Conference commissioned a regional survey of the public and crime victims in nine northeastern states. The survey was conducted by Schulman, Ronca and Bucuvalas, Inc. (SRBI), a national public opinion research organization, in November 1998. A total of 4,000 adults were interviewed by telephone, including statewide samples of the adult population of Connecticut, Delaware, Maine, Massachusetts, Vermont, New Hampshire, New Jersey, New York, and Rhode Island. The telephone interviews averaged eighteen minutes in length.

The survey results indicate that despite plunging crime rates, a substantial majority of the public in the Northeast would like to see the criminal justice system changed dramatically. When asked whether they liked the idea of totally revamping the way the criminal justice system works or if the present system works well enough the way it is, three-quarters of the public in the Northeast preferred totally revamping the way the criminal justice system works.

The survey results suggest some reasons why residents in the Northeast want to see wholesale changes made to the criminal justice system. For example, the public and crime victims want a broader set of outcomes from sentencing than are currently available in the criminal justice system. In fact, the outcomes most important to the public are often not realized by sentences currently imposed on offenders. In addition, both the public and crime victims in the Northeast believe that victims and their families should be provided certain rights, opportunities and services as part of the criminal justice process. Only a minority, however, believe that crime victims usually get these rights in the Northeast. Thus, it should not be surprising that those persons who have been involved in the criminal justice system as a crime victim are not very satisfied with the process.

This overview is divided into three sections. First, it describes northeastern residents' personal experience with crime and, as a result, the criminal justice system. Second, it compares the treatment that the public believes should be afforded to crime victims to the way the public believes crime victims are actually treated by the criminal justice system; these beliefs about the criminal justice system are compared with victims' actual

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experiences. Third, it explores the types of outcomes the public and crime victims want when an offender commits a particular type of crime.

II. Personal Experience with Crime

The survey confirms an important paradox about the public in the Northeast. The vast majority of the public has been exposed to crime. However, only a very small minority has any experience with the criminal justice system as a victim of crime.

Nearly half of the public (47%) in the Northeast has personally been the victim of violent crime (44%) or had another family member killed or seriously injured in a crime. Three-quarters (76%) of the public in the Northeast has been the victim of nonviolent crime. Indeed, within the last 10 years, three out of five adults (61%) in the Northeast have been the victims of crime.

When asked about the most recent time they had been a victim of a violent crime (within the past ten years), nearly half (49%) of the crime victims in the Northeast stated they did not report the crime to police. In the case of the most recent nonviolent crime, 36% of the most recent incidents were not reported to police. Reasons for not reporting these crimes included, among others: the victim did not think the incident was serious; the victim believed that police would not think it was serious; the victim felt he or she had insufficient evidence to report the incident; the offender was a family member or friend; the victim worried that he or she would suffer some type of reprisal by the offender; or the victim feared hostile treatment from the criminal justice system.

The survey finds that even when a crime is reported to the police, the victim may have little additional exposure to the criminal justice system. In the Northeast, respondents were asked about the most recent occasion (in the past ten years) on which they had reported a crime to the police. Victims of violent crimes learned that someone had been arrested for the crime in only 30% of cases reported to police. Victims of nonviolent crimes said someone had been arrested for the crime in only 12% of cases reported to police. A majority of crime victims who learned there had been an arrest were informed by police (49%), prosecutors (5%), victim witness advocates (3%), or court officials (2%). A substantial minority, however, learned about the arrests from friends and neighbors (9%), the media (7%), and other nonofficial sources.

Looking at the most recent occasion on which the person was a victim of a violent crime in the past 10 years, only 15% of these victims said someone was arrested for the crime. In the case of the most recent nonviolent crimes, only 8% of these victims said someone had been arrested. If there was no arrest for the most recent victimization, crime victims were asked if there had been an arrest for any of the violent or nonviolent crimes in the past 10 years. In total, only 19% of crime victims in the past ten years said that any of their

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victimizations had led to an arrest. Hence, although a majority of the public in the Northeast has been personally exposed to crime in the past ten years, in some cases on multiple occasions, only 11% of the total population in the Northeast has had an arrest that would give them personal exposure to prosecutors, courts and other aspects of the criminal justice system concerning their victimization in that same period.

