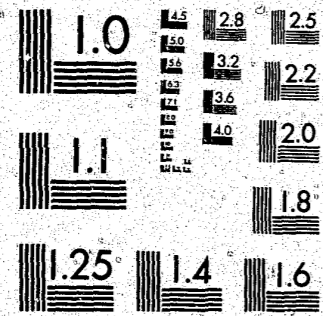


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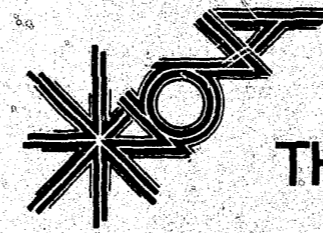
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THE VICTIM SERVICE SYSTEM: A GUIDE TO ACTION

1983

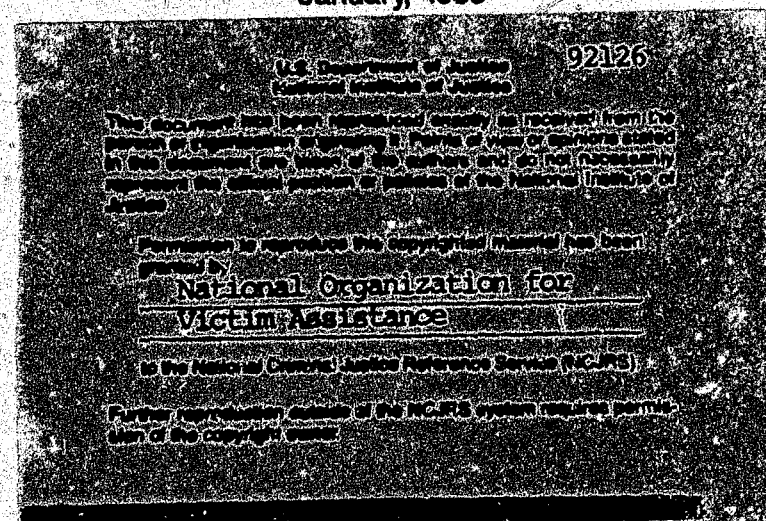
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NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE

THE VICTIM SERVICE SYSTEM: A GUIDE TO ACTION

The National Organization for Victim Assistance
1757 Park Road, N.W.
Washington, D.C. 20010

January, 1983



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Dear Victim Advocate,

In the last decade, victim assistance programs have spread across every state and province in the U.S. and Canada. However, most serve only sub-populations of victims or provide limited services, and there remain many communities which offer no services at all.

This guide describes the major components of a victim service system—one designed to deliver comprehensive assistance to all victims of crime—to help victim advocates either start programs where none now exist, or expand existing services.

It represents a distillation of knowledge drawn from over fifty programs. John Stein and I gathered some of the information from written materials. Other information was collected in site visits and discussions with program staff.

It is impossible to set down the "right" procedures to implement any stage in the victim service system. Victim advocacy and counseling are not exact sciences, especially since they must be tailored to differing laws and practices, not to mention the varying personalities and customs affecting a given community's institutions.

What does seem universal in delivering services to victims are the skills of the more effective service providers, skills which appear to be the product of compassion as informed by knowledge about immediate and long-term human responses to crime victimization. This guide tries to indicate how such skills are generally applied. It also reprints many local forms and suggests procedures as indicators of how to transform the skills into practical techniques of services.

In assembling the guide, I came to appreciate that the task of collapsing a decade of experience into brief commentaries for future advocates is overwhelming. Consider this an attempt—perhaps a "first edition"—and forgive any omissions or errors.

John and I are grateful to all the advocates who assisted us, but give special thanks to our hosts as we wandered across the country, often close to penniless, looking for information. They are: Mary Flotron, Lucy Friedman, Richard Gaddis, Beth Johnson, Karen McLaughlin, Robert Owens, Sterling O'Ran, Ruthann Popcheff, Jim Rowland, Amy Singer, Patricia Smallwood, Patricia Weal, and William Wells—all wonderful representatives of a general social movement.

NOVA exists on the dedication of its individual and agency members. If we have learned anything, it is that this guide only hints at ways in which our colleagues are bringing compassion, dignity, and justice to the victims of crime.

Sincerely,

Marlene A. Young
Executive Director

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INTRODUCTION

In 1981, the National Organization for Victim Assistance undertook to develop a comprehensive model of services for victims of crime based on the existing knowledge in the field. As a part of the research for that effort, NOVA presented a conceptual framework of services at regional conferences held in Minnesota, Colorado, California, Indiana, New York, and Florida. The framework was criticized and discussed.

In response, NOVA revised the framework to illustrate a system of victim services, which was published as "The Campaign for Victim Rights" in 1982. In that system, services were organized chronologically after a criminal attack. The hope was to present services as they might be perceived as needs by victims and witnesses as they related to society and the criminal justice system.

This guide builds on that effort and seeks to translate the framework into a practical guide for action for present and future victim advocates.

The following two pages illustrate the victim service system.

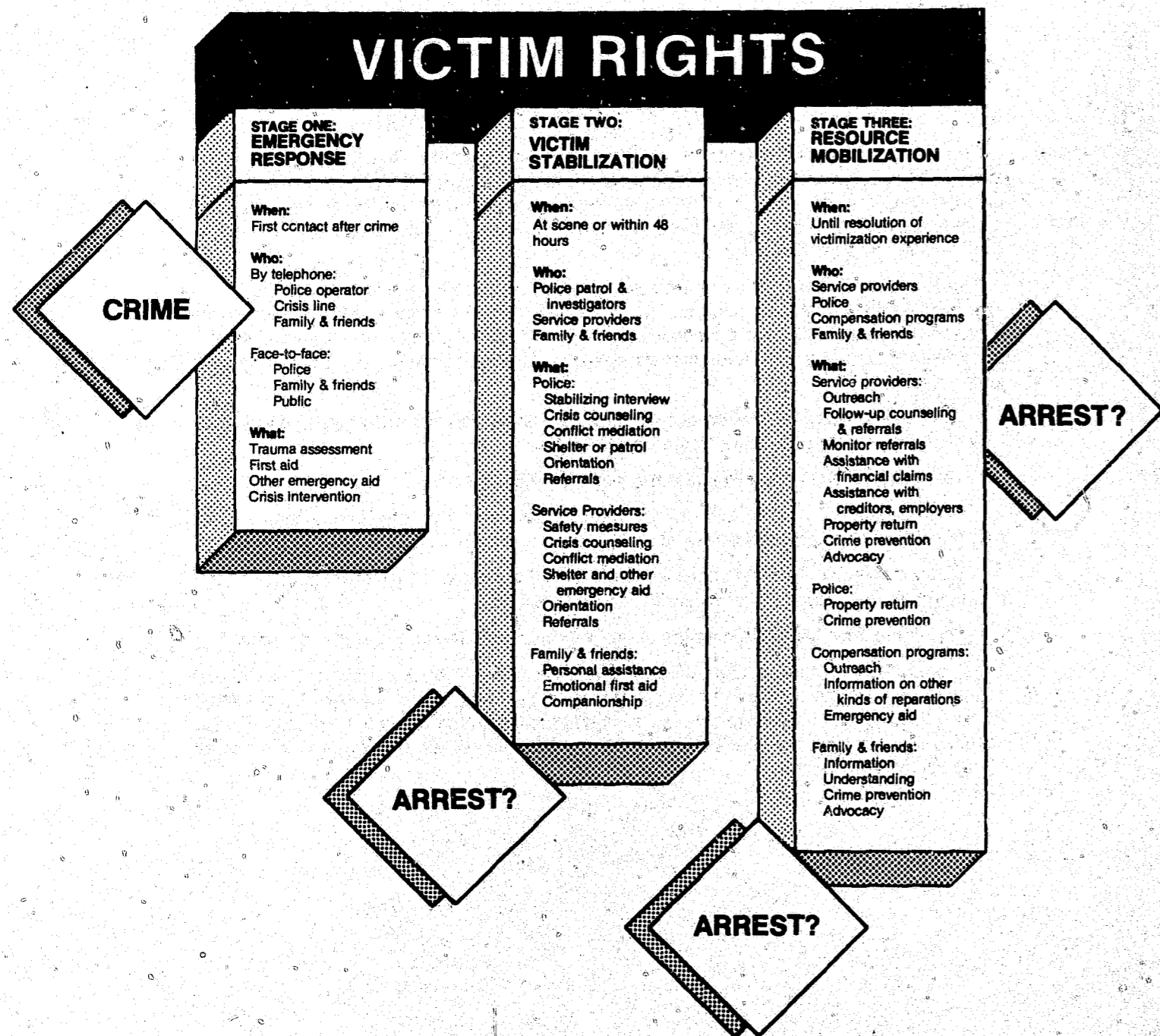
Part I, dedicated to a description of victim services, follows with a brief introduction to crisis theory and a review of approaches to a victim in crisis or a victim recovering from a criminal attack.

Part II focuses on the victim and witness. It deals not only with the aftermath of crime but the aftermath of an arrest, trial, sentence, and disposition.

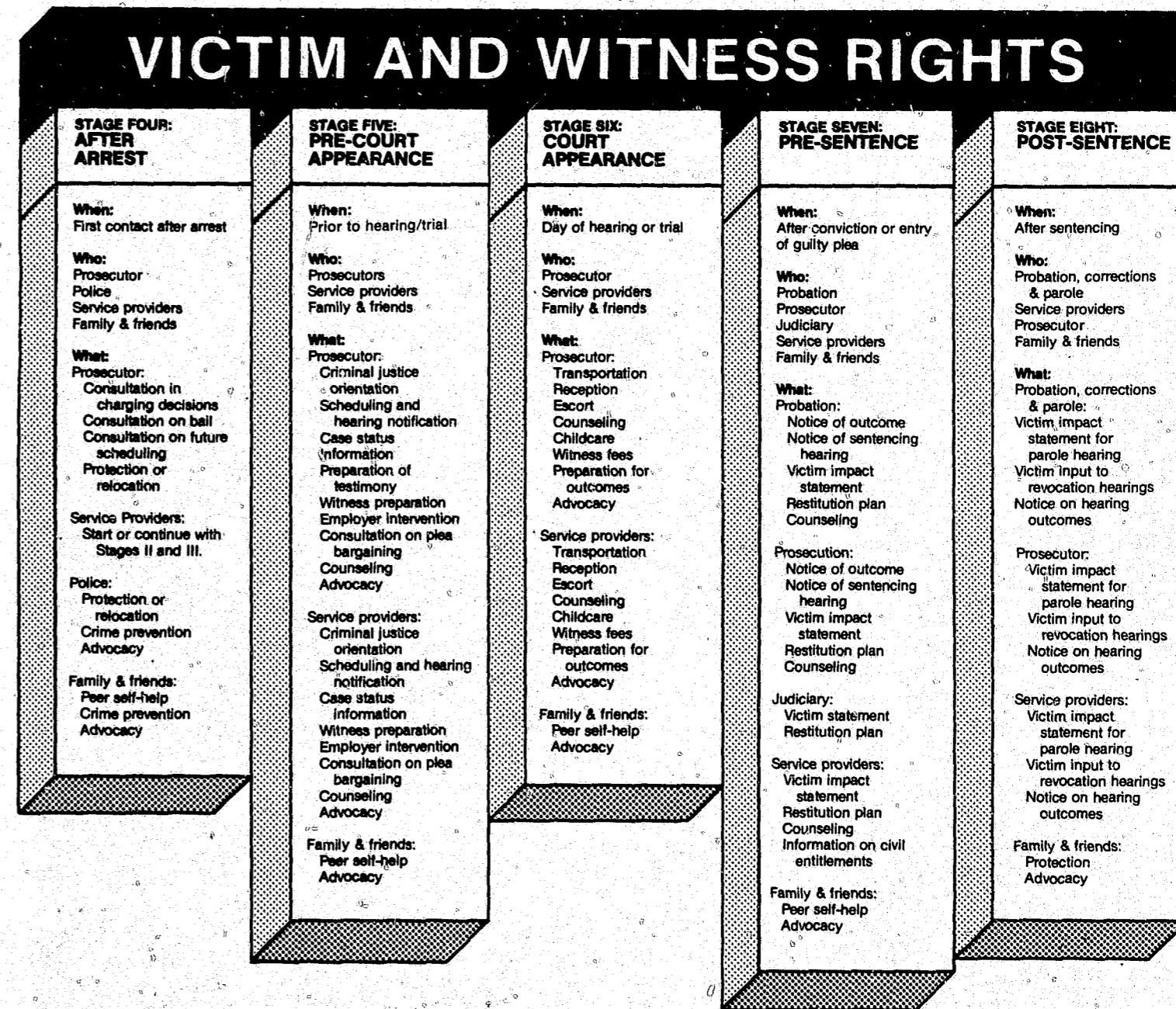
Part III provides sample examples of program materials relating to victim services.

A final note: masculine pronouns are generally used in the text despite the authors' preference for feminine. This was a conscious choice because too many people think that women are more vulnerable, more victimized, more in need of help and most often the helpers. These attitudes distort reality, in a sense dehumanize both women and men, and harm the progress of the victims movement.

The Victim



Rights System



PART I: VICTIM SERVICES

Chapter 1: OVERVIEW

In designing and developing a structure for understanding the need for victim and witness services, it became clear that certain services were appropriate for all victims—whether or not they report the crime, or there is an arrest. These services include emergency aid, crisis intervention, and assistance in recovering or replacing losses which have been suffered.

The victim service system displayed in the chart on the previous pages outlines chronologically the various services which are appropriate at each stage of victim need from the time of the crime itself until after the final disposition of the case. The first three stages are: emergency response, victim stabilization, and resource mobilization. The latter stage primarily addresses problems which may take some time to deal with. Many programs initially focus on this stage of service since it is rather straightforward and easily understood.

On the other hand, the first two stages deal with crisis and crisis response, and the issues associated with appropriate treatment at these stages are far more complex. They reflect the emergency needs of the victim immediately after the crime. Such needs often include those of a financial or medical nature. But at least as common are needs arising out of the emotional reactions to the crime, and these needs are often the most difficult to deal with.

A program can provide emergency repair, shelter, or food to deal with emergency financial needs. Most crimes do not involve serious physical injury, but if the victim is badly hurt, emergency medical care is normally available, and is almost always the priority concern of responding police officers and others.

Appropriate response to psychological injury has been slow in developing largely because such injury is often hidden. The victim himself may be unaware of his own trauma and crisis—indeed, he is often in a state of shock and disbelief, which seems to be the body's way of cushioning the victim from appreciating the full trauma. Since the way victims get through the first two stages are critical to their eventual recovery, it is essential to understand the need for psychological intervention.

In defining eight service stages, there has been a deliberate designation of two stages at the crisis point immediately after the crime. The first stage, emergency response, is defined as the point when the victim first comes into contact with someone, anyone, after the crime. Normally, this is marked either by a call to the police or by calling a friend or family member. This stage is usually short in duration—lasting a few minutes while the police are responding to a call, or as long as an hour or more in rural areas or in situations where intimates have been contacted before the police. Hence, there is a need to insure that police dispatchers and the lay public have some sense of the emergency psychological needs of the victims as well as any apparent medical or material emergencies that require immediate attention.

The second stage is called victim stabilization. The services needed here are usually delivered over a longer period of time than in the emergency response. If the police arrive, they can employ certain stabilization techniques during an interview. Family or friends may continue the process over a few days to a few weeks as the victim attempts to regain a sense of control over his life. Crisis intervention workers typically take an hour or more at the scene, with periodic follow-ups over the next few weeks to make sure the victim is okay.

Before outlining some suggestions for implementing these two service stages, it is essential to review some of the basic elements of crisis and stress theory so that readers can understand the reasons behind the suggestions, as well as adapt such suggestions to their own style of helping.

Background Theory

An individual functions within a general environment. That environment includes the natural world, the people he has direct contact with such as friends, family, or colleagues, and the larger social world. The individual adjusts to his environment through coping mechanisms which help him to maintain a kind of equilibrium—help him to feel secure and in control of his life.

When the balance in the individual's life is upset, it creates stress, either the kind which provides the inspiration for success or happiness or that which causes anxiety, depression, or anger. No matter which type of stress occurs as a result of imbalance, many aspects of the stress reaction are similar.

There is a physical response which involves the release of adrenalin which sharpens all physical reactions. An individual may hear better, see better, and become more able to lift heavy objects. Blood pressure may rise. Muscles often become tense. And normal functions such as digestion may be stopped to meet the needs of emergency. The stomach may cease to work and, with very high stress levels, the bladder may empty.

That physical reaction triggers emotional, behavioral, and cognitive reactions. The initial emotional reaction may be one of a primitive, childlike sense of terror at a perceived threat, often followed, once the perception of immediate danger is passed, with fear, anger, hysteria, laughter, tears—whatever expresses the feelings which relate to the stress.

The behavioral reactions involve responses which an individual has developed in the past and which come to the fore in emergencies. These reactions are often concerned habits. They are closely related to emotional reactions which have been dealt with more than once. An individual who is frightened may want to run and hide as a behavioral response. If he is sad, he may cry. If he is so primed, he may strike out at the threatening stressor.

The cognitive response is the mental reaction to stress. The difference between the cognitive, emotional, and behavioral responses can be seen when a person under stress cries. That is typically a behavioral response to the emotional reaction of anger or sorrow. However, even while he cries, he may be cognitively reproaching himself, because he is not "responding well" by his own standards. (A common pattern of thinking, of cognition, in distressed people.)

All of these are normal reactions to help us regain our equilibrium. Even self-blame, and depression, and bouts of rage are often helpful in the search for equilibrium. Such reactions are called coping mechanisms. Two kinds of occurrences can cause stress to develop into a crisis. The first involves a situation where the person's effort to regain equilibrium is not successful over time often because a number of different stressors are affecting him, and this results in chronic stress. Eventually, the individual is so overwhelmed with the stress that his coping abilities cease to help him experience even occasional periods of equilibrium. The second involves a sudden trauma which is so dramatic and shocking that normal coping mechanisms are inadequate.

In either case, the result of extreme stress is crisis.

Crisis is a subjective state in which an individual finds himself unable to control his environment and unable to cope with his stress. It is a feeling of chaos and disruption. Since crisis is a subjective state, it is dependent upon both the perception and the emotional state of the individual.

The reaction to crisis involves three stages. The first is the acute phase. This is often characterized by shock, confusion, denial, regression, and suggestibility. The individual reacts initially with patterns of psychological shock which are comparable to physical shock. The mind experiences disbelief and numbness. It is an emotional state in which the individual is essentially withdrawing from the stressing situation.

Shock is often followed by confusion. What happened? Why? How? These questions coupled with waves of disbelief cause the person to experience a sense of unreality and dis-

continuity—as if he is moving in slow motion and simply viewing the "crazy" world around him. The victim's confusion should not be perceived by observers as a lack of understanding but rather a part of the natural instinct to distance oneself from overwhelming horror.

Confusion may be accompanied by regression. In severe instances of emotional shock, people often revert to childhood coping skills. It is not unusual, for instance, for individuals to want someone to hold them or to want something soft and comforting—like a child's teddy bear. People look to others for "parental" directions, security, and comfort. There may be a feeling that if only mommy or daddy were there, everything would be okay again.

Denial may be a part of the initial shock and disbelief, but it also has its own unique character in crisis. Individuals can block out all or part of a terrifying incident. A woman may remember that someone attacked her, but she may temporarily forget that she was raped. A victim of torture may remember days of fear but forget the violence that took place. A burglary victim may momentarily see that his house is in a mess, but not see that the television or stereo is missing.

All of these initial emotions contribute to a victim's vulnerability to suggestion. A victim wants comfort. A victim wants safety. A victim wants help. Any person offering help, offering to provide order to the world, can be seen as a savior. The victim, in return, may want to respond in a way that is pleasing to the helper.

The different aspects of the acute crisis stage are expressed in a wide range of emotions. Often shock is followed by anger, frustration, fear, and depression. Some of these emotions may continue through other crisis stages until resolution; some emotions may stay with the individual throughout his lifetime.

Following the acute crisis stage, the individual often goes through a false recovery phase. He tells himself that the stress is over and it's time to get back to normal. While he may not deny the incident, he wants to forget it and would be happy if no one knew that it ever occurred. At this stage, his way of regaining control of his life is to *pretend* it never happened. Pretending is different than denying. He knows it happened, but he wants to live his life as if it didn't. A person in a false recovery phase may go through periods of anger and depression because of "cognitive dissonance." The mind acknowledges the crisis but the emotions do not. Dissonance between the two parts of the personality can produce resolution (if, in a sense, the mind "wins the argument") or more intense crisis (if it does not).

Finally, an individual who "recovers" goes through a secondary crisis phase. At this time, he relives the crisis in order to confront it. He remembers details that in the acute phase he wanted to forget. Similar emotions and problems may arise during this phase as did during the acute phase. Anger is common to this phase. It can become a positive emotion that helps an individual survive. The key difference between anger at this phase and that expressed at the acute phase is that the individual is "ready" to go on with his life, even one now permanently altered with memories of a traumatic experience.

The crisis reaction and its resolution are critical enough that the inappropriate response of others to the individual can be life-threatening. It is for this reason that the first two stages of the victim service system are so important.

While crisis may occur as the result of any traumatic stress, the stress caused by crime has some unique characteristics. First, it is sudden, arbitrary, and unpredictable. The lack of predictability and the arbitrariness contribute to a victim's sense of helplessness and dictate a reactive coping pattern—there are no psychological buffers to be constructed, unlike those which might be employed by victims of a long term illness or an expected flood.

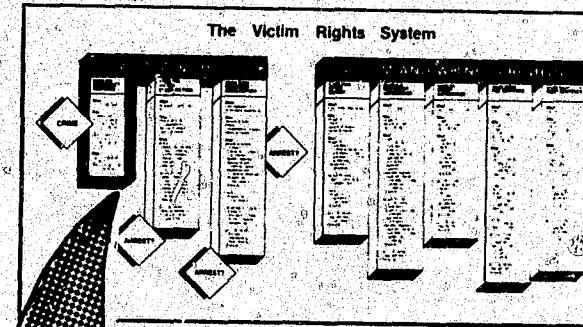
Second, a criminal attack causes a person to lose control of his life and his person. That loss of control may be for a matter of seconds or it can last for days—for example when a victim has been kidnapped or held hostage.

Third, crime attacks an individual's sense of self. One's home is an extension of one's self. A burglar invades you when he invades your home. A thief steals something of yours—

and whether it has value or not, he has attacked you. Obviously physical assault and murder invades not merely a sense of self, but the very physical being.

Fourth, most crime is intentional. Hence, the victim is inclined to try to understand why he was chosen for an attack. It is difficult to accept an intentional crime as a random event. The senselessness of the crime increases the victim's frustration and confusion. The element of criminal intent adds to the sense of loss of control and the sense of domination by the criminal.

This brief outline of crisis and stress theory may help program directors understand the issues involved in the emergency response and victim stabilization stages of the victim service system. The major goal in these stages is to deal with the stress or crisis reaction at the time and to minimize the emotional spiral which can take place when no one cares. Those in the criminal justice system who do care for the victims in emotional crisis at these stages are not only being kind but are also helping themselves obtain more coherent and accurate information at a crucial point from the best information source—the victim.



Chapter 2: STAGE ONE: EMERGENCY RESPONSE

STAGE ONE: EMERGENCY RESPONSE

When:
First contact after crime

Who:
By telephone:
Police operator
Crisis line
Family & friends

Face-to-face:
Police
Family & friends
Public

What:
Trauma assessment
First aid
Other emergency aid
Crisis intervention

Emergency Response: Introduction

Burt Allen got off the bus and headed home. Thursday nights were always special. He and his wife had decided some years ago that those nights were to be their evenings off with separate friends—Marge went to her sewing club and Burt played poker with the boys.

He was a little late tonight, so he hurried up the walkway. Burt put the key in the door and opened it.

The sight that hit him in that moment left him dazed. His home was in a shambles—his desk drawers were open with papers strewn about—the sofa was turned over. And it felt like things were missing—there were no pictures on the walls. The clock given to him by his grandmother was missing from the mantelpiece.

As Burt tried to understand what he was seeing, he went to the telephone (he's not sure why) to call Doug, the host of tonight's game. Doug answered and immediately began grousing in mock anger at Burt's lateness.

This is an ordinary illustration of why services to crime victims should always start with the first person to come in contact with the victim after the criminal violation. It does not matter that Doug is not a professional crisis intervenor, or a police officer or radio dispatcher—Burt is stunned and needs his help.

For that reason, it is important that victim service programs provide information to the general public on how to render emergency aid to victims and work with local emergency service agencies to update their skills in dealing with the just-victimized. The following guidelines should help victim advocates develop public education materials and may suggest ways to impart new knowledge and skills to hot-line operators, emergency room staff, and, above all, the dispatchers who answer "911" calls for emergency assistance.

Public Education

Much has been publicized over the last decade on how we can better protect ourselves, our homes, and our loved-ones from crime. But little has been said about what family and friends can do to help the victim of crime when prevention fails. Perhaps the time has come to make sure that all crime prevention (and victim rights) campaigns are accompanied by brochures and materials on how to give immediate aid to victims.

There are three kinds of emergency assistance which anyone can learn to give: a fast assessment of the situation, some immediate direct services, and help in getting the victim to other service providers.

Assessing the Emergency Needs of the Just-Victimized

First, the respondent must learn to make a preliminary assessment of the victim's emergency needs. The following checklist indicates the kinds of questions to be addressed:

Emergency Questions

Caution: if a victim calls for help in the midst of an attack, the listener's first job is to summon the police as quickly as possible. That "listener"—friend, relative, or stranger—should never assume that someone else has called or will call. The number-one piece of information in reporting a crime in progress is the location of the crime. The questions that follow arise only after the victimization is completed and the criminal is apparently gone.

box continues

1. *What is wrong?* When Burt calls Doug and seems to be in an anxious state, perhaps not volunteering what has just happened, one hopes that he, like anyone in that situation, would be in the habit of asking what's wrong. Obviously, the victim usually tells the first person he talks to what has taken place, but in many cases, the victim does one or two un-obvious things—he contacts a friend or family member rather than first calling the police, and he fails at first to mention the crime. Both are typical indications of the unfamiliar emotional reactions any of us may experience under the circumstances.

2. *Where is the victim?* If the victim calls someone for help, it is important to determine exactly where the victim is.

3. *Is the victim injured?* Even in cases of physical attack, the victim may not know he is injured until someone asks him specifically. Shock can be so great that he is unaware of a broken bone or a knife or gunshot wound.

4. *How badly is the victim injured?* An emergency respondent often must make the call for an ambulance and must try to get a clear idea of the extent of injury.

5. *Where did the crime take place?* Burt may have called Doug after he had been mugged in the street even though he is now home. That kind of information is particularly important for the respondent to pass on if he is the one who calls the police.

6. *How is the victim feeling?* The most-often neglected (and most welcome) question is, *how are you feeling?* Many victims urgently need to know someone cares and wants to help. This question is also critical for assessing the victim's level of emotional distress.

7. *Is the victim alone?* This is a critical question in assessing needs. Victims should rarely be left alone after a crime. The shock and stress of a criminal violation usually demands comfort and attention. Someone should be with the victim as soon as possible, if only to allow him to vent rage, fear, or frustration. If the emergency respondent is a telephone operator, it is important for that person to talk to the victim until other help arrives. That may require the operator to call the victim back as soon as other emergency aid is summoned, or arrange for someone else to get on the telephone with the victim.

8. *Has the victim called the police or other emergency service?* Often the answer is no, which is why it is often important for the respondent to find out the nature of the crime, the extent of injury, etc., so that he can make the initial report if the victim wants him to do so.

Even if the victim has already called the police, a friend who asks these questions may find out the victim has forgotten to tell the police an important detail, such as his address or his whereabouts—a surprisingly common omission in emergency reports.

The above questions may be asked by telephone or in person. The essence of the respondent's job at this point—something we can all remember, even if caught by surprise—is to find out enough information so that emergency medical services will get to victim quickly, or the police can do the same, and so that someone the victim trusts can get to him.

Rendering Direct Services to the Just-Victim

If the emergency respondent is on the scene, the second phase of response involves direct aid.

Guidelines

1. If the victim is injured, basic first aid procedures should be followed.

2. If the victim is in shock, confused, or disoriented, he should be made to feel as safe and secure as possible. He should be encouraged to sit or lie down. He should be provided with blankets or a coat, if he is chilled. (Persons in emotional shock are often suffering from physical shock as well.)

3. The victim should be allowed to tell and retell his story to help him try to comprehend the events and ventilate his feelings.

4. The victim should not be left alone unless he specifically chooses to be alone. Even then, he should be assured that his need to be alone will be respected but that someone is available if he needs further assistance.

In addition to these straightforward actions, the emergency respondent should practice careful listening skills. The victim should be the center of attention and diversions should be avoided.

General Listening Skills

1. Ask for more information when the respondent doesn't understand what the victim is saying. Use such questions as, "Could you tell me more about that?", "I didn't follow how that happened, can you explain again?", or, "Could you give me an example of what you mean?". Asking for more information is useful for the respondent's assessment and it can also help the victim think things through more clearly—to get "cognitive control" over a tumultuous and confusing event.

2. Listen for speech patterns that may indicate distress. Generally, people talk with moderate tones and with moderate speed. Their words flow with natural cadences and accents. Persons who are highly stressed often have extreme speech patterns—they speak quickly and loudly with a great deal of emotion, for example, or speak in a soft, slow voice with flat expression as a method of controlling their feelings.

3. If the respondent is on the scene with the victim, listening involves more than just hearing oral expression. It includes watching for signs of stress as well. Fidgeting, nervousness, heavy smoking, stiffness, etc., can all be stress symptoms.

It is important for all potential emergency respondents to spend some time thinking about their own reactions in periods of stress. While they should not fall into the trap of using their own experiences as a model, it is useful for respondents to understand stress reactions and the different things that trigger it.

Making Referrals for the Just-Victimized

The third stage of emergency response involves making immediate referrals for further service where necessary.

Referral Issues

1. If the victim is injured, the victim's own doctor should be notified, whether or not an ambulance is called.

2. If the victim feels physically ill as a result of the crisis, basic first aid may be needed and a call to his doctor or a medical emergency clinic may be warranted. (Stress can cause individuals to suffer asthma attacks, diabetes attacks, heart attacks, etc., as well as more simple symptoms of illness like fainting, nausea, headaches and the like.)

box continues

3. If property damage has been extensive in a home, emergency shelter or emergency repair should be arranged for immediately. Never leave a victim in an insecure environment the night after the crime or discovery of the crime.

4. When the emergency respondent is finished with his services, again he should make sure that the victim is not left alone. The emergency response is short in duration and a period of victim stabilization should follow. That stabilization stage requires a complementary but more extensive array of services.

Protocols and Training for Professionals

Such guidelines as these may be as important for the general public to learn as the basics of medical first aid. It is even more important that professionals who receive the first calls from victims should receive training in appropriate ways to deal with the victim's immediate distress, backed up with standard protocols of response.

The following protocols for telephone emergency response are examples of how this service can be implemented.

Emergency Response Protocol

1. Find out what is being reported. Police operators and crisis line operators often get calls for help that are *not* reports of crime. Operators should be trained in distinguishing different types of crime and identifying non-crime emergencies as well as non-emergency calls. Non-crime emergencies may involve fire, traffic accidents, threatened suicides, medical illness or injuries, death, or natural catastrophes. Operators should know how to immediately contact emergency aid from all appropriate resources: fire department, ambulance, police (if the operator is non-police related), or hospitals.

Non-emergencies may include a kitten in a tree, noise violations, parking violations, etc.

Operators should not assume that "minor" crimes and non-emergency calls are not crisis-producing for the victim or the caller. Although such calls may not require additional emergency aid or immediate on-scene response, the caller may be extremely stressed. And sometimes the caller's confusing, emotional report of a "minor" problem may be describing a genuine emergency—a case of vandalism, for example, may not only have caused property damage (a broken window in the winter) but also frightened the victim.

2. Find out when the incident happened or when the caller found out about it. The length of time between the incident and the report is clearly of concern to police officers assessing how to investigate the case, and obviously, an "emergency" in progress needs immediate attention. What is not as clear is the fact that the length of time between the criminal violation and the report may be important in assessing the emotional state of a victim. A victim may need special assistance within the first 48 hours after the shock of victimization. On the other hand, crisis centers report that victims of certain crimes—sexual assault, burglary, or the homicide of a loved one—may generate "delayed" crises three, six, or twelve months after the incident and may call a crisis or emergency operator at this stage.

3. Find out where the victim is. The location of the victim is important for summoning emergency assistance. It is also important so that an operator may know what resources are available to the victim immediately. If he is at home and is injured, there may be a first aid kit or a neighbor or friend that can help him until further assistance arrives. If he is in a public place—calling from a telephone booth on the street, for example—it will be important to locate a safe place for the victim to wait.

box continues

4. Find out the extent of harm done. Is there physical injury and if so, to what extent? Is there property damage and if so, to what extent? Did the victim suffer financial loss and if so, roughly how much? These questions are important in summoning emergency first aid or emergency repair.

5. Ask the victim how he is feeling. Let him tell you he is upset or angry or afraid. Tell him you are sorry it happened and you know that you would be upset if it happened to you. Let the victim know his feelings are natural.

6. Encourage the victim to tell you what happened—how he found his house after it was burglarized, or how his assailant attacked. Encourage him to continue to talk to you (or someone else) while waiting for on-scene assistance.

7. If it is possible, patch the call through to police who are driving to the scene so they understand the nature of the distress and the crime.

8. Find out if the victim is alone. Being alone after a criminal attack can add to a victim's sense of loss of control, fear, anger, depression, and confusion. Try to find someone to be with the victim while he meets with police and possibly stay thereafter.

9. Prioritize all emergency calls. Crisis and police operators receive many calls that do not need immediate on-scene help. The following sample list of priorities may be helpful. Emergency calls are listed in classes of importance, with class #1 being most critical.

Priority System

Kind of Call	Priority Level	Immediate Response
A. Major crime in progress (burglary, robbery, rape, assault)	1	a. Send police to scene. b. Stay on telephone with caller until police arrive and caller is safe. c. If injury involved, dispatch ambulance.
B. Minor crime in progress (vandalism, larceny, etc.)	2	a. Send police to scene. b. Stay on telephone with caller until police arrive if caller is victim and seems in distress. c. Identify follow-up emergency needs such as repairs and make immediate referrals. d. Refer victim to victim services for future aid.
C. Major life-threatening crime reported (not in progress).	1	a. Send police to scene. b. Stay on telephone with caller until help arrives. c. Identify follow-up emergency needs and make referrals. d. Victim service counselor to scene or referred.
D. Fire in progress	1	a. Send firemen to scene. b. Police notified. c. Where there is injury, dispatch ambulance. d. Do not stay on phone with caller unless caller is in high stress. Do instruct caller on safe exit or fire control if time permits.

box continues

Kind of Call	Priority Level	Immediate Response
E. Major non-life-threatening crime reported (not in progress).	2	a. Send police. b. If police will not arrive promptly, locate other assistance to go to scene (family member, neighbor, or victim counselor). c. Stay on phone until help arrives. d. Dispatch other emergency aid if necessary. e. Make victim service referral.
F. Minor crime reported (not in progress).	3	a. Talk to caller and determine need for emergency assistance. b. Make any appropriate emergency referrals. c. Make victim service referral.
G. Major Traffic Accident	1	a. Send police. b. If injury has occurred, send ambulance. c. If caller is victim, stay on telephone if he is in distress or give him instructions on how to aid other victims. d. Dispatch other emergency services if necessary.
H. Minor Traffic Accident	4	a. Notify police. b. Instruct caller if he is victim on accident procedures.
I. Serious Injury or Illness	1	a. Send ambulance. b. Notify doctor where possible. c. If caller is victim or family member, stay on telephone until help arrives and give basic first aid instructions if necessary.
J. Minor Injury or Accident	4	a. Make referral.

All calls involving victims with the following characteristics should be treated carefully and should mandate victim service follow-up:

1. Victims over the age of 65.
2. Sexual assault victims.
3. Survivors of the death of a loved-one (whether by accident, suicide, or homicide).
4. Armed robbery victims.
5. Burglary victims.
6. Major fire victims.
7. Assault victims with serious physical injury.

Training should incorporate the simple guidelines above but provide far more depth in the theory and application of crisis intervention. Such knowledge is invaluable for professionals who at times may be called upon to assist a victim who is hysterical or in the midst of an actual criminal attack. The ability of the professional to remain calm, elicit information, and help the police or others coming to the scene may be critical.

Training courses for such professional respondents should generally be at least a week (40 hours) in length with annual refresher courses. The refresher segments are essential. Persons dealing constantly with other individuals in a state of high stress or crisis may tend to lose track of assessment and response protocols in their own effort to cope with the emotional bombardment.

The following suggested course outline can be used with any professional emergency respondents.

Day One

Subject Matter:

Overview of victimization, stress and crisis theory. Explanation of injuries victims can suffer. Range of victim assistance and services. Definition of overall concepts in relationship to the specific services provided in emergency response.

Resource Materials for Trainees:

The Crime Victim's Book, Morton Bard and Dawn Saugrey, N.Y.: Basic Books, Inc., 1979.
Stress, Trauma, and Crisis: The Theoretical Framework of Victimization Reconsidered, Marlene A. Young, paper presented at Fourth International Symposium on Victimology, Tokyo, Japan, 1982.

"The Accidental Victim of Violent Crime," Martin Symonds, in *Violence and Victims*, Pasternak (ed.) N.Y. John. Weley and Sons, 1975.

"Crisis Intervention in Trauma Assessment," NOVA Newsletter, Special Edition, 1981.

"Crime Victim Assistance: Programs and Issues in the United States," Marlene A. Young, paper presented at Fourth International Symposium on Victimology, Kyoto, Japan, 1982.

Structure of Training:

9:00-10:00: *Overview of Victim Services.* (Lecture: Emphasis is on history of victim with the justice system; current victim service programs using jurisdictional examples; new federal and state laws which point to the future.)

10:00-10:30: Questions

10:30-10:45: Break

10:45-12:00: *A Look at the Victim.* (Film, lecture, and discussion. Show a film on victim injuries and needs. Follow film with descriptive outline of three primary needs and the second injury. Intersperse lecture with questions to trainees such as: what do you think of when you think of a victim of physical injury caused by criminal attack? What do you think is a serious financial loss? Then explain why common perceptions may not actually reflect the seriousness of crime as felt by the victim.)

12:00-1:00: Lunch

1:00-2:00: *A Model System of Services.* (Lecture and slides. Using NOVA slide show on victim rights, the trainer can discuss each of the eight stages of service which would help provide for victim needs.)

2:00-3:00: *Emergency Response Services.* (Audience participation. Trainer asks trainees to define what they do on the job. A flip-chart outline would be compiled which identified primary emergency-calls, procedures used by operators to deal with calls, and problems which they face in service.)

3:00-3:15: Break

3:15-5:00: *Understanding Stress and Crisis.* (Lecture and discussion. Trainer explains crisis and stress theory and the impact of stress on every person. The trainer would then explain the peculiarities of stress created by catastrophes of all sorts, and finally focus on the uniqueness of crime. Various methods of coping would be introduced and the need for early intervention in stress build-up would be emphasized.)

Days Two and Three

Subject Matter:

Special kinds of victims. These two days focus on the application of stress and crisis theory to understanding the emergency and long-term needs of high-risk crisis victims.

Resource Materials for Trainees:

"Rape Trauma Syndrome," Ann W. Burgess and Lynda L. Holmstrom, *American Journal of Psychiatry*, 131:982, September, 1974.

Assisting Child Victims of Sexual Abuse, Debra Whitcomb, National Institute of Justice, May 1982.

Behind Closed Doors: Violence in the American Family, Murray A. Strauss, Richard J. Gelles, and Suzanne K. Steinmetz, New York: Doubleday, 1980.

"Crime and the Elderly: the Need for a Network Response," Marlene A. Young, *Crime Prevention Review*, 1977.

Recovering From the Loss of a Child, Katherine Fair Donnelly, New York: Macmillan, 1982.

Structure of Training:

Day Two

9:00-10:00: *Review and Discussion of Crisis and Stress Theory.* (Audience and trainer discussion. This session carries on from the previous day. It provides time for reflection on the concepts and opportunity to pursue any questions.)

10:00-10:30: Film on Rape and its Trauma

10:30-10:45: Break

10:45-12:00: *Rape Trauma Syndrome and Crisis Services.* (Lecture and questions. Trainer explains the rape trauma syndrome, explores some of the research dealing with rape, and explains the unique crisis/situational reactions that may occur with a rape victim due to socio-psychological conditioning.)

12:00-1:00: Lunch

1:00-3:00: "Time Out." (Film and discussion. This session is on the problems and emergencies arising out of family violence. "Time Out" is a series of three short films that can be used to conduct discussions about family violence. The first film is entitled "Deck the Halls" and depicts a typical incident of violence. The second film is entitled "Up the Creek" and illustrates the consequences of battering to the batterer. The third film, "Shifting Gears," suggests that therapy can reduce incidents of violence. Together they are useful in exploring myths and biases in audiences of emergency service providers.)

3:00-3:15: Break

3:15-4:00: *Emergency Response to Domestic Violence.* (Lecture. This session emphasizes the extraordinary significance of emergency calls in respect to family violence and its potential of escalating into serious physical injury or death. It becomes critically important for a crisis operator to find out the nature, extent, and timing of the violent incident as well as any other factors which may indicate a life-threat to a police officer or the caller.)

4:00-5:00: Discussion of the problems and similarities between emergency calls dealing with rape and family violence.

Day Three

9:00-10:00: *Children as Victims and Witnesses.* (Lecture and discussion. This session addresses the following issues: the lack of protection under the law for children who are victims of crime due to procedural rules that affect their legal credibility and ability to testify; their legal and emergency status as victims of physical abuse; their legal status as victims of sexual abuse; and the problems of responding to and helping child victims. Special concerns such as parental responsibility, rights, and interference are covered.)

10:30-10:45: Break

10:45-12:00: *Emergency Needs of the Elderly.* (Audience participation and lecture. This session attempts to make the trainees more aware of the vulnerabilities that accompany aging. Many emergency calls from the elderly are directed at needs other than those created by crime. The emergency respondent should be sensitive to the various issues which seem life-threatening to older people and be aware of the referrals available for assistance.)

12:00-1:00: Lunch

1:00-12:00: *The Elderly as a Crime Victim.* (Lecture. This session should relate the morning material to the particular concerns of older people if they do become crime victims. Emphasis should be placed on how much more serious a minor crime can be for the elderly than it is for other age groups.)

2:00-3:30: *Grief and Mourning, A Life Crisis.* (Film and discussion. This session reviews the stages of grief and mourning and illustrates the relationship of such patterns to patterns of stress and crisis. Several films are available based on the work of Kubler-Ross.)

3:30-3:45: Break

3:45-5:00: *Survivors.* (Lecture and discussion. One of the most forgotten groups of victims are those who survive the death of a loved one. For the emergency respondent, the survivor may be one of many types. His loved one may have died a natural death, death by accident, suicide, or homicide. In most cases, the caller's grief is acute, but the emergency respondent should be aware of different types of death and the reactions they evoke because the caller needs to know someone understands this particular case.)

Day Four

Subject Matter:

Role-play and group discussion of emergency response techniques. Ideally, the role-plays are video-taped for review both by other trainees and the persons involved. Actual tapes of emergency calls to the police should also be used. Each role-play and review of actual case should be followed by full discussion based on such questions as:

What was the victim/caller feeling?

What did the victim/caller need most?

Was the emergency response appropriate?

What were the alternative ways of dealing with the call?

Structure of Training:

9:00-9:30: Explanation of role-play and discussion techniques.

9:30-10:15: Sample role-play by trainers with discussion following.

10:15-10:30: Break.

10:30-10:45: Role play crime-in-progress call.

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10:45-11:00: Discussion.
 11:00-11:15: Role play low-priority crime call from older person.
 11:15-11:30: Discussion.
 11:30-11:45: Role play non-emergency call.
 11:45-12:00: Discussion.
 12:00-1:00: Lunch.
 1:00-1:15: Role play sexual assault call.
 1:15-1:30: Discussion.
 1:30-1:45: Role play emergency crime in progress call from a child under ten years of age.
 1:45-2:00: Discussion.
 2:00-2:15: Role play burglary call.
 2:15-2:30: Discussion.
 2:30-3:00: General discussion about all role plays so far.
 3:00-3:15: Break.
 3:15-3:30: Role play domestic violence emergency call.
 3:30-4:00: Discussion.
 4:00-4:15: Role play domestic violence emergency call.
 4:15-5:00: Discussion.

Day Five

Subject Matter:

Stress and crisis theory has application to understanding the emergency response needs of victims. It is also important to use its insights for understanding our own reactions. Emergency response work itself creates high stress levels. It is full of responsibility, discouragement, tragedy, and coping with other people's anxieties. Day Five should be devoted to exploring the tension and secondary victimization involved in the helping professions—particularly that of emergency response.

Resource Materials for Trainees:

"Psychological Hardiness: The Role of Challenge in Health," Maya Pines, *Psychology Today*, December, 1980.

"The Police Officer as Burned-Out Samaritan," Katherine W. Ellison and Det. Sgt. John L. Genz, *FBI Law Enforcement Bulletin*, March, 1978.

Burn-Out—The Cost of Caring, Christina Maslach, Prentice-Hall, Inc.: Englewood Cliffs, NJ, 1982.

Job Stress and Burn-Out, Whiton Stewart Paine, (ed.) Sage: Beverly Hills, CA, 1982.

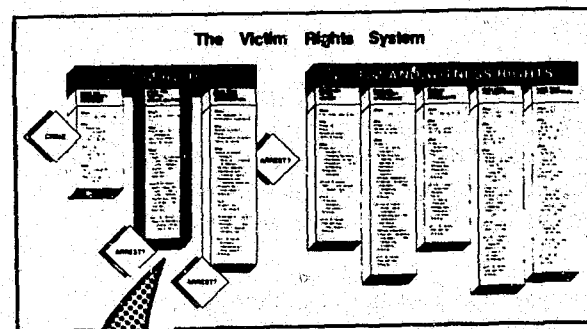
Structure of Training:

9:00-10:30: Discussion of week's training and how it relates to job descriptions of emergency respondents.
 10:30-10:45: Break.
 10:45-12:00: Group identification of high stress points in their jobs and in their lives.
 12:00-1:00: Lunch.
 1:00-2:00: "Burn-Out." (Lecture. A presentation on the application of stress and crisis theory to symptoms of burn-out and suggestions for stress relief.)
 2:00-3:30: Small-group discussions of problems of victimization both on the job and in their lives.
 3:30-3:45: Break.
 3:45-5:00: Reports from small groups and general discussion.

These materials on public education, protocols, and training for emergency response have been included as samples of how to develop good emergency response in your communities. Very little has been done to develop this stage of service in spite of the fact that the way a victim is treated at the outset of his dealings with those he turns to for help in a serious emergency may determine his effectiveness as a witness in the criminal justice system in cases of crime, or more simply, his ability to function well in society.

Creating a capability to respond well at this stage requires little capital expenditure since, at minimum, police dispatchers are to be found in every jurisdiction. What is required is training and refinement of our basic (and sometimes misleading) instincts for compassion. While training is needed at all stages of victim service, it is emphasized at this stage since the need has for so long been overlooked.

Similarly, we are all "on call" to victims who are our family, friends, or neighbors. Minimal funding is needed to encourage the public at large to learn the basic steps of emergency response and emotional first aid.



Chapter 3:
STAGE TWO: VICTIM STABILIZATION

**STAGE TWO:
 VICTIM
 STABILIZATION**

When:

At scene or within 48 hours

Who:

Police patrol & investigators
 Service providers
 Family & friends

What:

Police:

Stabilizing interview
 Crisis counseling
 Conflict mediation
 Shelter or patrol
 Orientation
 Referrals

Service Providers:

Safety measures
 Crisis counseling
 Conflict mediation
 Shelter and other emergency aid
 Orientation
 Referrals

Family & friends:

Personal assistance
 Emotional first aid
 Companionship

Victim Stabilization: Introduction

Jane Dant went right to the supermarket from the office. Being a working wife and young mother was often tiring, especially at this time of day, but her family made good use of the extra income, and she felt good about the success she was achieving in her public relations firm.

After buying the groceries, she went to her car at a far end of the parking lot, next to a truck. She placed her bags on the hood and started to unlock the door, when she thought she heard a footstep nearby.

Instantly, she felt someone grab her wrist, twisting it behind her as she was shoved to the ground. She began screaming until her attacker's hand covered her mouth. She felt another hand tearing at her clothes. As she fought back, she looked up. Against the pale afternoon sky, she clearly saw her assailant's face, and watched him raise his fist. Then she lost consciousness.

