

HJR

76

E. USE COMMITTEE REPOI

(7)

Date Referred: February 26, 1992

FURTHER REFERRALS:

Finance

Date of Committee Action: 3-25-92

The JUDICIARY Committee considered:

HJR 76

HOUSE JOINT RESOLUTION NO. 76

RIGHTS OF VICTIMS OF CRIMES

Proposing an amendment to the Constitution of the State of Alaska relating to the rights of victims of crimes.

RECOMMENDATIONS:

be replaced with CS HJR 76 (JVD) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Daniel Donley</i>	X				
<i>Terry Hunter</i>	X	<i>Mark Hunter</i>		X	
<i>Kevin Paulson</i>	✓	<i>Mike Miller</i>		X	

Daniel Donley
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HIR 76

Revision Date: _____
Title: "...amendment to the Constitution...the rights of victims of crimes..."
Sponsor: Representative Donley
Requestor: House Judiciary Committee

Department Affected: Department of Law
BRU: Prosecution
Component: All

COMPONENT SERIAL

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Expenditures/Revenues: (Thousands of Dollars)

85 through 91

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

House Joint Resolution No. 76 proposes an amendment to the Constitution of the State of Alaska, which would set forth the rights of victims of crimes. If approved by the legislature, the resolution will be placed before the voters at the next general election. Legislative approval of the resolution, which places the question before the voters, will not have a fiscal impact on the Department of Law.

We are not sure of the effect of the proposal, if it is eventually approved by the voters. However, we do not anticipate any immediate fiscal impact.

Prepared by: Richard I. Peques, Director
Division: Administrative Services

Phone: 465-3672
Date: March 10, 1992

Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law

Date: March 10, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HJR 76

Revision Date: _____ Department Affected: Public Safety

Title: "Proposing an amendment
relating to the rights of victims of crime" BRU: Alaska State Troopers

Sponsor: Representative Donley Component: Detachments

Requestor: House Judiciary COMPONENT SERIAL NO.

7	9	9
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

It is impossible to predict how this Constitutional Amendment, if adopted, would be construed by the courts. It is therefore not possible to predict the fiscal impact upon the Alaska State Troopers.

Prepared By: Gayle A. Horetski Phone: 465-4322

Division: Commissioner's Office Date: 3/11/92

Approved by Commissioner: Gayle A. Horetski Richard L. Burton

Agency: Department of Public Safety Date: 3/11/92

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HJR 76

Revision Date: _____
Title: Amendment to the Constitution RE: Rights of
Victims of Crimes
Sponsor: Representative Donley
Requestor: Representative Donley

Department Affected: Office of the Governor-Elections
BRU: Division of Elections
Component: II-Primary and General Elections

COMPONENT SERIAL NO.

0	0	2	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2*	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.) * This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be: 53.4.

Prepared by: Laura A. Wisner, Projects Coordinator Phone: 465-4611
Division: Elections Date: 02/21/92

Approved by Commissioner: _____ Date: _____
Agency: Office of the Governor

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

REPRESENTATIVE DAVE DONLEY



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CHAIRMAN
JUDICIARY COMMITTEE
VICE CHAIRMAN
REGULATION REVIEW COMMITTEE
MEMBER
RULES COMMITTEE
LABOR AND COMMERCE COMMITTEE

MEMORANDUM

TO: HESS Committee Members

FROM: Representative Dave Donley ^{DB}

RE: HJR 76, a resolution to amend the Constitution to provide constitutional guarantees for victims of crime

DATE: February 25, 1992

Thank you for hearing HJR 76, a resolution that proposes an amendment to the Alaska Constitution to provide key guarantees to victims of crime.

HJR 76 is straightforward legislation that is intended to elevate to a constitutional guarantee a number of rights already provided to victims of crime by statute. HJR 76 is intended to protect and maintain the rights delineated in these statutes. It is proposed to address the disparity represented by the fact that the rights of the criminally accused are guaranteed by our Federal and State Constitutions, but the rights of innocent victims are not. In an era where procedural due process is just as vital to victims of crime as it is to the accused, this amendment provides key guarantees to the victims of crime.