III. Victim Services

In the Northeast, both the public, at large, and crime victims, in particular, believe it is very important that the victim be notified about developments in their case and be included in the process by which an offender is tried and sentenced. Despite the establishment of laws and policies to achieve these goals, the public in the Northeast remains unconvinced that crime victims in their states are usually provided these services and opportunities. The survey results indicate that, in many cases, the public's impressions are consistent with victims' experiences.

Eighty-three percent of the public in the Northeast said it was very important that the victim be informed whether anyone was arrested in a case. Less than half of the public (46%), however, believe that crime victims in their state were usually informed whether anyone was arrested in the case. Further, the survey showed that in actual practice only a very small minority of victims who had reported a crime to the police ever learned that anyone had been arrested for the crime, and they sometimes learn from non-official sources. Moreover, even in cases where the victims were told there was an arrest, only 42% felt they or their families were kept informed of the progress of the police investigation.

Only a minority of crime victims interviewed in the Northeast (37%) said that they were ever told about their rights as a crime victim after an arrest. When crime victims were told of their rights, it was most often by police.

In cases across the Northeast where there was an arrest, victims reported that nearly one-quarter of the most recent criminal cases were resolved by a plea arrangement. (It should be noted that arrests are more common for violent rather than non-violent crimes and violent crimes were given precedent over non-violent crimes if there were more than one arrest in the past ten years. Hence, the majority of crimes described here are violent crimes.) Sixty-three percent of the public in the Northeast felt it was very important that the victim have a chance to talk with the prosecutor about whether a plea to lesser charges by the defendant would be accepted. However, less than three in 10 persons (29%) said that, based on what they know or have heard, crime victims in the Northeast usually have a chance to talk with a prosecutor about whether a plea to a lesser charge by the defendant should be accepted.

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A majority (56%) of the public in the Northeast said that, based on what they know or have heard, crime victims in their state usually are able to get information on case status and hearing dates. The survey found that the majority (66%) of victims in the Northeast -- who stated their case went to trial -- said they were informed, in advance, of the date and place of the trial. However, less than half (43%) of crime victims in the Northeast -- whose case went to trial -- said they were kept informed about all postponements or continuances that resulted in rescheduling the trial.

Seventy-one percent of the public in the Northeast said it was very important that the victim be able to discuss his/her case with the prosecutor. Only two out of five adults (40%) in the Northeast, however, felt crime victims in their state are usually able to discuss their case with the prosecutor. Indeed, across the Northeast only one-third of crime victims (33%) whose case went to trial said they were ever consulted by the prosecutor during the trial. Only slightly more than one-third (37%) whose cases went to trial felt their opinions were taken into account by the prosecutor when decisions were made about the case.

When informed of their rights to speak with a prosecutor, most crime victims in the Northeast say that they do so. Only about one-third of the respondents (37%) who had a case go to trial said they were told they had a right to discuss the case with the prosecutor, either before or during the trial. However, almost nine out of 10 crime victims who were told of their rights (87%) actually discussed the case with a prosecutor.

Eighty-one percent of the public in the Northeast thought it was very important for the victim to have an opportunity to let the court know how the crime had affected them before sentencing. In the Northeast, almost half of crime victims (47%) whose case outcome resulted in a guilty verdict or plea were not given an opportunity to make a written or oral victim impact statement. Four in 10 respondents (41%) in the Northeast were allowed to give a victim impact statement: 17% gave a written statement, 17% gave an oral statement and 7% gave both types of victim impact statements. Victims of violent crimes (48%) were much more likely to say they were given an opportunity to make a victim impact statement than victims of property crimes (29%).

Residents in the Northeast also feel strongly that victims should be notified before an offender is released on parole or for some other reason. Eighty-three percent of the public in the Northeast stated this notification is very important, but only one-third (32%) of the public in the Northeast said crime victims in their state usually received this notice.

IV. Outcomes

Once an offender has been convicted of committing a crime, what do the Northeast residents want to happen to him? Since the desired outcome may vary with the nature of

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the crime, respondents were asked what they would want to happen to offenders in six specific crime scenarios: (1) if a drug-addicted burglar had broken into their home and stolen from them; (2) if they were robbed at gunpoint by a drug-addicted offender; and (3) if someone swindled an elderly neighbor out of his or her life savings. Two other scenarios were posed about drug-selling. The last example given was regarding the use of illegal drugs.