When Jane awoke, a policeman was kneeling beside her. For a moment she had no idea where she was. All she could think about was getting home to meet her son after school.

Jane's post-crime experience was different from victims who themselves seek immediate emergency help. It was a witness hearing her screams who called the police, and they arrived before she was even conscious. Now, however, the situation is like virtually all cases in which the police have arrived at the scene of a traumatizing crime—at that moment, both the victim and the police need help.

Jane needs help in dealing with the shattering fact that she has become the victim of criminal brutality. The police need help in trying to arrest the criminal. Stabilizing the victim at this point responds to both needs—it is the starting-place to give the victim appropriate treatment, and helps to turn the victim into an effective ally during the critical, opening minutes of a police investigation.

This chapter offers suggestions to police officers and crisis intervention workers as they seek to restore some stability to a person who has just been subjected to a crisis-inducing violation.

The Police Response

The police are usually the first helpers to arrive at the scene of the crime, and in many jurisdictions, they are the only helpers available to the victim at this stage. Their behavior may prove to be a critical factor in the victim's recovery. It is also a critical factor in obtaining accurate information and investigative leads.

A few jurisdictions have realized that effective police response in this interaction includes knowledge and use of crisis-intervention techniques. They have implemented special training for patrol officers, investigators, and supervisors, providing them with a structure for understanding crisis and treating its effects. Much of that training deals with basic crisis theory and why the police officer is particularly effective in responding to the crisis of the victim. The training also includes suggestions for modifying the style of the traditional police interview. Since this manual will deal with crisis intervention techniques in the next chapter, the police interview will be the focus of this one.

It is important to appreciate the victim's perception of the police officer as one tries to understand why certain methods of interviewing are especially effective. The police officer is usually seen as a source of benevolent strength and authority, a person uniquely able to make things right again, even the kind of omnipotent figure that younger children see in their parents. Most victims are extraordinarily relieved to have the officer arrive and expect him to be concerned about their safety and welfare.

Cast in this role, and wanting to make best use of it, the police officer should first assess what stage of crisis the victim may be in. For example, if the victim is still in the acute phase, his emotions will be intense and there will be a serious need for ventilation of those feelings. Fear and confusion often dominate the victim and must be addressed by the officer. If the victim is in a "denial" or "false recovery" phase, he may not want to talk about the crime and may seem uncooperative. If the victim is in a secondary phase, he is likely to need reassurance that he will be able to return to a previous level of functioning, and he needs to understand the reasons for questions and investigation.

The police officer's demeanor should convey authority and security. His attitude should be concerned and non-judgmental. The victim should be put at ease prior to the interview and made to feel as comfortable and secure as possible, since the terror of a criminal attack may last for hours, even days, after the victim is "objectively" out of danger. Telling the victim that he is safe now, even when that seems unnecessary, can often serve to remove some of the destabilizing emotions that impede cooperation with the officer.

The first stage of the interview should focus on the victim's concerns. "How are you feeling?" "Are you okay?" The officer should take time to treat the victim as an individual. Simple courtesies are important. Find out how the victim wishes to be addressed—by first or last name—and then use his name during the interview. Ask the victim if he wants to smoke or would like a drink of water. Asking for permission to do little things—like, "Could we sit down over there?"—gives the victim a chance to regain control over his environment.

For most patrol officers, the idea of putting the report form and note pad aside, focusing exclusively on how the victim is feeling, goes against the grain. The age-old pressure to get a description of the suspect, take a report, and get back "into service," offers the officer little time to play the reassuring, calming role that victims would like them to.

Actually, officers who have been trained to "make haste slowly" at this stage consistently report that the process takes them surprisingly little time—typically a minute or two—before the victim seems ready to shift his attention from himself to the officer and his needs.

If the first part of the interview seeks to demonstrate the officer's undivided concern about the victim, the second stage seeks to get the victim to appreciate that the officer and his colleagues are ready to help. By emphasizing that there are other patrol officers ready to look for a suspect, the officer can now ask if the victim knows the assailant, or what he looks like. The evidence is that the victim who has regained a bit of composure will be able to give a fuller and more accurate description at this point—or, to put it the other way, the victim who is as upset as he was during the crime will have a lot of emotional interference in trying to recall the assailant's appearance.

After calling in the description, the officer turns to the third stage of the interview, which involves asking the victim to reconstruct the event as best he can. The officer should continue to let the victim know that he cares about what happened to him and is sorry. There is no need to hurry the victim. Give him a chance to think and consider his answers. Let the victim ventilate by telling his story his way. Remember that the report is a means to an end. Letting the victim give his impressions rather than programming his answers with standard questions is usually more productive.

Following the victim's narrative, the officer can elicit any pertinent information the victim may not have included in his narrative, going back to get the sequence and the basic facts blocked out more clearly (see the section in the last chapter on "listening skills" as a guide on how to draw out this information). Prior to asking personal and detailed questions, the officer should take the time to explain why such information is needed.

The final stage of the interview should be used to help prepare the victim for any future contact with the criminal justice system, to offer appropriate referrals, and to reaffirm concern

and understanding. Among the most helpful referrals at this time are offers to have a crime prevention officer perform a home security survey, an offer to contact a friend or relative who might be able to stay with the victim, and an offer to have a local crisis intervention worker come by or call.

The following suggestions are directed to patrol officers who conduct initial victim interviews.

Initial Interview

1. The officer should show a calm, objective manner.
2. The officer should have an air of authority—of knowing what to do.
3. The officer should express concern and understanding for what the victim is feeling.
4. The officer should encourage the victim to talk in his own way.
5. The officer should show a non-judgmental attitude.
6. The officer should explain the circumstances to the family member or friend if necessary.
7. The officer should explain what he and his colleagues are doing and what the victim can expect to happen in the future.
8. The officer should usually conduct the initial interview alone if possible.
9. The officer should make no promises he can't keep.
10. The officer should thank the victim for his trouble.
11. The officer should offer crime prevention assistance in the future.

The Crisis Intervention Worker's Response

Most victim service agencies provide service, and are not involved directly in law enforcement functions, even when they are a unit of a law enforcement agency.

Limitations of budget and time force agencies to make difficult choices among the kinds of victims they will seek out and the kinds of services they will provide. Ideally, every victim of traumatizing crime will receive the help of a crisis intervention worker at the scene of the crime. However, when resources are limited, providing crisis intervention within twenty-four hours of the incident has proven to be a reasonable and workable expedient.

In order to implement an "on-the-scene" program, it is important for the service agency to have a close relationship with the local police department. It receives the great majority of crime reports and is uniquely positioned to summon an advocate to the scene. Normally the police are the first to arrive there, and even when the advocates arrive before the officers, all departments using these services wisely require the officers to enter the scene first.

(In most twenty-four hour crisis programs, this is not an issue because the advocates are called by the police already at the scene. However, several programs receive their calls directly from the police dispatcher and many rape crisis programs have a twenty-four hour hotline which is separate from police functions and therefore may arrive before the police—if the police are called at all.)

Most "day-after" crisis intervention programs also need strong police cooperation because their key information source is the police report. Effective crisis programs have access to all police reports and can review and prioritize them based on the likelihood of crisis reactions in the victim. The following is an example of a priority system:

Crisis Priorities

Call the victims who have suffered serious injuries.
Call all sexual assault victims.
Call the surviving family members in all homicides.
Call all victims over the age of 60.
Call all residential burglary victims who have lost over \$500 or whose homes were vandalized.
Send a crisis intervenor as soon as possible to any victim in the first five categories who wants a home visit.
Send letters to all other victims and explain crisis and other services.
Send a crisis intervenor to all victims who request it.

Once the crisis intervenor is on the scene, whether immediately or within a day, his job is to defuse the crisis and help the victim return to his normal level of functioning. Defusing the crisis may take a few minutes or a matter of days or months. The important thing is that the victim is receiving outside help because, by definition, a victim in crisis is a person who cannot function using his ordinary coping skills.

Models, Checklists, and Guideposts in Crisis Intervention

There are several models for dealing with a crisis situation. One, the LETRA model, was developed for police but has been used in training crisis counseling. It focuses on four chronological steps: safety procedures, defusing techniques, interview methods, and action alternatives.

Safety procedures under the LETRA Model focus primarily on the safety of the crisis intervenor. What should be emphasized is that the crisis intervenor should always observe personal safety precautions and, similarly, should address the victim's concern for safety.

Defusing techniques are based on the fact that the victim is in a state of shock, often emotional and even hostile. To get the victim's attention, advocates employ such techniques as explaining the role of the advocate, discussing furnishings in the household or the victim's children, asking the victim how he wishes to be addressed, and talking about other things that are not emotionally charged.

The interview stage for a crisis intervenor should start with non-threatening questions and follow with asking the victim to talk about the incident. This stage in the LETRA model ends with the intervenor helping the victim to spread out all the serious problems confronting him and then identify and focus on the main one causing the crisis state.

Finally, the LETRA Model ends with the Action Phase. Once the principal problem is identified, the advocate is in a position to help the victim look for options for resolving it. It emphasizes that the victim will ultimately choose the solution most effective for him.

An embellishment of the LETRA model is the ABC Crisis Counseling method. "A" stands for achieving contact, "B" for boiling down the problem, and "C" for coping with the problem. The ABC method varies from LETRA in recognition that LETRA was developed to help law enforcement officials deal safely with domestic disputes.

These and other methods may be helpful in designing the service procedures to be used. In addition, crisis intervention program managers may wish to develop more extensive checklists of things to consider in delivering service, such as the following:

Crisis Checklist

- 1. Life, death, and injury:** Make sure that any emergency medical needs have been met when you arrive on the scene.
- 2. Safety:** Make the victim feel safe by allowing him a choice of where to go for a talk, and reassuring him that protection is nearby.
- 3. Calm and comfort:** Ask how the victim is feeling. This is important for several reasons. First, while you may not have been aware of any injury, it is possible for the victim to have injuries which are not visible and of which he is not aware. Second, the victim is probably feeling very badly and needs to know that someone cares. Third, it gives the victim a chance to think for a moment about his feelings and reactions, and that alone can have a calming effect.
- 4. Give back control:** In talking to the victim, find ways to let him exert control over his life. Ask him how he would like to be addressed. Let him decide where he wants to sit. Ask him if he would like a drink of water or to smoke a cigarette. Any questions that allow the victim a choice in the process also allow him a chance to get back the sense of autonomy that the criminal took away.
- 5. Ventilation and validation:** Let the victim tell his story and reassure him that whatever he is feeling is normal and natural. This applies even if a police officer has already taken a report and the victim has already told his story before.
- 6. Reassurance and response:** Tell the victim that you think the crime was bad and that you are deeply concerned about him. He needs to know that his feelings are okay and that you understand what he is saying.
- 7. The insurmountable problem:** Find out from the victim the most overwhelming problem facing him at this time as a result of the crime. Victims often feel as though the world has fallen apart and that they are besieged by countless problems that they cannot deal with. Encourage the victim to try to focus on the most important, immediate problems (shelter, health, family, etc.). Suggest he list the top three problems in order of importance. Tell him that you and he will look at the first problem immediately.
- 8. Finding a solution:** If the victim doesn't know how to deal with the problem, help him explore possible solutions. Some counselors use the technique of asking a victim how he would advise a friend or family member in the same situation. Others list several possibilities and ask the victim to add to them or to choose the one most appropriate.

If the victim can't deal with the problem either because of emotional or physical issues, offer specific help with regard to that problem, and then tackle the second most difficult problem he is facing. For instance, a burglary victim may not be able to face picking up the pieces of a broken item which he loved dearly but finds the sight of it the most horrible problem he faces. Clean up the pieces and move on to the next problem. In most cases, after the first "insurmountable" problem is surmounted, a victim will feel relieved enough to begin working with you on the next solution. Find at least one problem that the victim, himself, can take as a positive step toward resolution. This will help him realize that he still has some control over his life.
- 9. Predict and prepare:** After the victim has had a chance to focus on some of his immediate problems, tell him what he can expect in the future. If there will be a police investigation, let him know whether he will be involved and when he might expect to hear the results. Help him to plan his activities for the next few days so that he can deal effectively with some of his remaining problems. Provide him with some immediate referrals if they seem

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necessary. Write down names and telephone numbers in a place where they will be easily retrievable. Tell him what kinds of emotions victims often feel and explain the possible physical reactions to stress. It is important to provide him with a clear understanding of common emotional blueprints in crisis so that he doesn't feel like he is losing his mind if he is depressed or can't concentrate in his daily work.

10. **Saying goodbye:** Make sure the victim is relatively calm and thinking clearly before you leave. In serious cases of crisis, do not leave the victim alone. Arrange for a friend, a neighbor, a family member, or someone else to stay with the victim, preferably overnight, after you leave. Tell the victim when you will be back in touch with him or if someone else will be doing a follow-up contact. Tell him the name of such a person and when he can expect a visit. Leave the hotline number or the office number with him so that he can call if he needs further help.

The following indicators of victim behavior can be used as guideposts as to what is going on and what may be the appropriate response.

Victim Behavior	
Behavior	Helper's Reaction
1. Victims sometimes seem calm and competent when in fact they are very upset. (We grow up learning we should "take care of ourselves.")	Avoid assuming that external calm indicates what's going on inside. Assume that crime is a shocking event and use your time with the victim to try to assess the real emotional impact. "Most people who have been through what you've been through have a hard time," or something similar, is enough to signal that you're available after the brave front no longer works for the victim.
2. Victims may be very upset and need soothing. (Hysteria and tears are not uncommon even in cases of burglary.)	Be patient and allow the physical reactions time to reverse themselves; give direct instructions, when possible, which will help the victim regain control.
3. Victims often are afraid even when help has arrived. (A common and not unreasonable reaction is to expect the criminal to come back.)	Reassure the victim of his immediate safety. Plan for his continued protection if his fears are not overcome at the end of your session.
4. Victims tend to blame themselves and expect you to blame them too. ("Wasn't your door locked?") is a common reaction from a friend.)	Help place the blame on the criminal. Do not suggest that you blame the victim and do not ask questions which suggest such blame.
5. Victims often expect helpers (whether police or crisis workers) to be in a hurry. (Jack Webb's constant talk of "Just the facts, ma'am" has helped us think this way.)	Communicate patience and a willingness to spend whatever time is necessary to help.
6. Victims feel the attack was extremely important but may worry about bothering you. (The chief cause of non-reporting is fear of bothering the police.)	Tell the victim you understand the importance which he places on the crime and let him know you care about <i>his</i> case.

box continues

7. Victims may feel humiliated. (The "I-am-stupid" reaction is associated with the loss of control. There is a fear that "I could have done better in reacting to the criminal but I didn't.")

Help restore dignity through courtesy and respect. Reassure the victim that whatever he did was right—he is, after all, alive and (usually) well.

8. Victims sometimes are angry at the police or others. (They feel someone, police, society, or family "should have protected them.")

Acknowledge the victim's right to be angry, but try to direct it at the criminal and not the system. Remember that victims often ask themselves "Why me? How did I deserve this?", and there may be fewer long-term problems if they blame any outsider—the criminal or the police—than themselves.

Severe Crisis

Some victims are more likely than others to suffer a severe stress reaction and be thrown into crisis. It is important to be aware of high-risk crisis situations and be prepared for victims with special needs. Hence, the following guidelines are proposed as examples of guidelines for dealing with particular situations.

Death

Perhaps the worst kind of crisis for police or crisis worker is the crime or accident which causes death—indeed, even dealing with death by natural causes can be very distressing for anyone whose official duties require them to be involved with the aftermath.

Whatever the cause of the death, if it was sudden and unexpected, the deceased's surviving friends and family will be vulnerable to severe crisis. Some people, when informed of the death of a loved one, have suffered such severe stress that they have died shortly thereafter. Others become suicidal. Some react with numbness and disbelief which, for most, allows them to take some time to accept, absorb, and resolve the news. Some who react with apparent bravery are at risk of suffering the most emotional trouble months or years later. Whatever the immediate reaction, taking on the unexpected news must be considered a life-shattering experience.

• Death Notification

Telling someone about a loved one's death is an exceedingly painful event, both for the survivor and the messenger. While nothing can make it easy, some guidelines are helpful to police and crisis intervenors.

These guidelines should be placed in context.

Anyone called on to make a death notification should be trained in crisis intervention and in dealing with death. Training is essential to doing a good job and helping to ease the crisis. Most people have difficulty dealing with death and dying. Even with the growth of popular literature on the subject, the tendency is to avoid talking about death and to avoid confronting it. People who will be making death notifications must take time to explore their own feelings about death, dying, and grieving before they try to help someone else cope with what might be considered life's gravest crisis.

When the helper is notified about a death and asked to give the notification, he needs to get as much information as possible before visiting the survivor. But he should not ask for such information over a police radio or by any other method of communication to which the public has access. Not only are there disturbed people who prey upon survivors with vicious stories and intimidation, the survivor himself may accidentally hear the news.

One should not make a death notification alone. A crisis intervenor should always be accompanied by a police officer. (The officer lends authority to the notification and will help the survivor understand that death has actually occurred.) It can also be helpful to be accompanied by a relative, a neighbor, or a friend of the survivor. There are several reasons that two or more people should be involved in the notification.

1. One person can actually tell the survivor(s) the bad news and the other one can watch for responses and possible crisis reactions. One counselor told of a situation in which she had to tell a man's mother and his wife of his death. While she talked, the wife ran into the kitchen and tried to kill herself with a knife. The police officer was able to follow the wife while the counselor stayed with the mother.

2. If there are several survivors in the household, it may be important to separate family members and break the news to individuals differently. For example, in a case where a husband and father were killed, the wife did not want to be present when the children were told, even though she wanted to be with them immediately afterwards. She could not bring herself to utter the words so soon after she had heard the news herself.

3. In cases where there is a severe immediate reaction, one individual can call for additional help while the other can continue to try to calm or help the survivor. In one case, the person receiving the news had a heart attack and one of the counselor's administered CPR while the other called for help.

The survivor should not be left alone after the notification. It is important that someone remain with the survivor for at least the first night. If there are no family or friends immediately available, the counselor should try to locate a neighbor who is willing to stay and who is acceptable to the victim.

Guidelines for Notification Procedures

1. Obtain as much information on the death as possible: what happened, when did it happen, where did it happen, how did it happen, and what is the source of positive identification. The last piece of information is critical. You do not want to make a mistake in the identification of the deceased.

2. Try to find out some basic information about the survivors. Medical information is important. If the survivor has a history of heart disease, diabetes, hypertension, etc., the messenger should be aware of the possibility of severe physical reactions.

3. Never make a death notification by telephone. Friends and family members follow the same advice. If you are forced to telephone someone to tell them about a death, telephone a friend or neighbor in the area first, and ask that they visit the survivor and help you inform them about the death.

5. Do not take any personal items of the victim with you to the residence. Some people think this will help the survivor, but chances are it will add emotional fuel to the tragedy at this time. Later, however, the intervenor should offer to retrieve and return all property of the deceased.

6. Ask to speak to parents or an adult if a child answers the door. Make sure that the adult is the closest available relative of the deceased. If possible, try to discern whether this is the appropriate relative to talk to. If a husband and wife are involved, make sure both are in the room if they are both home.

7. Ask to enter the home—"May we come in to talk to you?" Indicate there is a medical emergency and that you have important information but you would rather talk to them inside.

8. Seat the survivors and yourself.

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9. Make sure that no dangerous objects are near. (This includes scissors, heavy objects, knives, etc.)

10. Tell the survivor simply and directly. "I have some very bad news for you. Your son was shot in an armed robbery and he died immediately." Don't build up to the idea of death. Don't let anxiety grow. Don't use words like "passed away," "expired." Such words may confuse the message. Leave no room for doubt or false hope.

11. Be watchful for a variety of responses by the victim. These may include: hysteria, anger, fainting, physical violence, etc. Assess the physical reactions and be ready to call the hospital if necessary.

12. Answer any questions tactfully but directly. Be prepared for a wide range of questions: Where is the body? Did he die instantly? If not, was he hurt before he died? How many robbers were there? Was anyone else hurt? Can I see him?, etc.

13. Focus on immediate needs of survivor. Do they want a glass of water, cup of coffee, cigarette, etc.? Can you help with children or pets?

14. Help the survivor get in touch with close relatives, friends, or a member of the clergy if they would like. (Do not assume that a member of the clergy—or for that matter, a particular relative—is welcome or would be helpful. Always check with the survivor about who he wants to be with before you call anyone. If he wants to notify a relative who was also close to the victim, arrange to call a friend of that relative to be with the relative when the survivor informs him of the death.)

15. Stay until someone arrives to be with the survivor during the night.

16. Do not be judgmental about the survivor's reaction. For example, if a survivor wants to see the victim—even if mutilated, the request should be honored if possible. Fantasies in many cases are worse than reality.

17. Help the survivors explore their options over the next few days, and provide a referral source (ideally a part of your program) which can help with arrangements for funeral, insurance claims, hospital payments, etc.

18. Messengers should be trained to respond empathetically. Let the survivors know you care and are concerned about their feelings. It is important to rely upon your assessment of their feelings and react as positively as possible. Physical touching may make some survivors feel better, others may not want to be touched by a stranger.

• Surviving a Murder

While severe stress besets most victims of serious crime, the crisis of losing a loved one to murder is extreme and unique. Thoughts of never seeing a person again, thoughts of their suffering as they were being killed, thoughts of the senselessness, thoughts of the bestiality, all tend to plague the survivors. While long-term help is normally desirable (whether through self-help groups, family support, or professional counseling) the initial acute crisis phase is important to understand for victim stabilization.

The survivors suffer shock and for their own well-being often deny that a loved one is gone. Death is unacceptable to many of us, usually not because of its reminder of our own mortality (contrary to popular belief), but because we do not want to lose someone we love. Whatever the source of their pain, it is often so great as to cause survivors to consider suicide or withdrawal from the world.

The anguish of any death is increased by its having been caused on purpose. Why would anyone want to kill another human being? Why would he want to kill someone you love? There

are no answers in many cases, and where answers are given, they are rarely sufficient. A lover may kill a lover—but that makes no sense to parents, brothers, or sisters. A robber may kill for money—but that makes no sense to a husband or a wife. Even more appalling are the crimes involving torture or extraordinary violence, a form of terrorism that afflicts others long after the immediate object of the viciousness dies.

Missing a loved one and grieving over his death is a painful but needed part of the process of beginning to live again. In the acute crisis phase, no helper should attempt to convince the survivor that the death, the missing, and the grieving are in any sense good or that the survivor should in any sense accept the murder. No helper should try to intervene in the initial anger, despair, or frustration of death, except when the survivor threatens either himself or another person.

Normally, the acute phase of crisis will involve so much numbness that the serious manifestations of crisis will be put aside until a later time. This means that an important part of the crisis response is to let the survivors have time to be numb, to be helpless, to despair.

Do not force them to do things or to take on problems if they do not want to. However, you may be able to help them regain control over small parts of their lives which they want to keep in touch with. For instance, for many survivors, the fact that they are still needed in life to take care of children, pets, plants, etc., may be an intrinsic part of their willingness to keep on living. This can be critical in helping them to continue. But if they resist, let them rest, and allow them time away from the world. We rarely insist that a victim of a broken leg or of a heart attack begin to exercise immediately. We must be careful about asking a victim of a broken heart to begin to act immediately. They too need to recuperate, and that resting period for survivors may take months.

The following guidelines for understanding grief were developed by The Compassionate Friends, a self-help group formed to help parents deal with the death of their child.

Understanding Grief

Grief, with its many ups and downs, lasts far longer than society in general recognizes. Be patient with yourself. Each person's grief is individual. You and your spouse will experience it and cope with it differently.

Crying is an acceptable and healthy expression of grief and releases built-up tension for mothers, fathers, brothers and sisters. Cry as freely as you feel the need.

Physical reactions to the death of a child may include loss of appetite or overeating, sleeplessness, and sexual difficulties. Parents may find that they have very little energy and cannot concentrate. A balanced diet, rest, and moderate exercise are especially important for the whole family at this time.

Avoid the use of drugs and alcohol. Medication should be taken sparingly and only under the supervision of your physician. Many substances are addictive and can lead to a chemical dependence. In addition, they may stop or delay the necessary grieving process.

Friends and relatives may be uncomfortable around you. They want to ease your pain but do not know how. Take the initiative and help them learn how to be supportive to you. Talk about your child so they know this is appropriate.

Whenever possible, put off major decisions (changing residence, changing job, etc.) for at least a year.

Avoid making hasty decisions about your child's belongings. Do not allow others to take over or to rush you. You can do it little by little whenever you feel ready.

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Parents may feel they have nothing to live for and may think about a release from this intense pain. Be assured that many parents feel this way but that a sense of purpose and meaning does return. The pain does lessen.

Guilt, real or imagined, is a normal part of grief. It surfaces in thoughts and feelings of "if only." In order to resolve this guilt, learn to express and share these feelings, and learn to forgive yourself.

Anger is another common reaction to loss. Anger, like guilt, needs expression and sharing in a healthy and acceptable manner.

Children are often the forgotten grievers within a family. They are experiencing many of the same emotions you are, so share thoughts and tears with them. Though it is a painful time, be sure they feel loved and included.

Holidays and the anniversaries of your child's birth and death can be stressful times. Consider the feelings of the entire family in planning how to spend the day. Allow time and space for your own emotional needs.

A child's death often causes a parent to challenge and examine his faith or philosophy of life. Don't be disturbed if you are questioning old beliefs. Talk about it. For many, faith offers help to accept the unacceptable.

It helps to become involved with a group of parents having similar experiences; sharing eases loneliness and promotes the expression of your grief in an atmosphere of acceptance and understanding.

Bereaved parents and their families can find healing and hope for the future as they reorganize their lives in a positive way.

A sample brochure on dealing with grief developed by the Victim Witness Program in the Office of the Pima County Attorney is included in the Appendix.

Sexual Assault

All crime attacks an individual's sense of self. Theft of something one owns violates an extension of one's self through one's property. Burglary is an invasion of one's home—the exterior shell we create around ourselves. It is our shelter, our castle, and a physical creation expressing who we are. Burglary violates that sense of protected space. Many burglary victims, particularly men, react to the violation in a similar manner as do rape victims. Case histories record such reactions: "I feel stained and dirty," "They were in my home; I feel like it was me they invaded," "I feel raped."

Short of murder, rape is the most brutalizing crime that can be perpetrated on a victim. Even a severe beating rarely leaves its victim feeling so helpless and invaded. Someone has used you against your will, in a manner so vile and demeaning that only overwhelming force or the fear of being murdered overcame your resistance.

Crisis stages occur in fairly similar patterns in all crimes, but in cases of sexual assault, elements of the crisis are increased by the shock of being violated *in* one's body, and of being put in fear of being killed.

Shock and disbelief in a rape case may cause the victim to try to ignore what happened to her for days, weeks, or even months. As a result, many victims do not report immediately. When their psyches allow them to admit that the assault happened, certain crisis reactions may overwhelm them.

The crisis of the sexual assault victim is further complicated by the fact that if the victim reports to the police, she will face the ordeal of the rape examination. Though that procedure

is necessary to gather evidence, it can be traumatic to the victim (especially those who have never before had a pelvic examination), and, given the nature of the crime, the trauma may occur even where the examination is properly conducted by experienced and sensitive personnel.

It is important for the crisis intervenor to realize some of the unique feelings of a sexual assault victim in order to help provide some stabilization at the scene of the crime or at the hospital emergency room.

• Psychological Reactions

Self-Blame and Guilt: Our society tends to blame the victim of sexual assault more than other victims of injurious crimes, since many people still assume that most rape victims ask to be victimized. Questions asked by friends or family may include: What were you doing on the street at that time of night? Why were you hitchhiking? Why did you open the door to a stranger?

Blame is accompanied by community attitudes which tend to ignore or encourage macho behavior by men. Society suggests that women are "swept off their feet" by strong, overwhelming men. Hence we excuse the behavior of attackers and question the behavior of the victim—and we rarely appreciate that even spousal and acquaintance rape (a small portion of the total of sexual assaults) usually involves all the psychological elements of the rapist's need for violent domination, not sexual gratification.

Victim blame is often complicated by the reaction of the victim and the reaction of families and friends. Most women were raised to value virginity or at least the idea of an exclusive relationship with the man of her present life. It is rare to see promiscuity taught, lauded, or, for that matter, practiced. So the victim feels that she has lost a value that was important to her parents, her boyfriend, her husband, or those who might someday fill those roles. They, in turn, often react in ways which confirm her feelings.

Humiliation: Victims of sexual assault often feel dirty and discarded. Their sense of humiliation may stem from the physical details of the assault or the loss of privacy over their body. It is clear in most cases, the rapist leaves rapidly after the completion of the act and hence the victim feels mutilated and scorned.

Fear: While fear is a common reaction in most crime victims, for many sexual assault victims it is more direct. Often the rapist will have threatened to harm her again or to come back. Sometimes such threats will be tied to the possibility that she might report to the police. Other times the threats are simply directed at making her feel vulnerable to his re-attack. This fear is compounded by the fact that the victim probably was unsure during the attack whether she would be seriously injured or killed.

In reviewing the above kinds of feelings of the rape victim, the sexual assault counselor may want to emphasize some of the following issues during the stabilization stage.

Sexual Assault Stabilization

1. Providing a secure and safe place for a victim interview is particularly important since the victim is usually terrified. Arranging for a family member or a friend to stay with the victim overnight is also helpful.

2. Pay attention to the victim's opening words when she talks to you. Evidence suggests that these words will give you a clue about her real concerns and will include crisis requests as well as possible solutions.

3. Ventilation is critical for most rape victims, but it is important to emphasize what they wish to tell you. In the immediate crisis stage, a crisis intervenor should not delve into the details of the attack unless the victim wants to talk about them. An accurate descrip-

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tion of what happened is not necessary for the counselor although it is for the police. Making the victim tell such details over again may only add to her trauma.

While the victim should not be forced to talk about details immediately, there is evidence that it is important to talk about the details relatively soon after the assault. This can be done within 48 hours of the crisis call—perhaps by telephone if the victim cannot face another person while telling her story.

4. Try to minimize guilt and self-blame. Do not phrase questions in a way which sounds judgmental or in a way which might inhibit the victim from answering. Her sex life is usually not relevant to your intervention (again, unlike the police investigation.) To find out if she has an ongoing and supportive relationship with a husband or boyfriend, it is enough to ask if she is married or dating someone steadily. You may want to caution about pregnancy risks and outline the possible options for the victim, but you need not ask whether she is using birth control. If the victim dwells on her guilt, an intervenor may want to say at some point: "There is no reason for you to feel guilty. He had no right to attack you—under any circumstances."

Ask only what you need to know to help the victim at this time; further counseling can be provided at a later stage. If the victim expresses guilt over her failure to fight or escape, indicate that survival is the most important thing and that whatever she did in response to the attack was probably the best thing she could've done in that situation.

5. It is important that the victim have someone to talk to and to stay with her after the event. That person is normally a member of her family or friend. Despite the desire for such reassurance, the victim may be afraid to call someone for fear of being rejected. If she is afraid, the crisis intervenor may suggest making the call or talking to her friend. A serious worry to many rape victims is telling a husband or children. Victims should be reassured that children do not need to be told immediately. (It is suggested that children who are old enough to understand should be told sometime in the first three months after the rape.) Husbands should be told, but the victim and counselor may want to discuss the pros and cons of such information prior to breaking the news.

6. Provide a complete explanation of what the police investigation will entail and what the victim can expect at the hospital emergency room. Accurate description of the reasons for these procedures will help the victim understand and accept what can be a necessary but humiliating experience. More importantly, the victim who finds her counselor has "sugar-coated" the medical or law enforcement procedures may lose trust in the counselor, and be left without a crucial helper in the weeks to follow.

• Hospital Evidentiary Examinations

The Setting: Victims of sexual assault should be seen as soon as possible. They should be given priority over other patients not involving life-or-death emergencies. A common problem in emergency rooms is long delays. Such delay in examination and treatment can cause increased trauma to the victim.

Private facilities should be made available for the victim while she waits for assistance. It is preferable for all registration information to be taken in a private room.

Where crisis intervenors are not called by police or are not automatically called to the scene, the victim should be asked immediately if she wants a rape crisis worker to come and talk with her. The preferable approach is to have crisis workers arrive automatically and to let the victim decide whether she wants the worker to stay.

The role of the medical personnel in the emergency room is to identify and treat injuries; to insure proper arrangements for tests for pregnancy and venereal disease; and to record the evidence relating to intercourse or sexual assault. It is imperative that medical personnel be sympathetic.

The importance of a properly-conducted medical examination cannot be over-emphasized. It is critical for the victim's well-being and for the collection of good evidence.

Orientation for the Victim: Emergency room staff should try to put the victim at ease and make her as comfortable as possible. They should indicate concern about her condition and explain the general steps of the examination and procedure.

Pre-Examination Questions: Standard information concerning the victim's medical history must be gathered.

The victim must be asked about the assault and her physical condition as a result of the assault. It is not necessary for the emergency room staff to know the details of the event. It is necessary to record key items involving physical injury and potential evidence. Anal and oral intercourse should be asked about since some victims are too embarrassed to volunteer this information. Simple terminology should be used so that the victim clearly understands the questions.

Other necessary information includes: time and date of assault, last normal menstrual period and pregnancy risk, whether or not the victim has bathed, douched, or gargled since the time of the assault, the last time the patient had vaginal intercourse other than the rape, and any physical symptoms such as pain, bleeding, cuts, bruises, etc.

Finally, an explanation of the physical examination should be made. Special attention should be given to explaining the procedures and the reasons for the pelvic exam. The victim should be asked to consent to the examination and any necessary photographs of injuries as well as to the release of information to the police. (If the victim is a child, parental consent will be needed.)

Physical Examination: In some jurisdictions the rape examination is guided by special rape evidence kits which have been developed to make sure that all important procedures are followed. Other jurisdictions use detailed protocols in training emergency room staff. The following list indicates some key items which can be documented through the examination.

Sexual Assault Examination

1. The emotional status of the victim. This is particularly important to record since the reaction of the victim may be vital at a later stage in documenting the rape trauma syndrome. In some jurisdictions, evidence of rape trauma has been introduced in court cases to substantiate lack of consent.
2. Pulse, blood pressure, and temperature are physical indicators of physical ailments as well as the possibility of severe physiological reaction to stress.
3. Clothes. Many times the clothes of a sexual assault victim will carry evidence such as blood, semen, hair, skin particles, secretions, etc. Clothing should be sealed in a sterile bag and clearly identified for the police.

Emergency room personnel or crisis intervenors should ensure the victim is provided with other clothes at the hospital. Many crisis intervenors take slippers, robe, or warm clothing to the hospital in case the victim did not have a chance to bring extra clothes from home. Clothes should be comfortable and warm.

4. Examination of victim's body. The medical personnel should look for bruises, bites, lacerations, semen, blood, and evidence of trauma on the victim's body. Fingernails may

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contain scrapings from scratches. All alien matter such as dirt, grass, foreign public hair, etc. should be sealed in a sterile bag or envelope. Possible dried fluids should be collected on saline-soaked swabs or flaked off into an envelope. All evidence should be clearly identified for the police. Photographs should be made of any injuries and should be clearly marked.

5. **Pelvic Examination:** External genitalia, thighs, anus to be examined for trauma and dried secretions. Inspection of the vagina should include lacerations, bleeding, and sperm. The uterus size and position, size of ovaries and tubes, and unseen vaginal tears and internal damage should be recorded. Similar examination should be made of the rectum and the pharynx and throat if anal or oral intercourse occurred. A urine analysis can show sperm up to 8-12 hours after vaginal intercourse.

6. **Medical Treatment:** The victim should be treated for any immediate wounds. If the victim has been stabbed, cut, or scraped, tetanus shots may be in order. Venereal disease may be tested for immediately but if it seems too traumatic, it can be delayed. The victim may be worried about pregnancy and so should be reassured that it is very rare in rape cases. Decisions about prevention of pregnancy may be delayed, but if the victim is very concerned, immediate action is recommended.

• Immediate Follow-Up

After the hospital examination and the police interview, the victim will need to return home or to go to an alternative shelter if she is afraid to go back to her house or apartment. She should be accompanied and a friend or family member should be called to stay with her. In helping with this transition, the counselor may find that the victim needs to ventilate at length; giving the victim an active listener now may well be the most therapeutic help she will ever receive.

Before the counselor leaves the victim, she should make sure the victim feels as secure as possible and understands that she or someone else is available to help the victim in the months ahead. The victim needs final reassurance that she is not crazy and that she is still a worthwhile person. She should be told what to expect over the next few months so that she is prepared for further investigation as well as for the normal emotional and physiological reactions to such crises.

In most rape cases, it is wise to contact the victim again even if she appears to be coping well. Such re-contact is advised after a couple of days, a couple of weeks, three months, six months, and a year.

A sample brochure on rape crisis services is included in the appendix.

The Elderly Victim

Older people are more vulnerable to the impact of crime than many other age groups. They often suffer more extreme financial hardship, more serious physical injury, and more intense psychological distress.

The financial impact of property damage or monetary loss is exacerbated by the fact that most elderly people live on fixed incomes with little economic margin for replacing such losses.

Physical injury may result in critical consequences because the elderly often already have suffered physical decline as a result of aging. Older people are often victims of chronic illness, reduced mobility, hearing and sight loss. Even a minor physical injury may cause hospitalization or a removal to a nursing home, and that relocation alone can cause serious illness or even death.

The shock of crime may be the final blow in a period of stress brought on by retirement, the death of friends and relatives, illness, financial strain, etc. While some elderly people have

developed strong coping skills which help them to deal with increasing trauma, many are left feeling terminally helpless by a criminal victimization, a final stressor precipitating a major life crisis.

For these reasons, crisis intervenors should be particularly aware of the high risk of crisis in elderly victims. Elderly victims of larceny, burglary, vandalism, and assault often face as severe a crisis reaction as do victims of sexual assault and even homicide survivors. The following guidelines may help crisis intervenors deal with the unique problems of elderly victims.

Elderly Victim Stabilization

1. The assessment of physical injury or physiological reaction should take into account existing medical conditions. The helper should inquire about previous illnesses and current medications that the victim may be taking.
2. *Never* appear to disbelieve an elderly victim. Even if you think he is confused, respond sympathetically and listen to the story. A common misunderstanding about the elderly is that most are senile. They are not. They may have difficulty communicating or they (like many other victims) may become depressed or confused, but most older people are credible and conscientious witnesses. To react condescendingly or appear patronizing can cause the elderly victim fear, frustration, and anger—at you.
3. It is very important to the elderly victim to have his "support system" of family or friends near by. The counselor should be cautioned that elderly's support system is often in friends and not in family. One should not assume that a nearest relative be called unless the victim wishes it. A roommate or a neighbor may be the source of strength the elderly person needs. Family members are sometimes hostile parties.
4. It is important for the crisis counselor to be able to offer some immediate economic assistance to the elderly victim. Such assistance may be offered as a loan with no interest and no fixed due date. Many older people do not want to accept welfare or to feel they cannot take care of themselves. At the same time, the fact that many live on fixed incomes means that they may need some immediate help to buy groceries or medication.
5. A crisis intervenor should be aware that when he helps an older victim, he may end up dealing with many geriatric problems as well as crime problems. The elderly person may need health care, homemaker services, transportation services, etc. The intervenor should know proper referrals or be able to offer concrete help if the victim raises these issues.
6. Intervenors should be alert to signs of abuse or neglect of elderly persons. There is growing evidence that many elderly people are subject to violence from intimates—sons, daughters, caretakers, etc. Some elderly may seek help after suffering a victimization by a stranger but find it difficult to report or seek help over victimizations by intimates.
7. Some elderly victims will suffer mental disabilities. They will not be able to remember the assault or to communicate their anguish. While protective services may be an appropriate referral in many states, crisis agencies should also try to develop legal referral services for older people. Since so many symptoms of mental disability in older people are caused by reversible medical, nutritional, and psychological conditions, preserving the older person's independence at the same time as helping him to recover from an attack can be essential to his recovery.

A brochure on Cook County's program for senior citizens is in the appendix.

Children as Victims

Children are among the most victimized populations. Sexual assault and molestation has

been estimated to affect as many as 20% of all children. Physical abuse of children may be perpetrated on another half million individuals. Juvenile peer victimization is increasing as a result of school violence and drugs. Yet the criminal justice system offers little relief to children.

Allegations of a child may not be listened to because many adults do not want to hear their complaints. It is presumed that a child is often untruthful. Lack of trained staff may make it difficult to interview a child about an alleged crime. Children may not understand adult language, may become embarrassed about the subject, or simply may not have an attention span needed to deal with long periods of questioning.

These problems and others help create a legal atmosphere where children are not wanted and/or protected. Because of that predisposition of our legal system, victim service workers have realized that the child victim is one of the most important and needy victims in the system. More and more programs are attempting to focus some attention on meeting the needs of the child victim and witness. The following materials may be useful in structuring a program component to deal with children in crisis as a result of crime.

• Knowledge of Child Development

Contrary to popular and judicial opinion, even very young children can be credible witnesses and can tell their stories well. The problem in eliciting such testimony or dealing with a child in crisis is that adults tend to approach the situation as if the child were also an adult. It is imperative to talk to children in a way which corresponds with their development.

There are many theories of child development but most acknowledge some basic phases of growth from infancy to adulthood. These phases are marked by learning patterns and acquisition of skills. It is clear that a child who cannot talk is unable to be a witness. However, that child may still be subject to severe crisis and distress and may need immediate intervention. That crisis may be more intense since the developmental stage of early childhood is characterized by a sense of trust and dependency on one's parent figures. Severe victimization may destroy that critical bond even if the parent figure is the perpetrator.

Children usually become verbal between two and four. The pre-school child may be able to talk well but may not be able to understand concepts. Their sense of time and space is not connected with the natural world. It is personalized. It is difficult to connect events. However, they may well be able to recall isolated events which can be triggered by stress, crisis, or association.

Playing is an important part of the pre-school child's ability to communicate. Since their verbal ability may not express complex concepts, they may turn to "acting-out." Fantasy is usually an integral part of play. What is clear, however, in working with children is that they can make a distinction between fact and fantasy. They may indeed analogize through play-acting or drawing but they identify the analogous real-life players clearly. The pre-school child is often engaged in becoming involved with a life outside of his physical being. This is a stage of initiative, of ego formation.

School-age children (up to teen-age) are far more adept at understanding abstract concepts and symbols. However, their everyday thinking still tends to be concrete even as they develop a sense of time, space, and connectedness to the world. They also may develop rigid ideas and rituals. They are prone to becoming distrustful of adults since they become peer-oriented in their school and social environment—the harbingers of adolescence. Since they see things in a black and white, right or wrong context, they often resent adults who "betray" them through what seem to be small injustices.

The inclination of school-age children is toward learning and a mastery of their world in the ongoing search for autonomy. This predisposition tends to make them more susceptible to rigidity and pre-conceived ideas. They are apt to feel that what they learn is truth and any deviation may be, again, treated as betrayal by adults.

While the issues of adolescence are not addressed here, it is important to note that that period usually represents a time of life in which the individual is extremely oriented to their own identity and their own independence. Hence, cooperation by adolescents is not to be expected but rather conflict may be assumed. On the other hand, even "difficult" adolescents usually have more in common with adults than not, and can be reached by those who have the requisite communication skills.

These developmental issues are extremely important in addressing both crisis and eventual witness issues with children.

- **Crisis Intervention**

No matter what the age of the child, the protection of the child should be paramount whenever a crisis intervenor, police officer, family member, or friend is responding to the child's victimization.

In order to protect the child, one must first make an assessment of the crisis needs (in terms of developmental growth) and second make a treatment diagnosis for the child, both in terms of the criminal justice system and the medical system.

The following guidelines may be helpful to a counselor or helper who deals with children at crisis.

Planning for the Interview

1. The environment of the interview can have a significant effect upon the way the child responds.
2. Discussions should take place in a quiet, private room. Younger children may want a parent or a familiar person available so that they feel secure during the interview, while older children may be too embarrassed to have anyone but the counselor in the room, particularly if the victimization is one of sexual assault.
3. If possible, talk to a parent or parental figure first. This may not be feasible in incest cases unless the report had been made by a parent. Ask the parental figure what the issues are as s/he perceives them.
4. Do not take the parental interpretation to represent the child's view of the victimization.
5. Prepare the parent for dealing with the child if a sexual assault has been involved. Explain to the parents that the child may be more worried about the parent's reaction than the incident itself.
6. Toys, crayons, paper, pencils, etc., should be available to encourage the child to relax. Drawing or coloring may also help him to express himself. Books should not be used since reading can interrupt the flow of thought.
7. The counselor should be relaxed and casually dressed. If a police officer should be involved, encourage him to appear in plain clothes.

The Interview

1. When introduced to the child, try to make the child feel safe and secure. Important features of the initial introduction include talking to the child using appropriate vocabulary for the age and developmental level.
 2. Begin the interview with questions about the child's family, friends, toys, pets, neighborhood, etc. This introduction will help establish a relaxed discussion.
- box continues*

3. Determine the facts of the event so that an investigation of the abuse can take place. In cases where there is obvious physical or sexual abuse, confirm that a pediatric resident in the hospital or a doctor has been notified of the case and that you will be arriving shortly.

4. The following information needs to be obtained.

- a. Facts of case and history as the accompanying person knows it.

- b. The victim's story.

- c. If the case involves sexual assault, try to understand and use the patient's terminology for parts of the body, sexual acts, etc.

Allow the child to respond according to his/her development stage. This means willingness to use play acting, painting, toys, picture books, etc., when a child is upset. We recognize that an adult can regress to childhood. A child under stress may regress to a pre-play state of feelings which is unable to be abstracted to words.

Many programs are now using anatomically correct dolls to work with children of sexual molestation, sexual assault, or incest. These dolls help children to explain what happened and how.

A brochure on child sexual abuse is included in the Appendix. More and more programs are developing special emphasis on child victims because they have been so ignored in the criminal justice system. An innovative step has been taken in Wisconsin with the introduction of legislation which would establish a children's bill of rights with regard to criminal justice treatment.

Family Violence

A great deal has been written about how to deal with crisis intervention calls relating to domestic disturbances. Conflict management techniques have become popular topics of training for police departments as well as crisis intervenors. The dynamics of such situations are somewhat different than other types of crime because often the offender is still on the scene, the relationship between the parties is integral to the crime itself, and the traditional criminal justice response has been to ignore crime which occurs within families.

While many jurisdictions have domestic violence programs or shelters, crisis counseling may be provided by a general victim service program. It is important for all crisis intervenors to have some sense of two kinds of issues involved in family violence: the particular kinds of stresses that tend to foster violence, and the patterns of relationships which tend to maintain it. The following summary may point to topics for further training on the subject.

- **Stress Factors in Family Violence**

Violence usually occurs as a response to stress.

Selected Stress Factors Relating to Family Violence

1. **Geographic Isolation:** Couples living in isolated rural areas or who have moved from family and friends may have no personal outlets and social support networks. The increasing social/employment mobility in our society compounds this.
2. **Social Isolation:** Some couples are emotionally dependent on one another and/or expect that their spouse should adequately meet all of their needs. This type of extreme interdependence tends to exclude social contacts, intensify the relationship, and increase stress related to meeting the partner's demands. Certain jobs increase social isolation, i.e. law enforcement officers, judges, doctors.

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3. **Financial Problems:** The unemployment or underemployment of a spouse may result in doubts regarding self-worth and may cause conflicts over financial matters. This is especially difficult if the husband, who is expected to be the "breadwinner," is unemployed or underemployed, because he is unable to live up to his own and his spouse's expectations. Inadequate economic resources also result in inadequate housing, diminished social outlets, and external pressure from creditors. It should be noted that even wealthy families can feel the stress of "inadequate resources" since financial problems often surface with regard to economic choices, not just economic survival. Further, if the wife is employed while the husband is not, the role-reversal and the increased diminution of self-esteem of the husband may cause extraordinary stress. Recessions wreak havoc on such intra-family dynamics; while there are endless debates over poverty as a cause of crime, there seems to be little doubt that impoverishment does cause an increase in family violence.

4. **Family Relationships:** Stress may be inherent within the family structure due to the presence or influence of extended family members.

5. **Medical Problems:** Chronic illnesses or disabilities may increase the dependence of individual family members and can result in stress to the family structure.

6. **Inadequate Parental Skills:** Popular mythology would have us believe that good people make good parents, that "mothering" comes naturally, etc. Most anthropologists and biologists agree that there is little that is natural about being a good parent; it is a learned skill that several industrialized societies, not just ours, are failing to impart to their young adults. Lack of awareness of appropriate parental skills, conflict over parental roles, and problems in managing children all contribute to family stress. It is probably no small coincidence that 80-90% of women seeking shelter assistance have 2 or more children.