Specifically, HJR 76 proposes to amend the State Constitution to provide crime victims a constitutional guarantee to:

- 1) the right to timely disposition of the case



JUNEAU OFFICE
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Sponsor Statement

2) the right to participate in court proceedings, including a right to notification, a right to attend all court proceedings the accused has the right to attend, a right to confer with prosecution, and a right to make a statement to the court at sentencing

3) the right to restitution, and

4) the right to information about the conviction, sentence, imprisonment, and release of the accused.

Together these guarantees will operate to ensure that the crime victim is treated with fairness and respect throughout the criminal justice process. HJR 76 is modelled after a similar, successful amendment to the Michigan Constitution that was overwhelmingly approved by Michigan voters in 1988.

Thank you for taking the time to hear this legislation today.

DD/jmn

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 19, 1992

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 2/25/92

The HEALTH EDUCATION AND SOCIAL SERVICES Committee considered:

HJR 76

HOUSE JOINT RESOLUTION NO. 76

RIGHTS OF VICTIMS OF CRIMES

Proposing an amendment to the Constitution of the State of Alaska relating to the rights of victims of crimes.

RECOMMENDATIONS: [] the same title
be replaced with _____ [] a new title

[] have attached amendments(s)

[] do pass

[] do not pass

[] no recommendations

[✓] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[✓] fiscal impact _____

[] fiscal note(s) _____

[] zero fiscal note _____

[] zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	<u>OTHER</u> RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓	Cheri Davis		✓	
<i>[Signature]</i>	✓	Mark Hensley		✓	
Betty Davis	✓				
<i>[Signature]</i>	✓				

[Signature]
CHAIRMAN'S SIGNATURE

Proposal B — 1988

Introduced by Representative Van Regenmortel — 74th Legislature — HJRP

Amendment to the Michigan Constitution

Article I, §24

Sec. 24. (1) Crime victims, as defined by law, shall have the following rights, as provided by law:

The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.

The right to timely disposition of the case following arrest of the accused.

The right to be reasonably protected from the accused throughout the criminal justice process.

The right to notification of court proceedings.

The right to attend trial and all other court proceedings the accused has the right to attend.

The right to confer with the prosecution.

The right to make a statement to the court at sentencing.

The right to restitution.

The right to information about the conviction, sentence, imprisonment, and release of the accused.

(2) The legislature may provide by law for the enforcement of this section.

(3) The legislature may provide for an assessment against convicted defendants to pay for crime victims' rights.

Approved by House of Representatives April 20, 1988; By the Senate July 12, 1988
Approved by the People of Michigan November 8, 1988; Effective December 24, 1988



Crime victims: Learning how to help them

by Robert C. Davis

Future legal historians may well call the 1980's the decade in which a start was finally made toward recognizing victims of crime as central characters in the criminal event, worthy of concern, respect, and compassion. Since 1981, President Reagan has proclaimed National Victims of Crime Week annually to focus attention on victim problems. In April 1982, he established the President's Task Force on Victims of Crime, which made 68 recommendations for addressing the problems of victims. Then in 1984 the Attorney General's Task Force on Family Violence presented 63 recommendations for combating violence within the family and aiding its victims.

Crime victims have also been the subject of a good deal of legislation. The 1982 Omnibus Victim and Witness Protection Act requires use of victim impact statements at sentencing in Federal criminal cases, greater protection of Federal victims and witnesses from intimidation by defendants or their associates, restitution by offenders to victims of Federal crimes, guidelines for fair treatment of victims and witnesses in Federal criminal cases, and more stringent bail laws. The Comprehensive Crime Control Act and the Victims of Crime Act of 1984 authorize Federal funds for State victim compensation and victim assistance programs. These funds are distributed by the Office of Justice Programs, through its Office for Victims of Crime and Bureau of Justice Assistance.