In general, the majority of the public in the Northeast favored several outcomes for each crime committed: replacement of property that was either stolen or damaged, compensation for physical and emotional injuries sustained, an acknowledgment of responsibility for the crime committed by the offender, and something done to the offender so that he will not commit another crime. It is important to note that while punishment outcomes (prison, fines, etc.) were commonly selected as one desired outcome, large segments of the public and crime victims also wanted corrective and rehabilitative outcomes for the crime as well.

When more than one outcome was desired for the crime, the respondent was asked which of the outcomes selected was most important. In each of the scenarios, the public in the Northeast was deeply divided about which of the above outcomes would be the "most important" to them if they were the crime victim. For example, in the case of the drug-addicted burglar, 38 percent of the public stated that the incarceration of the offender was the most important outcome; 24 percent said placement in a drug treatment program was the most important, and another 20 percent cited reimbursement for property stolen as most important.

The survey reveals the mixed feelings Northeast residents have regarding incarceration as an outcome for certain crimes. The majority of the public favored imprisonment as a desired outcome in five of the six scenarios (drug possession was the exception). However, when asked about the most important outcome for the crime, a majority of the public in the Northeast favored imprisonment in only one scenario (an offender who used drugs but is not an addict sells them for a profit in their neighborhood). In that case, 54 percent of the public stated that going to jail was the most important thing that should happen to the offender. However, when asked about the acceptability of six alternatives to prison for someone convicted of selling drugs to support a drug habit, a majority of the public in the Northeast approved each as an acceptable alternative to prison.

These apparent contradictions reveal several interesting views that the public in the Northeast has toward incarceration of certain categories of offenders, particularly those who have not committed a violent crime. First, if no alternative to prison is described in detail, the public will favor the incarceration of the offender as a desired outcome. Second, when some of the more common alternative programs to incarceration are

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described in detail, a majority of the public approves them as acceptable alternatives to imprisonment.

Third, the public's preference in the Northeast among these alternative programs, which ranged from 82% to 52%, is strongest for those programs that include rehabilitative or restorative elements (drug treatment, community service) rather than those that offer the greatest physical restriction of the offender.

The survey results also hinted at some public frustration with the Northeast's current approaches toward incarceration. Eighty-five percent of adults in the Northeast believe that there are more people in prison now than there were 15 years ago. Only 17 percent of the public, however, believe that violent offenders serve more of their sentence in jail now than they did 15 years ago. In fact, 56 percent of the public in the Northeast believe that these offenders serve less of their sentence in prison than they did 15 years ago.

Likewise, the public in the Northeast has little confidence that crime victims are reimbursed for costs they incur when a crime is committed. Only one in five persons in the region (20%) said, based on what they know or have heard, crime victims in their state were usually reimbursed for loss of money, property, or other costs as a result of the crime. About a quarter (24%) said, based on what they know or have heard, crime victims in their state usually received assistance for medical bills, counseling assistance, wage losses, and other expenses caused by the crime.

During the interview, respondents were presented with two non-traditional programs designed to achieve two outcomes (acknowledging responsibility and ensuring that the sanction served by the offender benefits the community) supported by the public in the survey. More than three-quarters of the public in the Northeast (77%) felt it was important for a victim – if he or she wants – to have an opportunity to talk with the offender about the crime to find out why he committed the crime and whether he accepted responsibility for it. Violent crime victims were even more supportive of having the opportunity to confront the offender. The public also approved – in cases involving nonviolent crime – of approaches to sentencing that incorporate the community. When asked what they thought of the use of community boards of ordinary citizens, rather than courts, to determine penalties for nonviolent crimes, three out of five (59%) residents in the Northeast felt it was a good idea.

V. Conclusion

Although survey respondents across the Northeast were not asked about their satisfaction with the criminal justice system in general, crime victims who had experience with the system through a case that resulted in an arrest were asked about their satisfaction with the outcome of that case. Across the Northeast, nearly half (48%) of the victims of crimes

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with arrests were satisfied with the outcome of the case, with 14% saying they were very satisfied and 34% saying they were somewhat satisfied. However, 41% of the victims in the Northeast were dissatisfied with the outcome of the case, while another 9% were not sure. Victims of violent crime (48%) were about as likely to report satisfaction with the outcome as victims of property crimes (49%). Across the Northeast, Blacks (27%) and other minorities (30%) were much less likely to be satisfied with the outcome of the case than Whites (52%) and Hispanics (51%).