7. **Pregnancy:** The period of pregnancy is stressful to both mother and father. The mother may be depressed or ill as a result of the pregnancy and the father may be anxious about providing for another child or may simply be jealous of a new demand on his wife's attentions. Studies indicate as many as 40% of all domestic violence cases may involve pregnancies.

8. **Alcohol or Drug Interference:** Though many people believe that alcohol abuse is intrinsic to family violence, and police answering domestic disturbance calls often find that one or both parties had been drinking, there is reason to doubt that drinking causes the abusive behavior. Either way, one might say that alcohol and drugs interfere with normal stress reactions, but that interference is not fully understood. For some, alcohol may reduce aggression and violence, for others it may exacerbate it.

While the above stress factors may precipitate outbreaks of violence and should be monitored in violent relationships, the use of violence as a reaction to stress generally develops as a result of other dynamics:

• **Abusing Relationships**

There are four aspects of abusing relationships that are of significance. The first are the general personality factors that seem to characterize the individuals trapped in battering relationships.

The second deals with the short-term cycle of violence that perpetuates the battering relationship and which parallels the stress-reaction mentioned in the chapter on crisis.

The third describes the types of violence which can take place within that cycle of violence.

The fourth involves the long-term cycle of violence which abusing relationships tend to perpetuate through generations.

Characteristics of Batterers

1. **Victims of Abuse as Children:** Since violence is a learned choice in the array of stress reactions, it is natural that batterers often grew up in a family in which violence was acceptable. They either witnessed battering among other family members or were battered themselves.

2. **Emotionally Isolated:** Communication and the ability to reason with others is an adaptive response. It requires listening and a willingness to think through alternative choices of behavior. The violent individual has developed a mode of relating to the world which tends to block regular communication. Other people do not provide advice or potential answers to his problems, so he rarely consults them. In face of this emotional isolation, many abusers feel that the only person they feel close to is the person they abuse. The abuse itself becomes a pathological method of communication.

3. **Externalization of Problems:** A person tends to attribute to outside influences both the positive and negative things that happen in his life.

4. **Control or Dominance in Individual Life:** At the same time as the individual externalizes problems and attributes his general success or failure to things out of his control, he tends to try to exert profound control over the minute issues in his everyday environment. Rigidity and obsessiveness may characterize his decisions with regard to the rolling of toothpaste tubes, his weight control, the time he eats dinner, etc.

5. **Denial:** The individual will often minimize any violence he commits or deny the incidents entirely.

6. **Anger:** The individual probably has a lot of built-up, impersonal anger that is directed at the world in general.

7. **Depression/Suicide:** The individual is prone to severe depression and may become suicidal after a bout of violence because of his shame and sorrow about what he has done.

Many of the characteristics of a batterer are similar to the person who is battered. These similarities may make a spouse feel she understands the abuse and that since she does, she should be able to deal with it. Such "understanding" is self-defeating when it sustains the battering relationship rather than stopping it.

Characteristics of the Battered

1. **Childhood Experience:** Many battered spouses grew up in a battering environment. They often witnessed battering or were the subject of battering as a child.

2. **Emotionally Isolated:** The individual may be emotionally isolated by the battering. While the victim may have an ability to listen and favors communication, she may feel unable to admit that she is being battered and therefore feels she cannot talk about it. As a result of her inhibitions, she may withdraw completely within herself.

3. **Belief in Helplessness:** The individual normally has a strong belief in her own inability to take charge of her life—or indeed to do anything by herself. This is often reinforced by a childhood history in which she was treated as special—some specialists have termed it the "Dresden Doll Complex."

4. **Self-Blame:** The individual may feel that she is very much to blame for her life and her batterings. She may become obsessed with her own "contributions" to the violence.

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5. **Low-Self-Esteem:** Low self-esteem may be the corollary to helplessness and self-blame. She does not think she is worth much to anyone.

6. **Lack of Available Alternatives:** Since the individual feels helpless and does not have confidence in herself, she does not look for or consider the possibility of alternatives to her life. This is obviously complicated where there are no such choices readily available to her.

7. **Depression/Suicide:** The individual often remains in a depressive state for months and if the batterings continue can become suicidal or homicidal in reaction.

• The Cycle of Battering

Many practitioners think that much of battering is cyclical in nature. It evolves in three basic phases: tension-building, battering, and peaceful/loving. While such a cycle is often observable, it does not offer much therapeutic insight—not if the cycle takes months to complete or, in other instances, can run full circle in one day—or involve a loving phase that lasts no more than an hour. It also must be stressed that in very violent cases, the battering may never cease except when the partners are apart—and some women never see an alternative side to the violence.

Although most people think of abuse in terms of physical abuse, there are other types of abuse which can be equally debilitating, and each can be a crime. The following typology is often used:

The Types of Abuse

1. **Physical Battering:** involves bruising, punching, slapping, whipping, and other forms of physical injury.

2. **Sexual Violence:** involves sexual molestation and rape. Even though we are not addressing this issue, it is shocking to note that some studies indicate that 40% of all cases of violence between intimates involve forced sex.

3. **Psychological Battering:** often involves humiliation, embarrassment in front of others, intimidation, social isolation, and other forms of injury. This is normally not a crime, but in case of threats of death it could be a criminal act.

4. **Destruction of Property and Pets:** violence against property and pets may substitute for violence against an individual in the mind of the batterer. It may also be used to intimidate the victim. In some cases the destruction of such things are far worse than violence: urination on family heirlooms or killing a small pet may leave the owner suicidal.

• The Cycle of Violence

What is perhaps most distressing about battering relationships is that often they are mere vignettes out of the long lives of misery. The victims may have survived a childhood of battering, endured spouse abuse, and can look forward to abuse by their children in their elderly years. More and more research indicates that violence suffered when young is repeated by those same victims when they are old enough to become offenders.

• Crisis Response to Family Violence

Police officers are usually the first to respond to an outburst of domestic violence. While they are empowered to arrest someone whom they have probable cause to believe committed a felonious assault, only a minority of calls give the officers clear evidence that a felony has

been committed. Thus, most police protocols dealing with domestic disturbance calls—like the checklist below, drawn from *Counseling Crime Victims in Crisis* by David A. Lowenberg and Paul Forgach—focus heavily on defusing an explosive atmosphere as at least the first step in intervening in the family crisis.

Defusing a Conflict Situation

1. Approach with full safety procedures.
2. Prevent injuries:
 - a. Position self between disputant and any objects that may be used as a weapon.
 - b. Separate disputants from each other. Keep them out of each other's hearing and visual range.
3. Make introductions. Use full name and title and address parties as "Mr." or "Mrs."
4. Avoid threats; convey the idea that officers are here to assist in solving the problem, not necessarily to arrest anyone or even to decide who is right or wrong.
5. Create an atmosphere of discussion:
 - a. Look directly at disputants.
 - b. Remove hat.
 - c. Have disputants sit down.
 - d. Sit down.
 - e. Keep outsiders (neighbors, sisters-in-law, etc.) from getting involved.
6. Maintain verbal firmness, but indicate openness. Do not threaten.
7. Ask diversionary reality questions.
8. Identify the facts.
9. Reinforce calm behavior.
10. Order techniques from firm to hard. Do not overplay your hand.
11. Avoid high risk/high gain techniques such as humor, threatening jail, and sarcasm.

Remember: Words are not the most important item in defusing dangerous situations: Manner is.

After the initial defusing of the crisis situation, there are several options on how to proceed, and no consensus view as to which approach is best. Some victim advocates argue for mandatory arrest of the offender (at least when the "probable cause" test is met), accompanied by crisis treatment for the victim. Others prefer attempting mediation whenever possible. Whichever approach governs local law enforcement practices, crisis intervenors should bear in mind the following implications for their work.

If the local policy calls for mandatory arrest or is predisposed for arrest, be prepared to deal with additional crisis needs of the victim who is likely to suffer severe guilt feelings and may also be blamed by her family and friends. She may need a greater amount of support and reassurance than other victims. Her own lack of self-esteem and diminished levels of functioning will add to her feelings of frailty and lack of control in the crisis situation.

She may also have additional emergency needs. If there has been a history of financial abuse or abuse of children, there may be medical needs as well as emergency financial problems.

If the local policy calls for an attempt at conflict resolution, the following model suggested by Lowenberg and Forgach may be helpful to victim advocates.

Conflict Resolution Mediation Model

Purpose: To facilitate agreement on specific problems between disputing parties. This is *not* a counseling model, but could be modified for counseling specific problems or to work out a contract for the counseling process.

Process:

1. Briefly *explain model* to the client, and discuss *ground rules* to be followed during the process.

Ground Rules:

- a. Clients should not interrupt each other; the session is for reaching agreement, not for arguing.
 - b. It is not okay to use name-calling, which also easily erupts into argument.
2. *Determine wants and concessions.* Use newsprint on the wall to write down each client's wants and concessions. Having this information written clearly for both to see facilitates the process and particularly helps them to focus on the real problems and clarify issues, rather than to fight and argue about peripheral issues.
 - a. Check with each client on their *commitment* to working on the problem through the mediation process.
 - b. Ask the first client to *define the problem* as s/he sees it, as concisely as possible. This can be a general or a specific statement (i.e., "I'm unhappy with my marriage," or "My husband drinks too much").
 - c. Continue with this client, and find out what s/he *wants and needs* in relation to the problem (e.g., "I want my husband to get a job, to stop drinking, and to stop hitting me. I want to feel safe at home"). It is important to write down on the newsprint *all* the wants that are stated, and to pull out implicit wants from what the client says, even if you don't agree with them. Help the client be specific: if one of the wants is vague, such as "to be respected," you will have a hard time building this into a concrete contract later on. Do some probing to determine what the person really means by "being respected," (e.g., "I want my parents to let me choose my own hours").
 - d. Then find out *what the client is willing to do* to work out this problem. Most clients haven't thought about this at all; they have only been complaining, arguing and feeling helpless. It can be an enlightening experience for a client to look at his/her responsibility and control in the situation (e.g., "I am willing to go to counseling with my husband").
 - e. Ask the client to *look over the newsprint* to make sure everything is there, and that the information is correct.
 - f. Go through *the same process with the second client* following steps b. through e. Try to help this client come up with his/her own wants and concessions, rather than to simply react to what s/he has heard from the first client.

3. *Reaching agreement and forming a contract.*

- a. Check with each client on what his/her *reaction is to the other person's wants and concessions*. This could easily fall into more bickering and it's advisable not to let this happen in this model even though you might allow this or encourage it in a counseling process. (Unlike counseling, the focus in mediation is in the specific content of the problem and in reaching an eventual agreement, rather than to focus

box continues

on the process of a relationship and the improvement of the quality of the relationship.)

When bickering does occur, it is helpful to take control of the discussion and point out where there is already agreement, however small it may seem. Then you can point out exactly where the disagreement lies; this process helps two angry people focus on specifics rather than feeling overwhelmed with a mass of unresolved feelings.

- b. When you have reached agreement on the various issues raised, write this in the form of a *contract*. The contract should be as specific as possible, including dates by which particular tasks will be completed. Set a process, or a specific time, for meeting again to review together how the contract is going. Success is not guaranteed or particularly expected at first. It may be helpful to make this explicit to the clients so they don't give up at the first failure. The mediation process can be defined to the clients as a developmental process, i.e., something which requires working out bugs along the way. The contract might also include specifics as to what each person can do if the other party is not going along with their part of the deal.
- c. *Notes to the mediator:* It is extremely important in this model for the mediator to remain neutral by not taking sides or making judgments. In addition, most clients will place a condition on their concessions ("I will, if he will. . ."). Do not write down concessions which have a condition. Ask the client to restate what s/he is willing to do without a condition. If s/he can't, don't write it.

4. *Dealing with an impasse.*

- a. State explicitly that there is an impasse occurring.
- b. *Review where the impasse lies* more specifically, i.e., again make clear where agreement is and where disagreement is. One method for doing this is to draw a horizontal line on the newsprint representing the distance between the positions of the clients—show where they started and how far they have come by marking spots along the line. You can continue to use this line as you proceed to show who is compromising and who isn't, or to show progress. This puts some tacit pressure on the participants to try harder to compromise.
- c. *Check again the commitment* each person has to resolve the issue through mediation. One or both of them may have actually discovered that they are not willing to mediate.
- d. If they both want to continue, one of the following might be a helpful path to take:
 - (1) Give them information they could use to decide. (Example: Two people who have a civil dispute might need to know that if they don't settle with mediation, then one of them will have to pay court costs, and the judge makes the decision, not them.)
 - (2) State clearly what you see as the benefits of agreement and the consequences of non-agreement.
 - (3) Suggest that coming to an agreement might take some creativity or some route for compromise that is unconventional. Give an example unrelated to their particular problem.
- e. If none of these works, the following procedure is suggested:
 - (1) Ask the first client to submit a proposal for resolution to the second.

box continues

- (2) Find out if #2 understands the proposal, trying to make sure the response is a clarifying one, not an argument with the proposal.
- (3) When #1 agrees that #2 understands the proposal correctly, ask #2 to state any problems s/he has with it.
- (4) Make sure #1 understands the problems clearly.
- (5) Follow the same procedure with #2 submitting a proposal to #1.

With this process you are placing the onus of coming to an agreement, and coming up with alternatives, on them.

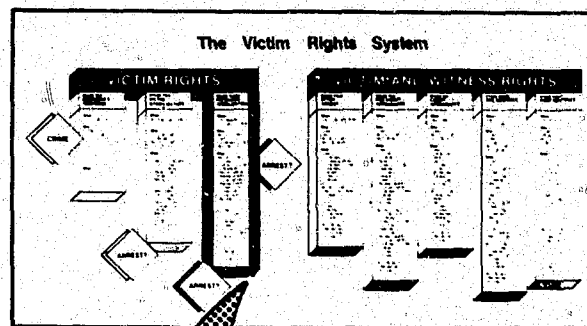
Source: David A. Lowenberg and Paul Forgach, Pima County Attorney's Victim Witness Program.

Family violence offenders and victims often need long-term counseling. They need an opportunity to learn new ways of responding to stress and new ways of dealing with aggression. Many battered women's programs offer counseling not only to victims but also to the abuser in hopes of breaking the cycle of violence. It is important that programs are also developed for the children of such violent relationships, for the learned response often begins by observation.

A brochure on family violence is included in the Appendix.

Summary

Each of the above types of victims serve to illustrate the fact that crisis intervention workers should be well trained in a variety of services and counseling skills if they are to work in the victim stabilization stage. It is crucial to make sure a victim is reasonably calm and willing to take one day at a time after their trauma, before they are left alone. This type of stabilization is important both to the police interview and final report as well as to the eventual ability of the victim to cope with the tragedy which he confronted.



**Chapter 4:
STAGE THREE: RESOURCE MOBILIZATION**

**STAGE THREE:
RESOURCE
MOBILIZATION**

When:

Until resolution of victimization experience

Who:

Service providers
Police
Compensation programs
Family & friends

What:

Service providers:
Outreach
Follow-up counseling & referrals
Monitor referrals
Assistance with financial claims
Assistance with creditors, employers
Property return
Crime prevention
Legal aid
Advocacy

Police:
Property return
Crime prevention

Compensation programs:
Outreach
Information on other kinds of reparations
Emergency aid

Family & friends:
Information
Understanding
Crime prevention
Advocacy

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Resource Mobilization: Introduction

It was ten o'clock on a Sunday night and Jim Black was closing his convenience store. A car drove up and Jim sighed. "The last customer," he thought. The man walked in and asked for a carton of cigarettes. As Jim turned to reach for them, the man said, "Give me your money." Jim, startled, turned around and looked at a nickel-plated automatic.

Again the voice demanded the money, and Jim reached over to push the "No Sale" button on the cash register. Nothing happened. He hit the button again, and still the register wouldn't open.

"For the last time, give me the money!", the man shouted. Shaking, Jim now rang up a \$5 sale. The register opened and Jim gathered up the bills and handed them to the robber. "Now give me your wallet and your watch," and Jim did. As the man ran out the door, he fired a shot and the store window crashed down.

Jim stood there trembling, feeling more scared and humiliated than he'd ever felt before. A moment passed before he reached for the telephone to call the police. Before they came, he called his wife, told her what happened, and said he would have to stay at the store all night because of the window. She began to cry, but he wasn't up to comforting her.

When the police arrived, he said good-bye to his wife. At first, giving his report, he couldn't believe what had happened. He felt sick to his stomach and his chest felt so tight it was hard to breathe.

He stayed up the night calculating his losses, about \$800, and worrying about what he and his wife were going to do. The money was the largest daily take in a marginal week (there had been many marginal weeks over the past year) and he honestly didn't know how he was going to pay for a new window. For that matter, how was he going to get his credit cards replaced? He couldn't even remember what cards he had.

The resource mobilization stage applies to every victim. How do they get back to "normal"? How do they deal with their losses? How do they deal with their trauma?

Some victim service programs give victims emergency aid in the immediate aftermath of the crime. Many find that their first contact with victims, at least some victims, happens long after the crime. Either way, service providers are eventually faced with the responsibility of mobilizing community resources for the victim, a task which entails two goals: to help the victim minimize his physical and financial losses, and to help him return to his pre-crime state of functioning. Whatever has gone before, the follow-up services envisioned in resource mobilization often make the difference between recovery and decline.

Jim needs some help in filling out insurance claims, arranging for repairs and cleanup, getting his credit cards replaced, and arranging for financial assistance to get him through the hard times ahead while he tries to cope with everyday turmoils. He may also need some short or long-term counseling to help him deal with his injured self-esteem.

Resource mobilization is in large measure the orchestration of services through referrals. In most programs, the victim advocate tries to assess the needs of the victim and then find appropriate help. While certain things can be done by the advocate, such as helping with insurance claims and getting credit cards replaced, other agencies may more appropriately deal with business loans, repairs, crime prevention services, or other help.

Since resource mobilization services are meant to aid all victims—whether or not crisis-oriented services were needed or available—it is important at this stage to review the ways victim service agencies find out who may be in need of their help and how they go about offering it.

Referrals To Victim Services

Practically all programs have ways of identifying victims in addition to publicizing their number so that victims may call them. The vast majority make such identification through the following methods.

1. Review of police reports.
2. Review of prosecution cases.
3. Referrals from police and prosecutors.
4. Referrals from hospital emergency rooms.
5. Self-referrals.

The methods used vary from jurisdiction to jurisdiction, often because one state makes police reports public while another prohibits their examination even by well-meaning outsiders. Police reports are the most complete inventory of who the local victims are. They may miss as many as 50 percent of victims who do not report to the police, but the non-reporters are almost by definition hard to reach.

Obtaining police reports may be difficult because of local laws or policies regarding confidentiality of records. But most programs have found that once they have established a credible record with law enforcement officials and other local policymakers, access will be allowed even to non-public or non-criminal justice agencies.

Most programs which review police reports either do it at the station or are sent copies of the reports. An on-site review can be beneficial because it avoids a preliminary police screening. It allows the program to set its own criteria of priority cases and make its own decisions. Unless the program receives all reports, if the police take on the responsibility of sending copies, the program must rely upon outside decision-making.

If a program does review police reports, it should try to obtain and use copies of the complete reports. These will give the advocate to whom the case is assigned information on the manner and severity of the offense, as well as other insights on the case. It is far superior to just a face sheet or similar summary form.

Self-referrals can be encouraged through media and word-of-mouth. They may help overcome some of the gaps in police reports. There are certain philosophical issues which are raised by self-referrals. The police may resent programs which do not insist that their clients call the police (even if the program normally encourages such reporting). But more and more departments appreciate that non-reporting makes sense for at least some victims, and helping them does not make the victim service program in any way hostile to the mission of law enforcement.

Identification of needy victims through hospital emergency rooms is an excellent, supplementary way of identifying victims in need of services. This is normally done through an orientation of staff, and, often, by establishing a protocol whereby the hospital admissions staff calls the victim service program whenever they log in a patient whose injuries were caused by a criminal act.

Referrals from the police or prosecutor are helpful since they usually occur when there is an immediate problem. This allows the victim advocate to obtain information and an assessment prior to his involvement. However, relying solely on referrals from any source is problematic for two reasons: the referral agencies may not trust the victim program and therefore make few (and often-inappropriate) referrals; and, even when there is trust in the ability of the victim service agency to be of real help, the diagnostic abilities of untrained agency personnel may effectively bar many needy victims from getting help. Typically, it is only the hysterical victim whom the agency staff refers on for help, not perceiving that tears are not the sole indicator of crisis.

Methods for Victim Contact

Once victims are identified, a program makes some kinds of efforts to find out, and respond to, their needs and concerns. It is often impossible to make personal contact with all victims. As indicated in the chapter on victim stabilization, programs can establish priority systems to determine which victims receive some form of personal contact and which ones receive letters; letters may be mailed to every victim whom the program cannot reach in a more personal way, thereby offering the victim an opportunity to contact the program if help is necessary. The use of any such priority system is equally applicable at this stage.

There is some debate in the field over whether telephone or personal contact is preferable. Some victims have indicated that a telephone call is impersonal. And some counselors report that fewer victims ask for service if the initial contact is by telephone.

On the other hand, some counselors who have worked hard on developing a good telephone manner report that they are as successful in establishing communication in that way as by showing up in person. Moreover, in some jurisdictions, victims seem to be more frightened and prefer to have an introductory telephone call so that they can be sure that the visitor at the door is legitimate and expected.

Programs should try both methods of contact and should monitor the results. If they receive a better response from victims through one method, it should be adopted. If there is no difference, then telephone contact is best since it is most cost-effective.

Assessing the Needs of Victims

It is important to have standard procedures for assessing the needs of the victim, making referrals, and monitoring those referrals to ensure that the victim received the necessary help.

The needs assessment procedure will vary depending upon whether a crisis response is part of the service offerings of the program. If so, the crisis worker should have done a preliminary assessment in order to determine immediate problems, and the resource mobilization stage will involve follow-up to those immediate problems as well as definition of any other important needs precipitated by the crime.

If no immediate crisis response was made, the victim advocate should conduct a full assessment interview. (Note: a victim may be in crisis at any stage of service. In this guide, crisis counseling is discussed in Chapter 3 and more general, supportive counseling is discussed in this chapter.)

Whether the assessment is a continuation of one started at an earlier, emergency stage or one prepared now, it is helpful to use a pre-printed form to assist the advocate in making both a complete assessment and one that can be retained to refresh the counselor's memory months (and many victims) later. No matter how experienced a counselor may be, he may forget during an interview some critical factor without such forms.

If forms are used, one should encourage counselors to use them simply as reminders and to avoid making notations while interviewing the victim unless absolutely necessary. Note-taking is often disruptive to the victim's concentration and the development of a supportive relationship. Advocates should be trained to use a conversational tone and style. They should be familiar enough with the form to be able to skip and come back to questions in order to follow the story or the concerns of the victim. The assessment interview is not "research" and is not a "legal document." It should be administered in a way which reflects the central concern—the victim's well being.

On the following pages are examples of both a post-emergency assessment form and an initial assessment form.

SAMPLE VICTIM ASSESSMENT FORM (PRELIMINARY DATA)

Victim's Name _____ Telephone Number _____
 Address _____

1. What happened?
 (Note detail of events:)

Assault
 Burglary
 Theft
 Sexual Assault
 Robbery
 Murder
 Other

2. Is the victim hurt? Yes No
 If yes, advocate should check out injuries to make sure appropriate treatment is given. Indicate what treatment was necessary.

3. Was any property taken or damaged? Yes No

4. Itemize losses with victim's aid:

Property	Estimated Value
_____	_____
_____	_____
_____	_____

5. How does the victim feel?
 (Note responses indicating normal emotional reactions.)

6. What are the most important problems the victim is facing?

- _____
- _____
- _____

7. Which is the most pressing problem for the victim at this time?
 (Circle the one on list above)

8. What does the victim think can be done about it? Does s/he have any suggestions?
 (Note below)

9. Work out solution for most pressing problem and record action to be taken by victim and advocate.

Solution:	Victim's Responsibility	Advocate's Responsibility
_____	_____	_____

**SAMPLE VICTIM ASSESSMENT FORM
 (POST-EMERGENCY)**
 (assumes use of preliminary form earlier)

Date: _____

Victim's Name _____ Telephone Number _____
 Address _____

1. Is there anything further that you want to tell me about the crime?
 further evidence?
 further information?
 arrest?
 offender's release?

2. How did the (refer to whatever action the victim was supposed to take to solve his "important problem") work out?

3. Are there any current problems which you are very concerned about?
 List in order of priority.

- _____
- _____
- _____
- _____
- _____
- _____

4. Have you thought of any more property which was damaged or is missing? If Yes, list:

Property	Estimated Value
_____	_____
_____	_____
_____	_____

5. Crime victims may react many different ways to their personal experience with crime. May I ask how you have been feeling since the crime?

possible prompts:

- nervous
- feeling like crying
- frightened of being alone
- frightened of entering my home
- frightened of going out at night
- angry
- lack of concentration
- forgetful
- having trouble sleeping
- having headaches
- lack of appetite
- nausea

6. Have you talked about the incident with a family member or close friend?
 Yes No
 If Yes, was that helpful?
 If No, why not? Would you like to talk to someone about the incident?

box continues

7. Have you had any difficulty getting information about your case?

Yes No

8. Now I want to hand you a list of things that may be helpful to you and we can go over them so you can understand what is available to crime victims. (Hand a copy of the list to the victim and read through it with him, explaining each item.) I would also like you to indicate if you would like some help with any of these things.

Information about my case	Yes	No
Emergency financial assistance	Yes	No
Emergency property repair	Yes	No
Counseling	Yes	No
Property return	Yes	No
Help with private insurance forms	Yes	No
Help with victim compensation claims	Yes	No
Legal assistance	Yes	No
Medical assistance	Yes	No
Creditor intervention	Yes	No
Employer intervention	Yes	No
Document replacement	Yes	No
Moving arrangements	Yes	No
Property replacement	Yes	No

9. Now let us go back and think about the problems you mentioned in the beginning. If we don't have any suggestions on this list for dealing with them, maybe we can help you plan some other way.

Problem	Possible Action
1. _____	_____
2. _____	_____
3. _____	_____

10. Is there anything else you think we could help you with today?

Training is essential in preparing advocates to administer assessment interviews. They should practice on each other until they are familiar with the instruments and the purpose of the interview.

Needs which may arise during the post-crisis assessment can include such things as: emergency financial aid, emergency home repairs, and a host of other problems—what to do about stolen credit cards and house keys, contacting insurance companies, finding someone to stay with the victim or the victim's children, locating appropriate mental health services, obtaining food stamps or job counseling or legal assistance, taking crime prevention measures, and so on.

In these interviews, needs will often arise which are not crime-related but which may call for a referral. A female burglary victim may also be estranged from her husband and wanting advice on getting a divorce. Such a request should be answered through a legal referral. Crime often precipitates other crises in a person's life and resource mobilization appropriately responds with referrals here as well.

The diversity of possible needs calls for victim service agencies to inventory available services in their communities and to have made arrangements with agencies and organizations for referrals in the future.

The service inventory is often done in the planning stages of a new program. It is a part of determining what types of services are necessary to complete a system of services and to remove any gaps in delivery. However, if it was not done at the beginning of a project, it is important to conduct one at the first chance possible. Without such an inventory, a victim service program not only runs the risk of overlooking a critical referral base, but also may intrude on another agency's turf. Such intrusion may make coordination and fund-raising very difficult.

On the following page is an example of a service inventory or "resource assessment" form. It is designed to be appropriate for both a "self-assessment" (when an agency reviews its own services) and an "outside assessment." Programs should use both methods of assessment in compiling their lists of local resources.

RESOURCE ASSESSMENT FORM

Name of Agency _____
 Address _____ Telephone _____

Name of primary contact person _____

1. Are services provided to victims of crime? Yes No
 (If no, simply return without going further)

2. Do the services exclude any kinds of crime victim? Yes No
 If so, circle those kinds excluded:

rape
 child sexual abuse
 Other sex offenses
 felony assaults
 misdemeanor assaults
 robbery
 burglary
 domestic violence
 vandalism
 homicide
 other _____

box continues

3. Are services oriented to special categories of victims? Yes No
If yes, indicate which:

elderly
children
handicapped
women
other _____

4. Which of the following services are provided?

information and referral
emergency housing
emergency property repair
emergency financial assistance
emergency food
emergency clothes
transportation
medical care
housekeeper services
education
legal aid
alcohol treatment
drug treatment
housing
other _____

5. Do you have eligibility criteria or other limits on services? If so please attach or indicate below.

6. What are the hours and days of service?

7. How do you get first contact with your clients?

8. Who is your major source of referrals?

9. Do you have a hotline? Yes No
If so, what hours does it operate?
How is it staffed?

10. Do you do outreach to your clients? How?

11. Would you be willing to be a referral source for victims? Yes No

12. Would you be willing to refer victims to us for service? Yes No

13. What do you see as the biggest service problem in this community?

14. List below any agencies that you know of that provide these services:

Information and referral _____
Emergency housing _____
Emergency property repair _____

box continues

Emergency financial assistance _____
Emergency food _____
Emergency clothes _____
Transportation _____
Medical care _____
Housekeeper services _____
Education _____
Legal aid _____
Alcohol treatment _____
Drug treatment _____
Housing _____

Thank you for your assistance.

To use the assessment form, programs should first attempt to identify all community service agencies (non-profit and public) which currently operate in their jurisdiction. This can often be done by calling a local government information number or one of the local United Way offices many of which can give you the most recently-published directory of community services, perhaps with an update. Once an initial list of agencies is located or compiled, someone from the program should be assigned to telephone each agency and to talk to the director and at least one of the staff delivering service. (In small agencies this may involve a director and a volunteer.) The assessment form should be administered to all persons interviewed. One will discover that sometimes the agency's goals may be different from the actual services delivered.

While this process may appear tedious, the inventory can be conducted quickly. Note that the form has a question relating to other resources available in the community; social services often create informal referral networks among themselves. Such networks can include church groups, civic clubs, chambers of commerce, and the like.

After the inventory is completed, the program should update it periodically, being especially alert to the small and specialized service agencies, or the especially sympathetic service worker, that can make a major difference in a victim's life.

Once the referral sources have been inventoried, they should be filed by name of agency or organization and by subject of referral information. Many programs use three-by-five cards for this purpose, leaving enough space so that notations can be made on the quality of services learned through experience.

During this process, program staff should visit at least the key agencies both to work out formal or informal referral agreements and to establish personal lines of communication. This personal visit can also clear the air over "turf" issues and the agency's real eligibility criteria so that inappropriate referrals are minimized. But most important, the visit can be a starting-place to overcome the inability of social agencies to see the needs of victims of crime as more urgent than other clients; once such agency leaders appreciate the nature of crime victims' distress, they often become great allies in obtaining food stamps quickly, in arranging emergency shelter, and so on.

Where there is an opportunity to make referrals back and forth in a semi-formal way, it often helps to routinize that process with a written referral agreement. A sample of such an agreement follows.

REFERRAL AGREEMENT

THE FOLLOWING AGREEMENT IS EXECUTED between _____, representing _____ agency and _____, representing the Victim Service Program.

The _____ agency provides the following services to _____ population groups:
(list services)

The agency's hours are _____ and the agency is open _____ days a week.

The agency agrees to accept victim referrals from the Victim Service Program and to provide them prompt and courteous services. Upon the recommendation of the Victim Service Program, the agency will give certain victims priority service in recognition of emergency needs.

box continues

The Victim Service Program provides the following services to all crime victims:

1. crisis intervention
2. information and referral
3. assistance with victim compensation claims
4. assistance with private insurance claims
5. assistance with return of property
6. crime prevention education
7. short-term counseling
8. orientation to the criminal justice system
9. information about case status if a case is prosecuted
10. support and assistance throughout the criminal justice process and thereafter.

The Victim Service Program is open 8-5, five days a week and operates a twenty-four hour answering service to respond to emergency calls.

The Victim Service Program hereby agrees to accept all crime victim referrals from agency. Upon recommendations of the agency, the Victim Service Program will give certain crime victims priority treatment based on emergency needs.

SIGNED THIS _____ DAY OF _____, 198 _____

Signature of Agency Director

Signature of Victim Service Director

Once the referral system is in place and the needs assessment of a particular victim has been done, a standard referral protocol should be followed.

The victim should decide which needs are most critical and then, with the counselor's help, decide what kind of assistance from the program would be most appropriate. In some cases, the victim may determine that no help is necessary because he has adequate support within his own network of family and friends.

Whether the victim wants help or not, the program should keep track of its contact with him. Most programs complete a victim intake form which is a key item in the case file. An example of a client intake card is found on the following page. Code references are to types of service.

Comprehensive forms from a victim management information system are found in the appendix.

VICTIM SERVICES INTAKE FORM Card _____ of _____

Date: _____
Initials: _____

VICTIM	OFFENDER(S)
Name: _____	Name: _____
Address: _____	Name: _____
City: _____ State: _____ Zip: _____	Date of Incident: _____
DOB: _____ Category: _____	PD: _____
Home Tx: _____ Bus. Tx: _____	Court #: D- _____
Contact: _____ Tx: _____	C- _____
Referred by: _____	Crime: _____

box continues

DATE	INITIALS	CODE	REMARKS
		IC	<input type="checkbox"/> Mail <input type="checkbox"/> Telephone <input type="checkbox"/> Personal Visit <input type="checkbox"/> Office Visit
		VA	<input type="checkbox"/> CVC Form <input type="checkbox"/> Impact Statement <input type="checkbox"/> VAC <input type="checkbox"/> Other
		IP	

If the victim does want some assistance, the advocate should suggest which agency can be most helpful. The victim should then be given a referral card which outlines the agency referral, the type of assistance needed, and serves as an introduction to the contact person at that agency.

USE OF DISTRICT ATTORNEYS SOCIAL SERVICES REFERRAL CARD

A sample of the Social Service Referral Card which was designed by the National District Attorneys Association Commission on Victim Witness Assistance is outlined below. This card is presently being used by the Commission's participating offices.

The card should be completed during the initial victim interview. It identifies its carrier as a crime victim and urges the addressed agency to serve that person.

Most importantly, it carries the imprimatur of the district attorney.

A card can be easily adapted for use in any district attorney's office, or, in the alternative, a letter could be used.

The bearer of this card was recently the victim of a crime.
Initial interviews with our legal staff indicate that _____

is in urgent need of services provided by your agency.

Please extend every courtesy and make every effort to promptly provide all services for which _____ is eligible.

Thank you.

signature:.....
Carl A. Vergari
District Attorney
Westchester County, New York

box continues

TO: _____

FROM: District Attorney Carl A. Vergari, Chairman, National District Attorneys Association Commission on Victim Witness Assistance funded by the Law Enforcement Assistance Administration.

VICTIM-WITNESS
ASSISTANCE BUREAU

914-682-2827

The advocate should suggest that the victim call the agency to set up an appointment. If the victim is reluctant to do so, the advocate may make the call for him. Following the call, a note should be made for the victim as to the time and date of the appointment.

Some victims may be reluctant to go to an agency by themselves. If necessary, the program may arrange for an escort to accompany the victim. Despite the general preference of encouraging victims to take control of their own lives, it may be appropriate to offer that aid in cases of crisis or extreme distress. Victims who are typically insecure in such instances include the elderly, displaced homemakers, and survivors of homicide victims.

Each referral should generate soon after the appointment date a follow-up call to both the victim and the agency, asking what happened and if everything went smoothly. If the agency or the victim had problems with the referral, the advocate should try to rectify it. Failing that, the advocate should thank the agency for assistance and talk to the victim about an alternative or more appropriate referral or a reassessment of needs.

Programs should be aware that there are "problem victims." Personal injury lawyers have an old saying that is trotted out when, for example, a negligent driver complains that the accident was minor and it wasn't *his* fault that his victim was a frail soul who suffered major injuries. The stock answer is, "You take your victim as you find him." So too with the victims of crime—inevitably, some will be unappealing or cantankerous or mentally ill individuals, or worse. Still, the victim assistance program has a professional responsibility to try to help them too.

Usually, the strain of dealing with problem victims is not in helping them but in having them refuse the kind of help you and your referral network can offer. In the process, the victim may try your patience and, often worse, alienate staff at the referral agencies. The best rule under these circumstances is not to try to force a victim to accept any service he doesn't want, and to back away in such a manner that shows respect for the victim's own method of coping with his problems. The major exception to this rule applies to victims who seem to pose a threat of violence to themselves or others. In these cases, the program should seek legal aid in hopes of providing assistance without the victim's consent.

As for the more typical problem victim who seeks extraordinary or impossible aid—getting his case aired on "60 Minutes" seems to be a common solution of choice—it is best to spell out quite quickly what the program can and cannot do, and to transfer that message to others in the referral network in a way that doesn't belittle or demean the victim.

Admittedly, handling problem cases in a professional manner is a difficult chore at times. The more respected programs, however, take pride in putting the victim's desires and interests first, in not joking about their problem victims to outsiders, and in consistently seeking to restore at least a part of the sense of dignity and self-worth that the criminal took away.

The counterpart to the problem victim is the problem agency to whom a referral has been made. Here the choices are clear. No matter how personable the agency's staff, if their service is poor or non-existent, the program should investigate alternative referrals or bring pressure on the agency to ensure better service in the future.

It is always difficult to lodge complaints over ineffective services, especially in a small community or where an agency has high standing or a virtual service monopoly. However, it is an advocate's job to see that services are in place and delivered to crime victims; indeed, it is this part of the service worker's role that earns him the descriptive title of "advocate."

In order to perform this job well, with a minimum of disruption and tension, it helps to monitor referrals routinely so that feedback (positive or otherwise) becomes the expected norm. A useful tool in monitoring referrals is the use of referral logs relating both to individual victims and to service agencies.

A log of victim referrals is kept in each case file. It reflects all agency referrals and the productivity of the referral for that victim. Such a log is an integral part of the record of each contact with a particular victim, the nature of contact, and service results.

VICTIM REFERRAL LOG		
Victim's Name _____		
REFERRAL RECORD		
Date Type of Service	Agency	Date of Comments Service

The service log is one to which all program advocates contribute. Each advocate should keep a monthly list of all referrals and their effectiveness, by agency. At the end of the month these lists are compiled and agencies which have continually poor service records should be targeted for a visit by the program director. Agencies with continually good service records should be sent letters of appreciation.

AGENCY REFERRAL LOG		
Agency _____		
REFERRAL RECORD		
Date Type of Service	Victim Comments	Monitor's Comments

The program director should first discuss grievances about services with the agency contact person in a private, confidential manner. If unable to resolve the problem, the director should advise the agency contact person of any follow-up steps the director may take—such as reporting the problem to a supervisor or to a supervising agency. Such plans should be documented in writing so that later the conflict can be reviewed as objectively as possible. Even if that procedure is not perceived as "disagreeing without being disagreeable" by the agency being complained about, it is a practice that best protects the program's professional reputation.

The final problem arising out of a service inventory is all too common: the identification of obvious service gaps which neither the program nor anyone else in the community can quickly fill. Most program directors make a point of identifying and publicizing the absence of, say, a prosecution witness waiting room in the courthouse, or special protocol for giving medical exams to rape victims, or a safe shelter for the victims of domestic violence. With each such missing element in the local service network, the program must determine whether it should try to offer the service or should encourage another agency to broaden its services to fill the gap. Either way, every victim assistance program should assume some responsibility for expanding the community's ability to meet the needs of its crime victims.

Having said that, it needs emphasizing that certain services naturally belong to the victim service program itself. Most directors would list the following as being normal adjuncts to their core service: creditor and employer intervention; filing compensation and private insurance claims; pursuing return of property; helping with funeral arrangements; and offering crime prevention services. Procedures for dealing with these are included below.

Creditor Intervention

Victims who suffer financial loss often have difficulty dealing with current financial obligations. The loss of \$50 may make it difficult to pay this month's regular bills. The loss of \$1000 or more may jeopardize one's overall credit. Either way, the victim may be at risk and his creditors may need to understand the legitimacy of his plight before they agree to permit delayed or stretched-out payments.

Suggested procedures for creditor intervention:

1. Find out from the victim the amount of money that is owed to various creditors.
2. Help the victim make a realistic assessment of his financial state and a determination of the most critical obligations.
3. List the names, addresses, and telephone numbers of the creditors which will be the most difficult to deal with.
4. Determine what, if anything, the victim can pay in the immediate future. If he can pay nothing, determine when the first payment can be made.
5. Call the creditor and explain the situation. Tell him when he can expect payment and how much. If he will not receive the total amount due, suggest a payment schedule which will fit his needs and that of the victim.
6. If an agreement is reached, confirm the agreement on behalf of the victim in writing.
7. If the creditor is a public utility, it may be necessary to make application to a public agency which reviews such matters. Find out what application is necessary and help the victim fill out the forms.
8. If the creditor is a landlord, review the lease agreement or review landlord-tenant regulations in your city. Every program should keep in the office a summary of landlord-tenant regulations dealing with eviction criteria and renter and landlord rights and responsibilities. Most legal aid programs have such summaries which can be obtained by the program.
9. If the creditor refuses to accept a solution, an attorney should be consulted. Normally, it is to the creditor's advantage to have a payment schedule worked out with the victim so that he can count on eventual payment. It is against the law of most states for a creditor to harass or intimidate a debtor.

SAMPLE CREDITOR LETTER

Dear Sirs:

_____ has referred a letter to us regarding medical bills which she received from Compu-Credit Systems Inc. on behalf of St. Francis Hospital. I should like to take this opportunity to inform you that these bills were incurred as the result of a violent crime. _____ has applied under state statute 70:61 for compensation as allowed by the state of Illinois Crime Victim's Compensation Act.

This act is administered jointly by the Illinois Attorney General's office and that of the Secretary of State. As soon as the processing on this claim has been completed, _____ will be in a position to handle these financial matters.

If you have further questions, please contact me at my office at the Peoria County Court-house.

Sincerely,

Beth Johnson, Director
Witness Information Service

BJ/dll

Employer Intervention

Victims who have lost time from work as a result of the criminal attack or the follow-up investigation may face loss of wages and even the loss of their job. While witness fees are authorized in all fifty states, in many states they are available only to out-of-county witnesses, they are generally exceedingly low, and their existence is often a well-guarded secret.

Hence, many programs have attempted to persuade employers to grant time away from work for employees who have been victims and to pay them their regular wages (less any witness fees paid out). Effective intervention should involve outreach to the larger employers in the community, seeking to obtain agreements with them which will apply to all of their employees. Since one of the strongest inducements for employers to accept such agreements is the promise of putting subpoenaed employees on call—thereby saving unnecessary trips away from the job—these agreements are best negotiated by, or in behalf of, the prosecutor's office.

The following steps have been useful in developing such formal or informal agreements.

Employer/Prosecutor Agreements on Subpoenaed Employees

1. Send an initial letter to employers with information on what your program does and the importance of having witnesses involved in the criminal justice process. It is helpful to have the initial letter signed by a prominent public official (Mayor, District Attorney, Police Chief, etc.)
2. Follow the letter with a personal visit from the program director to the employer. The director should outline the consequences of criminal victimization to an individual and underscore the potential problems of stress in the work environment. He should mention the positive effects of providing a victim with recovery time following a serious attack. He then should discuss the benefits of witness cooperation in prosecution and suggest that making the criminal justice system work benefits not only the community but business as well.
3. After clearly stating the issue, the director should ask the employer to set a policy for the company which allows flexible recovery time for a victim and allows paid time off for witnesses.
4. The director should offer to place employees on a telephone alert system which would greatly minimize absenteeism of subpoenaed employees.
5. The director should take a draft agreement to the meeting so that if the employer agrees to the proposition, he can sign the agreement at that moment.
6. Some programs have had difficulty with employers because they have concluded it would alter the employee benefit package spelled out in existing union contracts. When such benefits are governed by labor contract, it is difficult to get the idea placed on the bargaining table. Union officials, even those who think paid time off to go to court is an excellent idea, may be reluctant to propose it for fear they would have to give up a more popular benefit, or one affecting more members. Though a difficult problem to resolve, it is not intractable if one talks to both groups to explain the importance of the issue. The most likely resolution is for the union to agree to management's offering the benefit without seeking "paybacks" in the next contract negotiation.
7. Perhaps an even more difficult problem is the small retail and service businesses which cannot afford to have an employee out of work. Several options are available. In some cases, the working hours of one employee may be shifted with another employee in order to accommodate court schedules. At other times, the program may be able to recruit retired

box continues

volunteers who have adequate skills to fill in for several hours while an employee goes to court. Another suggestion has been to try to work with local labor unions in which they cover for union members who have to go to court. Once again, creativity is the basis for problem resolution.

EMPLOYER SUPPORT AGREEMENT

WITNESS INFORMATION SERVICE
PEORIA COUNTY COURTHOUSE ROOM 116
PEORIA, ILL. 61602

EMPLOYER'S AGREEMENT

The appearance of witnesses in court is an integral part of the Criminal Justice System and the just prosecution of criminal offenses.

The employer plays a very important role in this process. It is he who must agree to release persons from work who are summoned by the State's Attorney's Office to appear as witnesses in court.

Having concern for the welfare of the community, we support the effort of the WIS, and agree to cooperate by releasing employees to serve as witnesses with no loss of wages or salary.

Please list number of employees covered _____
In addition we also agree to make this policy known to our employees.

Signed _____ Title _____
Company _____
Address _____

Victim Compensation Claims

Thirty-eight states now have victim compensation programs, but even so, many eligible individuals never receive compensation because of lack of knowledge about compensation or inability to make a proper claim.

Victim advocates can make sure that all eligible victims in their jurisdiction make a proper application for financial remuneration. Even where information is readily available and forms are simple, an advocate may be necessary to reassure the victim or help complete the form. Elderly victims may find it difficult to write or to read fine print. Homicide survivors may be so overwhelmed by grief that the seemingly mundane tasks of insurance applications have a bitter and morbid impact.

Victim assistance programs should make sure that volunteers and staff are familiar with the application procedure and can be of aid to victims. It may be useful to invite representatives from the state compensation program to visit with program staff to explain requirements, benefits, and procedures. This can be extremely helpful later on if there are complications or misunderstandings regarding a claim, since the advocate will have a personal relationship with someone at the program who can be helpful in cutting the red tape.

While each state has its own criteria and benefits scheme, it may be useful for new programs to review the general features of compensation. The following chart sets forth the key elements of each state's compensation program.

VICTIM COMPENSATION*

All programs cover the injured victim(s) of crimes causing physical injury and compensate for medical losses. Two types of physical injury crimes may be excluded: those which involve a perpetrator who lives in the same household, is a relative of, or has had a continuing relationship with the victim; and those which have been the result of a motor vehicle crime. The following chart indicates the variation on those issues and others affecting eligibility and benefits. For a detailed report on current compensation programs, the reader should refer to *Compensating Victims of Crime: An Analysis of American Programs* by Daniel McGills and Patricia Smith, prepared for the National Institute of Justice by Abt Associates, Inc.

Program Elements	States																		
	AK	CA	CO	CT	DE	FL	HA	IL	IN	IA	KS	KY	LA	MA	MD	MI	MN	MO	MT
Eligibility: Interveners	X	X		X		X	X	X	X		X	X	X	X	X	X	X		X
Dependents	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Third Parties ¹	X	X	X		X						X		X				X		
Family Exclusion ²	X		X ⁶	X		X			X ³	X	X	X	X ⁶	X	X	X ⁴	X ⁵		X ⁶
Residents Only			X	X	X ⁷		X					X ⁷	X					?	
Motor Vehicles Excluded	X			X	X	X	X		X	X	X		X	X	X	X	X		X
Reckless MV Included		X																	
Means Test		X		X		X					X	X			X	X			
Recovery: Counseling	X	X		X	X	X	X	X	?	X	X	X	X	X	X	X	X	X	X
Disability	X			X	X			X	X	?			X		X				
Rehabilitation	X	X		X	X	X	X	X	?	X						X	X		
Loss/Earnings	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Loss/Support	X	X	X	X	X	X	X		?	X	X	X	X						
Funeral	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Replacement Services	X			X		X					X						X		X
Pain/Suffering					X		X												X
Other Expenses	X	X		X	X	X	X	X	X			X ⁹			X				X
Benefits: Maximum (in thousands)	10	5	10	12	20	25	25	10	23	25	25	10	10	50	10	15	20	10	25
Minimum Loss	0	100	100	0	0	100	0	0	250	100	0	0	250	100	0	0	300	100	0
Deductible	0	0	0	0	0	0	0	0	0	0	0	0	250	0	0	0	0	100	0
Attorney Fees	X	X	X		X	X	X		X	X	X	X	X	X	X	X	X		X
Emerg. Award	0	0	1500	X	1500	1000	X	500	1000	1000	0	1500	500	1500	1000	0	0	500	1000
Reduced by Contribution			X	X	X			X		X		X		X		X	X		X
Denied by Contribution	X		X		X	X	X	X	X	X	X	X	X	X	X	X	X		X
Source of Funds: General Rev.	X					X	X	X	X	X	X	X	X	X	X	X		X	X
Penalty Assess.		X	X	X	X	X			X		X	X					X	X	X
Fines			X	X	X	X			X	X							X	X	X

FOOTNOTES

- ¹Third Parties refer to programs which will reimburse persons other than the victim who paid bills or provided services for the victim.
- ²Family exclusion includes those programs which exclude relatives, cohabitants of a household, or persons who have maintained a continuous relationship with the accused.
- ³In Indiana the spouse of the offender is ineligible for compensation. There is a separate fund for spouse abuse victims in the state.