More than 35 States have enacted comprehensive legislation protecting the interests of the victim, compared with 4

before 1982. State victim compensation programs have continued to expand (43 States and the District of Columbia now have such programs), as have victim assistance services in the community.

Research has played an important role in the rethinking of public policies about crime victims. Much of that research has been sponsored by the National Institute of Justice. Institute-supported projects have provided legislators, criminal justice planners, and practitioners with new information on the effects of crime on victims, on the success of programs to help victims recover psychologically and financially, and on ways of helping victims through the criminal justice process.

This article reviews some of the significant findings of NIJ research on victims. It also reports on studies now in progress and on questions that still need to be answered. (Most of the research reports discussed are listed in references at the end of the article.)

Crime takes psychological toll

Only recently have people come to realize that victims of crime experience crisis reactions similar to those experienced by victims of war, natural disasters, and catastrophic illness.

Research in 1975 focused on victim experiences both with crime and with the criminal justice system. The findings had a significant impact on the thinking of criminal justice planners and the development of programs for victims and witnesses. Researchers at Marquette University¹ interviewed 3,000 victims and witnesses from cases active in Milwaukee County's court system and 1,600 persons identified as victims of serious personal crimes by a previous National Crime Survey.

They found mental or emotional suffering to be the most frequent problem expressed by victims in general, while time and income loss posed the greatest difficulties for victims involved in the court process. The fear and emotional distress experienced by victims often extended as well to the victims' families and friends.

The study produced a wealth of policy recommendations to improve the treatment of victims and witnesses in the courts. Many have since been widely adopted.

The Milwaukee study introduced the term "secondary victimization" to characterize the distress experienced by the family and friends of crime victims. In 1982, a research team from the New York Victim Services Agency,² pursuing this theme, questioned 240 New York City victims of robbery, nonsexual assault, and burglary. They asked about problems and needs stemming from the crime and about organizations and individuals to whom victims turned for assistance.

While few victims had sought assistance from organizations, virtually all had received help from friends, neighbors, or relatives. The help ranged from listening while victims "ventilated," to aiding in apprehending the criminal, to lending money, to helping with replacement of doors, windows, and locks.

The New York researchers then contacted supporters named by the victims and interviewed them about the costs (and benefits) incurred in helping the victims. Most supporters reported being glad to help, but many said that their own fears about crime had been heightened because of the victim's experience. Such reactions were most prevalent among family members and neighbors of victims.

Robert Davis is Director of Research and Information Systems for the Victim Services Agency in New York City. He has been principal investigator for three NIJ research grants.

Crime victims: Learning how to help them

The study showed that the effects of crime hit hardest among the poor. Psychological distress and crime-related problems were more common among the less affluent and less educated, and these differences persisted at least up to 4 months after the crime. Similarly, poorer, less educated supporters were more likely than affluent supporters to report that providing assistance had placed a burden on them.

In a surprising finding, an earlier study revealed that nearly as many burglary as robbery victims underwent a "crisis reaction" during the weeks following victimization. In fact, according to researchers at the American Institutes for Research,¹ the impact of crime on victims' emotions and everyday behaviors was actually greater for burglary than for robbery victims.

Psychological reactions of victims were examined in depth under a 1984 NIJ study funded in response to a Victims Task Force recommendation. Researchers at the Medical University of South Carolina² interviewed female victims of sexual assault, robbery, aggravated assault, and home burglary, identified through a random victimization study.

Psychological adjustment of victims was measured against that of a sample of nonvictims. Details were gathered about current psychological status, previous mental health history, treatment history, and about the crime itself. This research provides the first reliable information about the proportion of victims in various crime categories who experience serious adjustment problems. Results indicate that victims of sexual assault suffer more adverse psychological reactions and adjustment problems than victims of robbery and burglary.