These extremely low customer satisfaction ratings would be cause for serious concern for any commercial business, nonprofit organization or publicly regulated utility. Indeed, other government agencies get better ratings from the individuals, groups and organizations they serve or regulate. It is particularly notable that when crime victims in the Northeast were asked to identify the least satisfying aspect about the handling of the case, they were as likely to complain about poor communications with the victim (19%) as they were to feel the sentence was too lenient (19%). Hence, the problem of customer dissatisfaction with the criminal justice system is not strictly a product of outcomes over which the actors in the system have no control.

This survey, like others, finds that both fear of crime and exposure to crime are widespread. So, reducing crime and alleviating its effect on crime victims remain major and personal concerns for the public. Unlike earlier surveys, however, this study describes crime victims and the general public's attitudes toward new approaches to sentencing and the criminal justice process. The survey results reflect a general agreement between both the public and crime victims that given a choice between the status quo and a total revamping of the system, the vast majority of the public prefers that the current system be totally overhauled. The survey results also indicate why the need for change is so pressing: there is a significant – if not widening – gulf between the public's expectations and the current performance of the criminal justice system.

About the Council of State Governments' Eastern Regional Conference

The Council of State Governments (CSG) is a non-profit, non-partisan organization that serves all three branches of state government. CSG's income is derived from five sources: 1) annual dues paid by each state and member jurisdiction; 2) donations from the private sector; 3) federal grants; 4) foundational grants; and 5) secretariat group fees.

Founded in 1933, CSG has a long history of providing state leaders with the resources to develop and implement effective public policy and programs. Owing to its regional structure and its constituency--which includes state legislators, judges, and executive branch officials--CSG is a unique organization.

CSG's Eastern Regional Conference (CSG/ERC) includes the ten northeastern states from Delaware to Maine, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and the Provinces of Quebec and Nova Scotia. In late 1995, CSG/ERC leaders established a Criminal Justice Board of Directors, which comprises state legislative leaders, judges, prosecutors, corrections officials, juvenile justice agency directors, and crime victim advocates. Collectively, they represent a cross-section of the senior-level state officials who shape criminal justice policy in the Northeast.

About Schulman, Ronca, and Bucuvalas, Inc.

Schulman, Ronca, & Bucuvalas, Inc. (SRBI) is a national survey research organization, with its headquarters in New York City, and offices in Washington, D.C., Long Branch, New Jersey, and Fort Myers, Florida. The firm specializes in public policy re-search, market research and media research. SRBI conducts more than 300 surveys each year for a broad range of public and private clients on an even broader range of topics.

SRBI has three telephone research facilities with more than 200 computer-assisted telephone interviewing (CATI) stations. The firm has a professional staff of 80 and a support staff of approximately 400 interviewers, coders, and data processing personnel. The senior staff at SRBI has nearly 25 years of experience in the design, conduct, *analysis, and reporting of crime victim surveys*. Indeed, SRBI's experience in surveys of victimization and crime reporting is so broad as to be unique among commercial research organizations.

SRBI's experience surveying victims of sexual assault is particularly impressive. For example, in 1983, John Boyle, Ph.D. designed one of the first telephone surveys of general populations to estimate the prevalence of rape and other forms of sexual assault. In 1989, Dr. Boyle conducted a survey among a national sample of 4,000 women regarding their experience with sexual assault, other forms of violence and traumatic events, substance abuse and/or abuse, and other indicators of psychological distress, including past and current PTSD. These women were re-interviewed in 1990 and 1991. The findings of this study were published as Rape in America, which remains a landmark study.

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Lastly, the Board is indebted to the Office for Victims of Crime of the US Department of Justice. OVC officials provided considerable technical and financial assistance to plan and organize a two-day regional conference, during which bipartisan teams of criminal justice policymakers and victim advocates from each state discussed the survey results and developed specific plans to improve the criminal justice system in their respective states.

A note about terminology used in the survey

Members of the public often do not distinguish between terms (such as "jail" or "prison"), which, in the criminal justice system, have distinct meanings. Accordingly, to ensure the respondent understood the question, terms used in the survey, such as "prosecutor," "judge," or "jail," were used even though they might not reflect the precise person, place, or event to which the question referred.

Similarly, respondents often provided answers, which might not accurately reflect the proceeding that took place. In particular, some crime victims stated that their case went to "trial," where, in reality, there may have only been specific hearings, which, in fact, do not constitute a trial. Nevertheless, because this survey was developed in part to describe crime victims' perceptions of the criminal justice system, we did not attempt to discern whether the case in fact went to trial.

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