VICTIM COMPENSATION (cont.)

Program Elements	States																		
	NB	NV	NJ	NM	NY	ND	OH	OK	OR	PA	RI	SC	TN	TX	VA	WA	WV	WI	DC
Eligibility: Interveners	X	X	X			X	X	X	X	X		X	X	X	X	X	X	X	X
Dependents	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Third Parties ¹	X	X	X	X			X	X		X	X		X	X	X	X	X	X	
Family Exclusion ²	X	X	X	X	X	X ⁶	X		X	X	X	X ⁶	X	X		X	X	X	
Residents Only		X										X ⁷							X ⁷
Motor Vehicles Excluded	X	X	X	X	X	X	X	X		X	X		X		X	X		X	
Reckless MV Included									X			X					X		
Means Test		X			X									X	X				X
Recovery: Counseling	X	X	X				X	X	X	X	X	?	X	X	X	X	X	X	X
Disability								X				?		X		X			
Rehabilitation	X	X			X	X	X	X	X	X		?			X	X	X		
Loss/Earnings	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Loss/Support			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Funeral	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Replacement Services						X	X	X							X		X	X	
Pain/Suffering												X		X				X	
Other Expenses	X		X	X		X		X	X	X				X				X	X
Benefits: Maximum (in thousands)	10	5	10	12	20	25	25	10	23	25	25	10	10	50	10	15	20	10	25
Minimum Loss	0	100	100	0	0	100	0	0	250	100	0	0	250	100	0	0	300	100	0
Deductible	0	0	0	0	0	0	0	0	0	0	0	0	250	0	0	0	0	100	0
Attorney Fees	X	X	X		X	X	X		X	X	X		X	X		X	X		X
Emerg. Award	0	0	1500	X	1500	1000	X	500	1000	1000	0	1500	500	1500	1000	0	0	500	1000
Reduced by Contribution			X	X	X			X		X		X		X		X	X		X
Denied by Contribution	X		X		X	X	X	X	X	X		X		X	X	X		X	X
Source of Funds: General Rev.	X	9	X	X	X	X		X	X							X		X	
Penalty Assess.			X					X	X			X	X	X	X	X	X		X
Fines			X					X				X	X	X	X	X		X	

⁴A victim residing with the accused is ineligible to receive an award in Michigan; however, the victim's out-of-pocket expenses may be paid directly to a medical care provider.

⁵The ineligibility of a relative provision can be waived if there is formal or permanent separation in cases involving a spouse and the spouse prosecutes the offender; if it is an incest case; and in cases involving mental derangement.

⁶These programs may waive the family exclusion "in the interests of justice."

⁷These programs restrict recovery to residents but allow non-residents to recover if the state in which they reside have reciprocity with the state in which the crime took place.

⁸Injuries caused by motor vehicles are excluded in these states unless there was intent on the part of the accused to use the vehicle to commit the crime.

⁹Nevada's compensation fund is generated by bond forfeitures and "Son of Sam" monies.

¹⁰Louisiana compensates for catastrophic property loss. There is also the implication that victims of such crimes may receive compensation for counseling.

¹¹Arkansas is not listed on this chart because its recently passed authorization for a compensation fund was not accompanied by programmatic details.

In assisting victims with victim compensation claims, advocates should not try to second-guess eligibility decisions. While it is prudent to make sure victims who are patently ineligible do not make application, on judgmental questions involving victim contribution, family exclusion, etc., it is best to describe the problem to the victim, and then if he wants to file, to leave the decision to the compensation decision-makers.

The victim advocate can serve victims best by helping them assemble itemized receipts of medical costs, loss of earnings, costs of drugs, etc. The forms from North Dakota are samples of what issues can be involved in the claims procedure.

DECLARATION OF ELIGIBILITY

SEND COMPLETED FORM TO:
Crime Victims Reparations
Workmen's Compensation Bureau
Highway 83 North—Russel Building
Bismarck, North Dakota 58505

NAME _____ PHONE _____
Last First Middle
ADDRESS _____ ZIP _____
Street City State

This declaration is to determine whether you are eligible to be considered for compensation under the North Dakota Uniform Crime Victims Reparations Act. Check the statements which apply in your case. If you cannot truthfully check all statements, you are not eligible for compensation under the Act, and an application for benefits would be denied.

- _____ 1. This claim is being filed within one year of the incident.
- _____ 2. The victim suffered bodily injury (this includes psychological disorder) (or death) as a result of the criminal actions of another.
- _____ 3. The injury (or death) was not the result of an automobile accident.
- _____ 4. The incident occurred in North Dakota.
- _____ 5. The incident was reported to law enforcement officials within 72 hours, or would have been reported within that time except for a valid reason.
- _____ 6. The claimant (and/or victim) cooperated with law enforcement officials during their investigation and prosecution.
- _____ 7. Economic loss (medical expenses, wage loss, other) totals (or will total) \$100.00 or more and has not been (or will not be) totally paid by other sources.
- _____ 8. The claimant (and/or victim) was not an accomplice to and did not commit a crime in connection with this incident.

box continues

I hereby swear that all of the above statements to which I have attested are true, and understand that I will be guilty of a class A misdemeanor for any false statement I have made in connection with this declaration of eligibility.

Dated this _____ day of _____, 19____.

Claimant or Representative-Signature

How were you informed of the Crime Victims Reparations Act? _____

OUTLINE OF PROCEDURES FOR OBTAINING BENEFITS UNDER THE NORTH DAKOTA UNIFORM CRIME VICTIMS REPARATIONS ACT

When notified by an individual or his or her representative that he or she has been the victim of a criminal attack, forms consisting of a Declaration of Eligibility, a Crime Victim Claim Form, and a Claimant's Supplementary Form are supplied.

After the claimant returns the completed forms, the Board sends forms to the witnesses, law enforcement agency, doctor, and employer. Those individuals fill out the forms and return them to the Board. If all sources verify the claimant's story, and if the story indicates that he or she is an innocent victim, the claimant's work loss and medical expenses which were not paid by collateral sources are paid through the Act.

Many claims are not that easily handled. Some forms are not returned; some stories are contradictory; and some forms are returned incomplete. When this occurs the Board calls or writes to those persons involved. In most cases, a combination of letters, forms, and calls are required in order to get an accurate story. When these methods fail, a hearing is held.

If a claim is denied by the Board prior to a formal hearing, the claimant may either request a hearing or may appeal to the District Court. If a claim is denied after a formal hearing, the claimant may appeal to the District Court.

Awards are paid directly to the suppliers of services—i.e. hospitals, physicians, dentists, attorneys, etc. If the claimant has personally paid the bills, the claimant is reimbursed directly. Wage losses are paid directly to the claimant.

The majority of claims are processed within a 30 to 60 day period. The time period, of course, depends to a great extent upon the cooperation of the people from whom information is requested. As a result, some claims are decided within a two week period. Where a hearing and/or appeal is necessary, a final decision may take several months.

CRIME VICTIM CLAIM FORM

SEND COMPLETED FORM TO:
 Crime Victims Reparations
 Workmen's Compensation Bureau
 Highway 83 North—Russel Building
 Bismarck, North Dakota 58505

BEFORE YOU COMPLETE THIS FORM, READ THE FOLLOWING:

The Crime Victims Reparations Act reimburses for economic loss due to physical injury or death resulting from a criminal attack. *It does not provide restitution for property loss or damage.* After you submit a claim, the information you provide will be verified through discussions with law enforcement officials, inspection of records, and any other inquiry relevant to your claim. The victim may be required to submit to mental or physical examination or autopsy. Any claimant who makes a false claim or statement in connection with a claim is guilty of a class A misdemeanor.

1. CLAIMANT'S NAME _____ PHONE _____
Last First Middle
2. ADDRESS _____ ZIP _____
Street City State
3. VICTIM'S NAME (If different from claimant) _____
Street City State
 Relationship to Claimant _____
 Age of Victim _____ Marital Status _____ Sex _____
4. Describe briefly what happened to give rise to this claim (include date, time, place, and names and addresses of witnesses)* _____

5. Law enforcement agency or officer to whom incident was reported (Name and address) _____
6. Describe physical injuries suffered by victims _____

7. Doctor(s) and/or hospital(s) providing treatment (names and addresses) _____

8. Did victim have health and/or loss of income insurance? _____
 Name and address of Company _____
9. Was victim employed prior to injury? _____ If yes, where? _____
 Did victim miss work because of the injury? _____
10. Is the victim (and/or claimant) contemplating a civil action against the offender or some other third person for damages? _____
 If yes, explain _____

Dated this _____ day of _____, 19____.

 Claimant or Representative-Signature

*If additional space is needed, please use the reverse side of this form.

STATEMENT OF ECONOMIC LOSS

SEND COMPLETED FORM TO:
 Crime Victims Reparations
 Workmen's Compensation Bureau
 Highway 83 North—Russel Building
 Bismarck, North Dakota 58505

NAME OF CLAIMANT _____ PHONE _____
 ADDRESS _____
Street City State ZIP Middle

I claim the following economic losses due to a criminal attack:

MEDICAL		
Supplier of Service (Name and Address)	Purpose	Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

LOSS OF INCOME

Source of Income (Name & Address) _____

Period of Loss _____
 Actual Net Weekly Wage Loss _____
 Average Number of Days Worked per Week _____

OTHER EXPENSES

Did you incur OTHER economic loss as a direct result of this incident? If so, explain including purpose, amount, and name of creditor: _____

FUTURE EXPENSES

I anticipate future expenses in the following areas and in the following amounts:
 Expenses _____ Amount _____

COLLATERAL SOURCES

I have received or will receive benefits from collateral sources (such as insurance companies, sick-leave pay from employer, etc.) as follows:

Source	Purpose	Amount
_____	_____	_____
_____	_____	_____

Dated this _____ day of _____, 19____.

 Claimant or Representative-Signature

CERTIFICATE OF WITNESS

SEND COMPLETED FORM TO:
 Crime Victims Reparations
 Workmen's Compensation Bureau
 Highway 83 North—Russel Building
 Bismarck, North Dakota 58505

NAME OF CLAIMANT _____
Last First Middle

NAME OF VICTIM (If different from claimant) _____
Last First Middle

ADDRESS _____ ZIP _____
Street City State

The above-named claimant has, on his/her own behalf or on behalf of another, submitted a claim based upon an injury purportedly received as a result of a criminal attack. Either the claimant or law enforcement officials have referred us to you as a witness in the case. Therefore, would you please complete this form and return it to the above address.

1. NAME OF WITNESS _____ PHONE _____
Last First Middle

2. ADDRESS _____ ZIP _____
Street City State

3. Did you witness an injury to the above-named victim? _____ (If the answer is "No," simply sign the form and mail it in.) If you did witness an injury to the above-named victim, please describe what occurred:

4. In your opinion, was the victim an "innocent" victim? _____ Why or why not?

5. In your opinion, did the victim in any way provoke or consent to the attack upon him, if there was one? _____ If yes, in what way?

Comments: _____

Dated this _____ day of _____, 19____.

Signature _____

CERTIFICATE OF EMPLOYER

SEND COMPLETED FORM TO:
 Crime Victims Reparations
 Workmen's Compensation Bureau
 Highway 83 North—Russel Building
 Bismarck, North Dakota 58505

NAME OF VICTIM _____
Last First Middle

ADDRESS _____
Last First Middle

DATE OF ALLEGED CRIME _____

The above-named individual or his/her representative has applied for compensation under the Uniform Crime Victims Reparations Act of North Dakota. You have been listed as his/her employer.

NAME OF EMPLOYER _____ PHONE _____

ADDRESS _____

1. How long has victim been in your employ? _____

2. What is victim's job title and description? _____

3. How many hours does victim work per week? _____
 How many days does victim work per week? _____

4. How much work-time has victim lost to date? _____

5. Has victim returned to work? _____ If not, when do you expect a return?

6. List the items below in WEEKLY amounts:

Gross earnings _____ Net earnings _____
 Subsistence _____

7. Are benefits available to claimant through your company for medical expenses, loss of earnings such as sick-leave pay, disability, life (if victim is deceased), or other insurance? _____ If yes, please specify:

Type of Benefit	Source	Amount	Date paid or to be paid
_____	_____	_____	_____
_____	_____	_____	_____

Dated this _____ day of _____, 19____.

Authorized Signature _____

Title _____

*PLEASE NOTE: This involves a claim under the Crime Victims Reparations Act and is not a claim for Workmen's Compensation. The Crime Victims Reparations Act is administered by the Workmen's Compensation Bureau, but consists of a separate fund financed through appropriations from the General Fund.

PHYSICIAN'S REPORT

SEND COMPLETED FORM TO:
Crime Victims Reparations
Workmen's Compensation Bureau
Highway 83 North—Russel Building
Bismarck, North Dakota 58505

PATIENT 1. Name of Patient _____
2. Address _____ City/State _____

HISTORY OF INJURY 3. History and date of injury as given by patient (copy of initial history desirable) _____

4. Findings based upon examination, lab work, x-rays, etc. _____

5. Conclusion _____

6. Was the injury caused, aggravated, or accelerated by the assault made on the patient? Yes _____ No _____

NATURE AND EXTENT OF INJURY OR DISEASE 7. Did this injury disable patient from work? Yes _____ No _____
If yes, complete the following:

a. Totally disabled from _____, 19__ to _____, 19__.

b. Partially disabled from _____, 19__ to _____, 19__.

c. Describe such partial disability _____

8. Is there temporary total disability? Yes _____ No _____. If so, for how long? _____

9. What, if any, permanent disabilities have resulted from the injury or disease? (Describe in full and give percentage of loss of use of each injured member.) _____

10. Were the affected members normal before this injury? Yes _____ No _____

11. If not, describe previous condition and percentage of loss of use, if any, to be deducted from above estimates. _____

12. Inclusive dates of treatment from _____, 19__ to _____, 19__.

13. Who engaged your services? _____

14. Describe treatment given and drugs or supplies prescribed _____

15. What further medical care is necessary? _____

16. If patient was hospitalized, name and address of hospital _____

17. Dates of admission to hospital _____
Date of discharge _____

18. Is rehabilitation or retraining recommended? Yes _____ No _____

box continues

DATE _____

Physician's Signature _____

Physician's Name (Type or Print) _____

Address _____

Additional information or remarks may be written on a separate sheet and attached.

**CERTIFICATE FROM SUPPLIER OF SERVICES
AND/OR PRODUCTS TO CLAIMANT**

SEND COMPLETED FORM TO:
Crime Victims Reparations
Workmen's Compensation Bureau
Highway 83 North—Russel Building
Bismarck, North Dakota 58505

NAME OF CLAIMANT _____
Last First Middle
 ADDRESS _____ PHONE _____
 NAME OF VICTIM (if different from claimant) _____
Last First Middle
 RELATIONSHIP TO CLAIMANT _____
 NAME OF SUPPLIER/CREDITOR _____
 ADDRESS _____ PHONE _____

1. Describe services or products supplied and dates: (Attach bills)

Service or Product	Date	Amount

2. What is total amount to date owed for such services or supplies? _____

3. If claimant has other sources for payment to you, please specify:

Source	Amount Paid or to be Paid

4. Total Claimed from Crime Victims Reparations _____

5. Is it your belief that the entire amount claimed from Crime Victims Reparations is directly or indirectly attributable to or the result of the crime committed against the person of the claimant or the victim through whom he claims: Yes No.

PLEASE NOTE:

This claim is separate from any claim involving Workmen's Compensation benefits, and should not be confused with or considered in relationship to Workmen's Compensation.

Dated this _____ day of _____, 19____.

Signature/Title

CERTIFICATE FROM LAW ENFORCEMENT AGENCY

SEND COMPLETED FORM TO:
Crime Victims Reparations
Workmen's Compensation Bureau
Highway 83 North—Russel Building
Bismarck, North Dakota 58505

NAME OF CLAIMANT _____
Last First Middle
 NAME OF VICTIM (if different from claimant) _____
Last First Middle
 RELATIONSHIP TO CLAIMANT _____
 NAME OF OFFICER _____ POSITION _____
Last First Middle
 BUSINESS ADDRESS _____
 BUSINESS PHONE _____

- Are you the investigating officer? If no, explain _____
- Date crime reported to your department _____
- Give details regarding victim (and/or claimant) and crime _____

4. Was victim (and/or claimant) completely cooperative with this law enforcement agency? _____
 If no, explain: _____

- Has an arrest been made? If yes, name assailant _____
- Disposition of case _____
- From your investigation of the case, do you feel the victim (and/or claimant) was completely innocent? If no, explain: _____

8. Comments: _____

Dated this _____ day of _____, 19____.

Signature

Property Return

Immediate property return is of great benefit to victims. And since most kinds of recovered property can be returned without the slightest demonstrable harm to prosecution interests, one must question the traditional practices whereby the criminal justice system holds on to it for months or even years pending the resolution of a criminal case.

Because of the immediate benefits which a photograph-and-return policy offers the victim, and the relative ease with which this policy can be implemented, programs should work with their local prosecutor and police departments to facilitate it. Kansas mandates by statute immediate property return, and California prosecutors have been requiring such a policy of their law enforcement agencies for years. The following procedures are based on guidelines developed in Fremont, California.

Property Return Procedures

1. Whenever possible, a police officer shall photograph and release recovered property to the victim/owner at the scene of the crime. If immediate release is not possible, the officer shall attempt to locate the victim/owner at the earliest possible time, inform him of the recovery of his property and request that he go to the department's property unit to pick it up.
2. The following criteria shall be observed when releasing property:
 - a. The victim/owner is known.
 - b. The victim/owner presents proper identification and reasonable proof of ownership.
 - c. Ownership of the property is not disputed.
 - d. The victim/owner signs the property release form.
 - e. The property is not one of the six categories of items defined as follows:
 - i. Weapons used in commission of a crime.
 - ii. Weapons necessary to show the aggravated nature of the crime.
 - iii. Items taken as a result of a search warrant.
 - iv. Items illegal to possess under municipal, state or federal law.
 - v. Money.
 - vi. Evidentiary items which cannot be examined in the field and must be processed by the crime lab.
3. The following procedures should be attended to prior to release:
 - a. Property with serial numbers or other identifiable numbers should be checked through property identification systems in the jurisdiction;
 - b. If the item is of evidentiary value:
 - i. A photograph should be taken by the officer.
 - ii. The photograph shall contain the owner/victim, the property to be released, and the report number which shall be held up or propped up by the victim in the picture. If possible, a photograph should be taken of the serial number or other identifying characteristics which might be used in establishing ownership.

box continues

iii. The victim/owner shall sign the property release form declaring ownership and agreeing not to dispose of property until notified that the case is officially closed or adjudicated. If the victim/owner does not sign the form, the property may not be released.

- c. If the item has no serial numbers or identifying features, the officer shall mark the item for court identification in an inconspicuous place in accordance with the rules of evidence and department procedure.
 - d. If the item is not of evidentiary value, the officer shall, after checking the item through the stolen property system, obtain the signature of the victim/owner on the property release form and release the property.
4. The officer shall include in his report:
- a. A description of property released.
 - b. A serial number of property, if any.
 - c. A statement indicating that the property was released to the victim/owner or responsible agent and where it was released.
 - d. A copy of the property release form.
5. When it is not possible to return the property to the owner/victim, the officer shall book the property through the property unit of the department. The property inventory record must include:
- a. A description of the item.
 - b. A serial number of item, if any.
 - c. The report number.
 - d. The name of the reporting officer and signature or initials and employee identification systems.

In some jurisdictions, the victim assistance program takes on the responsibility of locating property for victims and working with the prosecutor for its release. In such cases, if there is no reason that it should not be returned, a prosecutor may help to release the property through the following forms:

PROPERTY RELEASE FORM I

Prosecuting Attorney _____

Address _____

Reference: C.A.O. NO. _____ P.D. NO. _____

All of the evidence: _____ The following specified evidence, presently within your custody and control in the case(s) of the Commonwealth of _____ vs. _____ may be returned by you, at this time, to its lawful owner or disposed of in accordance with law.

Description of property _____

SPECIAL INSTRUCTIONS:

Please photograph property. Photographs are to include pictures of the property to be released, the property with its owner, and pictures showing special identifying features of the property, such as serial numbers, Social Security numbers, and other identifying features.

Document date, time, place, to whom, and by whom the property is released. Preserve said documentation in your file. Record all such information on the reverse side of each photograph.

(Asst.) Commonwealth's Attorney

Date _____

PROPERTY RELEASE FORM II

I, _____, have received from the Fremont Police Department
(print name)
the property described below, which I declare is owned by me:

Item	Serial Number, Color, Distinguishing Characteristics
_____	_____
_____	_____
_____	_____

I have been advised that I must be able to produce these items if they are required by the Court in the future as evidence in any criminal proceeding in connection with its original loss. Therefore, I understand that I should not dispose of these items or alter the physical characteristics until after any criminal prosecution involving the property's loss is completed.

I understand that, if I can't produce the property if required by a Court, there is a serious risk that any criminal prosecution involving the property will be dismissed.

Signature

Date

Release Authorized By: _____

Employee Number _____

Date: _____

Released by: _____

Employee Number _____

Date: _____

Field Release
(Attach original to report)

Station Release
(Original to Information Section)

Property of No Evidentiary Value—Retention of Items by Recipient not Required

Copy to recipient _____

Report Number _____

Private Insurance Claims

Few individuals know the amount of insurance coverage they have—until calamity strikes. Many people with homeowner's insurance don't know that they may be covered for burglaries or thefts. But even if they know they are covered, they, like injured victims seeking medical insurance benefits, may be bewildered by the language maze found in most insurance forms.

One sees the problem most vividly in homicide survivors, who are often faced with dealing with medical insurance, life insurance, death benefits, funeral contracts, hospital bills, probating the will, dealing with the press, helping the police, and, seemingly, a hundred other intrusions on their need to be alone to cry. As one survivor stated, "I got so tired of all the forms I had to sign, all the information I had to give, all the evidence I had to give, that finally, I just gave up. I didn't care if I could get veteran's benefits—it wasn't worth the effort."

It is that kind of discouragement that can be avoided with the aid of a victim advocate.

It is helpful to train at least one staff member to "translate" insurance policies. While some might argue this is best left to the victim's insurance agent, he cannot fill out the forms and his advice is often colored by a desire to keep the claims "reasonable." For both reasons, a lay advocate can be indispensable in preparing and negotiating a claim. The training is best done by someone familiar with the law, preferably a volunteer lawyer. And some programs have met their insurance/compensation service objectives with the help of a retired lawyer or insurance agent working as a volunteer.

The advocate (or volunteer) should review the victim's insurance policies (a call to the victim's agent to get all his policies is often prudent) and then make a short list of the possible claims and their conditions. Ambiguous language should be noted and questions about it should be put to the claims adjuster or lawyer.

A careful assessment of the victim's losses is imperative. In a burglary it is important to help the victim itemize all lost property. Usually, the victim has overlooked missing items when he first tried to make an inventory of stolen items for the police, so if the burglary involved a great deal of loss, it is worthwhile to do a "walk-through" of the house with the victim and spend some time in each room, allowing the victim to think through what might be missing. ("I told them my microwave was gone—but it looks like they took my toaster oven, too.") Help the victim file an amended police report adding property which is later discovered missing.

That complete missing property list filed with the police is important because insurance companies rely on it to assess the claimant's loss. The list is equally important to the victim in the event that the insurance settlement is less than the market value (much less the replacement value), since the difference between the settlement and the actual value should be used in filing casualty losses on tax returns.

In private insurance claims as well, the advocate should help the victim assemble any evidence he might have of the actual losses—pictures, receipts, invoices, appraisals, etc. To those who have insurance, these are vital documents.

Assistance with Funeral Arrangements

One of the hardest jobs facing friends and relatives of people who have died is making funeral arrangements. This job can be even more onerous for survivors of homicide victims, especially if the murder victims were children, since older people have often arranged for such things as burial plots and types of casket, whereas younger people almost never consider their death, much less communicate their preferences about the funeral, the grave site, and so on.

While an advocate cannot help a family decide on the appropriate funeral plans, the advocate can be helpful in helping them consider the options and seeing their plans implemented in a cost-conscious manner.

Homicide survivors have complained about funeral directors who argue against cremation, or who try to persuade them to take extraordinary measures to disguise the victim's final wounds, or in other ways steer them into choosing costly services. Such negotiations can sometimes be buffered, avoiding later recrimination, by a victim advocate.

Crime Prevention

It has become increasingly apparent to victim service providers that crime prevention information is a helpful and therapeutic resource to victims. The fact that something can be done to give greater security to parts of their environment can make a victim feel more in control of his life again.

Crime prevention services such as home security surveys, "Operation Identification," and "Neighborhood Watch" all contribute to a sense of security after experiencing a crime in or near the home. And for the burglary victim whose outside door or window is broken, emergency repair services are a godsend. (For a further discussion of this form of crime prevention, see below.)

In cases involving assaults or street crimes, a victim may feel better if he is given some tips on how to avoid crime outside the house, or is provided some interim escort service in his neighborhood.

In some programs, there is an attempt to link older victims with other elderly neighbors so that they shop and attend social gatherings in groups.

Crime prevention education is not a panacea, but it does have a proper place in the resource mobilization stage of victim assistance.

Other Services

Other services that the program can arrange in cooperation with, or through, another agency include: property repair, day care, emergency shelter, legal assistance, home care, etc. Some victim assistance programs offer services designed to protect the victim from further attack shortly after the crime even when no police investigation is likely. However, since most protection services are provided only when there is an active investigation or an arrest, such services are discussed in Chapter 6.

Property repair normally entails such things as replacement of broken windows and doors (or securely boarding them up as a temporary measure) and installation of locks. Some programs train a staff member or volunteer to perform such tasks. They then solicit contributions from local hardware stores and locksmiths and provide such services for needy victims.

Programs that cannot afford or locate such ancillary services may find novel ways to get other social service agencies or private business to fill the void. For example, one program got its city's emergency road crew to keep plywood and other carpentry equipment in the truck that remains on call every night; that crew is now able to respond to police requests to make temporary repairs of broken doors and windows. Another program persuaded its Kiwanis Club to install new, secure locks in the homes of senior citizens. The annual Kiwanis fundraising drive provided the funding; members in the hardware business got the locks at cost; and volunteers did the installations.

Day care services may be contracted for with local kindergartens or day-care facilities. Legal referrals can usually be made to a legal services project or through the local bar association. Home care can often be arranged through homemaker services, a visiting nurses association, or elderly service programs. Emergency shelter may be available through Salvation Army chapters, churches, and even in local homes. For example, one county near Detroit has developed a list of individuals willing to house people for several days in emergency situations, using two ground-rules: that the individual volunteers remain anonymous, and that no home serves as a shelter for more than two days in a row.

All of these ideas relate to developing resources for use in the program's attempt to meet the needs of victims. The key factor to remember in developing a resource base is that the more you involve the community-at-large, the better you can meet victim needs. It helps create public awareness and support and it helps to educate everyone about the impact of victimization.

Despite every effort at creative resource development and the coordination of a good service network, some resources may be impossible to provide immediately. Programs should recognize their own limitations and the limitations of the community. If it is impossible to provide property repair, for example, then no mention of that service should be made to victims. It can be phased in later if resources become available.

Finally, there are services which are needed by victims but not appropriately provided by most programs. Such services include legal help and long-term counseling. The key issues for advocates with both is deciding when to make a referral and to whom such referrals should be made. In both the legal field and the mental health profession, advocates have grown wary of referring victims to professionals who do not have an understanding of the impact of crime victimization. The following suggestions may be helpful in structuring an appropriate referral network.

Legal Aid

Appropriate legal assistance can often be provided by developing a working relationship with the local legal service program for the poor and with the local bar association. In 1980, the American Bar Association published a helpful guide to local bar associations entitled, "Bar Leadership on Victim Witness Assistance," a copy of which can be found in most bar association libraries. Advocates should investigate the resources which may be available through the bar and meet with interested local bar committees to explain victim problems.

If such an approach is not feasible, a victim service program may write letters to local attorneys and ask if they would be interested in victim referrals. The attorneys should also be asked in what area of law they practice most. Particular areas of the law which can be useful to victims include: landlord-tenant law, divorce and custody, wills and estates, and, most particularly, tort (personal injury) law.

One branch of tort law and practice is a growing specialty of victim rights litigation which involves suits focused on: victim versus offender, victim versus third parties which have some duty of protection to the victim (such as landlords, hotels, and colleges in respect to their tenants, guests, and student residents, and employers in respect to their employees), and victim versus governmental agents who have been negligent or reckless in their duties toward the public (in letting a dangerous convict escape from prison, for example), with subsequent harm to a victim.

The leading source of information on this topic is the Victim Assistance Legal Organization (VALOR) which was recently moved from Virginia Beach, Virginia, to the McGeorge Law School in Sacramento, California. Victim advocates should become aware of all of the various forms of legal redress which are emerging for the victim, and a program should keep a file on legal referrals after determining each individual's willingness to assist victims. As with all referrals to professionals, it is a good practice, when possible, to suggest at least three practitioners for the victim to talk to.

Counseling

While the first two stages of response involve applications of crisis and stress theory to victim needs, it is important for advocates to be aware that more general counseling may need to be continued throughout the resource mobilization stage and the criminal justice process.

Short-term counseling may be necessary to help the victim recover from the stress as the immediate crisis subsides. Long-term counseling may be in order for some victims who have faced severe life disruptions and find that they cannot find appropriate coping skills for such a shock.

Short-Term Counseling

Short-term counseling is often nothing more than friendly reassurance from an advocate over a period of a few days, or intermittently over a few months, as the victim adjusts to his life changes. Even when it takes on a larger dimension, a victim advocate may be trained to provide appropriate help.

In preparing an advocate to provide counseling services, the first training concern must be to help the would-be counselor assess his own skills and attitudes. Counseling crime victims can be exhausting and stressful. The counselor must be aware of potential stressors for himself or he may become caught in a situation where he is unable to help and indeed may harm a victim with his own uncontrolled reactions.

Self assessment should include the following factors:

Counseling Self-Assessment

1. Understanding one's own philosophy about life, crime, and victimization. This effort should involve a discussion about the counselor's view of himself and his relationship with the universe and other individuals. Examples of questions which might aid in provoking self-understanding are listed after this section. These questions may be introduced to a trainee through value exercises, self-administered confidential questionnaires, or group discussions (recognizing the need to respect the trainee's privacy). The important thing in most cases is not so much the answers as the fact that the trainees become aware of their basic concerns and attitudes. For instance, a counselor should have a conscious understanding of his private religious beliefs so that they do not interfere with a non-judgmental style of counseling when dealing with a victim with very different religious beliefs. (If a trainee responds with inappropriate biases which may affect his ability to counsel others, there may be a need to direct him to services other than counseling.)

Other questions can be added to the sample lists. Trainers of victim counselors should use their imagination in provoking introspection. Only when counselors know themselves can they effectively counsel others.

2. Recognizing the need for confidentiality. Counselors should be asked to make a personal commitment to maintaining the confidentiality of their communications with victims. * No information that the victim tells the counselor should be divulged to anyone outside the service program without permission from the victim. This is a difficult problem since most states do not recognize a victim/counselor privilege attaching to their communications. Those seeking to assert such a privilege (or explaining why they treat victim communications in confidence even without a privilege to do so) argue that an accused person is assured of confidential communication with his attorney, and a victim should no less be assured of such confidentiality with the counselor of his choice.

Maintaining confidences can increase the stress on counselors. It is hard to listen to painful emotions and not suffer intensely. While a counselor may confer with other counselors or talk about cases in general, he should be instructed not to mention names or other identifying characteristics in public.

3. Acknowledging the rise of emotions which may accompany a counseling effort. Intense feelings may be aroused both in the victim and the counselor. Counselors should be trained to allow the victim to lead the conversation. Ventilation is helpful in confronting the crime and regaining control over one's life. Most victims have a need to tell the story of the violation and their response over and over again. The fears, anger, and anxieties raised in the victim can be intense. What may be even more difficult to a counselor is the empathetic response he feels. The anger the victim expresses may stimulate anger in the counselor. The hopelessness may stimulate depression.

Such responses are even more likely if the counselor has been a victim or involved in similar incidents. Hence, it is important to predict such problems prior to taking on a counselor's job.

4. Remembering your problems are not the problems of the victim. The emotions of the situation may cause the untutored counselor to confuse his problems and concerns with those of the victim. If, for example, the counselor had been a victim himself, the discussion may trigger in him old feelings of guilt, whereas the victim's feelings may be more oriented toward anger and disgust—and hints from the counselor that he's really feeling guilty may prove extremely disruptive.

5. Maintaining neutrality. Counselors should be trained to be non-judgmental toward victims. No matter what the counselor's pre-existing biases are, victims should be allowed to express their own feelings and make their own, informed decisions from among available alternatives. Counselors have no answers. They should have the ability to listen and to offer such alternatives.

*See the confidentiality statute in the appendix.

"Philosophy of Life" Questions

1. What is your view of God?
2. Do you believe in free will and self-responsibility?
3. Do you believe that there are events in life over which we have no control?
4. Do you feel that you have the power to change things and to create your own future?
5. What do you think the relationship should be between a husband and wife?
6. How important do you think families are? Does this vary if your perspective is that of a child, parent, or sibling?
7. Do you think sex is an important part of personal happiness?
8. Do you think that financial security is important?
9. How would you define a good sexual relationship?
10. What would you define as financial security?
11. Are you happy with your life right now?
12. Is there anything you would change about your life if you could?
13. What do you think your five best personality traits are?
14. What do you think your five worst personality traits are?

"Perspectives on Crime" Questions

1. What are the causes of crime?
2. Why do you think crime is a problem in the United States?
3. What do you think is the worst type of crime?
4. What considerations do you think a judge should think about when he is sentencing an offender?
5. Where do you think the criminal justice system could be improved?
6. How much do you think differences between race and ethnic groups contribute to crime?
7. To what extent do you think crime is dependent upon economic conditions?
8. Do you think it is a crime to hit someone you don't know?
9. Do you think it is a crime to hit someone you know?
10. Do you see any difference between crime against friends and crime against strangers?

"Perspectives on Victimization" Questions

1. Have you ever been a victim of a crime? If so, how did you feel?
2. What do you think would be the worst victimization you could suffer? Why?

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3. If someone stole your car radio, what do you think should happen to them?
4. To what extent do you think that you can avoid being victimized?
5. Are you ever afraid of being mugged, raped, or burglarized?
6. Have you ever felt totally helpless as a result of an accident or other kind of misfortune?
7. Do you get angry when you cannot make things happen the way you want them to?

Thoughts on Counseling

Once a potential counselor has explored his own feelings and their ramifications for dealing with victims, he can be offered some general guidelines for short-term counseling efforts.

Short Term Counseling Guidelines

1. **Encourage the victim to talk about anything.** Often the victim may connect things in his past and hopes for the future to the trauma of the present victimization.
2. **Listen.** Some professionals refer to it as "active" listening. There are two important aspects to it. First is the ability to maintain silence. Sometimes this involves long periods of time. The victim needs that time to sort things out. Second is the ability to respond with sympathy to the feelings of another even though one's own feelings may be different. It is the ability to generate warmth, to be genuine, to show respect, and maintain objectivity even when the counselor is certain that he would respond very differently in a similar situation.

The active listener recognizes that something is "wrong" for the victim, and that, with patience, probing questions, and short summations of what the victim has said, both the victim and the listener will get an intellectual grasp of what the wrong involves—which is a first step in regaining control.

3. **Motivate the victim into self-exploration.** This counseling challenge involves helping a victim understand what he can do to confront or change his situation. There is no doubt that this phase of counseling for the victim is full of confusion. However, in many cases, it is not the crime itself which leaves the victim in disarray, it is other concerns—such as sexual beliefs, lack of intimate support systems, and society's response—which lead him to a sense of outrage and confusion.

In this phase, it is important for the victim to identify values which the experience may have brought into question. Values associated with justice, sex, revenge, and security may need restructuring. For example, a burglary victim who was once an enthusiastic consumer and treasured the things he had acquired may discover that he now wants to replace none of the property which was taken—that in fact he wants to give away some of his remaining possessions, as a kind of "pessimism insurance" against the possibility that he will be a burglary victim again. When values are subject to such radical shifts of this nature, there is a danger that the new value system may lock him into a continuously-distressed life, and even when the new outlook on life is "healthy," he may still feel a sense of grieving for his old value system. Such a sense of loss should be distinguished from the feelings of loss for the actual items of property.

The emotional responses to the crime or to other concerns should also be explored. It is helpful to identify feelings of fear, anger, guilt, and the like, and to try to focus on what triggers those feelings.

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4. Help the victim integrate his emotions and shifts in values. The victim needs to come to terms with shifts in values and emotions and to make sense out of them. For those which may be dysfunctional, the counselor may help put them into perspective. The burglary victim may confront his anger at having invested so much of his sense of identity in his belongings, and eventually be persuaded to approach the need to replace some necessities gradually. He may begin to understand that owning property was not the cause of his getting burglarized. On the other hand, he may redirect his spending patterns to support hobbies, travel, or other activities.

Several counseling techniques can be useful in this phase. For example, the loss of values can be dealt with through grief counseling. Values should be recognized as a major part of a personality. The counselor may legitimize the sorrow which results from the loss, a sorrow that is often accompanied by fear of further loss, causing the victim to feel that he has to start life all over again. The counselor can help him identify those things in his life and personality which have remained constant and provide him a basis for restructuring his life where the loss has occurred.

Redirection of emotions that appear overwhelming can help to defuse destructive tendencies. Anger at an assailant is surely appropriate, but compulsive rage may interfere with the ability of the victim to recover. Rage may be ventilated and its components identified so that the victim realizes that the anger is not one-dimensional. If it is directed not only at the assailant, but also the justice system, or family members, or even at the victim himself, the victim may be able to constructively work out some aspects of the anger.

Similarly, anxious and upsetting emotions may be treated by affording the victim emotional alternatives. Many counselors help victims construct a hierarchy of emotions which provides insight into what emotions are most problematic. If the victim is very fearful, for example, he might be asked to mentally construct a series of pictures which make him feel afraid. The counselor then might teach the victim some relaxation techniques and help him employ those in relationship to his anxieties. This approach can be useful to victims when future events trigger old fears. It provides them with a method to bring things back under emotional control.

"Cognitive restructuring" techniques are often used to stop victims from becoming self-destructive. Such techniques take in several procedures which, in short-hand terms, involve identifying self-destructive thoughts (guilt, anger at self, shame, etc.), developing alternative perspectives, learning thought substitution, and reinforcing such substitution with positive action. Role playing stressful events and mental behavior rehearsal is helpful in this process as well.

5. Help the victim take control of his life. After the victim has thought about and learned some ways of dealing with his emotions and concerns, he can be asked to reassert himself in designing his life. Here, the victim can articulate his life goals—often ones he had pursued before without thinking about them, but possibly now altered in light of his victimization experience—and then, with the counselor's help, think through some short-range plans and activities for accomplishing them. Many victims will in time drop this somewhat self-conscious way of controlling one's life as they make progress in accomplishing what they want to do.

6. Terminate short-term counseling with positive goals but leave the door open for return. Many counselors, at an appropriate stage in their counseling sessions, work out a "service contract" with the victim. That contract spells out the short-term goals which are being set and provides a definite time for accomplishing each. After the short-term counseling sessions are completed—with progress made on some immediate objectives—

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the victim is asked to check in with the counselor in three, four, or six months and let him know how things are going on some of his longer-term objectives. This method of terminating short-term counseling can be very useful. It not only provides the victim with a positive approach to restructuring his life but allows the counselor a chance to be of help should the victim develop new problems or regress into a state of chronic stress.

It is important to recognize the possibility that the victim may have recurring problems, and few of these temporary or long-term setbacks should be considered "counseling failures." Some victims were in bad emotional shape for a long time before their victimization. With these and some other victims, helping them achieve, even for a short time, a good level of functioning may be beyond a counselor's earthly powers.

But in most instances, the setbacks are transitional. Sometimes the regression is part of a cycle in which the victim is "well" for increasingly-longer stretches of time, and the periods of depression in between are like resting periods. More often, the regression is associated with the anniversary of the crime, or with other special dates, or with the fact that the trial is coming up, all of which are times when the counselor's kindness (or supportive counseling) can help the victim through a difficult time.

For most victims, crisis intervention and short-term counseling are the most that they will ever need to overcome the debilitating effects of the crime. One needs to remember, however, that distressed crime victims sometimes suffer emotional relapses and then need short-term counseling services again.

Social Support and Counseling

Efforts to provide short-term counseling will be aided if the victim has a close and supportive social network. If they can respond in a loving and understanding way, families and friends can be the best source of reassurance and energy for victims. However, in some cases families and friends become as paralyzed by fear and frustration or as blaming of the victim as the victim himself. They may not be able to respond to the victim because they are having a difficult time coping with their own emotions. In other cases, families and friends are simply ignorant about the needs and concerns of the victim, so that, for example, they think it helpful to tell the victim to not talk about the crime, to forget about it.

For these reasons, programs which provide counseling to victims should offer counseling to families and friends as well. Even if the victim is able to cope and develops a positive approach following counseling, he can be devastated by negative responses from those in his social network. Families and friends should be counseled both with regard to their own feelings and with regard to how they may help the victim. In fact, "consulting" with the family members over ways in which they can help the victim may be all that is required to get them behaving in a constructive way.

Where natural support networks are inoperative because the victimization has traumatized an extended group, group counseling with other victims may be very useful. Self-help groups have developed to fill this need in cases of family violence, homicide, sexual assault, and even burglary.

Most such groups have evolved at the instigation of victims themselves, but as the need becomes more recognized, professionals in some programs have begun to facilitate initial meetings. Self-help groups for survivors of homicides are usually permanent. Members may come sporadically and sometimes miss group meetings for months, but the group continues in existence. Self-help groups for burglary victims or sexual assault are more likely to dissolve as spontaneously as they began when most of the members have gained enough time and distance from the events to reorganize and control their lives.

Long-Term Counseling

Most victim programs do not do long-term counseling and most should not. However, one should distinguish between the eruption of short-term counseling needs over a long period of time and the need for long-term counseling. In the first instance, the victim is generally stable and has basically good coping abilities, despite an occasional relapse. Most victim service programs deliver such assistance and some programs have helped certain victims from time to time for seven or eight years.

On the other hand, some victims require long-term professional counseling as a result of deep-seated problems which were either exacerbated or caused by the criminal attack, often as evidenced by the victim's inability to move out of the acute crisis stage.

Counselors should be alert to such symptoms, and many of them now make use of the "diagnostic criteria" for the "post-traumatic stress syndrome," as emotional crisis is now called by the American Psychiatric Association and others. Typical of the criteria described in the APA's Diagnostic and Statistical Manual, Third Edition, (DSM III) is the sense of isolation experienced by some suffering from the disorders, or a lack of responsiveness to an involvement in the world. Such estrangement can interfere substantially in their lives.

While most victims go through the symptoms of post-traumatic stress following a severe criminal violation, the symptoms do not persist for longer than six months and can be resolved either spontaneously by the victim himself, or through appropriate short-term counseling as described earlier. These victims suffer what can be termed "acute post-traumatic stress."

Chronic post-traumatic stress, however, calls for more extensive psychological or psychiatric care.

DSM III's diagnostic criteria for post-traumatic stress disorder are as follows:

Features of the Post-Traumatic Stress Syndrome

- I. The syndrome appears after the occurrence of a stressor that would be expected to produce significant symptoms of distress in nearly all people.
- II. An individual re-experiences the traumatic event either by:
 - A. Recurrent and intrusive recollections of the event;
 - B. Recurrent dreams of the event;
 - C. Suddenly acting or feeling as if the traumatic event were occurring again in response to some triggering stimulus.
- III. Numbing of responsiveness to or involvement with the external world, beginning some time after the traumatic event, as shown by either:
 - A. Markedly reduced interest in one or more significant activities;
 - B. Feelings of detachment or estrangement from others;
 - C. Reduction in emotional responsiveness.
- IV. At least two of the following—not present prior to the traumatic event:
 - A. Hyperalertness or exaggerated startle response;
 - B. Chronic sleep disturbance;
 - C. Guilt about survival or about behavior which was used to achieve survival;
 - D. Memory trouble or difficulty in concentrating;
 - E. Avoidance of situations that cause memories of the traumatic event;
 - F. Intensification of symptoms when confronting situations which symbolize or resemble the traumatic event.

Each of the features of post-traumatic stress syndrome should be examined in more detail in order to facilitate diagnosis and understanding by victim counselors.

Post-traumatic stress syndrome does not only occur in crime victims. Other stressful events such as natural disasters, accidental disasters, or terminal illnesses may cause its development.

The traumatic event may vary in both duration and severity. The stressor may be chronic and catastrophic, as in war or terminal illness. Or it may be a sudden, arbitrary and single event. It is often the suddenness and the unexpectedness of a crime that makes it produce an especially severe stress reaction. Crime's trauma is also compounded by the fact that it involves intentional cruelty by another human being.

Personal attributes of the victim will influence his susceptibility to post-traumatic stress and may give clues to the counselor as to the victim's vulnerability. Factors that seem to matter are the victim's age, his pre-existing emotional stability, and availability of social supports to him.

There is evidence that the very young and the very old have more difficulty in coping with traumatic events (though there are some stunning exceptions to this tendency). There are indications, for example, that few younger children have developed adequate coping mechanisms to deal with trauma, or if they are able to cope well in the immediate aftermath of a crisis, they are all too likely to experience a delayed crisis reaction such that symptoms of post-traumatic stress may arise a year or two after the stressing event.

Older victims of crisis are in a special risk group because, for many, their coping patterns have grown somewhat rigid. New traumas require a flexibility which is lacking in many older persons. Their difficulties are increased because of physiological disabilities associated with their age. The decrease in homeostatic capacity tends to diminish their ability to respond to stress (physical and emotional). The magnitude of displacement in the nervous and endocrine systems is greater with age and the rate of recovery is slower.

In addition to such physiological change, the older person normally exists in a "chronic loss" phase of his life. He loses his job and the pride, status, and income that goes with it, and he loses friends and family members as he nears death himself. Chronic losses result in chronic stress, making the individual more susceptible to the impact of any extraordinary crisis precipitator.

Pre-existing emotional fragility is also an instigator of post-traumatic stress. People with a history of alcohol or drug dependency, or of anxiety or depression, or who have been loners or who have been excessively dependent, are among those who seem to be particularly susceptible to severe stress reaction.

Finally, post-traumatic stress is more likely to occur in those who are single, divorced, widowed, economically handicapped, or socially deprived. Such social factors reflect diminished supports or resources to recovery.

Behavioral features which point to the syndrome include the following: depression, restlessness, nervousness, tremors, irritability, explosive outbursts, nonviolent impulsive behavior, headaches, vertigo, and alcohol and drug abuse.

Counselors should be alert to the early symptoms of post-traumatic stress. It should also be noted that, despite the lack of research on the long-term effects of crime, many counselors have observed that symptoms of post-traumatic stress may not emerge for years in certain crime victims.

Although some counselors report that victims experiencing delayed crisis are often as amenable to short-term counseling as victims of the more common, acute distress arising just after the crime, counselors are still well advised to treat this condition as "chronic" stress. That, by DSM III's definition, covers the stress symptoms that occur continually for six months or more,

or reappear at stages longer than six months after the event; and where such indicators of chronic stress appear, the counselor should refer the case to a mental health professional for long-term treatment or, at the very least, discuss the issue with such a professional.

Referral Caveats

Virtually no victim service program provides long-term, in-depth counseling. At the same time, many programs employ experienced, qualified counselors for short-term problems. Those counselors may be reluctant to refer cases to local mental health professionals. They may have had bad experiences with such referrals or simply have reason to believe few professionals know much about crisis-centered problems, much less about the uniqueness of crime victimization.

Nonetheless, anywhere from 5 to 20 percent of a population of serious crime victims are likely to need more extensive counseling than is provided by most victim programs. It is therefore important for those programs to establish an effective mental health referral network. In communities where such a network has been developed, counselors and victims have both benefited. The following guidelines suggest at least one method for establishing such a referral network.