Helping crime victims cope

Research detailing crime's impact on victims helped build support for creation of special service programs to help them cope. As victim witness programs proliferated during the 1970's, so did evaluations of these programs. Most evaluation efforts, however, were limited in scope, often confined to questioning victims about how they felt about services they used.



Photo by Ann Gardner, AP Wire

Victims in the Federal courts and in many State courts can now make "impact statements" that may affect sentencing decisions. An NIJ-funded study is currently looking at this State experience to find out how the laws have actually been implemented by local criminal justice agencies.

In fact, little was known about the effect of one of the key services offered: crisis intervention. An NIJ-funded assessment by the American Institutes for Research³ in 1981 found that no studies had "examined whether the project clients suffer less trauma, either in the short or long run, than victims who go without help."

Crisis intervention program research. To rectify this lack, researchers at the Institute for Social Analysis⁴ evaluated the effectiveness of a program in which victim counselors called in by the police aided victims at the crime scene. The researchers interviewed victims twice within 6 months of the crime.

The study found that victims of robbery, burglary, and nonsexual assault were traumatized by crime, although not to as great an extent as rape victims. Prior life stress contributed significantly to the "initial, most troubling stages" of victims' psychological distress and, in fact, was the strongest single determinant of victim distress.

However, the authors noted that victims who received project services differed markedly from those who did not: the police summoned counselors only for the most traumatized victims. It was

therefore not surprising that the measures of emotional trauma did not indicate any substantial effects for those who received services.

To learn more about crisis intervention services, the New York Victim Services Agency⁵ studied victims of robbery, burglary, assault, and rape. The victims were randomly assigned to one of four experimental groups: (a) crisis intervention with supportive counseling, (b) crisis intervention using a form of cognitive/behavioral therapy, (c) material assistance only, or (d) a control group receiving no services.

Three months later no differences were apparent between the experimental groups on measures of psychological or material recovery from the effects of crime. However, the vast majority of victims chose to attend only one session of counseling. Research now in progress in New York is examining how counseling can be more helpful to victims. Specifically, the study is finding out if giving victims information on how to protect themselves from future crime can lead to speedier psychological recovery.

Victim compensation program research. In 1981, the U.S. Attorney General's Task Force on Violent Crime

observed that there was a need for study of "the various crime victim compensation programs and their results." The National Institute then funded a survey* of how victim compensation programs were structured and run. The survey reported that only a small fraction of victims at that time were aware assistance was available and applied for it. The authors also found that compensation programs had generally served increasing numbers of victims while maintaining low administrative costs relative to other kinds of benefit programs.

The victim in the criminal justice system

In the 1970's and early 1980's, the criminal justice community began to realize that victims play a key role in the ability of the police and courts to bring criminals to justice.

For many years studies have continued to show that the victim is crucial in helping police apprehend criminals. Research by the Rand Corporation* in 1975 reported that information supplied by the victim to the first police officer

responding to a crime is more important than any followup investigative work.

A 1984 study by the Police Executive Research Forum** underscored the importance of the victim's actions. The research found that the time it took *citizens to call the police* affected the probability of on-scene arrests to a greater extent than the time it took *police to respond to the call*. And earlier research by the Institute for Law and Social Research** reported that a larger number of citizen witnesses in a case, as distinguished from police or professional witnesses, increased the chances of conviction.

Based on research findings in this area, the National Institute produced public service announcements that dramatize how citizen action—or inaction—can affect criminal justice outcomes.

The system's response to victims

Victims are more likely to report a crime if they think the police will respond effectively. And victim satisfaction with police response seems to be determined

primarily by the predictability rather than the speed of the police response. Victims will accept a delayed response in nonemergency cases if they are told in advance when to expect police.†

The earlier research in Milwaukee,† examining the impact of crime on victims, also measured victim reactions to the criminal justice system. One significant finding was that a positive experience with the criminal justice system led victims to be more willing to cooperate with officials in the future.