Guidelines for Mental Health Referrals

1. Identify all traditional mental health professionals: community mental health workers, psychologists, clinical social workers, and psychiatrists.
2. Write a letter to each group or individual and ask if they would be interested in serving as a referral to your program, what their specialties are, and what their fee structure is.
3. Follow up any positive responses with a telephone call to explore their previous experience with crime victims.
4. Ask all interested individuals to attend a seminar with your program counselors to discuss issues relating to crime victimization, your program services, appropriate stages of referral, and a tracking system for all future referrals.
5. Indicate to those attending the seminar that you want to provide your clients with effective long-term counseling referrals and that you would like to stay in touch with the progress of the clients after such referrals.
6. Discuss the kinds of short-term counseling programs which are available in your program and indicate your willingness to have victims referred to you by traditional mental health agencies.
7. If the attendees do not seem to know much about post-traumatic stress disorders or crime victimization, you may wish to follow up the first seminar with a series of other short discussion periods to facilitate a working relationship.
8. Develop an in-house referral list for long-term counseling and have it available for all counselors.
9. Encourage a semi-annual meeting with all referral professionals to exchange information and new insights into crime victims in general.

PART II: VICTIM/WITNESS SERVICES

Chapter 5: OVERVIEW

The first three stages of service describe what communities are doing to respond to the victims of crime—regardless of whether the victims report to the police or these reports lead to an arrest and prosecution.

But if an arrest is made, the victim takes on a new role, one that is likely to make many demands on him while the public authorities seek to determine whether the person arrested is guilty of the crime. In this process, the typical victim becomes, in the eyes of the decision-makers, one of several witnesses whose statements, documents, and property produce the case that will be weighed and tested against the defendant's case by the decision-makers.

That simple description of what happens after an arrest is made masks a complicated and impersonal process. Victim advocates have drawn three conclusions from this fact of life:

First, the services that the victim deserves to get during this process are different from, and in addition to, those he deserves under Stages One, Two, and Three. However, if the community has practically no Emergency Response, Victim Stabilization, or Resource Mobilization services to offer victims, the authorities need to develop stabilization and mobilization services for victims involved in criminal prosecutions. Either way, the service needs that arise when an arrest and prosecution take place run parallel to the victim-centered services described in Stages One through Three.

Second, if the victim is to receive many of the services he deserves in the post-arrest process, he must look to reforms that benefit all witnesses. These services are relevant because many eye witnesses, for example, have the same emotional reactions to the criminal event as does the victim. But even emotionally-uninvolved people will stop cooperating with a criminal justice system that treats them as if they were servants willing to come and go as the decision-makers see fit.

And third, in addition to making the bureaucratic processes less wearing on all witnesses, the system needs to make room for the victim as a special actor in the process. Some have proposed that the victim become the prosecuting party, as he was in the early years of this country and as he is in many other countries today. Short of that, victim advocates are working to make sure that at least the victim has a voice in the critical decisions made about the case—his case. Those victim-involvement reforms will be described in the following pages.

Obviously, most of the services and procedural changes that follow assume that the prosecutor has filed charges against the suspected offender. In our current system, the prosecutor alone can institute some of the service and procedural changes described in Stages Four through Eight, and, if he chooses to, he can sponsor almost all of them.

But the victim and witness services described in the next chapters are not exclusively within the province of the chief prosecutor. Some of the services called for are being performed very well by victim advocates who do not work for the prosecutor. And some of the procedural changes, like requiring a prosecutor to consult with the victim before entering into plea negotiations, have been legislatively mandated for all prosecutors in the state, usually because at least one prosecutor proved that it was a fair and workable policy.

But if the chief prosecutor is not necessarily the lead sponsor of all the rights and services victims and witnesses deserve after an arrest is made, his active support is essential if most of those reforms are to be implemented. Fortunately, the reforms here are seen as reasonable counterparts of the rights and services we afford the accused and the convicted, and the reforms

help to make the prosecutor's office run much more productively. No wonder that America's chief prosecutors (most of them elected officials) are the prime supporters of, indeed the lead inventors of, the services described in Stages Four through Eight.

There are other important public agencies affected by the new services and procedures reported on in the following chapters, and these are often able and enthusiastic sponsors of the innovations. Chief among them are probation departments, which are usually responsible for preparing Victim Impact Statements and restitution plans, and which usually administer specialized restitution programs. More and more corrections departments and parole boards are also joining in the effort to consider the victim's concerns for safety and for restitutive justice in these agencies' decisions over convicts under their supervision.

These agencies' cooperation should also be sought by outside victim advocates seeking to implement the full array of victim/witness services described in Part II. Finally, there is one more "agency" whose support can spell the difference between fast and slow progress in implementation—the judiciary.

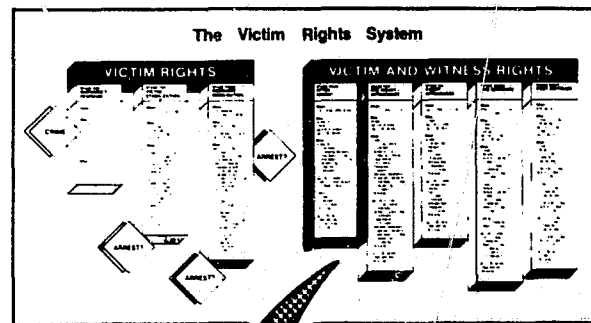
Because the judiciary is not an agency in the normal sense, but more like a collection of independent professionals, it is difficult to get it to make policy decisions or directives affecting the way judges handle the cases before them. This difficulty is compounded by the traditional independence we give our judges, and their traditions of being "passive" government officials in which they do not create but only respond to the motions, evidence, and briefs put before them by the conflicting parties before them.

Victim advocates have sometimes been frustrated by the way these rules and customs protecting the impartiality of judges work out in practice. Judge A, for example, will insist that the prosecutor must report on the victim's reaction to a plea bargain before the judge will accept it, and will insist that a restitution plan be contained in practically every pre-sentence report, and will have no qualms about revoking probation of an offender who willfully refuses to repay his debts to his victims—but Judge B sitting in the courtroom next door does none of these things.

While the state legislature can require all trial judges to follow victim-oriented procedures, most advocates find that avenue an impractical solution to their problems. Some of them are nowadays getting over their reluctance to approach the judiciary about their concerns. Some are finding that the chief judge of their local trial courts is willing to raise victim issues with his colleagues, and is even willing to arrange an educational program for the judges on the psychological impact of crime on victims and how this is affected by the courtroom experience.

This educational approach may get "Judge B" to adopt some of the practices of "Judge A," and so it is certainly worth trying. Further, some judiciaries have taken up victim issues in their rule-making bodies (usually called the judicial council) and have adopted certain of the desired changes by court rule.

Thus, even though the judiciary is like no other criminal justice agency, there are ways of enlisting its cooperation and support for victim rights and services, and more and more judges are waiting for informed victim advocates to make that approach.



**Chapter 6:
STAGE FOUR: POST-ARREST**

**STAGE FOUR:
AFTER
ARREST**

When:
First contact after arrest

Who:
Prosecutor
Police
Service providers
Family & friends

What:
Prosecutor:
Consultation in charging decisions
Consultation on bail
Consultation on future scheduling
Protection or relocation

Service Providers:
Start or continue with Stages II and III.

Police:
Protection or relocation
Crime prevention
Advocacy

Family & friends:
Peer self-help
Crime prevention
Advocacy

Post-Arrest: Introduction

Gary Miller was in the middle of his late afternoon run when he looked up and saw two men slowly crossing the jogging path. He altered his course to go around them but one of them stuck a foot out and tripped him. Gary was instantly furious, and in failing, called the man an ugly name. He tried to will his body to stop skidding on the dirt so that he could face his aggressor, but as he was picking himself up, he felt a kick in the face.

His anger turned to stunned disbelief. Someone kicked him again, then again, and now they were on top of him, kneeling and hitting him, then kicking him again. As he lost consciousness, Gary remembered feeling that none of it made any sense. He didn't know them. They were random strangers.

Another jogger had seen the attack, and had run to a nearby gas station to call the police. Even as Gary was being put into an ambulance, a plainclothes officer arrested, several hundred yards from the attack, two men fitting the description given by the second jogger.

In mid-morning the next day, Gary learned from a police detective interviewing him at the hospital that an hour earlier the two suspects had been released on their own recognizance after being charged with simple assault, a misdemeanor, for what they did to him. The detective reported that the defendants told the police that it was Gary who had provoked the attack by calling them insulting names and pushing one of them off the jogging path.

The detective also said that Gary's name and address were mentioned in the bail hearing, and that two people had heard one of the defendants say that he'd make sure that Gary would never testify.

Gary told the detective that he wished that someone had talked to him before all this happened in court—he had been able to talk with someone, anyone, from the time they brought him to the hospital yesterday afternoon. Why, Gary asked, did the D.A. charge the defendants with "simple assault"? Wasn't two broken ribs and a whole lot of painful scrapes and welts something more than a "simple" anything? The detective guessed that the D.A. didn't know anything more than what was on the police report, which said that Gary had suffered some bruises and had been taken to the hospital as a precaution.

But why was his name and address brought up in court? These were incredibly scary guys—didn't anyone know that they would probably come after him? The detective's efforts at reassuring Gary didn't have any effect as he checked out of the hospital and took a cab home that afternoon.

Post-Arrest

The Post-Arrest Stage of service is the briefest service stage after Emergency Response. Normally it takes less than 24 hours after a person is arrested to book him, search out his record of past arrests, have the police charges reviewed by a prosecutor, file prosecution charges, conduct an investigation on whether the defendant can be released on his own promise to return to court, and conduct a bail hearing in which the conditions of his possible release are set. And normally the only input a victim has in these activities are through the sketchy interview notes of a patrol officer or detective.

These steps involve some important decisions. The alleged offender may be released by the police on grounds that they have insufficient evidence even to book him. He may be given a police summons after booking without having a bail hearing. The prosecutor may file very different charges than the police or, in as many as half the cases, may file no charges at all.

The defendant may make bail or be released without bail, and on the sole conditions that he not commit a crime and that he obey all future subpoenas. And as to all these decisions, the victim is normally not consulted beforehand or informed afterwards.

For these reasons, it is essential that victim advocates become involved in the immediate post-arrest stage in order to assist the victim and protect his interests.

Few programs actually assist victims immediately after arrest, usually because the mechanics of the traditional justice system are thought to make any kind of victim involvement next to impossible. In some jurisdictions, experienced victim advocates argue that it would be an imposition on the victim to have him appear at the prosecutor's screening conference or at the bail hearing, and that, anyway, it would make it difficult for prosecutors to properly carry out their duties if victims were present.

These arguments do not settle the issue. First, several programs do involve the victim or his representative in these early stages. The Cook County Victim/Witness program in Chicago indicates that the victim is expected to be at the "preliminary hearing" in felony cases, and the bail hearing and the preliminary hearing occur together. Prior to the hearing, the victim is usually interviewed by a prosecutor in order to have a full understanding of the case, and the victim advocate normally accompanies the victim to the hearing itself.

The St. Louis Circuit Attorney's Office also involves the victim early in the proceedings. The victim is often involved in the warrant application process and meets with the screening prosecuting attorney. While the victim normally does not attend the bail hearing, an advocate may be there to insure that discussions of bail include its probable impact on the victim; one typical outcome is to add as a bail condition that the defendant stay away from the complaining witness.

Second, there seems little reason not to include the victim at the screening stage of a case. In many progressive prosecuting offices, a senior prosecutor is assigned the job of screening cases and making the charging decisions. Generally about 20 percent of all arrests are screened out at this stage, and perhaps an equal proportion are filed on reduced charges.

While some of these decisions are based on the lack of evidence or the way in which the police obtained it, more often it is based on the prosecutor's estimation of the intrinsic merits of the case. In some jurisdictions, the screening prosecutor does interview the victim, and then the most-commonly cited reasons for declining to prosecute are "witness problems" and "uncooperative witnesses." Since research has shown that many victims so branded by the screening prosecutor are in fact more than willing to cooperate, victim advocates are left with two choices: either keep the complainant away from the screening prosecutor or make sure that his presence at the screening conference is used to "screen in" uncertain cases, not screen them out. The latter seems to be the proper goal of victim advocacy.

Perhaps the simplest way to meet this goal in the post-arrest stage is for the advocate to prepare a preliminary Victim Impact Statement. The following steps could be followed to make sure the victim's interests were considered at screening.

Victim Involvement at Screening

1. In all cases where the victim advocate contacts the victim immediately after the crime and prior to the arrest, the advocate should try to gather enough information to prepare a brief impact statement.
2. The advocate should fill out a Victim Impact Statement on behalf of the victim and allow him to review and sign it.
3. The advocate should explain to the victim that an arrest will not necessarily mean that there will be a prosecution.

box continues

4. The advocate should ask the victim if he would like to present his own opinions about the crime to the prosecutor if and when a prosecuting decision is made.
5. The advocate should explain that he can represent the victim and present the impact statement if the victim does not want to be in personal contact with the prosecutor.
6. The advocate should explain that immediately after the prosecuting decision is made, if charges are to be filed, there will be a bail determination.
7. The advocate should ask if the victim has any specific fear about intimidation and harassment if the alleged offender is released after arrest and prior to trial. This inquiry should be accompanied by an explanation of the local bail laws which may require that the alleged offender be released unless there is danger that he will skip bail.
8. If the victim is afraid at the prospect of the alleged offender's release, the advocate should prepare a special Victim Intimidation Statement (see sample form below) to be attached to the Victim Impact Statement which states as precisely as possible the victim's fears.
9. If the victim wishes to talk to the prosecutor prior to the charging decision and the bail determination, the victim should be escorted to the appropriate office.
10. If the victim does not want to talk to the prosecutor, the victim advocate should take on the responsibility of forwarding to the prosecutor the Victim Impact Statement and the Intimidation Statement.
11. The screening attorney should consider the impact and intimidation statements prior to filing charges, and if he has any questions, he should contact the victim directly.
12. If charges are filed, the Victim Impact Statement and the Intimidation Statement should be presented at the bail hearing so that they can be considered in setting conditions of bail.
13. When the victim assistance program is unable to provide help just after the crime, it should seek to accommodate the goals of preparing for the screening prosecutor and bail-setting magistrate a Victim Impact Statement and Intimidation Statement to the best of its ability. This will probably involve an interview with the victim advocate just before or in conjunction with the charging conference.

VICTIM INTIMIDATION STATEMENT

CASE NUMBER _____
VICTIM'S NAME _____
ADDRESS _____ PHONE _____
DESCRIPTION OF CRIME: _____

NET FINANCIAL LOSS: _____
SUMMARY OF PHYSICAL INJURY: _____
VICTIM'S DESCRIPTION OF EMOTIONAL IMPACT: _____

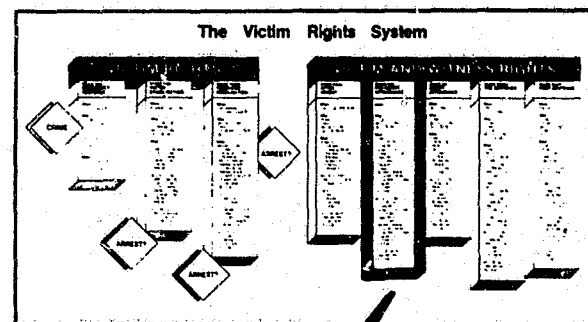
box continues

WERE YOU INTIMIDATED OR THREATENED BY ACCUSED? YES NO
IF YES, DESCRIBE WHAT HAPPENED.

ARE YOU AFRAID THAT THE ACCUSED WILL HURT YOU AGAIN? YES NO
IF YES, DESCRIBE WHY YOU ARE WORRIED.

Victim's Signature

Witnessed by Assistant Prosecutor
or Victim/Witness Specialist



**Chapter 7:
STAGE FIVE: PRE-COURT APPEARANCE**

**STAGE FIVE:
PRE-COURT
APPEARANCE**

When:
Prior to hearing/trial

Who:
Prosecutor
Service providers
Family & friends

What:
Prosecutor:
Criminal justice orientation
Scheduling and hearing notification
Case status
Information
Preparation of testimony
Witness preparation
Employer intervention
Consultation on plea bargaining
Counseling
Advocacy

Service providers:
Criminal justice orientation
Scheduling and hearing notification
Case status information
Witness preparation
Employer intervention
Consultation on plea bargaining
Counseling
Advocacy

Family & friends
Peer self-help
Advocacy

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Pre-Court Appearance: Introduction

One afternoon, eighteen-year-old Jerry Randall entered a suburban shopping mall, pulled out a revolver and fired more than a dozen rounds at shoppers around him, reloading his weapon twice. Seven people were hit by the bullets, one four times. She was sixteen-year old Mary Ann Smith, his former girlfriend. As she lay dying, the boy walked past the screaming bystanders, went out to the parking lot, got into a green van, and escaped.

After the funeral, Mary Ann's parents and younger brother fell into months of grieving, at first unable to comprehend that Mary Ann was dead, later not able to comfort one another in their long periods of sadness. Mary Ann's brother suffered from recurrent nightmares and daytime rages that his sister's killer had not been caught. Mary Ann's mother seemed to be in a daze, barely going through the motions of living. The father called the homicide detective almost daily to see if they had found Jerry Randall, once a regular visitor in their house, now the prime suspect in Mary Ann's murder. Repeatedly and patiently he was told that they hadn't found Jerry, but even when they did, they may not have enough evidence to hold him.

One morning the brother ran to the kitchen with the newspaper. The headline read, "Shopping Mall-Killer Indicted." There was a picture of Jerry Randall being escorted to the courthouse. The caption said that he had been arrested a week earlier in a neighboring state.

In an outpour of relief, confusion, and anger, the family called the police who told them that the D.A.'s office had taken charge of the case as soon as Jerry had been arrested. The father called the assistant prosecutor and demanded to know what was going on. Mr. Smith said he couldn't believe that no one had told them there was solid evidence that Jerry was the murderer, or that he had been arrested or indicted. Then Mr. Smith couldn't understand the prosecutor's telling him that they might not need any of the family members as witnesses, and that there was no need to interview any of them for at least the next few months.

When Mr. Smith tried to reconstruct the conversation for his wife and son, they concluded that no one thought they would be interested in Mary Ann's murder: "Don't call us, we'll call you." Mr. Smith was not comforted when the prosecutor did call back a few hours later to say that they probably would need his testimony after all, and could he come down next week for an interview. If Mr. Smith did testify, the prosecutor said, it would be about the relationship between Mary Ann and Jerry, and that he should realize that the defense might be a little rough on cross-examination.

Being involved in a criminal prosecution generates anxious confusion about going to court. That confusion is well founded. Many cases produce convictions through guilty pleas without a single appearance by essential witnesses. Other cases may see the witnesses called to court a dozen or more times without the case ever going to trial. Either way, witnesses often get no information about the process or, as with the Smith family, contradictory signals about what is expected of them, and when, and for what reason.

Fortunately, prosecutors in recent years have started looking at the process from the witness's perspective and have discovered how chaotic and forbidding it must seem. Matching those perceptions with a basic fact about prosecutors' worklife—that the most common cause of failed prosecution is the refusal of witnesses to come (or come back) to court—these prosecutors have led a movement to install "victim/witness units" in their offices. Such units exist to reduce the sense of indifference, the lack of information, the misunderstandings about court procedures and legal requirements, and the many useless trips to court that witnesses have had to endure.

The starting place for these "witness management" services is before the witness's first court appearance. When the victim is brought in for the prosecutor's screening conference, things are usually moving too quickly to get in touch beforehand. But in most jurisdictions, that first appearance is at the preliminary hearing, or grand jury proceeding, or trial. With each of these, there is ample time to let the victim and other "civilian" witnesses know what they can expect. That involves not only some basic information before the first required trip to court but, often, some specialized information prior to each subsequent appearance. Moreover, it is sometimes essential that those contacts be personalized. For example, having someone call the surviving family members of a homicide victim merely to report that the D.A. or grand jury has just filed charges against the suspected murderer will hardly satisfy their desperate need for information.

The informational services offered by victim/witness workers include information about the court process and what is expected of the victim on each occasion; information on the investigation up to and after the arrest; notification of the status of the case; on-call services and notification of the need to appear; preparation for testimony; and orientation to the courtroom environment. In addition, some victim/witness staff act as investigative aides to the prosecutor, helping to tie down loose ends in the case, locating witnesses, and the like.

Most victim/witness programs do not have a crisis intervention component, although that is changing as prosecutors develop more comprehensive victim services either through program expansion or through linkages with other agencies. Nonetheless, most such units are confined to helping witnesses in court cases and most of these still center their victim/witness operations in the felony courts. That unfortunately means that their first contact may not come until the defendant is arraigned on a felony indictment or information—after the bail hearing, the grand jury hearing, and/or the preliminary hearing.

While this manual will concentrate on explicating the services which follow a felony arraignment, some attention should be paid to the emerging aspects of witness management: dealing with the victim's involvement in the post-arrest investigation, with witness protection, and preparation for grand jury or preliminary hearing.

Post-Arrest Investigation

Even though an arrest has been made, the victim may well be involved in post-arrest investigations, in some jurisdictions as a matter of local policy. The most common aspect of such investigations involves identification proceedings and tests of the victim's credibility.

Line-ups are common just after an arrest. The victim is expected to appear at the police station to try to pick out his assailant from a group of similar people—and he may be asked to do this even if he knows his assailant or has given a positive identification at the scene. The rigors of line-up have potentially harmful effects on the victim.

Many victims are scared of identifying their assailant, and other eyewitnesses may be even more concerned. Victims and witnesses realize that most defendants are released prior to trial and worry about possible retaliation. Even though they may be told that no one in the line-up can see his accusers, the witnesses may feel that they are being seen as they identify the suspect—and they may in fact be right. Not all line-up facilities are truly protected with one-way glass. Moreover, the need for "objectivity" in the way the line-up is conducted often is manifested in a brusque and authoritarian manner by the authorities, which adds to the victim's concern.

A victim advocate can help to soften the impact of these procedures. The advocate may attend the line-up proceedings with the victim and make sure he feels reasonably comfortable and secure. The advocate can also telephone the victim following the line-up so that the victim feels reassured that someone is available to help. In the process, the advocate can explain the laws and procedures providing for witness protection in that jurisdiction and encourage the victim to contact the unit if he thinks that the defendant is intimidating or harassing him.

Several jurisdictions use pre-trial tests of the victim's competency and credibility. These tests may involve the use of the polygraph with sexual assault victims, intense interviews with child victims, and psychiatric examinations of victims seemingly suffering from post-traumatic stress disorders. All of these tests can be, and often are, humiliating and frightening to the victim.

In some jurisdictions, it may still be too soon to persuade the courts or prosecutor to change their policies regarding the use of such tests, it is important in that situation that the victim advocate carefully explain to the victim the policymaker's reasons for the test and its procedures. In Ft. Wayne, Indiana, where a polygraph is used consistently with sexual assault victims prior to filing charges, the victim advocate has been able to effectively prepare the victim for the polygraph and has also worked with the police polygraph operators to encourage them to administer the exam with compassion and concern for the victim. In some cases, the advocate has actually turned the examination into a positive experience for victims plagued with guilt and self-blame following a rape. The advocate has allowed such victims to feel "vindicated" following a successful test, a form of support from the victim herself and her friends in law enforcement and the prosecutor's office that is especially comforting when the jury acquits the defendant.

Witness Protection

There are four kinds of victims and witnesses who are most likely to need protection after a crime report is filed. The first are victims who were threatened with retaliation by their assailant during the crime should they report to the police. The second are those who are harassed, threatened, or intimidated after a suspect has been arrested. Third are victims of violence committed by people closely related to them. And fourth are victims of gangs, or criminal organizations.

When there is a need of protection, it often arises immediately after the crime. Some reassurance and safety can be provided by arranging to have a friend or companion stay with the victim for the first night or two, or placing the victim in shelter. But providing protection for a longer period of time, sometimes until after trial, is a far more demanding task.

This requires close cooperation between victim assistance programs, the police, and the prosecutors. Programs which have reason to establish this service as a priority often work in the face of great odds. Ideally, the service could be extended, in especially dangerous cases, to providing 24-hour police protection—but rarely do such resources exist.

Hence, a modified plan of reassurance and protection must be used in most communities and with most cases.

Guides to Improving Witness Protection

1. Counseling and ongoing reassurance must be readily and quickly available. The program's victim counselors must be able to discern the difference between normal "after-crime" anxieties and well-founded fears. Their patience in counseling is critical.
2. Concentrated use of preventive patrol is essential once a threat has been made to a victim or witness. Patrol cars should be given permission to establish a frequent, steady surveillance of the witness's residence.
3. If the victim receives threatening phone calls, the victim assistance program should plan with the police to have the telephone company monitor the origins of all incoming calls to that particular number. It is important to check to make sure that the monitor remains in place on a regular basis since a number of victims have reported that the monitor was removed without notice.
4. In serious cases, the victim assistance unit, with approval of the prosecutor, should arrange to put a tape recorder on the victim's telephone to record all calls.
5. Installing silent alarms may also help the victim feel more secure and insure police response in the face of clear danger.

box continues

6. Providing temporary shelter may be helpful but often is difficult to find. Encouraging friends of the victim to offer emergency shelter is often a good expedient, and the counselor is often in a better position to explain the need to such friends than the victim. In some cases providing a live-in companion may be more feasible than temporary shelter.

7. Some programs have experimented with relocating victims out of town or out of state. This is obviously an expensive strategy but may be necessary in select cases. Cook County State's Attorney's Victim/Witness Unit has a well constructed relocation program. The issues which it deals with are indicated on the following relocation form which is used when such a service is necessary.

CONFIDENTIAL

**COOK COUNTY STATE'S ATTORNEY'S OFFICE
REQUEST FOR WITNESS RELOCATION**

A.S.A.'S* NAME _____ DATE OF REQUEST _____
CASE NAME & NUMBER _____
INVESTIGATOR ASSIGNED _____ DATE ASSIGNED _____
NAME OF WITNESS _____
PARENTS NAME (IF JUVENILE) _____
ADDRESS _____

TELEPHONE NUMBER _____
CURRENT AMOUNT OF RENT BEING PAID _____
NUMBER OF PERSONS IN HOUSEHOLD _____
CURRENT NUMBER OF ROOMS _____
NUMBER OF ROOMS NEEDED _____
CHOICE OF AREA REQUESTED _____

CHA HOUSING INFORMATION

CHA ACCOUNT NUMBER _____
PRESENT LOCATION _____

EMPLOYMENT INFORMATION

NAME OF EMPLOYER _____
ADDRESS OF EMPLOYER _____
TELEPHONE OF EMPLOYER _____
JOB POSITION _____
NUMBER OF YEARS ON JOB _____

PUBLIC AID INFORMATION

CASE WORKER _____
LOCATION & TELEPHONE NUMBER OF OFFICE _____

FILE NUMBER _____
AMOUNT OF GRANT _____

STATE'S ATTORNEYS INFORMATION, (LIMIT OF EXPENDITURES)

SECURITY DEPOSIT _____
RENT _____
MOVING EXPENSES _____
RENT SUPPLEMENT _____

COOK COUNTY STATE'S ATTORNEY'S OFFICE

FOR WITNESS RELOCATION

NAME OF WITNESS _____
CASE NAME AND NUMBER _____
REQUESTING A.S.A. _____
SIGNATURE _____
COMMENTS: _____

REQUESTING A.S.A.'s FLOOR SUPERVISOR _____
SIGNATURE _____
COMMENTS: _____

APPROPRIATE BUREAU CHIEF OR CHIEF DEPUTY _____
SIGNATURE _____
COMMENTS: _____

*Assistant State's Attorney

A national relocation program is being developed by NOVA which would provide victim service support for relocating victims when they moved from one jurisdiction to another. Participating programs would be able to send a victim to another jurisdiction and rely upon a companion program to help the victim or witness find a new home and new employment.

Preparation for Grand Jury or Preliminary Hearing

In some states, an accused felon can be formally arraigned without the victim or any other non-police witness ever having to come to court beforehand. But in eastern states where the grand jury is still in regular use and in the many jurisdictions where victims are required to testify in preliminary hearings (instead of allowing a police officer to read his victim interview notes), the victim's first trip to court will be for one of these two proceedings.

Regarding the preliminary hearing, the trend is in the direction of using a police officer's "hearsay" since it is more efficient, is constitutionally permissible, and keeps the victim from undergoing a stressful encounter—has no fear of alienating a jury (there is none in the preliminary hearing) by the way he tests the strength of the victim's testimony. But if there are fewer places where this practice has been abandoned, there remain many jurisdictions where it has not.

Where victims still give preliminary hearing testimony, it is important that all the pre-appearance services discussed below—from courtroom orientation to witness preparation—are provided.

The same admonition applies to grand jury testimony. In Middlesex County, Massachusetts, a great deal of emphasis is placed on preparing witnesses for such hearings. Particularly when children and sexual assault victims are going before grand juries, care is taken to describe the kinds of questions that will be asked and, in advance, let the victims stand in the witness box and become accustomed to the environment. This is of special concern when children are witnesses, since, unlike a public court proceeding, those in a grand jury are secret and the child witness will see no familiar or friendly faces there except (one hopes) the prosecutor's.

Obviously, any victim or witness who has testified at a preliminary hearing or grand jury should be informed immediately if the hearing resulted in the defendant being "bound over" or in an indictment. Obviously, if either of these produce a prosecutorial failure, the victim may well have to be consoled. And obviously too, if the results are as the victim wanted, he may well need a gentle reminder that the charges may be reduced in a later plea bargain or fail the "reasonable doubt" test in a trial.

These "obvious" elements of timely notification and counseling should "obviously" accompany any significant event in the course of prosecution. As with so many aspects of sensible witness management, these communications are simply the introduction of basic civilities into the prosecutorial process.

Before turning to the services most commonly provided by victim/witness units, that is, those offered after the felony defendant is arraigned (after "indictment" if a grand jury is used and after the "information" is filed when there is no grand jury), one should remember that the post-arraignment stage is when most plea bargains are struck. Victims who have been properly counseled in early stages should understand what plea bargaining entails; those receiving personalized information for the first time at this point may need special help in coping with the very idea of dropping some of the charges brought against the person who violated them.

Orientation to the Criminal Justice System

Three types of orientation are often provided by victim assistance programs. The first is written information on the criminal justice process. The second involves a discussion with the victim about the process as it applies to his case. And the third involves a "walk-through" of the court and the courtroom prior to a court appearance.

Written Information

Most victim service programs have developed brochures which provide basic information on what happens in the criminal justice system, what certain legal terms mean, what victims and witnesses do in the process, and what services are available to help them. In addition to this standard information brochure, programs often supplement written information with brochures on victim compensation, restitution, preparation of testimony, and other more specialized subjects. These brochures are used not only with victims and witnesses but also in public education efforts.

Programs have found that a good basic brochure is vital to their effective performance; advocates who once gave witnesses an orientation without reinforcing it with written materials have reported a noticeable difference in the witnesses' level of confusion and anxiousness after they began sending a brochure and an introductory letter with the first subpoena. (Examples of brochures are found in appendix.)

Discussion

While brochures and written information are an important facet of orientation, personal contact with the victim is even more critical to relieving anxiety and helping them understand what they are going through. Depending upon the program caseload, most victim/witness specialists try to spend some time talking with victims either by telephone or in person prior to any court appearance. These contacts, sometimes but not usually made in connection with the program's general notification or telephone alert activities, focus on this particular case, and any problems which this victim or witness faces. Note that, with limited resources, some programs scale back these contacts to reaching only victims and a few other witnesses rather than eliminating the service altogether.

Important aspects of these discussions include:

Orientation Issues

1. Defining what the charges in this case mean.
2. Discussing possibilities of plea bargains and the procedures used for plea bargaining.
3. Discussing the number of times it might be expected that this person might be subpoenaed to court.
4. Discussing particular problems involved in this case—such as lack of evidence, inability to locate a key witness, expected postponements, etc.
5. Exploring problems which may affect the witness's appearance such as fear, scheduling difficulties, transportation, etc.

"Walk-Through"

A walk-through of the court may take place at the same time as the discussion if the victim comes to the courthouse. The tour usually includes:

Aspects of Walk-Through Tour

1. Showing the witness a courtroom (preferably the one where his case will be heard) and explaining where each participant will be seated.
2. Letting the witness sit in the witness chair so that he can get a feel for the environment.
3. Discussing where you or a victim advocate will be seated during the proceeding so that he knows where to look for a familiar face.
4. Showing the witness where the restrooms are.
5. If there is a witness waiting room, showing the victim the easiest way to get to and from the waiting area.
6. Showing the victim where he may park during the proceeding or where the nearest public transportation stop is.

In addition to giving these three types of orientation, the victim assistance program should make sure that the witness knows how to contact an advocate for additional information at all times.

Case Status Information

Closely related to the orientation function of victim services is the provision of case status information. Practically all victim/witness programs which have been in operation for a period of years give case status information and notification services not only to assist the witness but also to provide benefits for prosecution and cost-benefits for the criminal justice system as a whole. (Sample information letters are included in the appendix.)

Most programs follow procedures such as these to advise witnesses of the status of their case:

Case Status Checkpoints

1. After arraignment, a standard letter is sent out to the witness advising him of the charges which were brought and the plea which was entered.
2. If a not-guilty plea was entered and the case is scheduled to go to trial, a review of the file will be made by the advocate to determine all witnesses who will need to be subpoenaed for the case.
3. If the post-arraignment letter did not contain notice of a trial date, or that tentative date gets altered, all witnesses are called to tell them of the scheduled (or re-scheduled) date and time and advising them that they will be receiving a subpoena to the same effect. That communication should explain that the case may be postponed but, if so, that they will be contacted again. The caller should also verify the witness's address and alternative telephone numbers.
4. If the advocate is unable to reach the witness by telephone, a letter should be sent immediately to inform him of the same things and to request that he call (a good occasion, when the witness does call, to get the proper home, work, and back-up telephone numbers).
5. If a guilty plea to the charges is entered, all witnesses should be informed immediately of the change in case status. If the plea was to reduced charges, the victim should be so informed (see below for plea-bargaining consultation procedures) and a letter explaining the disposition and the sentencing date should be sent.
6. After trial, the same kind of disposition letter should be sent to all witnesses and victims should be informed of the sentencing date.
7. After sentencing, victims should be sent a letter telling them of the sentence, assuming that they did not attend the hearing. Many programs which cannot afford sending disposition and sentencing letters to all witnesses make sure that the investigating and arresting police officers receive at least one of these notices out of respect for their professional interest in the case and the victim.

A special note should be made with regard to the issuance of the subpoena. The subpoena process itself often frightens victims and witnesses. In most jurisdictions, the subpoena is still served by a law enforcement officer and witnesses often feel a sense of humiliation when such a person appears at their home or office and commands them to come to court.

Interestingly, in jurisdictions where subpoenas are now delivered by mail, the change has not only been welcomed by witnesses (and public officials interested in assigning law enforcement personnel to more important tasks), but it appears to be an improvement in terms of reaching more witnesses and inducing them to come to court.

Illustrating these benefits, the victim/witness service in Kalamazoo, Michigan, has been monitoring the success of the mail system started in 1980. It found that 77.7% of the 2,504 subpoenas sent in 1981 were successfully served by mail. In order to fairly apportion the costs (in Michigan, police agencies must pay the costs of serving subpoenas), each police agency in the county is now charged \$1.50 per subpoena to cover the cost of the form, postage, and overhead. Previously, the cost of serving a subpoena had been \$37.46. Thus, by the program's reckoning, the 1981 savings to the police was \$91,722.

Second, the subpoena in many jurisdictions is not written in plain English. Often the witness does not even know what it means. Hence a telephone call to the witness or an accompanying letter explaining the subpoena (along with the program's brochure) is very helpful.

In Middlesex County, Massachusetts, the victim/witness staff helped to redesign the subpoena so that it could be easily understood. The new subpoena, which contains no "legalese," has a map on the back of the particular courthouse the case will be heard so that there would be no question where a witness should go.



Commonwealth of Massachusetts
District Court Department of the Trial Court
Cambridge Division

FORTY THORNDIKE STREET, EAST CAMBRIDGE, MASSACHUSETTS 02141

Session: Adult Criminal Juvenile Jury Clerk-Magistrate Hearing

Name and Address of Witness for Commonwealth

TO: Any Officer authorized to serve Criminal Process in the Commonwealth.

[]
[]

By authority of the Commonwealth of Massachusetts, you are hereby commanded to make service of this subpoena to the witness named herein and make return of this writ to the Clerk-Magistrate's Office.

In the matter of the Commonwealth of Massachusetts

Vs.

Docket No:

For Crime of:

On Complaint of:

SUMMONS

For Witness to Testify To Bring Evidence

Atención — Esta es una notificación oficial de la Corte. Si Ud. no sabe leer inglés, obtenga traducción.

Atencao — Este é um aviso oficial do Tribunal. Se voce nao sabe ler ingles, obtenha traducaao.

You are hereby summoned to appear before the District Court Dept., Cambridge Division, 40 Thorndike St., Middlesex County Courthouse, E. Cambridge, Massachusetts 02141.

on [] at [] A.M./P.M. and until further excused by the court to give testimony and present evidence as to what you know on behalf of the Commonwealth of Massachusetts in the matter described above.

and you are further ordered to bring with you:

Witness, LAWRENCE F. FELONEY, Esq. at Cambridge

Date of Issue:

Joseph D. Conway
Clerk-Magistrate

TO WITNESS

You are required to appear on behalf of the Commonwealth on the day and time indicated above until you are excused by the court. Please come to the Victim Witness Program, Room 13-11 on the 13th floor, Middlesex County Courthouse, 40 Thorndike Street, East Cambridge, Massachusetts 02141 to register. You should refer to the map on the reverse of this notice for directions to the Courthouse and **BE SURE TO BRING THIS NOTICE WITH YOU.**

WARNING

This notice is an order of the Court and must be complied with. If you fail to appear as instructed a warrant for your arrest may be ordered by the court and you may be subject to sanctions for contempt of court.

RETURN OF SERVICE for

I hereby certify that I served the foregoing summons by :

- Delivering a copy personally to the herein named witness.
 Leaving a copy at the last and usual place of abode of the herein named witness with a person of suitable age and discretion.

Name of person delivered to:

- Mailing a copy to the herein named witness at his/her last known address.
 I received this summons on _____, but was unable to make service because:

Date of Service:	Signed (server)	Title:
		Department:

On-Call and Telephone Alert Notification System

While regular case status information provides victims and witnesses with notification of court dates, it is not effective in providing immediate information about delays and postponements of hearing schedules. For this reason, a number of programs have implemented "on-call" or "telephone alert" systems whereby most witnesses who are reachable by telephone and are within, say, 45 minutes travel time of the court, need not come to court at all on the scheduled date unless they get the "alert" call. That takes care of the last-minute postponements; those which are known about one or more days in advance should trigger "call-off" calls as soon as possible, even if there might be time to send a letter to the witness.

A well-run telephone alert system gets rid of the common practice of collecting witnesses several times in court before the actual hearing or trial is held. Not only does that reduce disruption, travel and meal costs, and lost wages for civilian witnesses, it also tends to reduce their "drop-out" rate, as Peoria's Witness Information Service and others have found. Similarly, it can reduce costs paid out in witness fees, and, when the service is offered to law enforcement agencies, in police overtime costs (not to mention the public disservice of having police officers wasting needless days in court). Finally, the service reduces the economic disruption of having employees away from work.

In Greenville, South Carolina, the victim witness unit was able to use this fact to persuade the larger employers in the area (mostly textile mills) to allow their employees *paid* time off from work to testify, since the program could assure the employers that there would be practically no wasted trips to court.

Some programs have computerized facilities at their disposal for on-call systems and thereby receive daily print-outs which record postponements and delays and highlight witnesses which need to receive a call that day. The computer-based system used by the Victim Service Agency in the Bronx courts is invaluable.

Victim Initiative Model

If programs have a minimum of resources, victims and witnesses can receive some of the advantages of an on-call system through implementing a tape recording system which provides a witness who calls information on all cases which will be heard the next day. It is relatively inexpensive to purchase a telephone recording system, and a victim advocate can arrange to receive the court docket for the next day on the afternoon before and simply record all changes on the recording device. Victims and witnesses are then instructed to call on the evening before or the morning of the day of their scheduled hearing to hear from the recording if their case has been postponed.

Administering Telephone Alert System

The on-call system is closely tied to the case status information procedures. When a witness is notified of the first scheduled court date, he is also given an opportunity to be placed on-call if he meets the eligibility criteria.

The following procedures are examples of some used by various programs.

Telephone Alert Procedures

1. Two to three weeks prior to a court hearing, docket schedules should be reviewed to determine what cases are coming up and to assemble a list of witnesses who need notification.
2. A worksheet should be prepared on the case so that all future delays, postponements, information contacts, and other items can be listed and made readily available for the victim advocate and the prosecuting attorney. This worksheet should be included in the main file relating to this witness's case.
3. If this will be the first call or contact that the witness has had from the victim/witness unit, then a master file should be developed with appropriate tracking information.
4. If the witness is an expert witness or a police officer there is no need to make a master file, but the individual should be placed on permanent on-call status. These individuals know their court date and do not have to receive an informational telephone call but can expect to be notified if their case does not proceed.
5. During the initial call, the victim advocate should make a decision as to whether the witness should be offered the on-call service. Criteria to consider include: the cooperativeness of the witness, if he can be reached during the day by telephone, and if he can be at the court within an hour of the telephone call. If he meets the criteria, the witness should be asked if he would like to be placed on call, with its benefits and responsibilities (not all do, even if it means wasted trips to court).
6. The advocate should make sure the witnesses know that they do not have to come to court unless they are called, that if they fail to show up for court they can be found in contempt, and that they must call the unit immediately if their telephone number or availability changes.
7. After the initial telephone call, the advocate should make out a witness on-call card and attach it to the master file as well as to the prosecutor's file and an on-call master list.
8. Prosecutors or victim advocates should let individuals know as soon as possible if a case has been continued or postponed when the occasion arises that advance knowledge is available.
9. When the advocate calls a victim or witness to inform him of delay, he should always outline the reasons for the postponement, as well as advise him of the new date. All information on the on-call sheet should be updated whenever a postponement occurs.
10. If an advocate makes more than three notification calls without reaching the witness, then he should send a letter informing the witness of the change in trial dates and requesting that the witness contact the unit as soon as possible.
11. When the advocate has notified all witnesses of postponements in a case, he should fill out an information card indicating the individuals who have been contacted and place it in the prosecuting attorney's file so that he is aware who has been notified.

Preparation of Witness Testimony

While it would be inappropriate for anyone to advise a witness on what to say at a trial or hearing, it is certainly appropriate to help him think through his answers to the most likely direct and cross-examination questions that will be put to him. One should appreciate the context in which this kind of help is given.

Most people are frightened about the idea of appearing in court, not because they are inherently inarticulate or unbelievable but they fear they will be made to seem so. A trial, in the popular view, puts its witnesses into an alien, unknown environment, one in which they speak only if

spoken to, have what they say objected to, see their words treated with disrespect, and put themselves into the middle of a contest in which others control the rules and they are powerless to do anything but obey as best they can. That frightening sense of what a witness subjects himself to is not unrealistic.

As a result of the inherent intimidation of the court system, victim advocates should encourage prosecuting attorneys to take the time to meet with witnesses, interview them, and answer basic questions about what it is like to give testimony. If it is impossible to obtain the prosecutor's help in this way, the victim assistance program should attempt to review the basic precepts of giving testimony with the witness prior to his appearance.

Civil lawyers spend time preparing their witnesses for trial. It is only the day-to-day demands of prosecution that keep prosecutors from always doing the same. Much of that preparation depends on an understanding of the case and of the witnesses.

Prosecutorial Preparation

The following guidelines offer some standards for prosecutors in preparing witnesses for trial. These are followed as suggestions for victim advocates to be used in lieu of, or in addition to, the prosecutor's advice.

Guidelines for Prosecutorial Preparation

1. Before interviewing a witness, the prosecutor should familiarize himself with the elements of the crime charged, problems with the case, and gaps in the evidence.
2. The prosecutor should then interview the officer in charge of the case and ask him for details. He should also check for background information from the victim advocate. Between these two individuals the prosecutor should be able to get information relating to additional evidentiary problems and witness concerns such as prior records, inconsistent statements, physical disabilities, reluctance to testify, missing witnesses, etc.
3. If there appears to be a problem locating witnesses, the prosecutor should immediately contact the victim/witness unit, his investigators, or the police agency.
4. As soon as the prosecutor has reviewed the background evidence and issues, he should contact the victim advocate and ask to have an appointment with the key witnesses.
5. If the case is complicated or highly publicized, the prosecutor may want to make an initial telephone call to the witness to introduce himself and also to explain basic preparation procedures. In that context, it may be important to advise the witness about what to do if he is contacted by a defense investigator and asked to give a statement.
6. Prior to talking to the witness, the prosecutor should prepare an interview sheet for each witness and establish any particular subject areas which need exploration.
7. It may be helpful to ask that the victim advocate sit in on the initial interview, both to set the witness at ease and to be available to corroborate any inconsistencies which may arise during the discussion.
8. In the initial witness conference, ensure that you are not interrupted.
9. Define clearly the purpose of the interview, and indicate that you hope it will explain the next steps in the case as well as give you a chance to better understand the case.
10. Start the substantive interview with words like, "What happened?" This will allow the witness to tell the story in his own words, and most likely in a way that he would express himself on the stand. It also allows a prosecutor to evaluate a witness with regards to demeanor, ability to recall facts, appearance of credibility, and mannerisms.

box continues

11. It is important in crisis-laden cases such as those involving children, the elderly, or sexual assault victims that the prosecutor establish a personal rapport with the complaining witness. This will help the victim feel secure in the courtroom and make it easier for him to concentrate on the direct and cross-examination.

12. After the witness has told his story, the prosecutor may want to probe in order to make sure he heard the story correctly or to establish further leads.

a. Ask the witness the same questions that will be asked on the stand to establish adequate foundation for admissibility. Since precision is useful it will probably be necessary to explain to the witness certain confusing legal terminology. Explanation should also be given if the questions seem mundane or self-evident to the witness.

b. Identify and ask the witness about inconsistencies between his current story and that appearing in the police report, investigative documents, or testimony given at the preliminary hearing or to the grand jury.

c. Explain and explore any problem areas in the case that may affect the perception of the witness's credibility—his sexual preferences or practices, his alcoholism, his jail record, whatever are his vulnerable points in the eyes of ordinary people.

d. Ask the witness any questions which you think will arise during a cross-examination and tell him why you are asking them.

13. After the initial interview, the prosecutor may want to consult with the victim advocate over any issues that have been left unresolved by the discussion.

14. If the case is critical and the crime scene is important in developing the case, visit it in the company of the victim and victim advocate. Have the victim walk through the offense as it actually happened. Going over the offense with your witnesses at the scene adds immeasurably to the clarity, vividness and confidence of the witness's testimony at trial—but appreciate that this return trip may be extremely distressing for the victim, so be supportive, patient, and ready to stop if the victim can't handle the job just then.

15. Final witness preparation should focus on preparing the witness regarding the impression he might make on the judge and jury. While some issues have been discussed in the initial meeting, this stage involves details such as speech habits, mannerisms, dress, etc. This kind of preparation is a service which victim advocates can perform effectively if the prosecutor does not have time; see the description of preparation by a victim/witness advocate below.

16. If possible, the prosecutor should take time to thoroughly instruct the witness in the direct and cross examination (and the re-direct and the counterpart cross examination). Ideally, the prosecutor and the witness should act out the process in the courtroom, beginning with the swearing in of the witness and the introduction. Some role play, in any event, is always preferred—short of making the witness offer obviously-rehearsed testimony.

Preparation by a Victim Advocate

A victim advocate cannot take a witness through his substantive testimony since he does not have the requisite legal knowledge nor does he know how this prosecutor will conduct his examination. However, the advocate can help the witness understand some of the court procedures which will affect how the court and the jury perceive the case.

In programs such as the one in the Portsmouth, Virginia, Commonwealth's Attorney's office, videotapes are available which provide the witness with an understanding of appropriate dress, the way of addressing the court, and guidelines for answering questions. Other victim/witness programs provide brief guides in brochures.

The following suggestions for witness preparation have proven to be helpful in many programs.

Suggestions for Witness Preparation

1. The most important thing is to tell the truth. Victims sometimes become frightened, confused, and angry. If they feel overwrought they sometimes find it easier to alter their story to make themselves or someone they care about look perhaps a little braver, smarter, or nobler than they had been. It is important to remind them that the truth—even the ignoble truth—is best for them and for the case.

2. Speak clearly and loudly enough so that jurors and the judge can hear you.

3. Be serious in your approach. Sometimes witnesses become nervous and try to hide their worries behind jokes and laughter. This can be distracting and damaging.

4. Be courteous in response. Even when a defense attorney is rude and inconsiderate, a witness should try to retain his dignity and answer politely.

5. Do not lose your temper. Sometimes trial attorneys will try to hurt you or say things that are not correct in order to wear you out. Don't let them get to you.

6. Do not argue on cross-examination.

7. Don't ask the judge or the prosecuting attorney for help in answering a question. If you don't understand the attorney's question, tell him so honestly.

8. Don't try to memorize your testimony; simply be prepared to tell what happened.

9. Proper dress and a neat appearance are important. The more your appearance draws the attention of the judge and jury, the less they will listen to your testimony. Remember you only have a brief time to make an impression with what you say.

10. Listen carefully to the questions that are asked and give thoughtful, considered answers. Take your time and if the question is confusing, ask to have it repeated. Don't let the defense attorney try to rush you into saying something you don't mean.

11. Answer directly and simply. Answer only the question that was asked—perhaps the hardest discipline a witness should master—but explain your answer if necessary. If the question cannot be answered with a yes or no, you have a right to explain it.

12. Don't give your opinions or feelings unless you are asked for them. The case must be decided on the facts and it is normally improper to add your own views. In some cases, the facts may be related to your feelings; your prosecuting attorney will tell you if that is true. (For instance, some courts have indicated that evidence of rape trauma is relevant to a sexual assault case. In such a jurisdiction the feelings of the victim may be asked for on the stand.)

13. Don't end your answers with conclusions like, that's all that happened, etc. Instead indicate that is all you remember. Something may happen that makes you remember something else and you may want to add to your description at a later date.

14. Stop instantly when a judge interrupts or an attorney objects to a question. That can be difficult, but you don't want to say anything which might hurt your case or cause a mistrial.

15. Be as definite as possible in your answers. You do not want to raise doubt in the minds of the jury or the judge.

box continues

16. Sometimes, not often, a defense attorney may ask a "trick question." For example, "Have you talked to anybody about this case?" In most cases, you will have talked to a number of people about the case, but if you say, "Yes," the defense lawyer may try to infer that you have been told what to say. The best thing to do is say that you have talked with whomever you have talked with—prosecuting attorney, victim, other witnesses, etc.—and that you only discussed the facts of the case.

Witness Location

In addition to other pre-court services which aid the witness, many programs perform several special functions which also aid the criminal justice system. One of the most important functions is locating hard-to-find witnesses.

The location of such witnesses may prevent adjournment or dismissal of cases and can be critical to the enforcement of the law. The following suggestions may help programs develop an effective location service.

Witness Location Guidelines

1. Review all witnesses who have been subpoenaed in a case and check to see which subpoenas have been successfully served.
2. Establish a priority for witness location efforts based on the upcoming court date and a discussion with the prosecuting attorney concerning the need for each witness's appearance in a case.
3. Search for the witness's location using the following resources:

a. *Police reports*—The police report may have additional information such as the witness's place of employment or relatives. It may also indicate that the witness is a friend of the defendant.

b. *Utility records*—Call the Electric, Gas, and Water Companies' Accounting Departments. Identify yourself and give the address you have listed for the witness. They may be able to give you a new address, verify the address you have, or offer you the name of a credit reference. If they do not have a record of service, do not assume the witness does not live at the address; it may be registered in another name.

c. *Telephone numbers*—Call all the telephone numbers listed for a witness to see if the number has changed and a new one given. Call Directory Assistance and ask the operator to check for the number. They can tell you if the number is unlisted and also advise you of new listings.

If the number is unlisted, call Telephone Security Department. They cannot give out the telephone number but will have a correct address. They will need the witness's name and old telephone number.

If the witness has a relatively uncommon name, review telephone directory listings. When there are not many listings for a name, contact those numbers in an attempt to find a relative of your witness who may know of his whereabouts.

d. *Probation department*—Call the Probation Department's record room. Give the name of the witness and the date of birth if available. If the witness is on probation, the record clerk will be able to give you his/her probation agent's name and telephone number. The agent may know the witness's whereabouts.

box continues

e. *Motor vehicle records*—Call the State Department of Motor Vehicles. Many states have records by name and address cross-filed with license numbers. If a car license number is known, the witness may be located by identifying the owner of the car. Even if no car is involved, the witness's name may be registered with an address for his driver's license.

f. *Tax commissioner*—The tax commissioner can give you the name of all building owners and the owner of an apartment house or a rented dwelling may know of the witness's new address, place of employment, relatives or friends.

g. *Medical records*—If the case involved a personal injury, the victims' medical records will probably list the name of someone to contact in case of emergency.

h. *Local hospitals*—Call Patient Records to see if the witness has been treated there. The hospital may have the current address.

i. *Local banking institutions*—Banks can be helpful by checking the name against their list of depositors/clients (in most cases this is relatively easy with the advent of the computer revolution).

j. *Airlines/trains/buses*—Departure records/tickets may be checked in some cases to see if the witness has left town.

k. *Ethnic and religious organizations*—If the witness is a member of a particular ethnic population, sometimes he can be located through ethnic associations or religious affiliation.

l. *Local canvas*—Go to the neighborhood in which the witness lived and canvas in the area around his previous address. A neighbor may know of his current dwelling.

4. If you locate the witness, call the witness if possible and inform him of the court date. Correct all misinformation of the case data sheet and reissue a subpoena if time permits. Notify the prosecuting attorney that the witness will appear.

5. If you cannot locate the witness, cross out any information on the data sheet which you know is incorrect and notify the prosecuting attorney immediately.

Remember witnesses often move or temporarily relocate without any intention of avoiding court appearance. Delays, postponements, re-trials, etc. all contribute to the difficulty in tracing witnesses for a court appearance. A program with good records can help alleviate this problem. Where a witness is "lost" a good advocate can often find him. One program reported locating a witness in Mexico. Another program tracked down a witness in Europe after she had married and changed her name.

Case Preparation: The Victim Advocate

We have discussed the fact that the prosecutor must carefully prepare his case and assist the witness in understanding his role in providing testimony. We have also reviewed some methods which the victim advocate can share with the witness to help him become a better witness.

What is perhaps more interesting from a legal standpoint is the involvement of the victim advocate in developing the prosecutorial case. In a number of programs a growing phenomenon is occurring. Victim advocates are becoming indispensable to the courts and to the prosecutors. Not only do they often keep files in order and up to date, and help witnesses understand the criminal justice proceedings, they may assume certain informal legal functions. Some conduct prosecutorial and police interviews, while the officer or prosecutor looks on. Others have been observed providing advice to judges on prior jurisdictional precedents at preliminary hearings, dismissals and arraignments.

Due to the revolutionary nature of some of these reforms, it may be imprudent to provide specific references to programs which have become so accepted by the system. But, the activities should not be overlooked since they tend to serve both witnesses and the justice system well. The following case examples illuminate some of these developments.

Jurisdiction A—The victim advocate in this jurisdiction has been active for five years. She has established a good working relationship with both the police and the prosecutor in her area. She provides crisis intervention services for a number of crime victim types and follows her cases through the criminal justice system until sentencing. She is particularly noted for her ability to communicate and work well with child victims of sexual assault. It is common practice for the police to turn over the investigative interview to the victim advocate and let her do the interviewing. They observe, listen, and take notes for the formal report.

Jurisdiction B—The victim advocates are involved with the victim and the prosecution immediately after arrest. In order to prepare for the preliminary hearing and other initial appearances, the victim advocate prepares the case files and an outline of the key issues in the case for the prosecutor. The advocate accompanies the prosecutor to the prosecutorial table in court to provide advice if necessary.

Jurisdiction C—The victim advocates have been a part of the system for nearly 8 years. Since judges and prosecutors change fairly regularly, many of the advocates are the senior members of the justice system in the calendar court. The advocate not only advises the prosecutors but in some cases the judges. It is a regular occurrence to find judges asking the victim advocate for advice on warrants, diversion, the victim's view on a proposed plea bargain, etc.

The cases are mentioned as illustrations of how far some victim assistance programs have come in establishing their credibility within the justice system. It is to each of these programs' credit that they are respected and welcome members of the system and that the trust that has been bestowed on them has yet to be challenged.

Plea Bargaining

It is difficult to know where to place the issue of plea bargaining and its consequences for victim services in a chronology of events. In some jurisdictions, plea bargains are sometimes consummated prior to arraignment. At other times and in other jurisdictions, plea bargains are normally struck after arraignment and prior to trial. The defense attorney may wish to wait until the formal charges are brought to see what the bottom line is in the case.

Whenever it takes place, it is NOVA's position that the victim should be involved in the plea bargain process and should be consulted concerning the final result. Since our justice system makes the ultimate decision for prosecution subject to the discretion of the prosecutor, a victim cannot reverse or change a final decision on a plea bargain; however, their input should be considered in any attempt to arrive at that final result.

For a number of years the issue of victim involvement in a plea bargain process created controversy in the prosecutorial world. There were many people who thought that victim involvement would automatically rule out any potential discretion or any potential plea discussion. It was said that victims were too vindictive and angry to be of use.

In fact, studies indicate that victims not only do not become vindictive but are quite willing to support compromises on pleas as long as those pleas are explained and understood. The District Attorney's Office in Clark County, Nevada, has had a firm policy on victim consultation in plea bargains. They report that over a four year period no more than six victims ever disagreed with the initially suggested plea.

As many as half of all victim programs studied in the review on which this manual is based had experience with including the victim in plea consultations. Most reported fine results. None reported bad results.

The following steps are taken in jurisdictions with comprehensive plea consultations with the victim.

Plea Consultation

1. The victim is informed of the charges that the prosecuting attorney feels are appropriate or those that are filed.
2. If the prosecuting attorney and the defense attorney work out an acceptable alternative to those original charges, the victim is notified and asked to come for an interview with the prosecutor.
3. The prosecutor reviews the alternative charges and their consequences and lets the victim know what will happen next if the charges are accepted. (Note that sometimes this consultation occurs before the prosecutor has spoken to the defense counsel.)
4. The victim is asked for his opinion on the plea bargain. That opinion is discussed. Any suggestions by the victim for alternative charges or an alternative sentence agreement are reviewed and the consequences are discussed.
5. If the victim accepts the plea, he signs a form indicating his acceptance and that form is presented to the judge along with the agreement.
6. If he does not accept it, the prosecuting attorney may still propose the plea bargain but the judge will review both the prosecuting attorney's view, the defense view, and note the victim's opinion. (A variant in some jurisdictions is to have the chief prosecutor alone decide whether to propose a plea bargain that the victim has objected to.)
7. Only a few cases go unresolved to the judge.

While some people argue that plea bargains run counter to a victim's interest, it would seem that when the victim is a part of the decision and understands the process, it can support his interest. A striking case was reported in one jurisdiction where the victim and the prosecuting attorney had agreed to accept the plea and the defendant in the end refused. The defendant was later acquitted. Since the victim remained convinced that the defendant had indeed been the assailant, the victim has since been ardent in her support of plea bargaining as a legitimate means for pursuing justice. Similar advocates of plea bargaining are found among child victims of sexual abuse and their parents and counselors.

Restitution

If the victim advocate comes into contact with a victim for the first time after arraignment, it is important to remember to review all services that might have been provided in a resource mobilization stage had contact been initiated earlier. Included in that array of services is victim compensation as mentioned in Chapter III.

In addition to referral and resource services, once an arrest and arraignment have taken place, a victim advocate should be concerned about helping the victim obtain restitution.

Restitution can be ordered as a part of a plea bargain, diversionary programs, as well as a part of final sentencing. The victim advocate should spend some time with the victim trying to assess the losses which may be included in a restitution order and filling out a restitution request form which can be placed in the file of the prosecuting attorney so that he is reminded to request restitution at every stage of the procedure.

The following steps will allow the victim advocate to track the request for restitution prior to the final disposition of the case:

Restitution Monitoring

1. The victim advocate should meet with or send a letter to the victim and obtain all information relating to injury and property damage suffered by the victim as a result of the crime.
2. Evidence such as receipts, pictures, or medical records should be collected to serve as a back-up in a final restitution settlement.
3. The victim advocate should fill out a restitution request form such as the one illustrated here and attach it to the file of the prosecuting attorney.
4. A copy of the form should go into the victim's master file so that the victim advocate is reminded to check with the prosecuting attorney on a regular basis when issues such as plea bargains or diversionary programs are discussed.
5. If a restitution order or agreement is entered, the victim advocate should inform the victim and should record the date of the agreement and the terms of restitution.
6. All victims who receive restitution should remain a part of the victim assistance program's case work until the final restitution payment is made. Tracking provisions after sentencing will be discussed at a later stage of service.

It is important to track the payment of all restitution since many times it is the failure of enforcement that leaves the victim uncompensated rather than failure to have restitution ordered. Victim advocates can become the key factor in whether or not restitution is ordered and a victim actually receives it.

As policy advocates they can take the lead by informally discussing restitution policies with judges and probation officers. Judges should be informed of the merits of restitution. It is a valuable aid to innocent victims. It has potential rehabilitative value for first-time offenders. And, it can help reduce the cost to the criminal justice system where restitution is an appropriate alternative sentence. New York State has developed an interesting comparative cost table for restitution and other case dispositions:

TABLE—COMPARATIVE COSTS OF RESTITUTION ACCORDING TO DISPOSITION
(as year-per offender, estimates and ranges)

<u>Incarceration</u>	\$ 14,600.
<u>Parole</u>	1,460.
<u>Probation</u>	250-1,200.
<u>Non-residential Pre-trial Diversion Program</u>	3,900.
<u>Halfway House</u>	8,395.
<u>Juvenile in DFY Facility</u>	26,940.
<u>Residential Restitution Center</u>	4,500-9,855.
<u>Non-residential Restitution/Community Service</u>	220-3,500.

Many older service programs have integrated active restitution programs into their victim advocacy. Victim Services Agency in New York handled 765 restitution orders in 1979 and received 1,346 new restitution cases in 1980. Multnomah County (Portland), Oregon, has collected over \$2,000,000 between November, 1976, and June, 1983—collecting over 42 percent of the total amount of restitution ordered.

May 28, 1980

Janice Goodson
8789 - 82nd Avenue
Oakland, California

Dear Ms. Goodson:

The District Attorney's Office has filed a criminal complaint against Peter M. Washington for robbery, a case in which you were the victim. Since you are a potential witness, you may, in the near future, receive a subpoena requesting you to testify at a hearing at the Municipal Court. With the subpoena will be information about what to expect in Court, where the Court is located and where there is available parking. Before you go into Court you will have an opportunity to discuss your testimony with a Deputy District Attorney assigned to your case.

I have enclosed with this letter a restitution information form for property loss. Please complete the form and, as soon as possible, mail it to the District Attorney's Office. The form will be helpful to our office and the Court in determining whether or not the defendant, at a future time, may be ordered by the Court to reimburse you for your loss. Remember, such an order is dependent upon the sentence by the Court at the completion of the case, as well as the ability of the defendant to reimburse you for your loss.

It is very important to keep the District Attorney's Office informed of your current address and phone number, so we are able to contact you about the case.

If you have any questions concerning restitution or the criminal justice system, please do not hesitate to contact us at 874-7618.

Very truly yours,

LOWELL JENSEN
District Attorney

By Harold O. Boscovich
Victim/Witness Assistance Bureau

HOB:jmk

Encl.

O-165872
ACD 872

NAME _____ DEFENDANT'S NAME _____

In order that an accurate accounting of your loss may be presented to the Court, please complete this form and mail it to the address listed below. If you have any questions or need help in completing this form, please contact the Alameda County District Attorney's Victim/Witness Assistance Bureau at 874-7618.

Please be as specific as possible as to the items you lost or damages you suffered. If the item is of a type which has a sentimental value, please describe fully. Where possible, enclose bills, receipts or estimates to assist the Court. Use the reverse side to list additional information.

PROPERTY LOSS

	PURCHASE PRICE	PURCHASE DATE	REPLACEMENT COST
1.			
2.			
3.			
4.			
5.			

DAMAGES (Broken window, towing costs, etc.)

ITEM (Description)	COST
1.	
2.	
3.	

Please complete this section if you were covered by insurance for your loss:

WHAT ITEMS ARE COVERED BY YOUR INSURANCE COMPANY?

WHAT IS THE AMOUNT OF YOUR DEDUCTIBLE? _____

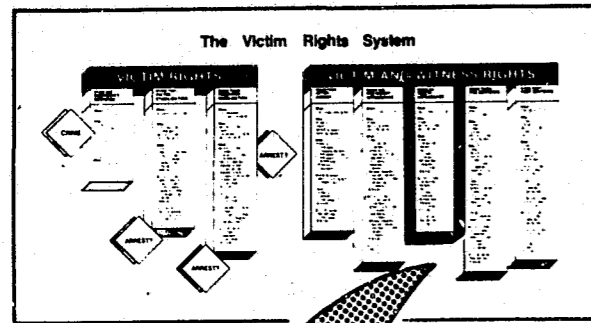
INSURANCE COMPANY/AGENT? _____

I declare that the foregoing is true and correct:

SIGNATURE OF VICTIM

MAIL TO:

Alameda County District Attorney
Victim/Witness Assistance Bureau
1225 Fallon Street
Oakland, California 94612



Chapter 8:
STAGE SIX: COURT APPEARANCE

STAGE SIX:
COURT APPEARANCE

When:
Day of hearing or trial

Who:
Prosecutor
Service providers
Family & friends

What:
Prosecutor:
Transportation
Reception
Escort
Counseling
Childcare
Witness fees
Preparation for outcomes
Advocacy

Service providers:
Transportation
Reception
Escort
Counseling
Childcare
Witness fees
Preparation for outcomes
Advocacy

Family & friends
Peer self-help
Advocacy

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Court Appearance: Introduction

Lucy Jefferson had just sent her two children to bed and was about to turn on the TV when, glancing out the open window, she saw a delivery truck stop beside the apartment building across the street. She watched the scene idly, not thinking much about it. She was new to this part of the city and was friendly with only one neighbor, also a single working mother. She didn't have a feel of the neighborhood yet.

Still, she stayed by the window for a minute, and watched a man carry a heavy TV set out the side door the the apartment building and put it in the back of the delivery truck. She found herself frowning. What was he doing with a TV when the sign on the truck said "Wholesale Plumbing Supplies"? And why at nine o'clock at night? As the man returned to the building, a second one came out with a suitcase in one hand and what seemed to be a portable stereo in the other. He too was wearing a wool cap low on his forehead on this warm August night.

Certain now that the men were thieves, Lucy brought the telephone over by the window and called the police. By the time they came to her door, the truck had just left. She gave the men the license plate number and a description of the two men. Later that night, she was told that they had been caught, that the things in the truck were stolen, and she would be the star witness in the case.

At first, though she tried to hide it, Lucy was as excited about her role in the case as were her children. But after two trips to the police station, one for a lineup (she couldn't pick them out, even when all the people wore wool hats), and after a trip to court for a preliminary hearing and another one to talk to the grand jury, and then after the trips to testify at the trial, which was "continued" three times, she became angry and disillusioned. She had lost more than a week's wages, each trip cost her more than a dollar in bus fare—not to mention the four times she had to hire an after-school babysitter—and, in truth, she had become frightened.

That started at the first trial date when the prosecutor came out of the courtroom after the lunch break and announced, "Witnesses in *State against Wade and Hobbs*, sorry, it's been put off till three weeks from today. You'll get new subpoenas." He then came to talk to Lucy for a moment, and as he left, Lucy noticed that a man who had been waiting all morning on a bench across the hall from her now smiled at her in an unfriendly way. He and a friend were there the next times, and whiled away the hours in various ways, sometimes joking with one another while looking and gesturing at her, or, several times, mouthing some message to her that she couldn't lip-read, but still understood.

Court Appearance

Most of the services which need to be provided to a victim or witness at the time of the court appearance can be labeled support services. They do not involve a great deal of procedural detail but are essential for creating an atmosphere of convenience, comfort, and security for the prosecution witnesses. Thus, this chapter focuses on how to implement such support services rather than catalogues procedural guidelines governing advocate behavior.

The primary services which should be in place at the court appearance stage are: transportation, escort, day care, secure waiting areas, and handling such out-of-pocket costs as lunch money. (Related services which might also be called into play, such as employer intervention and counseling, have been covered in previous chapters.)

Transportation

Getting to and from the courthouse can pose a serious problem for victims and other witnesses. If they drive a car, there may be difficulty parking near the (typically) downtown courthouse. Public transportation, if there is any at all, may be inconvenient, requiring long walks, transfers, long waits, and long rides. In any event, the transportation costs, however calculated, must be borne by the witness.

A number of methods have been developed to reduce the transportation problem:

Transportation Suggestions

1. In some places, reimbursements are available for mileage expenses.
2. Some programs have negotiated for parking rights for witnesses along with spaces reserved for police cars, etc.
3. A number of programs have been able to persuade public transportation systems to provide free tokens or tickets for witnesses.
4. At least two programs had persuaded taxi companies to give free taxi services for elderly and handicapped witnesses.
5. Some programs use volunteers to render a transportation service. (It is important to make sure that such volunteers have adequate insurance in case of accident.)
6. In many communities, police officers will help bring witnesses in the officers' cases to court.
7. One program was able to convince the local Area Agency on Aging to make elderly victims a service priority and thus to allocate transportation services for courthouse trips along with other special services to such victims.

Escort Services

Escort services involve three methods of assistance: an advocate or volunteer escorts the witness to and from the courthouse, or stays with the witness throughout the court proceeding, or does both.

Escort services to and from the courthouse are normally needed in only three situations: when the witness is intimidated or harassed by the defendant or his cohorts; when the witness is elderly or for other reasons reluctant to leave his home; and when the witness has a physical handicap.

Giving companionship to the witness throughout the court proceeding may be necessary in a number of cases. Commonly, companionship is offered to the elderly, young people, sexual assault victims, the handicapped, and others who are obviously reluctant or distressed participants in the court process.

The program can normally fill the need of escorts through the use of volunteers. This is a particularly appropriate volunteer job since it normally is interesting to the volunteer, it requires minimal training, and it is highly rewarding.

Using volunteers for this service should be done with the following understandings:

Escort Service Guidelines

1. If the victim will need an advocate in the courtroom—someone who can communicate with the prosecutor during breaks in the proceedings—it is not a job for most volunteers.
2. Volunteers should be trained to understand the court process so that they can resolve most of the witness's questions after the court proceeding.
3. Volunteers should be knowledgeable about the particular case so that the victim or witness feels that someone actually cares about him during the trial.
4. Volunteers should be trained to express no opinions about the court proceedings; to express sympathy for the witness disturbed by a defense lawyer's cross examination or a judge's rulings should not extend to an expression of opinion about their professional ethics or competence, much less to a prediction about the case outcome.
5. Volunteers should be trained to immediately refer any serious emotional difficulty suffered by the victim or witness to a program counselor.

In most circumstances, the witnesses will not be allowed in the courtroom except during his own appearance. Hence, the escort service may involve a small amount of actual time.

Secure Waiting Area

The need for a secure waiting area for victims and witnesses is closely related to the need for escort services. In most courthouses over the years, witnesses for the prosecution have had to wait in hallways and witness waiting rooms along with the defendant and his family and friends.

Such situations foster fear, anger, and frustration in many witnesses, and, in fact, produce a sizable (if undocumented) proportion of the many prosecution failures attributed to "witness non-cooperation."

Many programs face this problem with little hope of actually setting aside a separate waiting room for prosecution witnesses, although such a room is ideal. Where it has been possible to find such space, programs have gone out of their way to create a comfortable and secure environment. Some waiting rooms provide their own television set, toys and books for children, as well as coffee, cookies, and other amenities.

Where programs have been unable to find such a room in the courthouse, other solutions have been devised.

One program located an old bench in the courthouse which had been stuck in a back hallway. Another program constructed a waiting area for prosecution witnesses on the landing between two flights of stairs. Still another program worked out an arrangement such that all defense witnesses waited for their cases to be called outside one designated courtroom while prosecution witnesses did the same outside another courtroom on a different floor.

Such arrangements are almost always difficult to pull off, but it is critical to create some kind of secure separation between defense and prosecution witnesses, and thus the difficulties must be overcome.

Day Care

A witness's children can be very disruptive to any part of the courthouse they happen to be in. The reason that young people (not themselves witnesses) are often found in courthouses is that child care is expensive and many witnesses find the cost prohibitive.

Again, a number of different approaches have been used to deal with this problem. The following lists some alternatives:

Day Care Suggestions

1. Establish an in-house day care program. This can be feasible if there is a large enough waiting room for victims and witnesses and a full-time volunteer or advocate is available to staff it.
2. Locate a nearby day-care facility and arrange for children to be received there at hourly rates to be reimbursed by the program.
3. Locate several volunteers (typically mothers with small children) who are willing to host the children of witnesses in their homes during the day.
4. Provide witnesses monetary reimbursement for babysitting or day care.

Meals and Other Out-of-Pocket Expenses

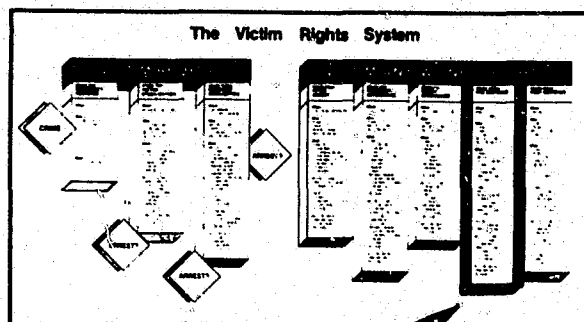
While the cost of meals should not present a major problem for most witnesses when there is an adequate on-call system, some witnesses even then must be at court for days at a time. For such witnesses—and for the many more who must endure many wasted days at the courthouse—victim/witness programs often recognize that meals away from the home are often costly and in many courthouses the eating facilities are inconvenient. Several ideas have been suggested for dealing with meal issues:

Expense Provisions

1. Suggest to all witnesses that they may want to bring a "brown-bag" lunch—and then make sure there are facilities for such informal meals.
2. Provide meal vouchers for the courthouse cafeteria.
3. Provide sandwich service for witnesses.
4. Provide reimbursements, subject to ceilings and receipts, for all meals during days at court. Place a ceiling on the amount of reimbursement but do not regulate where the meal is eaten.

An alternative (or supplement) to all these devices to insure that going to court does not create an economic hardship is to provide reasonable witness fees. In most jurisdictions, the fees are anything but reasonable; the fifty cents offered to witnesses in Connecticut many decades ago was at the time fair to the point of being generous, but unfortunately, the legislature there has never factored in a cost-of-living escalator to that stipend so that is the state's token of appreciation today.

Only the federal government nowadays tries to keep its witness (and juror) fees near the level of the minimum wage. That alone does not cover all the expenses that federal victims and witnesses bear to aid in the prosecution of wrongdoers—but it covers most of the out-of-pocket expenses of most of them. Following the federal example would, in the opinion of many victim advocates, make state prosecutions less onerous and more successful.



**Chapter 9:
STAGE SEVEN: PRE-SENTENCE**

**STAGE SEVEN:
PRE-SENTENCE**

When:
After conviction or entry
of guilty plea

Who:
Probation
Prosecutor
Judiciary
Service providers
Family & friends

What:
Probation:
Notice of outcome
Notice of sentencing hearing
Victim impact statement
Restitution plan
Counseling

Prosecution:
Notice of outcome
Notice of sentencing hearing
Victim impact statement
Restitution plan
Counseling

Judiciary:
Victim statement
Restitution plan

Service providers:
Victim impact statement
Restitution plan
Counseling
Information on civil entitlements

Family & friends:
Peer self-help
Advocacy

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Pre-Sentencing: Introduction

Like many college students, Joe Bailey was determined to spend part of his summer earnings traveling across the country. With \$200 in his wallet, he headed north. Hitch-hiking, occasionally taking a bus, staying with friends and in cheap hotels, Joe covered four states over a three-week period.

On his way back home, with only \$6 left, he went to a town by the freeway to look for a place to bed down for his last night on the road.

Joe found an abandoned house near the high school athletic field. The horse-hair mattress in an upper room would do after he put his tarp over it. He fell asleep soon after dark, listening to what sounded like a teenagers' beer party on the other side of the field.

Around midnight, Joe woke up coughing and sweating. Through the smoke he could see that the stairway was completely ablaze. Sirens were approaching quickly and he went to the window to scream for help when the floorboards gave way and he fell into the fire below.

While Joe was still in the burn ward, he learned from a juvenile officer that three seventeen-year-olds had admitted that, for kicks, they had set fire to what they thought was an empty house. Months later, now recuperating at home from a skin-graft operation, Joe learned that the judge had ordered the arsonists to give 200 hours of community service and to remain on supervised probation until they were 18.

Dumbfounded, Joe's father called the prosecutor's office which referred him to a juvenile probation officer. No, there had been no need of a trial, and no, Joe's family couldn't read the department's confidential pre-sentence report. Later, the head of the office called to apologize that the probation officer who made the pre-sentence investigation had evidently read just one police report, one that made only passing mention of Joe, and that, unfortunately, the sentencing judge was probably unaware that someone had almost lost his life in the fire.

Mr. Bailey was somewhat mollified to learn that victim compensation would probably help pay for some of Joe's staggering medical bills. But Joe was not mollified by anything he learned in his long-distance calls to the chief probation officer, the police detective, or the prosecutor, nor was he calmed down by the message transmitted through the judge's secretary that it would be improper for the judge to discuss a closed case. Joe felt abandoned and betrayed. He could not understand why no one asked how he felt about the crime. He was incredulous that the system could pass judgment on people who commit serious crimes without first taking pains to hear from their victims.

Many programs terminate services with thank-you letters to the witnesses after the trial is over or the guilty plea is entered. Yet it is clear that no such case is "disposed of" (to use the common phrase) until a sentence is imposed. For reasons that should be obvious, the sentencing stage of the criminal justice process can have important effects on the victim and his family. One motivating force behind many new victim activist groups is their sense of injustice over sentencing practices that deny victims any voice in the decision-making.

Victim assistance programs can assist the victim in a number of ways before and during the sentencing hearing. These include: pre-sentencing counseling, aid in preparing an impact statement or an allocation statement, development of a restitution plan, and companionship during the hearing.

Pre-sentence counseling

This guide has described the critical need for counseling at each stage of service. However thoroughly the advocate explains to the victim the procedures now going on or prepares him for what is coming next, neither service can abate the victim's waves of emotion, they can only make them more manageable. A line-up may produce a sense of terror, the trial may make the victim re-experience the crime, he may be devastated by a not-guilty verdict or be angry at the sentence; counseling can make a major difference in helping the victim find constructive ways of dealing with all these events and with the emotions that go with them.

In the pre-sentencing phase, there are normally two counseling issues: the victim may still be upset over what happened in the plea-bargaining or at the trial—even when, as more often happens, the defendant stands convicted—and the victim may need preparation for the sentencing hearing.

As to the trial process, it is not unusual for defense counsel to try to impugn the credibility or the character of the complaining witness. While the prosecutor and advocate should have discussed this possibility with the victim beforehand, the victim will normally need some time to overcome his feelings of outrage and humiliation if such tactics were used extensively. A counselor can help the victim (or other witness) try to get an intellectual grasp of what the defense lawyer's professional task may have been, and help the witness examine whether the defense counsel was effective (often a nasty cross-examination backfires), and then get the witness to consider the ethics of what the defense lawyer did. Just as in dealing with the crime, the victim can be helped working through a part-by-part analysis over the question, Why me?—only this time, there are at least partial explanations for the personal attack, and these may help the wounded self-esteem recover.

Whatever the emotional aftermath of the conviction or plea, there is usually some sense of relief that the offender stands convicted but even more prominent, an emotional exhaustion, a depressive let-down. During the trial, if there was one, the victim puts intense emotional attention on what was happening, with a special passion on seeing that justice is done. (Note, incidentally, that many victims are *not* positive that the defendant was their assailant, and so make a strong psychological investment in the fairness and accuracy of the judicial process.) But after the trial or plea, there is little left to occupy the victim's attention and so a vacuum is created. Thus, the counselor should be watchful for signs of "post-trial depression."

The pre-sentence stage may help such depression be postponed since the victim may be able to remain involved, but for some this depression begins immediately.

The second type of counseling relates to the victim's expectations at sentencing. Many victims feel that a conviction automatically means that the defendant will be "locked away for a long time." A realistic evaluation of the possible sentences and their consequences for the defendant and the victim should be a part of pre-sentence counseling with every victim. Such an assessment should cover judicial practice in the jurisdiction, sentencing laws, and parole laws with regard to the crime. As in pre-trial counseling when the possibility of an acquittal is considered, the counselor can alleviate in advance the shock of an "unjust" sentence if the victim is prepared that it might happen.

One method of helping the victim mentally prepare for the sentencing decision is to ask him two questions: What do you think the court *should* do to the offender? And what do you think it *will* do to him? Some programs have asked these questions soon after the crime and the arrest, and report that the victims' wishes describe the outer limits of what it means to "get even" while their expectations come up with more moderate sentences—just as one would expect. But what is revealing about these reports on victims who are still ignorant of the state's sentencing laws and practices is that their "wishes" are generally not far from the maximum sentence available for the crime in question and their "expectations" are often in line with actual sentencing practices.

Though research has yet to confirm these impressions, victim advocates should assume that victims, like the public at large, have within them a sense of how severely our society punishes its lawbreakers. Getting the victim to draw on his internalized expectations, and then adding to these the advocate's impressions of actual sentencing practices, can help get the victim in a "realistic" frame of mind about the upcoming sentencing decision. The problem remains, of course, that in most states, judges are given very wide latitude in their sentencing options—far more than in other countries—and judges often deviate quite far from the normal sentencing patterns.

A final caution: counselors should never automatically assume that victims want the judge to "throw the book" at their offenders. Crisis intervenors are very familiar with the tendency of victims to feel guilty, and those who specialize in helping victims of family violence are especially familiar with the way in which residual feelings of self-blame make them fear a harsh sentence against their offenders. These insights should also guide counselors who focus on post-trial services. Moreover, advocates should be prepared to aid the not-uncommon victims who feel that the prosecutors' recommendations to the judge are for too severe a sentence. If that is the victim's position, based on ethical or psychological grounds, the counselor should try to convey it to the prosecutor and judge in the same way that a desire for a stronger-than-recommended sentence is communicated.

Victim Impact Statements/Allocution

More and more states and local jurisdictions are allowing victims to present statements (oral or written) on the emotional, financial, and physical consequences of the crime to them and their families at the sentencing hearing. Some jurisdictions gather "objective" information for the Victim Impact Statement along with information relating to the pre-sentence investigation which is concerned with the offender's background. Some jurisdictions simply provide an opportunity for the victim to write a "subjective" statement and submit it to the judge prior to sentencing. Other jurisdictions encourage victims to speak or "allocute," as the lawyers call it, at sentencing hearings.

These kinds of involvement of the victim have been resisted by some judges and prosecutors who prefer to keep the tone of such hearings somewhat administrative. Even more opposed have been some members of the defense bar who have realized that the hearing has often become the defendant's day in court because of the concern over his psychological and social problems and over the desirability to find a rehabilitative sentence for him. Defense attorneys may see the victim's testimony as being at odds with the defendant's rights. Actually, the logic of our adversarial system would argue the other side of the case—that if the defendant is to be granted the right to be present and involved in a sentencing hearing, equity would insure that the victims should be accorded the same right.

Whatever their attitudes toward victim involvement, virtually all judges have discretionary authority to allow victims to allocute or speak their piece at a sentencing hearing, and many judges, perhaps most, have given victims that privilege at one time or another. However, few victims have known of or have sought to be given that privilege. With the assistance of a victim advocate, more victims may become aware of allocution and want to take the opportunity to appear.

The common alternative to allocution has been the use of the Victim Impact Statement. First designed and used in the Fresno County Probation Department, these statements are prepared in forms which contain four elements:

1.) The costs of the injury. This includes the victim's medical expenses, his projected expenses in the future and his loss of earnings. To the degree possible, the costs are computed on the basis of actual bills, and may take into account any health insurance the victim may have.

2.) Property loss. This addresses the true extent of damages or losses sustained by the victim, and attempts to accurately calculate the monetary value of such loss or damage.

3.) Psychological costs. This portion of the statement attempts to review and articulate emotional problems caused by the crime.

4.) Social costs. While primary emotional harm to the victim can be severe, often the harm which befalls a victim's social network is even more damaging. For example, a rape victim may adequately weather a personal crisis resulting from the crime, but may nonetheless suffer very severe, sometimes devastating, dislocations in her married and social lives over which she is able to exercise little or no control.

Note that this type of Victim Impact Statement seeks to report facts about the after-effects of a victimization. Usually, the report does not contain an expression of the victim's opinion about what a fair sentence should be. Thus, some programs attempt to give a sentencing judge two kinds of victim input: the facts of the impact of the crime, and the victim's conclusions as to how these should be weighed in determining the sentence—that is, both an impact statement and a right of allocution.

Victim Impact Statements are now used in a number of jurisdictions. It seems evident that in examining an impact report, the sentencing judge is exposing himself to the highly personal sense of injustice felt by the victim of a crime, and that many reports give insight into the level of malice or predictably-harmful recklessness that accompanied the criminal act. The process, therefore, contributes to a sense of personal accountability on the offender's part. It may no doubt induce the judge to impose a stiffer sentence on the offender in some instances, as a form of social retribution or "just desserts."

VICTIM IMPACT STATEMENT

CASE NUMBER _____
VICTIM'S NAME _____
ADDRESS _____ TELEPHONE _____
DESCRIPTION OF CRIME: _____

NET FINANCIAL LOSS: _____
SUMMARY OF PHYSICAL INJURY: _____
VICTIM'S DESCRIPTION OF EMOTIONAL IMPACT: _____

VICTIM'S OPINION OF SENTENCE:

Victim's Signature

ITEMIZED FINANCIAL LOSS:

Property Description Value

Medical Needs Cost

Wages or Employment Loss Value

ITEMIZED PHYSICAL INJURIES:

Type of Physical Injury or Illness	Hospital Stay	Length of Time	Length of Discomfort
---------------------------------------	------------------	-------------------	-------------------------

However, the same process which encourages retribution can often lead to a more lenient sentence than might otherwise be imposed. This is because both personal and social retribution can often be translated into monetary or service reparations to the victim and the community. Such reparations are translated into an order of restitution incorporated in the sentence.

Many offenders, particularly ones who have committed property crimes for which they might be incarcerated, find a measure of leniency in a sentencing plan which incorporates restitution and probation. It is a desirable way to translate concepts like vindication and personal accountability into tangible recompense to victims. It can be tailored to the offender's circumstances so that he can repay his debts through the return of stolen property, in cash, in cash installments, in services to the victim, or in community services. Contrary to popular belief, the monetary claims of most crime victims measure in the hundreds of dollars, not in the thousands, so that full restitution is both reasonable and feasible in a large number of cases.

The services a victim advocate can perform in helping to bring restitution plans to the attention of the prosecuting attorney and judge were reviewed in the chapter on the pre-court appearance services. Needless to say, restitution orders are by no means self-enforcing. It is common for victims to receive only a small portion of the money ordered to be paid to them. For this reason, the post-sentence period of the case becomes very important to victims and their advocates. For it is in that stage that monitoring and enforcing restitution becomes a prime function.

Companionship during Sentencing Hearing

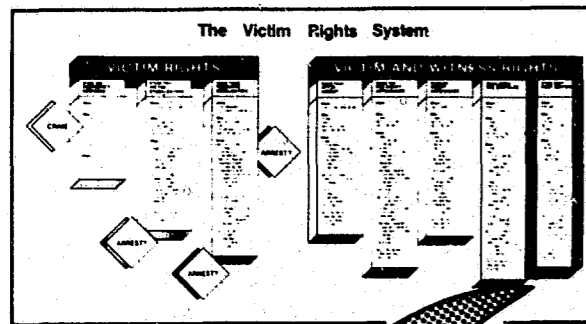
In serious cases, it is very important that the victim be accompanied by an advocate during a sentencing hearing if the victim wants to attend. No matter what the public thinks, what the victim thinks, and what media may have suggested, the final sentencing decision rests in the hands of the judge.

In numerous cases the judge does not make a decision which is compatible with what the victim feels is just. While the advocate may have counseled the victim on this possibility, it is still a shock and an injury to the victim. That person needs someone to help them adjust to the final disposition and to survive the hearing, and to make practical decisions, as when an incestuous step-father is allowed to return to the home of his victim.

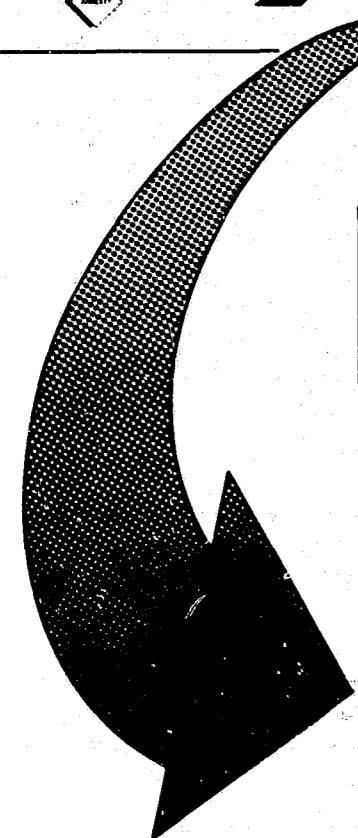
It is important to note as an advocate and a counselor that many victims feel that the sentencing hearing does not only apply to the defendant but to them. While a victim may have felt vindicated by a verdict of guilty at trial, the victim will once again feel violated if the sentence seems too light, places him in fear of intimidation, or ignores his feelings. Even graver problems can arise if the victim's desires for leniency have not been heeded.

But it is the seemingly-light sentence that is the most common source of anguish. A 90-day jail sentence given to an offender who has been convicted of voluntary manslaughter may seem reasonable to the judge, but to the victim's family, who consider the crime a murder, that sentence is unforgivable.

The possibility of a strong reaction to the decision calls for an escort to the hearing as well as the possibility of long-term counseling in the post-sentencing stage.



**Chapter 10:
STAGE EIGHT: POST-SENTENCE**



**STAGE EIGHT:
POST-SENTENCE**

When:
After sentencing

Who:
Probation, corrections & parole
Service providers
Prosecutors
Family & friends

What:
Probation, corrections & parole.
Victim impact statement for parole hearing
Victim input to revocation hearings
Notice on hearing outcomes

Prosecutor:
Victim impact statement for parole hearing
Victim input to revocation hearings
Notice on hearing outcomes

Service providers:
Victim impact statement for parole hearing
Victim input to revocation hearings
Notice on hearing outcomes
Counseling
Legal aid

Family & friends:
Protection
Advocacy

Post-Sentence: Introduction

Karen Russo had been riding her bike on a residential street when a friendly stranger got her over by his car, forced her in, and drove away. Over the next two days, the man was sometimes pleasant with the ten-year-old girl, more often threatening to her, and twice forced her to commit sex acts. When he fell deeply asleep on the second night, Karen escaped from the little house where he had kept her.

It took a day back at home before Karen could talk to the detective, but when she did, she fully described the crime and the criminal. When shown pictures of ten men roughly fitting her description, she immediately picked out the prime suspect.

Karen's nightmares started to become less terrifying when, two weeks later, her parents told her that the man was now in jail.

In time, the man pled guilty to a charge of kidnapping and was sent to prison for ten years. Her parents had protested that it was wrong to drop the rape and sodomy charges and that ten years was not long enough, but they were persuaded in the end that it was worth it to avoid making Karen testify at a trial.

One evening next fall, while she was watching television, Karen began screaming. Her mother rushed in and saw the rapist's picture on the screen as the reporter was talking about the prisoner's early-morning escape. For over a year, Karen suffered a fearful emotional relapse. Only when the detective chanced to stop by one evening to say hello did the family learn that the convict had been recaptured a month after his escape, and that five years had been added to his sentence.

There are three phases of service in the post-sentencing stage. The first involves counseling over the sentence itself, the second involves service to victims relating to the possibility of parole, and the third concerns the victim's fears of the offender when he is in the free community.

Counseling

For a small but significant minority of victims, the reaction to the sentence is one of severe disappointment or rage. However understandable or justified, these reactions can be destructive to the victim's life.

The long court process may be over, but if the victim is left feeling that it was a hollow victory, that justice wasn't served, he is at risk of suffering long-term, bitter distress. The symptoms of chronic post-traumatic stress disorder, from listless depression to frustrated anger, are found in many victims of severe crime—not just those involved in the court process—but they appear to arise in quite a number of cases in which the verdict or the sentence are perceived to be in flagrant disregard of the victim's need for social vindication.

Families of homicide victims may find that it is difficult to resume a normal life after the judicial process. If the homicide victim was a child, the parents may be so consumed with anger that they fail to complete the grieving cycle or to provide support for surviving siblings. All of the family members often find it difficult to talk about the murdered loved-one. Even in trying to share their grief, individuals may feel isolated by feelings such as, "My sorrow is the worst—she was my child," "Danny and Julie don't really understand, they are only children," "Mother doesn't understand my sister was my best friend," etc. When rage at the one social institution set up to affix blame in such cases is added to these grieving difficulties, serious problems can arise.

Long-term psychological counseling may be among the few answers, although little is known about the appropriate methods of counseling of survivors of homicides. An additional resource are the ever-increasing self-help groups which, in many cases, have been encouraged and supported by victim assistance programs. Those programs have found that self-help groups can be an important social support mechanism for several kinds of crime victims, and so have been very supportive of them.

Parole

Victims of major crimes often believe the prison sentence imposed on their offenders will be for the time set by the sentencing judge. No one explains what "five-to-twenty years" means realistically in a given jurisdiction, or that a flat "six-year" sentence means just what it says in one state, is likely to mean three years imprisonment in another, or two years in another. Hence, many victims are needlessly put into shock by the failure of society to have "truth in sentencing" in the way we set up and run our parole systems.

While there are a number of legislative remedies for this problem, the important thing for victim advocates is to know clearly what the existing sentencing laws are and how they operate in practice. Communicating these to victims is rarely easy: "If the convict follows the prison rules, and if he successfully completes, say, a job training program, and if the parole board sticks to its present policies, then you can expect the offender to be released after serving one-third of his sentence." Though the realistic prediction may even be more vague than this, it is important that the advocate do his best to "predict and prepare."

Second, in an increasing number of states, parole hearings have been made public, giving the victim and anyone else the right to express their opinions. Elsewhere, to facilitate victim input, the new procedures require the parole board to notify the prosecutor and/or victim of upcoming hearings. Advocates in states that in any fashion permit such input should find out if the victim wants to be heard when the offender is up for parole and if so arrange for a tracking system so that at the time the victim can be located and notified.

Third, public concern over some parole hearings have altered their results. The victim should be informed that even if he does not have a right to personally address the parole board, the parole board is a public body. The victim may wish to write letters to the members stating his case as clearly as possible and urging his opinion on them in that manner. Such an action is not inappropriate and may be helpful to the victim and the parole board.

Release of Offender

Most incarcerated offenders, even murderers, are ultimately released. The average prison time in the United States is no more than three years. The victim should be made aware of this.

If the victim has been violated by a serious crime, he may be concerned about retaliation from the offender after release. The advocate should take time to explain to the victim the laws concerning intimidation and harassment in the state—and whether they apply during the parole period—and the advocate may also help the victim develop a support network which will help him feel more secure in his everyday life.

In a growing number of jurisdictions, victims have a right to be notified about the release or escape of an offender, but in most, they have no such right. Hence, the victim advocate should try to find out what the first possible date of release may be, provide that information to the victim as well as a way of contacting the paroling authority so that the victim may call to find out about release at a propitious time.

Most of the post-sentence services discussed in this chapter are quite new in terms of both victim rights and victim services. They are being increasingly offered in appreciation of the fact that, for many victims, the crime and the trial are only the starting point of a life of emotional upheaval. Whatever the advocate can do to help the victim learn to cope with that reality is an important service.

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*BE STILL, SAD HEART
AND CEASE REPINING;
BEHIND THE CLOUDS
THE SUN IS SHINING; THY FATE
IS THE COMMON FATE OF ALL.
INTO EACH LIFE SOME RAIN
MUST FALL.*

(Longfellow)

We encourage you to telephone several funeral homes to compare costs and services before selecting one.

Published through the
Courtesy of

**SOUTH LAWN
MORTUARY**

**Experiencing Grief:
A Death in the Family**



*The Rose Still Grows
Beyond the Wall*

IN MEMORY OF

JOY E. BROWN (1953-1980)

Victim witness volunteer advocate, Vista mediator, and special beloved friend.

One whose creativity, humor, spirit and courage left a lasting imprint on all who knew her in her short, yet meaningful, life.