The study recommended several ways to make involvement in prosecution more attractive to victims, including the use of equitable witness fees and establishing an Office of Justice Advocates to represent the needs of victims, witnesses, and jurors within the criminal justice system. Other recommendations stressed the importance of modifying criminal justice policies and procedures to make them more responsive to victims and to keep both victims and witnesses better informed throughout the adjudication process.

Other research** showed that some victims and witnesses fail to cooperate with prosecutors because officials do not communicate important information to them: prosecutors or police may fail to inform people that they are needed as witnesses or to tell them when they should appear in court.

Rape victims

How the criminal justice system deals with particularly traumatized groups of victims—rape victims—was the focus of a 1976 study by the Battelle Memorial Institute Law and Justice Study Center.† The research surveyed police and prosecution agencies nationwide and looked at practices in several jurisdictions.

Police officers and prosecutors at that time lacked training in putting together the essential ingredients for successful prosecution of rape cases. Battelle concluded. Reports were distributed to help patrol officers, prosecutors, police and prosecutor administrators, and legislators improve the chances for successful prosecution of rape cases and to make criminal justice more responsive to the needs of rape victims.

Photo by Helton Bakeman



A counselor at New York's Victim Services Agency helps a victim cope with the aftermath of crime and assists her in working with the criminal justice system. More and more communities are offering victim counseling services.

Domestic violence victims

Are nonstranger violence cases treated less severely by the courts than stranger-to-stranger cases? If so, is this because that is what the victims want?

Research by the Institute for Social Analysis in 1983¹ sought answers to these questions in a study of four jurisdictions. In the four sites, the dismissal rate for nonstranger violence cases was three times higher than for stranger-to-stranger cases, the researchers found. Nevertheless, nonstranger victims were more satisfied with case outcomes than stranger-to-stranger victims. The reason: they were likely to believe that the defendant's behavior would change as a result of punishment imposed by the court or simply as a result of arrest and prosecution.

Many police forces are changing the way they respond to family violence, especially spouse abuse, at least in part because of findings from an Institute-sponsored experiment published in 1984.² Police policy in responding to domestic disturbances generally was to counsel the parties or to order the aggressor party to leave the premises for 8 hours or more.

The Institute experiment, however, found that arresting the aggressor leads to fewer repeat offenses. Conducted by the Minneapolis Police Department, the controlled experiment randomly assigned officers to provide one of three responses to violent domestic disputes. The research showed that only 10 percent of aggressors who were arrested repeated their violence within 6 months compared to 19 percent of those involved in mediation and 24 percent of those who were ordered to leave the home.

The study is currently being replicated in six more cities, to refine understanding of the most appropriate police response to domestic violence situations.

Child victims

How the courts deal with child victims is the subject of research conducted by the American Bar Association.³ This study examined data in three counties (Fairfax, Virginia; Mercer, New Jersey;

Santa Cruz, California) to see if the courts are too lenient in sentencing child sexual abusers. It also examined the practices of criminal justice and child welfare agencies in processing child sexual abuse cases over a several-year period.

While the study's statutory review found little difference between sentencing provisions for offenses involving child versus adult victims, analysis of case files revealed a pattern of more severe sentences in adult victim cases. In cases involving child victims, a higher proportion of abusers knew or were related to their victims, which may help explain the greater leniency observed. Almost half of the confirmed child victim cases did not result in an arrest, and only 63 percent of those arrested were prosecuted, with the offenders often being allowed to plead guilty to a misdemeanor. The study pointed out the need for better interagency coordination in such cases, and for greater community consensus on what sanctions are appropriate.

The Institute has also examined both research and experience in the use of child victims as witnesses. A report by Abt Associates, Inc.,⁴ describes new techniques and legal theories for obtaining a child victim's testimony with a minimum of trauma for the child. Two research efforts now being conducted in Colorado⁵ and North Carolina⁶ are examining the effects of criminal justice system participation on child victims of sexual assault.