Prepared as a Public Service By:
VICTIM WITNESS PROGRAM
OFFICE OF
THE PIMA COUNTY ATTORNEY

792-8749



EXPERIENCING GRIEF:

A DEATH IN THE FAMILY

There is nothing in life more painful than experiencing the death of a loved one. Initially, family members and significant others are overcome by disbelief and a sense of emptiness. Then they begin to consciously realize the impact of a loss by expressing normal feelings of resentment, anger, and depression. All of these feelings are muddled in a state of confusion and despair.

There is NO universal law pronouncing how one should or should not react to death. Everyone experiences and expresses the feelings and emotions of grief differently. The manner in which people deal with grief depends on their upbringing, their relationship with the deceased, and their reaction to the cause of death.

For the past five years, the professional staff of the Pima County Attorney's victim Witness Program has worked closely with law enforcement officers to deliver death notifications to family members and significant others. The victim Witness staff has found these experiences to be emotionally overwhelming and profoundly enlightening. To contact Victim Witness, call 792-8749.

To help you understand the dynamics of grief and work through it, the professional staff has prepared

this brochure. The staff has gained a lot of insight about grief by serving hundreds of Tucsonians who have dealt with the loss of a special person. The brochure will convey their thoughts and feelings in addition to the viewpoints expressed by noted professionals who specialize in bereavement therapy.

ACUTE PHASE

Shock is the key word. At first you feel dazed and numbed. You may experience muscular weakness and loneliness. These reactions create a cushion for your body to accept learning about the death.

Then you may begin to release a wave of grief to reflect the hurt felt inside. These outward expressions help you deal with the sadness of the loss, and therefore should NOT be held back.

In contrast, you may withdraw immediately into yourself without showing any emotions. All thoughts and feelings are internalized. The important point to keep in mind is that all of us should try to handle the grief in the way that is most comfortable to us. There is no prescribed pattern that you must follow to work through grief.

One of the most difficult feelings to work through is blaming yourself. You start thinking, "If only I had done this or did not do that, s/he would

probably be alive today." This line of thinking is often tied to the self-centered belief that whatever happens around you is caused by something you did or did not do. It is hard for us to accept the FACT that we cannot control everything that happens. Nevertheless, our inability to accept this fact does not alter the reality of our LACK of control and responsibility for many of the events which affect us.

Anger is also very prevalent at this time. You repeatedly say, "What did s/he do to deserve this fate? Why did God allow this to happen? It is frustrating to search for answers to these questions and to find none. The question of "Why?" must be put to rest, typically without an answer, before you can progress through the grieving process.

TRANSITION PHASE

For a while your memories of her/him will preoccupy most of your thoughts. S/he was so much a part of your life that everybody and everything may remind you about her/him. This preoccupation about her/him is normal.

You may even believe that you feel, hear, or see her/him. Many people have experienced this and found it comforting.

Sleeping for any length of time may be difficult for you at first due to

intense emotions. Additionally, the personal stress you are experiencing may cause some temporary physical problems, such as loss of appetite and headaches. These bodily symptoms indicate the depression you feel about the death.

The unexpected death may also make you feel helpless and not in control of your destiny. As a reaction, you may withdraw from all outside activities. When you are ready, you will regain the control and become involved in daily matters.

It is sad to realize that an increasing number of deaths are caused by homicide and suicide. If you are a survivor of this type of death, it is understandable that you might feel overwhelmed for a while. You may wrestle with the thought that you might have been able to prevent the tragedy somehow. Most of us have a tendency to be unduly harsh on ourselves, so stop blaming yourself. You SHOULD consider seeking professional help soon to deal with the additional grief.

Almost immediately you will face many important decisions pertaining to the death, such as funeral arrangements and disposition of personal belongings. Your anxiety and fatigue may interfere with your ability to think rationally. Therefore, instead of acting on impulse or in isolation, you SHOULD seek advice and guidance from relatives, friends, or clergy before making major decisions.

RECOVERY PHASE

It can be more harmful than helpful to pressure yourself or someone else to participate in funeral services, or to avoid them. All of us draw on our individual coping mechanisms to handle a stressful experience. Consequently, you must decide for yourself - and allow others to decide for themselves - whether arranging or attending the funeral will help you come to terms with the death.

When you start looking ahead, you may feel upset with her/him for leaving abruptly. Now you must assume added obligations, deal with unfinished business, and make changes in the home. During this transition, you again sense the loss and feel sorrow about it.

Mementos of endearment thoughtfully placed throughout the house may help you face the future. At first you try to decide whether to remove or retain his/her clothing, furniture, and personal objects. PLEASE do not make any rash decisions to give away or sell everything, because you might regret it later. In time you will probably feel comfortable with keeping the most significant things around the house for sentimental reasons.

You should not expect a straight upward climb to a plateau of emotional stability. Special days like birthdays, anniversaries, and holidays will bring remembrance and sadness. However the depressing

periods become shorter and less frequent while the fond memories become clearer and more frequent.

Sometimes it is hard to believe that you will smile again. Her/his death may bring new meaning to your life and how you view life. Death is a part of life and we can learn from it and be enriched by it.

TELLING CHILDREN

The best approach to take in telling your children about what happened is to be honest and straightforward. If you keep the children in the dark, they may become frightened and confused. A child can easily sense something is wrong.

First you may want to explain to the children in simple terms how flowers, animals and people live and die. Then tell the children you have something sad to say and inform them what happened. The rule of thumb is to answer their questions directly and as they arise.

We suggest you do NOT make the following statements:

1. S/he was taken to heaven by God (your child may begin acting sinful to avoid death.)
2. S/he has gone to sleep forever (your child may begin refusing to go to bed.)
3. S/he has gone away forever (your child may start getting anxious when anyone leaves the house.)

Allow your children to decide for themselves how to deal with the grief. Your children may need to be reassured that the family will remain together. Also, you may want to emphasize the point that they are not to blame for the death.

Because everyone IS different, one of your children may not react outwardly at first to the news. Make sure the seemingly calm child is not ignored while the crying child receives all of your attention. All of your children require your love and attention.

You should ask your child whether they want to be involved in the funeral. Do not try to hold them back from attending or force them to attend. Remember, children are more resilient and stronger than we usually give them credit.

SOCIAL INTERACTION

Relatives, friends and acquaintances are probably unsure whether to approach you or stay away from you. If they contact you, they have to decide whether to mention the death first or to wait for you to say something about it. In an attempt to be considerate, they may decide to leave you alone for a while.

Your relatives and friends want to be helpful so they will understand if you tell them not to contact your or not to talk about her/him for a while.

Therefore, you may want to take the initiative and let them know whether you want to see them and whether you want to reminisce with them.

OFFICE OF THE MEDICAL EXAMINER

Under Arizona law, the function of the Office of the Medical Examiner (OME) is to determine the cause of death if and when at the time of death there is no attending licensed physician. The OME usually performs an autopsy within one day, but the results may not be available for a few weeks because of the processing of laboratory tests. The autopsy findings may answer some of your questions.

After the autopsy, the funeral home of your choice will pick up and transport her/him from the OME. In most cases, you must sign a release form before OME (792-8480) will permit her/him to be taken to a funeral home. The OME is not physically set up to receive visitors.

FUNERAL SERVICES

Planning the funeral or cremation can be difficult to cope with. Decisions can be easier if there is a will that includes specific instructions on funeral arrangements. If there is no will, you want to consult relatives, clergy, or friends about which funeral home to contact and about what type of funeral or memorial service to request.

The funeral director can be very helpful to you by explaining the different options and services available. In addition, the funeral director can provide you information about private and public benefits which may be available to you.

PROBATE PROCESS

The purpose of probate law is to make sure that property owned by a deceased is transferred to people or organizations in accordance with the wishes of the deceased or, in the event there is no will, in accordance with state law. First you must determine whether s/he left a legally effective will. Then you should prepare an itemized list of the assets owned by her/him for the purpose of settling the estate. The main assets that need review are: household property, vehicles, bank and checking accounts, insurance policies, securities, real estate titles, and employer death benefits.

If you do not have an attorney, you may want to retain one to assist you settle the estate. You can present the attorney with the will, if there is one, and the itemized list of assets to find out whether you need a legal advisor. If your family or friends cannot recommend an attorney, the Lawyer's Referral Service (623-4625) can set up an appointment for you with one.

FEDERAL BENEFITS

If the deceased meets certain employment criteria, the Social Security Administration provides a modest, one-time payment to help offset funeral costs. Under certain circumstances, Social Security benefits are also offered to the widow and/or children. To learn whether you are eligible to receive any of these benefits, contact the Social Security Administration at 881-3351.

VETERANS BENEFITS

If the deceased was a veteran, the Veteran's Administration pays a modest, one-time sum for burial expense when the deceased is not buried in a military cemetery. An American flag and grave marker are provided for every veteran by the U.S. government. In some situations, there are pensions allowed for the widow and/or children. To learn whether you are eligible to receive any of these benefits, contact the Veteran's Administration at 792-1450.

SELF-HELP GROUPS

There are three major self-help groups in Tucson for family members who have experienced a death. A brief description of each group is presented in this section. Family members are encouraged to contact these groups for companionship and support.

Widowed to Widowed is a group consisting of people who have lost a spouse. Widowed to Widowed provides outreach on a one-to-one basis, either in person or by telephone, and also provides group meetings to discuss problems with others. Please contact Geneieve Ginsburg at 624-1414 for further information.

Parents Who Have Lost Children is a group consisting of parents who urge its members to share concerns and problems by conversing over the telephone or by attending the monthly meeting. There is a newsletter published every month explaining current news and indicating when and where the next meeting will be held. Its coordinators can be reached at 622-4442 or 747-7834.

The SIDS Association of Southern Arizona (SASA) is a group consisting of parents who have lost a child due to crib death. They meet bi-monthly to work through their grief and to deal with the grief of their relatives. For further information, please call Mark Redder, SASA president, at 297-4485.

Lastly, there are several mental health therapists and professional counselors in the community who specialize in the field of death and dying. If you would like to know which individuals and agencies provide this service, contact the staff of Help on Call at 323-9373 for around the clock referral information and supportive intervention.

**CHECK LIST FOR
PERTINENT INFORMATION**

1. Wills
2. Cemetery Lot Deed
2. Insurance Policies, Life, Funeral and Burial
4. Bank accounts, checking, savings
5. Safety Deposit Box number and keys
6. Stocks, Bonds
7. Mortgage insurance
8. Social Security number
9. Marriage and Birth Certificates of children or adoption papers for Social Security
10. Military papers for VA claim
11. Union membership cards
12. Other documents

**THE ROSE STILL GROWS
BEYOND THE WALL**

*Near shady wall a rose once grew,
Budded and blossomed in God's
free light,
Watered and fed by morning dew,
Shedding it's sweetness day and
night,
As it grew and blossomed fair
and tall,
Slowly rising to loftier height,
It came to a crevice in the wall,
Through which there shone a beam
of light,
Onward it crept with added
strength,
With never a thought of fear or pride;
It followed the light through the
crevice-length,
and unfolded itself on the other side.
The light, the dew, the
broadening view,
were found the same as they were
before;
And it lost itself in beauties new,
Breathing its fragrance more
and more.
Shall claim of death cause us
to grieve,
and make our courage faint or fall?
Nay, let us faith and hope receive;
The rose still grows beyond the wall,
Scattering fragrance far and wide,
Just as it did in days of yore,
Just as it did on the other side,
Just as it will forevermore.*

A. L. Frink

Who is WOAR?

Women Organized Against Rape began in 1973. More than 100 women are active volunteers at WOAR. They are students and home-makers, teachers and social workers, managers and secretaries, etc. They are women of different ages, different races, different incomes. Together with the full-time staff of 12, they are committed to fighting against sexual assault and to help those who become victims. Through all its programs, WOAR works to challenge both sexual, racial and economic injustice.



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Designed by
Visionworks Communications, Inc., Philadelphia.

WOAR

WOMEN ORGANIZED AGAINST RAPE
ADDRESS: 1220 Sansom Street
Philadelphia, PA 19107
HOTLINE: 922-3434
ADMINISTRATIVE OFFICES: 922-7400

a member agency of



8

WOAR

WOMEN ORGANIZED AGAINST RAPE

1

rape is . . .

What is rape?

Rape is a serious crime. The law defines rape as sexual intercourse by force or threat of force. A rape may be vaginal, anal or oral. Other sex acts which are forced on another person often have the same serious effects on the victim as rape. The term sexual assault covers both rape and other forced sex acts. Even though rape is a major crime in the United States, most rape victims still do not report to the police. In 1979, 1100 cases of sexual assault were reported in Philadelphia.

Rapes happen around the clock, although the majority of rapes take place after dark. There is no safe time.

Rapes happen anywhere. About one-third of all reported rapes take place in the victim's home. The assaults also happen in office buildings, schools, vacant buildings, in the street, and around public transportation. Rapes have been reported in all parts of the City. There is no safe place.

Who gets raped?

Victims of rape are mostly women and girls. In close to half of the cases which are reported to the police, the victims are under the age of 18. WOAR has seen sexual assault victims as young as nine months and as old as 96 years. There is no safe age.

Rape victims are attractive or plain, thin or fat, in "seductive" clothing or "proper" dress. They can be virgins or sexually experienced, white or black. None of them was "asking for it." None of them wanted it. None of them enjoyed it. There is no safe way to be.

Rape victims are sometimes men and boys. In Philadelphia about 7% of reported sexual assaults happen to boys. Adult men are raped, but will rarely report the crime. There is no assurance of safety in being male.



Who rapes?

Those who rape are usually not insane maniacs. Some of them are very angry people who rape to get back at somebody or at the world. Some of them commit sex crimes to prove to themselves or others that they are "real men with the power to get what they want."

Most convicted sex offenders are under 35. Many started committing their crimes while they were in their teens. One study shows that the average age for the first rape is 16. By the time they are caught and convicted most sex offenders have committed many rapes.

A man who rapes is sometimes a total stranger to his victim. Just as likely, however, he is an acquaintance, a date, a boss, a neighbor, or even a relative. Child victims are especially likely to have been assaulted by someone they know. Most rapists (85%) choose victims of their own race.

When a man rapes another man or a boy, it does not mean that either of them is a homosexual. Such rapes are caused by anger and a wish to humiliate and overpower in the same way as with rapes of women and girls.

WOAR believes that rape happens so much in our society, because men are taught that being masculine means to have power *over* somebody else (through money, status, sex, or muscles). Men are also taught that women's mission in life is to make men feel good, and that, therefore, they can be and should be used.



After a rape

Rape victims react in many different ways. How they cope depends on how painful or frightening the assault was, their own personalities and what kind of support they get. Fewer than 40% of the victims feel that they have recovered a year after the assault. 25% are still not recovered after five years!

Immediately after a rape, some people cry—and sometimes rage—while others keep their feelings under control. No reaction is more “normal” than any other. Most victims feel unsafe and scared for a long time. Inability to eat or sleep well, aches and pains, and moves to a different location, are common reactions among victims of sexual assault. In addition, many have trouble in their sexual relationships following a rape.

Victims of sexual assault will recover sooner if they have understanding people around them. They need acceptance and encouragement (but not pressure) to talk about their feelings and about what happened. Advice on what they should do to “forget” is not helpful. They need reassurance that they are loved as much as ever. They need to hear that nobody had the right to rape them no matter how foolishly they feel they have acted. Rape is a crime. The victim is not the criminal.

Sexual abuse of children

Sexual child abuse (incest) happens among rich and poor, among whites and blacks, among church-goers and those who are not religious. A relative or caretaker engaging a child in sexual activity is committing a crime whether or not the child “agrees” to the activity. Incest, in the strict legal sense, means sexual intercourse between those who are so closely related that marriage is forbidden by law.

Most of the children who are victims of sexual abuse are girls. Generally, the abusers are males (fathers, stepfathers, other relatives, babysitters). Occasionally the abuser is a woman.

Sexual child abuse happens to at least 10% of all girls. Usually it happens over and over again with the same abuser but in most cases does not include intercourse. Physical force is not used with most children. The abuser makes the child go along either because of his authority over the child, or by bribes or threats. Often children are not believed if they tell someone what has happened to them.

Sexual abuse of a child is harmful. Older children sometimes run away from home or turn to drugs and alcohol. Younger children may complain of aches and pains, begin failing in school or not getting along with others. In the long run sexual child abuse leaves serious emotional scars.

Children who have been sexually abused need help to stop the abuse and to deal with their feelings. Often their mothers need help as well in trying to sort out what to do. Anger, guilt, financial worries, shame, and fear are feelings they often struggle with.



The work of WOAR

SERVICES TO VICTIMS

Hotline 922-3434: Counselors are on duty 24 hours a day, 7 days a week. Anyone may call to talk about a sexual assault that happened to them or to someone they know.

Emergency Room: WOAR counselors are usually on call to the emergency room at those hospitals that treat rape victims. The counselors give emotional support and information to victims and their families.

Follow-up and Referrals: For those victims who want it, WOAR counselors call several days after the emergency room visit to offer more help. Referrals to special counselors outside of WOAR are available for those who are interested.

Court Companions: Specially trained women are available as companions for those who take their attackers to court. To request a court companion call 922-3434.

ADVOCACY

WOAR works with the hospitals, the police, the District Attorney's Office, the courts, and social service agencies to improve the way rape victims are treated.

EDUCATION AND TRAINING

WOAR speakers are available to address any community organization that wants to know more about rape, child sexual abuse, rape prevention, etc. WOAR members also appear frequently on TV and radio. In addition, in-service training is conducted for a large number of professionals every year.

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What you can do now

The prevention of rape is everybody's business. It is not just the problem of individual victims. These are some things to do:

Make it a habit to think about your own safety. Consider self-defense training.

Look out for the safety of others.

Demand safe public transportation and better street lighting.

Don't let people around you make jokes about rape. It's not funny.

Help change attitudes that say that men must be powerful and women and children must serve them.

Invite a WOAR speaker to your organization, school or church.

Turn your fear into action: Join WOAR by becoming a volunteer or by sending a contribution!

IN CASE OF RAPE OR CHILD SEXUAL ABUSE

Do not wash or straighten things up.

Call the police (911) who will take you to the proper hospital for an examination.

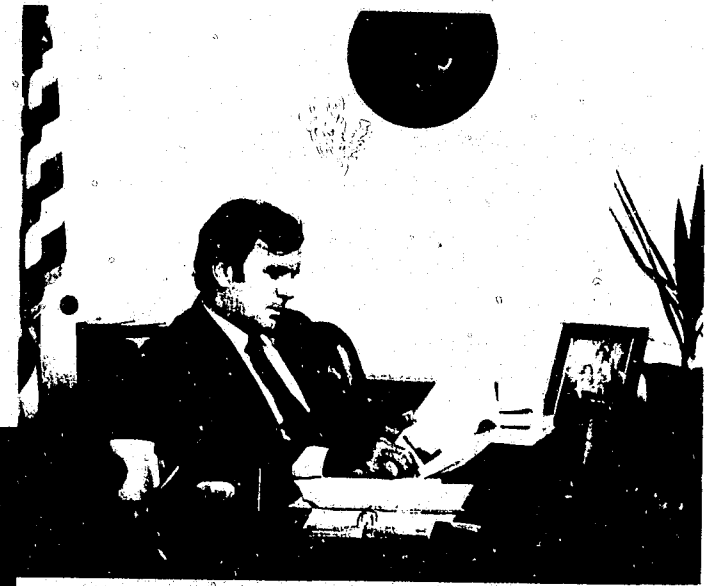
If you are not sure about involving the police or about what to do, call the WOAR Hotline (922-3434).

Don't try to cope with it all by yourself. WOAR is expecting your call.

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STATE'S ATTORNEY'S OFFICE
PROGRAMS OF SPECIAL INTEREST
TO

SENIOR CITIZENS



A MESSAGE FROM THE STATE'S ATTORNEY

Combatting abuse of the elderly in all its forms—especially violent crime, consumer fraud, and poor nursing home care—is one of my primary concerns.

We have initiated numerous reforms designed to help meet the legal needs of senior citizens, including more aggressive prosecution and stiffer penalties for those who prey on the elderly, and special assistance for the disabled who come into contact with the criminal justice system.

Your support is necessary to make these reforms a reality.

This guide offers a description of some of the programs of the State's Attorney's Office which may be of special interest to you.

RICHARD M. DALEY
COOK COUNTY STATE'S ATTORNEY

NURSING HOME UNIT

Hotline:

443-8550

- Reviews cases and prosecutes violations of the Nursing Home Care Reform Act
- Accepts complaints from the public regarding nursing home abuses
- Advises the Illinois Department of Public Health concerning the enforcement of nursing home care standards

CONSUMER PROTECTION SECTION

Consumer Protection Unit

443-8425

- Guards the rights of consumers by bringing civil or criminal actions against unscrupulous salesmen or merchants

Check Prosecution Unit

443-8425

- Prosecutes persons who issue bad checks

3

HOUSING UNIT

443-8429

- Prosecutes owners of residential property for violations—especially slum lords and buildings which involve serious risks to health and safety of inhabitants
- Serves as liaison to community groups on housing problems, particularly those involving low and moderate income housing



LAWMOBILE

Lawmobile reservation number:

443-8573

- State's Attorney's "Office on Wheels"—available throughout the County on a scheduled basis
- Trained personnel assist with legal questions at senior citizen centers

4

JUVENILE DIVISION

738-8512

- Prosecutes juvenile cases, including misdemeanor criminal actions committed by parents and relatives against children
- Screens all delinquent cases referred to the Juvenile Court from police departments in Cook County

ARSON UNIT

890-6358

- Investigates and prosecutes the most serious arson cases, including murder by arson, aggravated arson, and arson for profit

STATE'S ATTORNEY'S OFFICE HOT DESK

890-3456

- Refers questions, problems or complaints to the appropriate unit within the State's Attorney's Office or to the proper public or private agency

ASSISTANCE FOR THE DISABLED

- Special training is now given to prosecutors to aid them in dealing with cases involving the handicapped

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STATE'S ATTORNEY'S OFFICE SPEAKERS BUREAU

443-8571

- Trained personnel, including assistant state's attorneys experienced in the prosecution of civil and criminal violations address community, fraternal and business organizations
- Topics include: arson, consumer fraud, criminal housing, drugs, gangs, juvenile crime, utilities

STATE'S ATTORNEY'S SENIOR CITIZENS ADVISORY COUNCIL

443-8571

- The Council represents senior citizens from all areas of Cook County
- Reviews State's Attorney's Office procedures and makes recommendations to the Office on the legal needs of the elderly

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**VICTIM/WITNESS
ASSISTANCE**

890-7200

- Helps the victims and witnesses of violent crime
- Provides information on court dates and procedures
- Makes referrals to social service agencies
- Assists with transportation to court; wage reimbursement, filing claims under the Illinois Crime Victims Compensation Act; and in collecting restitution
- Assists those with hearing and speech impairments.

**Telecommunications
Phone: 890-7200**

**OTHER IMPORTANT
TELEPHONE NUMBERS**

- **POLICE:** (Chicago) 911
- **POLICE:** (suburbs) _____
(fill in)
- **COOK COUNTY SHERIFF'S
POLICE**
(emergency): 458-1000
(non-emergency): 865-4700

**STATE'S ATTORNEY'S
OFFICE:**

- **NARCOTICS:** 890-2724
- **GANG CRIMES:** 890-3454
(hotline)
- **OFFICIAL MISCONDUCT:** 890-3455

**You are a
Good Person**

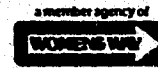
**You have a right to
touch and be touched
in nice ways.**



**You have a right to
STOP confusing and
bad kinds of touching.**

**It's very SMART and
GOOD to ask for help
when you need it.**

**Women Organized
Against Rape
(W O A R)**



We are one place you can
call for help if you can't think
of anyone else to talk to.



Call Our **HOTLINE** Anytime

922-3434

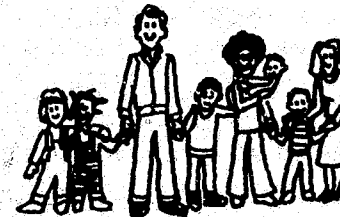
If you do have someone you
can tell, they can call us for
help, too.

We Care About You.
We Want To Help You Decide
What To Do.

© 1988 Women Organized Against Rape

Touching Can Be Fun!

Children love to touch
and be touched by people
they love and trust.



**Sometimes,
touching is not fun...**

It can be scary, confusing, and
upsetting. Sometimes people
touch us in ways that feel
like they aren't taking
good care of us.

It's O.K. for people to touch us in good, loving ways. And for us to touch others this way, too.



It's **NOT** O.K. for people to touch us in ways that confuse us or hurt us.

Sometimes a person pulls our hair to get our attention.

We want the attention, but it hurts!

Sometimes a person wants to touch a private part of our body.

We want to be touched, but not that way.

Sometimes a person wants us to touch private parts of their body. It's fun for them.

But it's not fun for us.

Sometimes we are forced or tricked into bad kinds of touching, when people say...

"If you won't do this, I won't love you."
 "If you tell anyone, I'll say it was your fault."
 "If you don't tell, I'll buy you toys and candy."
 "If you tell, I'll be in very big trouble."

OR

"YOU will be in very big trouble!"

WHY DON'T WE TELL THEM TO STOP?



- We're not sure they are doing something wrong.
- We feel embarrassed, or it's our fault.
- We were told to keep it a secret, "or else..."
- We don't want to hurt their feelings.
- We want the attention they are giving us.

It is very wrong to force or trick anyone into bad or confusing touch.

When this is happening to you, tell them

"STOP IT"

and ask someone for help if needed.

Who Can You Ask For Help?

- a parent
- a teacher
- a neighbor
- a police officer
- a friend
- a grand parent
- a friend's parent
- a school counselor

If you're not sure it's wrong but you feel uncomfortable,

ASK FOR HELP

Even if you are being threatened by the person,

ASK FOR HELP

Even if you are embarrassed by the touching,

ASK FOR HELP

GOOD TOUCHING

Feels Warm, Safe, Happy

*hugging
kissing*



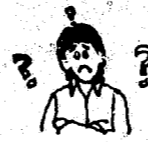
*holding hands
petting animals*

CONFUSING TOUCHING

Feels Uncomfortable

*kissing when
you don't want to*

*pinching a
cheek to show
affection*



*a back slap that's
too hard to be
friendly*

BAD TOUCHING

Feels "Yucky", Scary

*not stopping
tickling, wrestling,
& hugging when
you want
to stop*



*touching private
parts of your body or
making you touch
others' body when
you don't
want to*

Millions of women in this country are being physically abused by the men with whom they share their lives. But women are not the only victims of domestic violence. It affects every member of the family — the woman who is being beaten, the children who witness the terrifying assault and the man who uses violence to cope with his frustrations.

Now there is help for families in Jefferson County who suffer this physical and emotional trauma. The **YWCA SPOUSE ABUSE CENTER** is able to provide them with the shelter and supportive services they need.

SPOUSE ABUSE CENTER

Louisville, Ky.

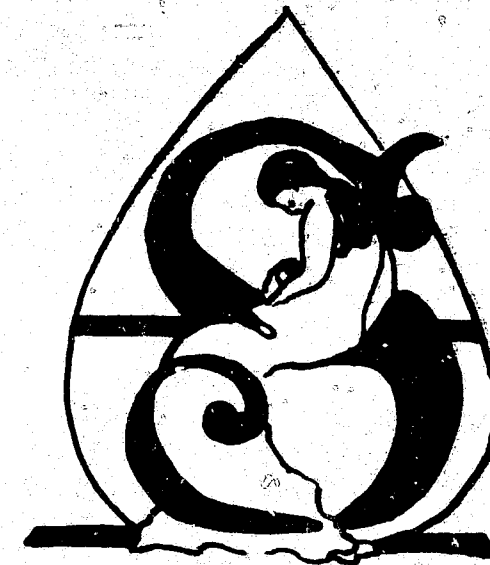
581-7222

581-7222 Administrative Office

The **SPOUSE ABUSE CENTER** is funded by grants from the Kentucky Department for Human Resources, City of Louisville, Jefferson County Fiscal Court, WHAS Crusade for Children, City of Jeffersontown, Younger Women's Club, and Zonta Club.

The **SPOUSE ABUSE CENTER** is a program of the YWCA, a Metro United Way agency.

YWCA
SPOUSE ABUSE CENTER
604 S. Third Street
Louisville, Kentucky 40202



**YWCA
SPOUSE ABUSE
CENTER**

LOUISVILLE, KY

581-7222

**For Victims of
Domestic Violence**



The **SPOUSE ABUSE CENTER** offers a comprehensive shelter program for battered women and their children. Operating 24 hours a day, 7 days a week, the **SPOUSE ABUSE CENTER** provides the following help to victims of domestic violence:

- 24-hour crisis line (581-7222) that puts a victim in touch with help immediately
- Temporary lodging in a safe, secure facility for abused women and their children
- Professional therapy for victims, abusers and their children on an individual and group basis
- Information about and referral to legal options, financial aid, employment, housing and medical assistance
- Child Development program for resident children of battered women, including: play/art therapy, creative recreation and health education, schooling from Jefferson County Board of Education, and parenting skills for resident mothers.
- Outreach to victims in hospitals and neighborhood centers, accompaniment to court proceedings and follow-up visits to former **SPOUSE ABUSE CENTER** residents

WHO IS ELIGIBLE FOR SHELTER AT THE SPOUSE ABUSE CENTER?

Any woman who is physically abused or under the threat of physical abuse by her husband, ex-husband, or boyfriend.

WHAT DOES IT COST?

If a woman has no income and is a resident of Jefferson County, there is no charge. If she has her own income, there is a nominal charge for food and lodging. All counseling services for shelter residents are free of charge.

WHAT ABOUT CHILDREN?

*The children of battered women are welcome in the **SPOUSE ABUSE CENTER**. They participate in the Child Development Program in which the emphasis is on breaking the cycle of violence that is passed down from generation to generation. Individual and family counseling is available. Mothers can learn new parenting skills. School age children attend classes within the shelter. The age limit for boys in the shelter is 12.*

WHAT ARE THE ADVANTAGES OF STAYING IN THE SPOUSE ABUSE CENTER?

*First, the **SPOUSE ABUSE CENTER** is a secure shelter that eliminates the physical threat under which an abused woman lives. Her presence in the shelter is kept confidential. Second, an abused woman will learn that she is not alone. She will live with other women who are going through the same fear and frustrations as she. And she will be involved in a total program that will give her the counseling, information and support she needs to make rational decisions about her abusive situation.*

CAN A WOMAN USE THE SPOUSE ABUSE CENTER SERVICES WITHOUT RESIDING IN THE SHELTER?

*Yes: The **SPOUSE ABUSE CENTER** can help a walk-in or telephone client with individual and group counseling, information and referrals. For a "walk-in" appointment, call 581-7222. Fees are based on a sliding scale.*

WHAT ABOUT BATTERED MEN?

*The **SPOUSE ABUSE CENTER** provides confidential therapy sessions, information and referrals to abused men.*

WHAT ABOUT THE ABUSER?

*If the abuser wants help, he/she can call the **SPOUSE ABUSE CENTER** and receive supportive counseling, referral information, and an appointment with the staff therapist.*

HOW DOES A PERSON RECEIVE HELP FROM THE SPOUSE ABUSE CENTER?

Call 581-7222 any hour of the day or night.

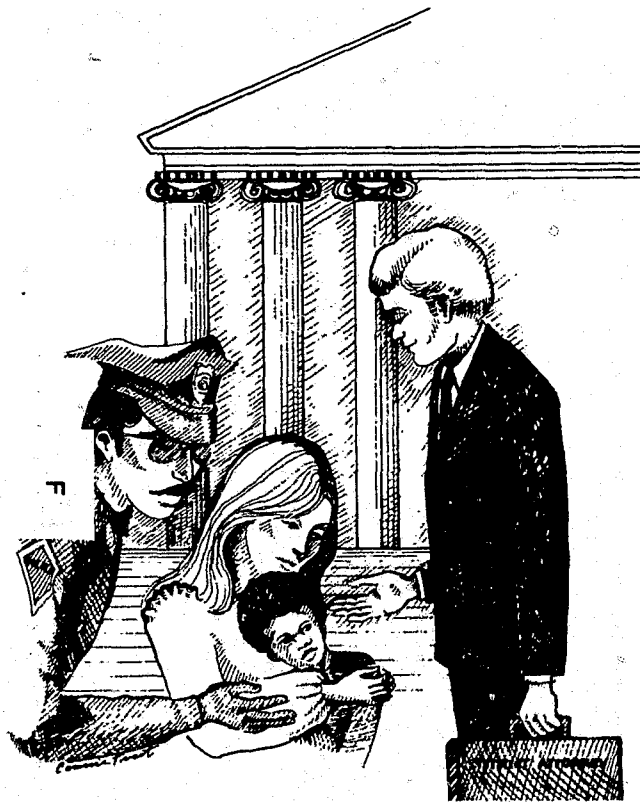
The **SPOUSE ABUSE CENTER** also provides community education programs on domestic violence to interested groups and professionals.

Volunteers are needed to adequately serve all the victims who need help. The **SPOUSE ABUSE CENTER** holds volunteer training courses three times a year.

To reserve a speaker or to sign up to volunteer, call 581-7225.

**Your tax deductible donations
are always welcome.**

INFORMATION FOR VICTIMS & WITNESSES



Dear Victim/Witness:

For too long you have been taken for granted, ignored, and inconvenienced by the Criminal Justice System. The System has been so preoccupied with defendants' rights, it has forgotten that victims and witnesses also have rights.

It is time to set the balance true. My Victim/Witness Assistance Program is designed to do just that. By making the system more accessible to you, easier for you to understand, and more responsive to your needs, we recognize and enforce your rights.

This brochure explains your role as a witness and describes how the Victim/Witness Assistance Program can help you.

As District Attorney of Ventura County, I want to thank you for your cooperation. Without your help, there would be no Criminal Justice System.

Very truly yours,

Michael D. Bradbury

MICHAEL D. BRADBURY
District Attorney

MICHAEL D. BRADBURY
District Attorney, Ventura County

If I Have Questions, Whom Do I Call?

If you have any questions, you may call the Victim/Witness Unit at any of the toll free numbers listed below. This Unit was designed to help you and answer your questions.

Ventura, Ojai, Oakview 654-4000, Ext. 3622
Oxnard, Port Hueneme, Camarillo
Santa Paula, Somis 656-1500, Ext. 3622
Fillmore, Piru, Lockwood Valley 524-2292, Ext. 3622
Simi, Thousand Oaks,
Moorpark, Westlake Village ... 529-2060, Ext. 3622

What You Should Know About Appearing In Court

As a victim or witness of a crime, your assistance is vital to our system of criminal justice. The following information will explain what happens in bringing your case to trial and what services are available to assist you. A deputy district attorney will be working with you while the defendant is being processed through the Criminal Justice System. The District Attorney's Office will keep you informed about your case.

As your case is being prepared for hearing in court, it may be necessary for the deputy district attorney to discuss the matter with you. Therefore, it is important to keep the District Attorney's Office informed of your present address and telephone number. If you move, or are planning to go on vacation, be sure to let them know.

Subpoena

A subpoena is a court order directing you to be present at the time and place stated. You may receive your subpoena by mail or in person.

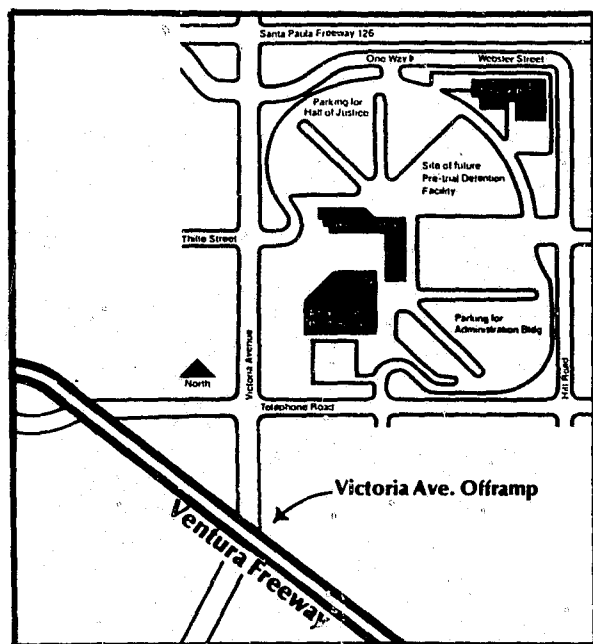
If you are subpoenaed as a witness in a misdemeanor or felony trial, it may be possible to place you on-call. After receipt of your subpoena, immediately contact the Victim/Witness Unit at any of the toll free numbers listed below. The Victim/Witness Unit may be called any weekday between 8 a.m. and 5 p.m. Be sure to bring the subpoena to court.

Ventura, Ojai, Oakview 654-4000, Ext. 3006
Oxnard, Port Hueneme, Camarillo
Santa Paula, Somis 656-1500, Ext. 3006
Fillmore, Piru, Lockwood Valley 524-2292, Ext. 3006
Simi, Thousand Oaks,
Moorpark, Westlake Village ... 529-2060, Ext. 3006

Where Is the Court House?

All municipal and superior courts are located in the Hall of Justice at the Government Center, 800 South Victoria Avenue, Ventura, California. (The District Attorney's Office is located on the third floor.)

Juvenile Court is not located in the Hall of Justice. Its address is 380 N. Hillmont Avenue, Ventura. (See map on page 10)



Is Bus Service Available?

Buses to the Government Center are available from most places in Ventura County. Contact South Coast Area Transit at 643-3158 or 487-4222 for additional information.

Is Parking Available?

Yes. There is ample, free public parking. (Please see the map under "Where Is the Court House?")

What Can I Do With My Children?

Courtroom proceedings can be long and complex, so try to find a neighbor, friend, or relative to care for your children. If you are unable to do so, and must bring them to court with you, they may wait in the Witness Waiting Room while you testify.

Is Food Service Available?

A public cafeteria on the first floor of the Hall of Justice serves reasonably priced food from 7 a.m. to 4 p.m. A snack bar is located in the Administration Building. There are restaurants opposite the Hall of Justice.

When I Arrive at the Hall of Justice, Where Do I Go?

Go directly to the courtroom that is on your subpoena. If the deputy district attorney has asked to see you before going to court, then go to the District Attorney's Office on the third floor. The Information Booth, located near the entrance of the Hall of Justice, can help you with directions.

If you have arrived early, or would feel more comfortable, there is a Witness Waiting Room on the third floor. It may be possible to use the Witness Waiting Room during the trial itself. Ask your deputy district attorney for more information.

How Long Will I Be In Court?

It varies. You may be excused after only a few minutes, or you might be needed for more than a day. Most witnesses testify for less than an hour. Feel free to call the Victim/Witness Unit if you need to know how long you will testify. The Unit will obtain an estimate from the deputy district attorney.

Often, witnesses have to wait. You might bring something to read. If you would like to wait in the Witness Waiting Room, tell the deputy district attorney.

What Happens if the Case Is Continued?

Often, for various reasons, a case will be continued. Sometimes a continuance will be ordered before you appear in court. We will make every effort to contact you and advise you that you need not appear on the date indicated on the subpoena.

At other times, a continuance is sought on the date you appear. The District Attorney's Office is not always able to prevent such continuances. The Penal Code provides that when proceedings have been continued, the District Attorney's Office need not issue another subpoena. If you are contacted by a representative of the Victim/Witness

Unit of the District Attorney's Office, and advised that the date to appear has been changed, you will be expected to appear on that new date and time. It is as binding as the original subpoena and can carry the same consequences if you fail to appear.

Witness Compensation

A witness that attends a criminal proceeding may be eligible to receive witness fees and expenses if he/she was employed and lost wages as a result of his/her appearance. Contact the Victim/Witness Unit for more information.

Victim Compensation

If you are physically injured during a crime, you may be eligible for compensation.

Those eligible include:

- A person who sustains physical injury or death as a direct result of a crime of violence;
- Anyone legally dependent for his support upon a person who sustains physical injury or death as a result of a crime of violence;
- In the event of death caused by a crime of violence, any individual that legally assumes the obligation, or who voluntarily pays the medical or burial expenses incurred as a direct result thereof;
- Good samaritans and their dependents;
- Victims suffering monetary loss which results in serious financial hardship;
- Victims that file within one year of the commission of the crime.

If you believe you may be eligible to receive compensation, please contact the Victim/Witness Unit.

Fears/Threats

If you have any fears about your involvement in your case, contact the Victim/Witness Unit.

On extremely rare occasions, a witness may receive a threat. If you believe you have received such a threat, contact your local law enforcement agency. Such threats are crimes in California, and will be investigated and prosecuted. Also, inform the deputy district attorney handling your case.

The Court System

There are two types of courts in Ventura County to handle criminal matters: The Superior Court handles the more serious cases (called felonies), while the less serious

cases (called misdemeanors) are heard in Municipal Court. Most felony cases begin in the Municipal Court and after several hearings, progress to the Superior Court.

The Superior Court also is responsible for conducting juvenile court proceedings. These proceedings involve rules of evidence and procedures similar to those in misdemeanor and felony trials.

Arraignment – Municipal Court

The defendant will appear personally before the judge, who will advise him of the charges against him, his constitutional rights, and appoint an attorney if he does not have one. If the defendant pleads guilty, he may be sentenced (see "Sentencing"). If he pleads not guilty, the case will proceed to the next stage. Your appearance at the arraignment is NOT REQUIRED.

Motions

In almost all cases, there are pretrial motions. Some are made by the defense attorney, some by the deputy district attorney. Occasionally, it may be necessary to have a witness, such as yourself, testify at such motions.

Preliminary Hearing

In felony cases, your first appearance will usually be for the preliminary hearing. Here, a judge of the Municipal Court listens to the evidence of the crime and determines whether it is sufficient to require the defendant to go to trial in Superior Court. The preliminary hearing is not a trial. If there is sufficient evidence, the defendant will be "held to answer" and the case transferred to the Superior Court for trial.

Arraignment – Superior Court

After the defendant is "held to answer," he will again be arraigned, only this time in Superior Court. As discussed under "Arraignment – Municipal Court," your appearance is NOT REQUIRED.

Trial – Felony

Usually, cases that reach this stage in Superior Court are decided by a jury of 12 people selected from the community. Your attendance and testimony will usually be required.

Trial – Misdemeanor

In misdemeanor cases, your first court appearance will be for the actual trial. There is no preliminary hearing. Therefore, your testimony will only be required for the actual trial.

Judgment and Sentencing

If the defendant is found guilty by the jury, or pleads guilty, judgment will be pronounced and sentence imposed at a special hearing. Your attendance is generally not required. However, if you wish to attend, you may do so. Prior to that hearing, the defendant may be referred to the Probation Department for them to conduct a study of his background, the crime involved, and events surrounding his life, in order to make a report and recommendation to the court. In conducting this study, a probation officer may contact you. Your cooperation in providing information about the crime, your injuries, and financial losses will be helpful. Providing receipts and other documentation will make restitution easier. If the Probation Department does not contact you, you may reach them by calling 654-2155.

Your Testimony

Necessity and Benefits

You will know that you have done your best to make your community a safe one in which to live and work. The process of justice takes time. It often seems tedious. Some of the delays and frustrations you may encounter are part of the system that protects YOUR rights if someone accuses you of a crime. In our country, every person is presumed innocent until proven guilty beyond a reasonable doubt. To protect this right, we have a system of criminal justice with many painstaking steps.

The system depends on the patience and commitment of citizens like you to make it work. The District Attorney appreciates your determination and your patience. We hope to share with you the satisfaction of a fair and successful prosecution in this case.

What Will Happen To Me In Court?

As a witness for the state, you may be questioned by the deputy district attorney and then by the defendant's attorney, who will cross-examine you (ask you additional questions).

You may feel, during the questioning, that your testimony is under suspicion, or that your personal motives are doubted. But the process of cross-examination is not meant as a personal attack toward you. It is to ensure that all sides of the case are told, and to establish the truth.

The judge is there to assist you if you do not understand a question, and to see that you are treated respectfully. If you don't understand a question, don't be afraid to say so.

Remember, if you have any questions or concerns, you may call the Victim/Witness Unit in the District Attorney's Office.

Specific Suggestions

1. Before you testify, don't try to memorize what you are going to say, but try to picture the scene, the objects there, the distances and just what happened so that you can recall more accurately when you are asked.

2. A neat appearance and proper dress in court are important.

3. TELL THE TRUTH. Even a so-called "minor fabrication" can completely discredit a witness and significantly weaken the entire case. In court, as in other matters, honesty is the best policy. Telling the truth, however, means more than merely refraining from telling a deliberate lie. Telling the truth requires that a witness testify accurately about what he/she knows. If you tell the truth and tell it accurately, you have nothing to fear on cross-examination.

4. Avoid distracting mannerisms such as chewing gum, smoking or placing your hands in front of your mouth.

5. While taking the oath, stand upright, pay attention, and say "I do" clearly.

6. DON'T GUESS OR SPECULATE. If you don't know, say you don't know. On the other hand, give positive, definite, sure answers when you remember positively, definitely and surely. If you are certain, don't say, "I think" or "I believe."

7. Listen carefully to the question asked. Be sure that you understand the question before you attempt to give an answer. You can't possibly give a truthful answer unless you understand the question. If you don't understand, ask that the question be rephrased until you are able to understand.

8. TAKE YOUR TIME. Give the question such thought as it requires to understand it and formulate your answer. Do not give a snap answer without thinking.

9. ANSWER THE QUESTION that is asked and then stop. Don't volunteer information not actually asked for. If you are interrupted in the middle of your answer, you may ask the judge permission to finish your answer.

10. Explain your answer if the answer can't be correctly understood on the basis of a simple "Yes" or "No".

11. If your answer was not correctly stated, correct it immediately. If you do not realize your error until after leaving the witness stand, advise the prosecutor as soon as possible.

12. The judge and the jury are interested only in the facts. Therefore, don't give your conclusions and opinions.

13. Be serious in and around the courtroom. Avoid laughing and talking in the presence of the jury or anywhere in the courthouse where you may be observed. You may not be laughing or talking about the case, but the jury may believe that you are. Jurors are aware that criminal prosecutions are and should be serious business.

14. Speak clearly and loudly enough so that everyone in the courtroom can hear you easily.

15. Always give audible answers so that the court reporter can make an accurate record. Do not merely shake your head indicating "yes" or "no".

16. Look at the person who asked you the question. Don't look at the deputy district attorney when a question is asked by the defense attorney. Don't look to the deputy district attorney for his approval after answering a question.

17. Beware of questions involving distances and time. If you make an estimate, make sure that everyone understands that you are estimating.

18. Always be courteous, even if the lawyer questioning you may appear discourteous. Being courteous is one of the best ways to make a good impression on the court and jury. Don't be afraid to answer "Yes sir" and "No sir" and to address the judge as "Your Honor". Don't argue or fence. Don't appear cocky or respond with "smart aleck" remarks. Don't be evasive. Otherwise, you may be reprimanded by the judge.

19. Don't lose your temper no matter how hard you are pressed. Lose your temper and you may appear to exaggerate, appear unobjective or appear emotionally unstable. Keep your cool. If you lose your temper, you have played right into the hands of the cross-examiner. If a defense attorney is abusive or argumentative, the prosecutor will point this out to the court and ask that he be admonished to address questions in a proper fashion.

20. You are sworn to TELL THE TRUTH. TELL IT! Every fact should be readily admitted, even if not to the advantage of the prosecution. Do not exaggerate.

21. Stop instantly when the judge interrupts you, or when an attorney objects to a question.

- 9 -

22. Steer clear of jurors during recesses. Under no circumstances should you approach a juror even though it be on a matter wholly foreign to the case on trial. To do so is to invite suspicion. Politely but firmly avoid letting jurors talk to you.

23. If you don't want to answer a question, don't ask the judge whether you must answer it. If it is an improper question, the prosecuting attorney trying the case will take it up with the judge. Otherwise, you should answer the question as you would any other.

24. Sometimes a defense lawyer may ask whether you have discussed the case with anyone. If you simply say "yes", the defense lawyer may try to imply that you have been told what to say. The best response is to say that you have talked with whomever you have talked with (the police, the District Attorney, the victim, other witnesses or relatives). Obviously, the prosecutor will talk to all of the witnesses before calling them to the stand and inquire of them what they know about the case.

25. Don't be afraid to look the jury in the eye and tell the story. Jurors are naturally sympathetic to the witness and want to hear what he has to say.

26. Now, go back and re-read these suggestions so that you will have them firmly in your mind. We hope they will help.

- 10 -

The Victim/Witness Program Provides These Services:

- Assistance in court appearances;
- Information about your case;
- Property return assistance;
- Assistance during court proceedings;
- Witness waiting room;
- Restitution recovery;
- Help with obtaining witness fees;
- Referral to community agencies;
- Referrals to Victim of Violent Crimes Act;
- Restraining order, assistance in domestic violence cases;
- Placement of witness on call for court;
- Assistance with employer problems.

For additional copies of this brochure, please contact Michael D. Bradbury, District Attorney, County of Ventura, Hall of Justice, 800 So. Victoria Avenue, Ventura, California 93009.

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CONTINUED

2 OF 3

WHAT YOU SHOULD
KNOW ABOUT
**YOUR
CRIMINAL
COURT**



RICHARD M. DALEY
COOK COUNTY STATE'S ATTORNEY

THE COURT PROCESS.

Apprehension and Arrest of the Accused: In most instances the criminal justice process starts when a crime is committed and a person is arrested by the police for the crime.

Case Review by the Court or Grand Jury: After criminal charges are filed, the case often is sent to court for a preliminary hearing. The judge examines the case and decides whether there is enough evidence to go to trial.

Sometimes, evidence is presented to a grand jury. If a majority of the 23 citizens who sit on the grand jury decide there is enough evidence against the defendant, they return an *indictment* against the defendant.

Arraignment and Assignment of the Case: If the court or grand jury decides there is enough evidence to try the defendant, the defendant appears before the court to plead either guilty or not guilty. This hearing is called the *arraignment*. If the defendant pleads guilty, a date is set for sentencing. If the defendant pleads not guilty, the judge assigns the case to a trial court and decides the amount of bond.

Trial: In a trial, the prosecutor presents the case on behalf of the people and the defendant presents his side through a defense attorney. There are two kinds of trials—bench trials before a judge without a jury and trials with 12 jurors. The defendant decides which kind of trial he or she wants.

Disposition: At the trial the jury, or if there is no jury, the judge, decides whether the defendant is guilty beyond a reasonable doubt. If the defendant is found not guilty, he or she is acquitted and allowed to go free. If found guilty, the judge sets a date for imposing a sentence on the defendant. The sentence can include probation or a prison term.

QUESTIONS YOU MAY HAVE AS A VICTIM OR WITNESS.

What should I do if I witness a crime?
 First, call the police. Tell them what you saw and heard. If a serious crime has been committed, the police may call an assistant state's attorney to review evidence and talk to you and other people who witnessed the crime.

Why am I important?
 Without witnesses, criminals often cannot be convicted. What you know about a crime may be crucial for convicting a criminal. No matter how unimportant your information may seem to you, it may help determine what really happened and help fight crime.

What can I expect as a witness?
 You will be asked to tell what you know about the case. You may be questioned by both the prosecutor and by the defendant's attorney.

How often will I have to go to court?
 Every case is different. Usually, a witness only will be asked to come to court two times. Sometimes the trial is postponed to avoid scheduling conflicts for the judge, defense lawyer, or prosecutor. This is called a continuance.

The prosecutor or the victim/witness assistance office will let you know as far in advance as possible when you should come to court.

What if the case doesn't go to trial?
 Sometimes a witness' testimony is not needed. A case may be dismissed by the judge or dropped by the prosecutor before trial. Often the defendant pleads guilty and accepts the punishment the judge imposes.

Do I have to talk with the defense attorney before the trial?
 No. You do not have to talk to the defense attorney at all. But you may if you wish.

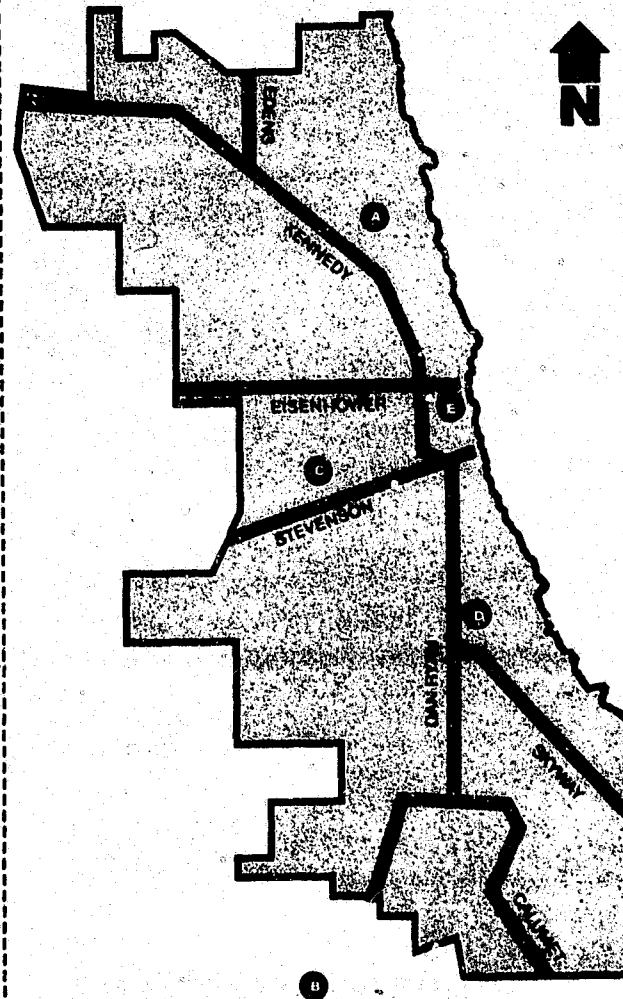
Should I tell the victim/witness assistance office and prosecutor if I move or change my phone number?
 Yes. It is important that the prosecutor and the victim/witness assistance program know where to reach you quickly so you know what is happening to your case and do not make unnecessary trips to court. Sometimes a defendant goes free if a witness can't be located quickly.

Who can I call if I have a question about my case?
 Just call the assistant state's attorney prosecuting your case or the victim/witness assistance office whenever you have a question.

YOUR COOPERATION AS A WITNESS OR VICTIM is a vital public service and is very important to the State's Attorney's Office. We are here to help guide you through the legal system, by answering any questions you might have and offering assistance in any other matters concerning your case. Please let us know how we can help.

**VICTIM/WITNESS HOTLINE
 890-7200**

FELONY COURTS IN CHICAGO



- A** 2452 West Belmont
- B** 18501 S. Kedzie (Markham)
- C** 2850 S. California
- D** 51st & Wentworth
- E** 1340 S. Michigan

**CTA-RTA TRAVEL INFO:
 836-7000**
**RICHARD M. DALEY
 COOK COUNTY STATE'S ATTORNEY**

For your convenience, this panel can be filled in, folded, and kept in your wallet.

DEFENDANT'S NAME: _____
POLICE OFFICER'S NAME: _____
PRELIMINARY HEARING: _____

CASE NUMBER: _____
FELONY COURT JUDGE: _____
COURTROOM LOCATION: _____
COURTROOM NUMBER: _____

ASSISTANT STATE'S ATTORNEYS NAMES: _____

TELEPHONE: _____

DATES AND PLACES

**VICTIM/WITNESS HOTLINE
 890-7200**

(CUT HERE)

VICTIM/WITNESS SERVICES

The Victim/Witness Assistance Office can help you with:

- Notification of court dates
- Answers to questions about the criminal justice system
- Transportation to court when needed.
- Courtroom assistance
- Encouragement of employer support
- Social service referrals
- Stolen property return
- Assistance for the disabled
- Information and assistance in filing claims under the Illinois Crime Victims Compensation Act



This guide has been prepared to acquaint you with the criminal justice system.

As State's Attorney, I feel an obligation to support victims and witnesses of crimes. Without cooperation, it would not be possible to successfully prosecute criminals and thereby deter crime.

My office stands ready to assist victims and witnesses in these important civic duties.

RICHARD M. DALEY
State's Attorney of Cook County

Victim Services Council (VSC) Management Information System¹

The following are forms from the VSC management information system. It was designed for their second year of operation when they obtained free computer programming and time. The system allowed them to gather many statistics which are valuable, but not essential. If you have access to a computer, you may want to use this as a model for your system.

If you do not, we suggest that you use the victim profile (without the codes), the narrative and the follow-up form. You will probably need to record the services you provide and can simplify the VSC service summary form.

If you plan to use the victim profile or service summary please note the following:

1. *VSC No.* is the agency's internal file number. It also reflects the total number of cases obtained to date of this case.
2. *P.D.* is the police department in whose jurisdiction the crime occurred. (VSC serves victims who live in the 64 police departments in St. Louis County.)
3. *C.N.* is the police department's case number.
4. The information recorded above the dark, heavy line is entered into the computer. The computer codes are found in the management information system code packet which follows.

¹Adapted from *Building A Solution*, Marjorie Susman and Carol Holt Vittert, National Council of Jewish Women, St. Louis, Missouri, 1980.

VICTIM PROFILE

VSC NO. _____

1.) LAST NAME _____ 2.) TYPE OF VICTIM _____

3.) P.D. _____ C.N. _____ 4.) DATE OF OFFENSE _____

5.) POLICE CLASSIFICATION _____

6.) DATE REFERRED _____ 7.) REFERRED BY _____

8.) WARRANT? YES _____ NO _____

NAME _____ PHONE (H) _____

ADDRESS _____ PHONE (B) _____

CITY _____ ZIP CODE _____

9.) RACE _____ 10.) SEX _____ 11.) AGE _____ MARITAL STATUS _____

OCCUPATION _____ BACKGROUND INFO _____

LOCATION OF INCIDENT _____ TIME _____

12.) OFFENDER KNOWN TO VICTIM? YES _____ NO _____ RELATIONSHIP _____

13.) INJURY? YES _____ NO _____ SPECIFY _____

14.) HOSPITALIZED? YES _____ NO _____ HOSPITAL _____

15.) MEDICAL INSURANCE? YES _____ NO _____ PARTIAL _____

16.) TOTAL UNPAID MEDICAL BILLS _____

17.) PROPERTY LOSS? YES _____ NO _____ UNKNOWN _____ SPECIFY _____

18.) AMOUNT _____

19.) INCOME LOSS? YES _____ NO _____ 20.) SPECIFY (DAYS & AMOUNT) _____

21.) PAST VICTIMIZATIONS? YES _____ NO _____ # _____ SPECIFY _____

22.) RECOMMEND CASE CLOSED _____ APPROVED _____

RECOMMEND CASE CLOSED _____ APPROVED _____

(Date) (Initials) (Date) (Initials)

23.) REASON TO END SERVICES

a) _____ Unable to Contact Victim f) _____ VSC Unable to Provide Needed Services

b) _____ No Problems g) _____ Victim Did Not Follow Up

c) _____ Victim Declined Services h) _____ Victim Wishes to initiate Future Contact

d) _____ Services No Longer Needed i) _____ Other (Specify) _____

e) _____ Victim Declined Further Services

CASE REOPENED _____ REASON _____

(Date)

24.) VICTIM REACTIONS OBSERVED

a) _____ Disbelief i) _____ Fear of Retaliation By _____

b) _____ Loss of Trust j) _____ Feel Insecure in Home

c) _____ Loss of Control k) _____ Feel Insecure Outside Home

d) _____ Concern w/ Family Reaction l) _____ Anger at Criminal

e) _____ Feel Responsible for Crime m) _____ Anger at Police

f) _____ Focus on Preexisting Problems n) _____ Anger at Prosecutor

g) _____ Anger at _____ o) _____ Fear of Involvement with Criminal Justice System

h) _____ Fear or New Victimization p) _____ Other _____

box continues

25.) VICTIM/FAMILY MEMBER'S REACTION TO VSC CALL

VICTIM
Very Positive _____ Positive _____ Neutral _____ Negative _____ Very Negative _____

FAMILY MEMBER
Very Positive _____ Positive _____ Neutral _____ Negative _____ Very Negative _____

26.) IF APPLICABLE:

FM (Family Member)

a) Confused _____ e) Hostile _____

b) Vague _____ f) Other _____

c) Very Talkative _____ Specify _____

d) Suspicious _____

27.) Mail Contacts	1)	2)	3)	4)	28.) Disposition				
29.) Victim	1)	2)	3)	4)	5)	6)	7)		
30.) Contacts	8)	9)	10)	11)	12)	13)	14)		
31.)	15)	16)	17)	18)	19)	20)	21)		
	22)	23)	24)	25)	26)	27)	28)		
32.) F/M or Other Contacts	1)	2)	3)	4)	5)	6)	7)		
	8)	9)	10)	11)	12)	13)	14)		
	15)	16)	17)	18)	19)	20)	21)		
	22)	23)	24)	25)	26)	27)	28)		
	29)	30)	31)	32)	33)	34)	35)		
	36)	37)	38)	39)	40)	41)	42)		
Attempted Contacts	1)	2)	3)	4)	5)	6)	7)		
	8)	9)	10)	11)	12)	13)	14)		

FOR OFFICE STAFF USE ONLY:

No. of Victim Contacts Per Fiscal Quarter	No. of Collateral Contacts Per Fiscal Quarter
____ 1/4, FY _____	____ 1/4, FY _____
____ 1/4, FY _____	____ 1/4, FY _____
____ 1/4, FY _____	____ 1/4, FY _____
____ 1/4, FY _____	____ 1/4, FY _____

31.) CLOSING 1/4 CONTACTS: _____ 32.) CLOSING 1/4 CONTACTS: _____

SERVICE SUMMARY

For staff use only
Statistical period 1/4 _____ FY _____

NAME _____
VSC. NO. _____

Volunteers: Use this side for all services
Provided only during the months of _____

box continues

NAME OF PROBLEM: Needs info. on V. Services		Problem Code ()	
Date of Service	Name of Service	Service code	Agency providing the service
_____	1. _____	()	_____
_____	2. _____	()	_____
_____	3. _____	()	_____
_____	4. _____	()	_____
_____	5. _____	()	_____
PROBLEM OUTCOME:		Problem outcome code ()	
NAME OF PROBLEM:		Problem Code ()	
Date of Service	Name of Service	Service code	Agency providing the service
_____	1. _____	()	_____
_____	2. _____	()	_____
_____	3. _____	()	_____
_____	4. _____	()	_____
_____	5. _____	()	_____
PROBLEM OUTCOME:		Problem outcome code ()	
NAME OF PROBLEM:		Problem Code ()	
Date of Service	Name of Service	Service code	Agency providing the service
_____	1. _____	()	_____
_____	2. _____	()	_____
_____	3. _____	()	_____
_____	4. _____	()	_____
_____	5. _____	()	_____
PROBLEM OUTCOME:		Problem outcome code ()	

SAMPLE NARRATIVE

VSC CASE # _____
NAME _____

DATE	
1/3/80	Called V at home. V described feeling nervous and upset about the burglary. Concerned about possibility of new victimization although husband has boarded up backdoor thru which offender entered house. Very upset that offender ransacked V's belongings, rummaged through personal effects. Feeling guilty that she wasn't home to prevent the crime and describes herself as trying to find "a reason" for the event. I offered to keep in touch with her until she's feeling better about the situation. Offered to refer V for home security check. V is interested. I will get more info. for her. Plan: 1. Call V back with info. on home security check. 2. Mail VSC literature.
1/3/80	Called University City Police. Talked to Officer Reilly (565-1010) V can call him to arrange convenient time for home security check.
1/3/80	Re-called V: Gave info. about home security check to V. She will call to arrange time and I will recall her next week to see how she's doing. V feels very positive about our services.
1/3/80	VSC literature sent.

No. 1981 169

AN ACT

SB 532

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for confidential communications to counselors of sexual assault victims.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 42, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended by adding a section to read:

§ 5945.1. Confidential communications to sexual assault counselors.

(a) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Rape crisis center." Any office, institution or center offering assistance to victims of sexual assault and their families through crisis intervention, medical and legal accompaniment and follow-up counseling.

"Sexual assault counselor." A person who is engaged in any office, institution or center defined as a rape crisis center under this section, who has undergone 40 hours of training and is under the control of a direct services supervisor of a rape crisis center, whose primary purpose is the rendering of advice, counseling or assistance to victims of sexual assault.

"Victim." A person who consults a sexual assault counselor for the purpose of securing advice, counseling or assistance concerning a mental, physical or emotional condition caused by a sexual assault.

"Confidential communication." Information transmitted between a victim of sexual assault and a sexual assault counselor in the course of that relationship and in confidence by a means which, so far as the victim is aware, does not disclose the information to a third person other than those who are present to further the interests of the victim in the consultation or those to whom disclosure is reasonably necessary to the transmission of the information or an accomplishment of the purposes for which the sexual assault counselor is consulted. The term includes all information received by the sexual assault counselor in the course of that relationship.

(b) Privilege.—A sexual assault counselor has a privilege not to be examined as a witness in any civil or criminal proceeding without the prior written consent of the victim being counseled by the counselor as to any confidential communication made by the victim to the counselor or as to any advice, report or working paper given or made in the course of the consultation.

Section 2. This act shall take effect in 60 days.

Approved — The 23rd day of December, A.D. 1981.

DICK THORNBURGH



COMMONWEALTH OF KENTUCKY
OFFICE OF THE COMMONWEALTH'S ATTORNEY
30TH JUDICIAL DISTRICT OF KENTUCKY
SUITE 600, LEGAL ARTS BUILDING
200 SOUTH SEVENTH STREET
LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
COMMONWEALTH'S ATTORNEY

June 22, 1982

(502) 581-5823

Mr. John Doe
1234 Victim Drive
Louisville, KY 40200

RE: Commonwealth of Kentucky vs. Tommy Trouble
Indictment #82CR0000

Dear Mr. Doe:

This is to let you know that the above named individual has been indicted by the Jefferson County grand jury on the charge of Robbery in the First Degree which occurred on or about April 1, 1982. Assistant Commonwealth's Attorney Hamilton Burger of our office has been assigned to prosecute this case. Please contact Mr. Burger at 581-5709 as soon as possible. If he is not available, ask to speak to Ms. Susan Secretary.

The Commonwealth Attorney's Office has established the Victim Information Program (VIP) to inform you about this case and to answer any questions you may have. We are enclosing a packet which describes the services of VIP and will provide additional information on the criminal justice system. Please feel free to contact us at 581-5823 if we can help you.

It is very important that you keep us informed about any change of address or phone number while this case is in progress.

When a trial date is set, you will receive a subpoena for you to testify in the above case. It is only through participation by citizens such as you that our judicial system operates successfully. With your help, as well as the help of others like you, we can make our community a better place in which to live.

With kindest regards and best wishes, I remain

Sincerely,

DAVID L. ARMSTRONG
Commonwealth's Attorney

Bill Wells
Director
Victim Information Program

sab

Enclosures

INDICIMENT LETTER TO
VICTIMS AND WITNESSES
WANG DOCUMENT #0029A



COMMONWEALTH OF KENTUCKY
 OFFICE OF THE COMMONWEALTH'S ATTORNEY
 30TH JUDICIAL DISTRICT OF KENTUCKY
 SUITE 600, LEGAL ARTS BUILDING
 200 SOUTH SEVENTH STREET
 LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
 COMMONWEALTH'S ATTORNEY

(502) 581-5823

May 13, 1982

Mr. John Doe
 1234 Victim Drive
 Louisville, KY 40200

RE: Commonwealth of Kentucky
 vs.
 Tommy Trouble
 Indictment No. 82CR0000
 Jefferson Circuit Court, Division 8
 Judge Buford T. Justice

Dear Mr. Doe:

I am the attorney assigned to prosecute Tommy Trouble for the charge(s) of Robbery in the First Degree which occurred on or about April 1, 1982.

A pretrial conference has been set for July 12, 1982 at 9:30 a.m. in Division 8 of the Jefferson Circuit Court. Although it is not mandatory that you attend this conference we encourage you to come.

In order to assure a just disposition of this case I need your assistance. I would appreciate you contacting me at 581-5709 so that we can discuss the case further.

I have enclosed information to help you understand the court system. If you have any questions or problems getting in touch with me, please contact our Victim Information Program at 581-5823 so that they may help you.

Thank you very much for your cooperation in this important matter.

Sincerely,

DAVID L. ARMSTRONG
 Commonwealth's Attorney

Hamilton Burger
 Assistant Commonwealth's Attorney

eah

Enclosure

PRETRIAL CONFERENCE LETTER TO
 VICTIMS AND WITNESSES
 WANG DOCUMENT #2551A

(DIVISION A)



COMMONWEALTH OF KENTUCKY
 OFFICE OF THE COMMONWEALTH'S ATTORNEY
 30TH JUDICIAL DISTRICT OF KENTUCKY
 SUITE 600, LEGAL ARTS BUILDING
 200 SOUTH SEVENTH STREET
 LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
 COMMONWEALTH'S ATTORNEY

(502) 581-5823

May 13, 1982

Officer Richard Tracy
 Robbery
 Louisville Division of Police
 633 West Jefferson
 Louisville, KY 40202

RE: Commonwealth of Kentucky
 vs.
 Tommy Trouble
 Indictment No. 82CR0000
 Jefferson Circuit Court, Division 8
 Judge Buford T. Justice

Dear Officer Tracy:

I am the attorney assigned to prosecute Tommy Trouble for the charge(s) of Robbery in the First Degree which occurred on or about April 1, 1982.

A pretrial conference has been set for June 28, 1982 at 9:30 a.m. in Division 8 of the Jefferson Circuit Court.

In order to assure a just disposition of this case I need your assistance. I would appreciate you contacting me at 581-5709 so that we can discuss the case further.

Thank you very much for your cooperation in this important matter.

Sincerely,

DAVID L. ARMSTRONG
 Commonwealth's Attorney

Hamilton Burger
 Assistant Commonwealth's Attorney

eah

PRETRIAL CONFERENCE LETTER
 TO POLICE OFFICERS
 WANG DOCUMENT #2580A



COMMONWEALTH OF KENTUCKY
 OFFICE OF THE COMMONWEALTH'S ATTORNEY
 30TH JUDICIAL DISTRICT OF KENTUCKY
 SUITE 600, LEGAL ARTS BUILDING
 200 SOUTH SEVENTH STREET
 LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
 COMMONWEALTH'S ATTORNEY

(502) 581-5823

June 21, 1982

Mr. John Doe
 1234 Victim Drive
 Louisville, KY 40200

RE: Commonwealth of Kentucky
 vs.
 Tommy Trouble
 Indictment No. 82CR0000
 Jefferson Circuit Court, Division 13
 Judge Buford T. Justice

Dear Mr. Doe:

I am the attorney assigned to prosecute Tommy Trouble for the charge(s) of Robbery in the First Degree which occurred on or about April 1, 1982.

This case has been set for a jury trial on August 12, 1982 at 9:30 a.m. in Division 13 of the Jefferson Circuit Court. In order for trial proceedings to run smoothly we need your cooperation and support. I would appreciate you contacting me at 581-5709 so that we can discuss the case further.

I have enclosed information to help you understand the court system. If you have any questions or problems getting in touch with me, please contact our Victim Information Program at 581-5823 so that they may help you.

Thank you very much for your cooperation in this important matter.

Sincerely,

DAVID L. ARMSTRONG
 Commonwealth's Attorney

Hamilton Burger
 Assistant Commonwealth's Attorney

eah

Enclosure

INITIAL TRIAL LETTER TO
 VICTIMS AND WITNESSES
 WANG DOCUMENT #1750B



COMMONWEALTH OF KENTUCKY
 OFFICE OF THE COMMONWEALTH'S ATTORNEY
 30TH JUDICIAL DISTRICT OF KENTUCKY
 SUITE 600, LEGAL ARTS BUILDING
 200 SOUTH SEVENTH STREET
 LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
 COMMONWEALTH'S ATTORNEY

(502) 581-5823

December 6, 1981

Mr. John Doe
 1234 Victim Drive
 Louisville, KY 40200

RE: Commonwealth of Kentucky vs. Tommy Trouble
 Indictment #82CR0000

Dear Mr. Doe:

The Jefferson County Grand Jury returned an indictment in the above styled case charging the defendant with the offense(s) of Robbery in the First Degree and was scheduled to be arraigned on June 20, 1982. An arraignment is a procedure at which the defendant is brought before the Court and informed of the charges for which he has been indicted.

The defendant was not present for the arraignment; therefore, a bench warrant was issued for arrest. If you receive information as to the whereabouts of the defendant, please contact James E. Garrett, Chief Commonwealth Detective, at 581-5955 in order that the bench warrant might be executed and the defendant arrested.

When the defendant is arraigned the Judge will set either a pre-trial conference or trial date. Once this date has been set, you will receive notification from the Commonwealth's Attorney's Office to contact us so that we may discuss your involvement and knowledge of this case.

The Commonwealth's Attorney's Office has established the Victim Information Program (VIP) to assist you in being informed about this case and to answer any questions you may have. Enclosed is a packet which describes the services of VIP and will provide additional information on the criminal justice system. If you have any questions concerning this case, please feel free to contact either VIP at 581-5823 or me at 581-5709.

Sincerely,

DAVID L. ARMSTRONG
 Commonwealth's Attorney

Hamilton Burger
 Assistant Commonwealth's Attorney

sab

Enclosure

BENCH WARRANT LETTER
 TO VICTIMS AND WITNESSES
 WANG DOCUMENT #1095B



COMMONWEALTH OF KENTUCKY
 OFFICE OF THE COMMONWEALTH'S ATTORNEY
 30TH JUDICIAL DISTRICT OF KENTUCKY
 SUITE 600, LEGAL ARTS BUILDING
 200 SOUTH SEVENTH STREET
 LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
 COMMONWEALTH'S ATTORNEY

(502) 581-5823

May 19, 1982

Mr. John Doe
 1234 Victim Drive
 Louisville, KY 40200

RE: Commonwealth of Kentucky
 vs.
 Tommy Trouble
 Indictment #82CR0000

Dear Mr. Doe:

This letter is to inform you that this case has been set for a jury trial. The trial has been scheduled for July 23, 1982 at 9 a.m. in Jefferson Circuit Court Division 8, Judge Buford T. Justice presiding.

In order for trial proceedings to run smoothly we need your continued cooperation and support. Should you have any questions regarding this case, please do not hesitate to call me at 581-5709 or the Victim Information Program at 581-5823.

Thank you very much for your cooperation in this important matter.

Sincerely,

DAVID L. ARMSTRONG
 Commonwealth's Attorney

Hamilton Burger
 Assistant Commonwealth's Attorney

eah

TRIAL LETTER TO VICTIMS
 AND WITNESSES
 WANG DOCUMENT #2556A



COMMONWEALTH OF KENTUCKY
 OFFICE OF THE COMMONWEALTH'S ATTORNEY
 30TH JUDICIAL DISTRICT OF KENTUCKY
 SUITE 600, LEGAL ARTS BUILDING
 200 SOUTH SEVENTH STREET
 LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
 COMMONWEALTH'S ATTORNEY

(502) 581-5823

November 9, 1981

Mr. John Doe
 1234 Victim Drive
 Louisville, KY 40200

RE: Commonwealth of Kentucky vs. Tommy Trouble
 Indictment #82CR0000

Dear Mr. Doe:

This letter is to inform you of the continuance of the above mentioned case which was scheduled for trial on June 12, 1982. We regret any inconvenience which you may have been caused by this delay, and we are grateful for your continued cooperation.

The trial date has been rescheduled for November 13, 1982 at 9:30 a.m. We want you to know that if our criminal justice system is to function properly, and those persons who are guilty of crimes are to be convicted and punished, citizen involvement is a necessity. I know we can count on you to help us see that justice is done.

Should you have any questions regarding this case, do not hesitate to call me at 581-5709 or the Victim Information Program at 581-5823. Our office is open to serve you.

With kindest regards and best wishes, I remain

Sincerely,

DAVID L. ARMSTRONG
 Commonwealth's Attorney

Hamilton Burger
 Assistant Commonwealth's Attorney

sab

CONTINUANCE LETTER
 TO VICTIMS AND WITNESSES
 WANG DOCUMENT #0315A



COMMONWEALTH OF KENTUCKY
 OFFICE OF THE COMMONWEALTH'S ATTORNEY
 30TH JUDICIAL DISTRICT OF KENTUCKY
 SUITE 600, LEGAL ARTS BUILDING
 200 SOUTH SEVENTH STREET
 LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
 COMMONWEALTH'S ATTORNEY

(502) 581-5823

June 26, 1982

Mr. William Boss
 c/o Honest Abe's Hardware
 5678 Workhard Drive
 Louisville, KY 40200

RE: Commonwealth of Kentucky vs. Tommy Trouble
 Indictment #82CR0000

Dear Mr. Boss:

This letter is to inform you that John Doe, an employee at your place of business, was a witness for the Commonwealth of Kentucky in the above mentioned case on June 26, 1982. In order to discharge our responsibilities in the prosecution of this criminal case, it was necessary to subpoena your employee to testify in court at the time of the trial.

I would like to thank you for permitting your employee to perform his duty as a concerned citizen of this community. The responsibilities of a witness to a crime are a burden which can not be taken lightly; as an employer of a witness, you may have been burdened as well. I appreciate your cooperation in this matter.

With kindest regards and best wishes, I remain

Sincerely,

DAVID L. ARMSTRONG
 Commonwealth's Attorney

sab

EMPLOYER INTERVENTION LETTER
 WANG DOCUMENT #0576A



COMMONWEALTH OF KENTUCKY
 OFFICE OF THE COMMONWEALTH'S ATTORNEY
 30TH JUDICIAL DISTRICT OF KENTUCKY
 SUITE 600, LEGAL ARTS BUILDING
 200 SOUTH SEVENTH STREET
 LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
 COMMONWEALTH'S ATTORNEY

(502) 581-5823

June 22, 1982

Mr. John Doe
 1234 Victim Drive
 Louisville, KY 40200

RE: Commonwealth of Kentucky vs. Tommy Trouble
 Indictment #82CR0000

Dear Mr. Doe:

We are pleased to inform you that the above named defendant pled guilty to the charge of Robbery in the First Degree. Consequently, there will be no trial in this case.

We could not have secured this conviction without your assistance and cooperation. Even though this matter did not reach trial, your availability as a witness strengthened the position of the Commonwealth's case. We hope you have not been inconvenienced too much in fulfilling your responsibility.

The defendant is scheduled to be sentenced on August 6, 1982 at 9 a.m. before Judge Buford T. Justice in Courtroom #8 of the Hall of Justice, 600 West Jefferson, Louisville. If you wish to express your feelings about the case, you may either attend the sentencing or write a letter to the judge. If you plan to attend, please call me at 581-6040 or the Victim Information Program at 581-5823.

Thank you for your support and cooperation in this case.

With kindest regards and best wishes, I remain

Sincerely,

DAVID L. ARMSTRONG
 Commonwealth's Attorney

Hamilton Burger
 Assistant Commonwealth's Attorney

sab

PLED GUILTY LETTER TO
 VICTIMS AND WITNESSES
 WANG DOCUMENT #1756B

(DIVISION A)



COMMONWEALTH OF KENTUCKY
 OFFICE OF THE COMMONWEALTH'S ATTORNEY
 30TH JUDICIAL DISTRICT OF KENTUCKY
 SUITE 600, LEGAL ARTS BUILDING
 200 SOUTH SEVENTH STREET
 LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
 COMMONWEALTH'S ATTORNEY

(502) 581-5823

April 7, 1982

Mr. John Doe
 1234 Victim Drive
 Louisville, KY 40200

RE: Commonwealth of Kentucky vs. Tommy Trouble
 Indictment #82CR0000

Dear Mr. Doe:

This letter is to inform you of the completion of the above mentioned case. The defendant was found guilty of Robbery in the First Degree.

We would like to thank you for your cooperation and assistance in the prosecution of this matter. Without the efforts and sacrifices of concerned citizens such as yourself, our criminal justice system would not be able to function properly.

The defendant is scheduled to be sentenced on June 30, 1982 at 9 a.m. before Judge Buford T. Justice in Courtroom #13 of the Hall of Justice, 600 West Jefferson, Louisville. If you wish to express your feelings about the case, you may either attend the sentencing or write a letter to the judge. If you plan to attend, please call me at 581-6040 or the Victim Information Program at 581-5823.

Thank you for your support and cooperation in this case.

With kindest regards and best wishes, I remain

Sincerely,

DAVID L. ARMSTRONG
 Commonwealth's Attorney

Hamilton Burger
 Assistant Commonwealth's Attorney

sab

FOUND GUILTY LETTER TO
 VICTIMS AND WITNESSES
 WANG DOCUMENT #0069A

(DIVISION A)



COMMONWEALTH OF KENTUCKY
 OFFICE OF THE COMMONWEALTH'S ATTORNEY
 30TH JUDICIAL DISTRICT OF KENTUCKY
 SUITE 600, LEGAL ARTS BUILDING
 200 SOUTH SEVENTH STREET
 LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
 COMMONWEALTH'S ATTORNEY

(502) 581-5823

June 22, 1982

Mr. John Doe
 1234 Victim Drive
 Louisville, KY 40200

RE: Commonwealth of Kentucky vs. Tommy Trouble
 Indictment #82CR0000

Dear Mr. Doe:

Having been the victim of a crime, your voice in the criminal justice system was heard through a prosecutor representing the state. A Victim Impact Statement gives you, as the victim of a crime, the opportunity to present your point of view. It is presented to the Judge before the time of sentencing in an effort to make him fully aware of the overall impact of the crime on you. This is your opportunity to speak out and be heard once more.

The defendant is scheduled to be sentenced on September 8, 1982 at 9:30 a.m. before Judge Buford T. Justice in Courtroom #8 of the Hall of Justice, 600 West Jefferson, Louisville. Because the defendant in your case pled guilty to the offense without a trial, the Judge may be unaware of many of the facets of the case. It would be valuable to the sentencing process for you to write a detailed account of the crime committed against you. Enclosed is a form which you may use or follow as a guide in compiling your Victim Impact Statement. If you are unable to respond, need help in compiling or have any questions concerning your statement, please feel free to contact me at the Victim Information Program at 581-5823. In order for the Judge to have adequate time to review your statement, it is important that it be returned to us in the envelope provided within one week.

It is only through participation by citizens such as you that our judicial system operates successfully. With your help, as well as the help of others like you, we can make our community a better place in which to live.

With kindest regards and best wishes, I remain

Sincerely,

DAVID L. ARMSTRONG
 Commonwealth's Attorney

Henrietta Helpful
 Victim Advocate

eah

Enclosure

VICTIM IMPACT STATEMENT LETTER
 (PLED GUILTY)
 WANG DOCUMENT #2748B



COMMONWEALTH OF KENTUCKY
OFFICE OF THE COMMONWEALTH'S ATTORNEY
30TH JUDICIAL DISTRICT OF KENTUCKY
SUITE 600, LEGAL ARTS BUILDING
200 SOUTH SEVENTH STREET
LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
COMMONWEALTH'S ATTORNEY

(502) 581-5823

June 22, 1982

Probation and Parole
660 Fourth Avenue
Louisville, KY 40202

RE: Commonwealth of Kentucky vs. Tommy Trouble
Indictment #82CR0000

Dear Mr. Doe:

Victims of crime need to have a strong voice in our criminal justice system. Enclosed is a copy of the Victim Impact Statement compiled by the victim in the above styled case. Please include this statement in the defendant's case records for future reference. Your continued cooperation and support are greatly appreciated.

With kindest regards and best wishes, I remain

Sincerely,

DAVID L. ARMSTRONG
Commonwealth's Attorney

Henrietta Helpful
Victim Advocate

eah

Enclosure

COVER LETTER TO PROBATION AND PAROLE
VICTIM IMPACT STATEMENT LETTER
WANG DOCUMENT #3123B

VICTIM IMPACT STATEMENT

RE: Commonwealth of Kentucky vs. Tommy Trouble
Indictment #82CR0000
Judge Buford T. Justice
Division #8

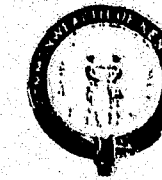
I. Description of the crime committed against you.

II. Any financial hardships (lost wages, property damage, medical expenses, etc.)

III. Psychological effects, if any.

IV. Any other information you feel may be pertinent (i.e., recommended sentence, harassment, intimidation).

VICTIM: _____
ADDRESS: _____
DATE: _____



COMMONWEALTH OF KENTUCKY
OFFICE OF THE COMMONWEALTH'S ATTORNEY
30TH JUDICIAL DISTRICT OF KENTUCKY
SUITE 600, LEGAL ARTS BUILDING
200 SOUTH SEVENTH STREET
LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
COMMONWEALTH'S ATTORNEY

(502) 581-5823

June 11, 1982

Mr. John Doe
1234 Victim Drive
Louisville, KY 40200

RE: Commonwealth of Kentucky vs. Tommy Trouble
Indictment #82CR0000

Dear Mr. Doe:

This letter is to confirm the completion of this case in which the jury failed to reach a unanimous decision. I share your concern over this matter.

The burden of proving a criminal case "beyond a reasonable doubt" is not an easy one. The important thing is that, with your help, we vigorously prosecuted this case within the framework of our criminal justice system.

In being a witness, you have fulfilled a most vital and necessary function within our system. You have been invaluable to us during the prosecution of this case. We thank you for your assistance and cooperation.

A new trial date has been set for September 12, 1982 at 9:30 a.m. If you have any questions regarding this matter, please do not hesitate to call me at 581-5709 or the Victim Information Program at 581-5823. Our office is open to serve you.

With kindest regards and best wishes, I remain

Sincerely,

DAVID L. ARMSTRONG
Commonwealth's Attorney

Hamilton Burger
Assistant Commonwealth's Attorney

sab

HUNG JURY LETTER TO
VICTIMS AND WITNESSES
WANG DOCUMENT #2038A



COMMONWEALTH OF KENTUCKY
 OFFICE OF THE COMMONWEALTH'S ATTORNEY
 30TH JUDICIAL DISTRICT OF KENTUCKY
 SUITE 600, LEGAL ARTS BUILDING
 200 SOUTH SEVENTH STREET
 LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
 COMMONWEALTH'S ATTORNEY

(502) 581-5823

March 8, 1982

Mr. John Doe
 1234 Victim Drive
 Louisville, KY 40200

RE: Commonwealth of Kentucky vs. Tommy Trouble
 Indictment #82CR0000

Dear Mr. Doe:

This letter is to confirm the completion of this case in which the defendant was found not guilty. I share your concern over this matter.

The burden of proving a criminal case "beyond a reasonable doubt" is not an easy one. The important thing is that, with your help, we vigorously prosecuted this case within the framework of our criminal justice system.

In being a witness, you have fulfilled a most vital and necessary function within our system. You have been invaluable to us during the prosecution of this case. We thank you for your assistance and cooperation.

If you still have any questions regarding this matter, please do not hesitate to call me at 581-5709 or the Victim Information Program at 581-5823. Our office is open to serve you.

With kindest regards and best wishes, I remain

Sincerely,

DAVID L. ARMSTRONG
 Commonwealth's Attorney

Hamilton Burger
 Assistant Commonwealth's Attorney

sab

FOUND NOT GUILTY LETTER
 TO VICTIMS AND WITNESSES
 WANG DOCUMENT #0201A



COMMONWEALTH OF KENTUCKY
 OFFICE OF THE COMMONWEALTH'S ATTORNEY
 30TH JUDICIAL DISTRICT OF KENTUCKY
 SUITE 600, LEGAL ARTS BUILDING
 200 SOUTH SEVENTH STREET
 LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
 COMMONWEALTH'S ATTORNEY

(502) 581-5823

November 10, 1981

Mr. John Doe
 1234 Victim Drive
 Louisville, KY 40200

RE: Commonwealth of Kentucky
 vs.
 Tommy Trouble
 Indictment #82CR0000

Dear Mr. Doe:

On the 13th of June the defendant, Tommy Trouble, appeared in the Jefferson Circuit Court and entered a plea of guilty to the charge of Robbery in the First Degree.

Judge Buford T. Justice accepted the defendant's plea and on July 13, 1982, sentenced him to three years to serve in the penitentiary.

Your cooperation and assistance in this matter have been greatly appreciated. If you have any questions regarding the outcome of this case, please do not hesitate to call me.

Sincerely,

DAVID L. ARMSTRONG
 Commonwealth's Attorney

Hamilton Burger
 Assistant Commonwealth's Attorney

sab

PLED GUILTY POST-SENTENCING LETTER
 TO VICTIMS, WITNESSES, AND POLICE
 OFFICERS
 WANG DOCUMENT #0127A



COMMONWEALTH OF KENTUCKY
 OFFICE OF THE COMMONWEALTH'S ATTORNEY
 30TH JUDICIAL DISTRICT OF KENTUCKY
 SUITE 600, LEGAL ARTS BUILDING
 200 SOUTH SEVENTH STREET
 LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
 COMMONWEALTH'S ATTORNEY

(502) 581-5823

April 29, 1982

Officer Richard Tracy
 Robbery
 Louisville Division of Police
 633 West Jefferson
 Louisville, KY 40202

RE: Commonwealth of Kentucky vs. Tommy Trouble
 Indictment #82CR0000

Dear Officer Tracy:

On April 24, 1982, the defendant in the above case was found guilty of Robbery in the First Degree.

Sentencing of the defendant took place on May 13, 1982 before Judge Buford T. Justice. The judge sentenced the defendant to three years to serve in the penitentiary.

Your cooperation and assistance have been greatly appreciated. If you have any questions regarding this case, please feel free to contact me.

Sincerely,

DAVID L. ARMSTRONG
 Commonwealth's Attorney

Hamilton Burger
 Assistant Commonwealth's Attorney

sab.

FOUND GUILTY POST-SENTENCING LETTER
 TO VICTIMS, WITNESSES, AND POLICE
 OFFICERS
 WANG DOCUMENT #0781A



COMMONWEALTH OF KENTUCKY
 OFFICE OF THE COMMONWEALTH'S ATTORNEY
 30TH JUDICIAL DISTRICT OF KENTUCKY
 SUITE 600, LEGAL ARTS BUILDING
 200 SOUTH SEVENTH STREET
 LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
 COMMONWEALTH'S ATTORNEY

(502) 581-5823

April 15, 1981

Mr. John Doe
 1234 Victim Drive
 Louisville, KY 40200

RE: Commonwealth of Kentucky vs. Tommy Trouble
 Indictment #82CR0000

Dear Mr. Doe:

The above mentioned case has been dismissed by the Jefferson County grand jury. If you have any questions regarding this case, you are invited to call me at 581-5955. I will make every effort to answer your questions.

I hope that you have not been greatly inconvenienced in fulfilling your responsibility as a witness. Thank you for your cooperation in this case.

Sincerely,

DAVID L. ARMSTRONG
 Commonwealth's Attorney

Hamilton Burger
 Assistant Commonwealth's Attorney

sab

DISMISSAL LETTER
 WANG DOCUMENT #0080A

SITE RESOURCES

Much of this guide was developed from information gathered from the following programs listed in alphabetical order by city and state. (The list includes the names of the program directors at the time the information for this manual was compiled. Asterisks indicate that since that time the director has changed.)

Victim Assistance Unit
Glendale City Manager's Office
Glendale, Arizona
Rita Koppinger, Director

Victim-Witness Advocate Program
Office of the Prosecutor
Pima County
Tucson, Arizona
Paul Forgach, Director

Fremont Police Department
Fremont, California

Victim Assistance Program
Fresno County Probation Department
Fresno, California
Kay Hickman, Coordinator

Victim/Witness Assistance Unit
Alameda County District Attorney's Office
Oakland, California
Harold Boscovich, Director

Oxnard Police Department
Oxnard, California
Robert Owens, Chief

California Victim/Witness Assistance Program
9719 Lincoln Village Drive, Suite 600
Sacramento, California
Sterling O'Ran III, Program Manager

Victim/Witness Program
Sacramento County District Attorney
Sacramento, California
Veronica Zechinni, Director

Victim Services Program
City Manager's Office
Oxnard, California
Kate Pinkham, Director
(This program has been transferred to
the Oxnard Police Department)

Victim/Witness Unit
Ventura County District Attorney's Office
Ventura, California
Sandy Smith, Director

Victim Assistance Program
Denver District Attorney's Office
Denver, Colorado

Victim Advocate Program
Ft. Lauderdale Police Department
1300 West Broward Blvd.
Ft. Lauderdale, Florida
Shelley A. Schorn, Director

Advocates for Victims
Metropolitan Dade County
1515 N.W. 7th Street, Suite 213
Miami, Florida
Catherine Lynch, Director

Victim/Witness Aid Program
307 N. Dixie Highway
West Palm Beach, Florida
Robert C. Wells, Director

Victim-Witness Assistance
Cook County State's Attorney's Office
Chicago, Illinois
Eileen Springer, Director

Victim/Witness/Youth Outreach Bureau
Evanston Police Department
1454 Elmwood Avenue
Evanston, Illinois
Debra Sundlad, Director

Witness Information Service
Peoria County State's Attorney
Peoria, Illinois
Beth Johnson, Director

Rape Awareness Program—Fort Wayne
Women's Bureau
203 W. Wayne, Suite 316
Fort Wayne, Indiana
Jean Harber Porter, Director

Victim/Witness Assistance Unit
Ft. Wayne Police Department
Ft. Wayne, Indiana
Patricia Smallwood, Director

YWCA Shelter for Women Victims of Violence
P.O. Box 5338
Fort Wayne, Indiana 46895

Victim Assistance Program
Indianapolis Police Department
Indianapolis, Indiana
RuthAnn Popcheff, Director

Victim-Witness Assistance Office
Office of the Prosecuting Attorney
Marion County, Indiana
Charlotte Klanner, Director

Polk County Rape/Sexual Assault Crisis Center
700 East University
Des Moines, Iowa
Carol Meade, Coordinator

Rape Relief Center
YWCA of Louisville
604 S. 3rd Street
Louisville, Kentucky
Grace Ericksen, Director

Victim Information Program
Office of the Commonwealth Attorney
Louisville, Kentucky
William Wells, Director

Witness Information Service
Office of the State's Attorney
Anne Arundel County
101 South Street
Annapolis, Maryland
Robin Davenport, Director

Victim/Witness Assistance
Essex County District Attorney
Essex County
Salem, Massachusetts
Karen McLaughlin, Coordinator
Robert Dummond, Director,
Lawrence Office
Allyson Miller, Director, Lynn Office

Victim Witness Assistance Program
Middlesex County District Attorney
Cambridge, Massachusetts
Amy Singer, Director

Crime Victim Assistance Program
Office of the Prosecuting Attorney
Kalamazoo, Michigan
Shirley Heenan, Director

Aid for Victims of Crime, Inc.
St. Louis, Missouri
Ed Stout, Director

Victim/Witness Assistance Unit
St. Louis Circuit Attorney's Office
St. Louis, Missouri
Mary Flotron, Director

Victim Service Council
St. Louis County, Missouri
Betsy Munro, Director

Victim/Witness Unit
Lincoln Police Department
233 S. 10th Street
Lincoln, Nebraska
Shirley Kuhle, Administrator

Community Action Against Rape
749 Veterans Memorial Drive
Las Vegas, Nevada
Florence McClure, Director

Victim-Witness Unit
Clark County District Attorney's Office
Clark County, Nevada
Patricia Thatcher, Director

Crime Victims Assistance Organization
P.O. Box 9411
Albuquerque, New Mexico
Edith Sorgan, President

New York Crime Victims Board
Albany, New York
Ron Zweibel, Chairman

Jamaica Service Program for Older Adults'
Safety Program
168-34 127th Avenue
Jamaica, New York
Frances Seward, Director

Victim Services Agency
New York, New York
Lucy Friedman, Director

Victims Assistance Unit
Rochester Police Department
4th Floor - Public Safety Building
Rochester, New York
Sharon Camarata, Director

Parents of Murdered Children
1739 Bella Vista
Cincinnati, Ohio
Charlotte Hullinger, President

Victim/Witness Program
District Attorney's Office
Eighth District
Newkirk, Oklahoma
Pamela G. Eatherly, Coordinator

Clackamas County Rape Victim Advocate
Program
Clackamas County Courthouse
Oregon City, Oregon
Karin Ariens, Director

Victim Assistance Program
Multnomah County District Attorney's Office
Multnomah County, Oregon
Marilyn Culp, Director

Delaware County Women Against Rape
Box 211
Media, Pennsylvania
Joyce Dale, Director

Victim/Witness Assistance Services
P.O. Box 738
West Chester, Pennsylvania
Constance C. Noblet, Director

Victim/Witness Assistance Program
Office of the Solicitor
Greenville, South Carolina
Jayne Crisp, Director

Victim/Witness Assistance Program
Loudon County
Leesburg, Virginia
Irene Wodell, Director

Victim Witness Assistance Program
Office of the Commonwealth Attorney
Portsmouth, Virginia
Suzy Palmer, Director

Sexual Assault Center
Harborview Medical Center
325 9th Avenue
Seattle, Washington
Doris Stevens, Director

Victim/Witness Services
District Attorney's Office
Milwaukee County
Milwaukee, Wisconsin
Jo Beaudry, Director

Children's Hospital National Medical Center
Child Protection Service/Special Unit
Washington, D.C.
Joyce Thomas, Director

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