Consideration of victim impact

Several major research projects have focused on the idea that a crime's effect on the victim ought to play a larger role in sentencing decisions.

A 1984 study by the Institute for Law and Social Research⁷ sought to understand how criminal justice officials learn about victim harm, how victim harm affects their decisions about cases, and how victims respond to their experiences with the criminal justice system. The researchers interviewed police, prosecutors, judges, and victims at eight sites chosen to include providers of both extensive and limited services for victims.

The study found that of three variables examined (injury, psychological harm, and property stolen), only victim injury appeared to be important in prosecutors' screening decisions. None of the three factors was important in sentencing decisions.

The study also found that the majority of police officers, prosecutors, and judges felt that current levels of victim involvement were about right. Yet victims felt that being better informed, punishing the defendant more harshly, and providing more social services were important to increasing their satisfaction. Moreover, sites with full-service victim programs (where officials were more influenced by victim-related factors than practitioners elsewhere) were found to have the highest levels of victim satisfaction.

The first systematic effort to allow victims a chance to participate directly in case decisions was described in a 1979 report by the University of Chicago Law School.⁸ Researchers evaluated an experiment in Dade County, Florida, in which victims participated in pretrial settlement conferences for certain criminal cases selected on a random assignment basis. At the conferences, judges, attorneys, the arresting officer, defendants, and victims discussed the incident and tried to fashion an appropriate disposition.

The results were mixed. Only a third of the victims attended the conferences; many victims, however, told researchers they had not been notified that a conference was scheduled. Most victims who did come said little and did not demand unreasonable punishment, the authors noted.

The authors found some evidence that victims whose cases went to conference were more satisfied with the way their cases were processed than other victims were. However, no differences were found between victims who did attend and those who did not with regard to their satisfaction with case outcomes or with the criminal justice system.

Several years later, NIJ awarded a grant to the Institute for Law and Social Research (INSLAW)⁹ to replicate the

Dade experiment in three additional sites. INSLAW found that victims who attended settlement conferences were more satisfied with case outcomes and with the idea of plea bargaining than victims who did not attend. The level of victim participation was similar to that in earlier results. About half of invited victims attended, and victims who did come usually only described the facts of the case.

Another study has provided some of the first empirical data on a procedure which is gaining acceptance across the country. In California, a 1982 Victim's Bill of Rights included a provision that victims had the right to appear and be heard at adult felony sentencing proceedings and at parole eligibility proceedings for adults and juveniles. The effects of the provision on victims and on criminal justice personnel—judges, clerks, prosecutors, parole officers, and probation officers—were examined in a 1983 Institute grant to the University of the Pacific's McGeorge Law School.²⁴

The study found that inadequate notification procedures were a major problem: less than half the victims sampled were aware that they had the right to appear and speak at sentencing. Less than 3 percent of the eligible victims actually did appear.

Most victims interviewed said the right to speak at hearings was important, but most also indicated that they would need more information, more support, and some legal assistance to be able to exercise this right effectively. Victims also wanted information about the status of the case against the defendant as much as they desired the legal right to participate in the case.

Research is now giving special attention to the impact and effectiveness of various reforms designed to make the criminal justice system more responsive to victims. For example, the Institute is currently funding a nationwide examination²⁵ of States with legislation allowing victim impact statements, to determine how the legislative intent has been implemented through administrative regulations and through actual practices of criminal justice and victim services personnel.

Similarly, the Institute has helped promote the view of the victim as vital participant and witness by supporting research on how victims are treated by the system; on innovative programs and legislation to expand the victim's role; and on the victim's historical status in the criminal justice system and rights under the law.

Currently under way is a nationwide study of the more than 30 States with victim bill of rights legislation.²⁶ The research will determine how legislative intent is being carried out, identify successful approaches to meeting the needs of crime victims, and pinpoint victim concerns requiring additional attention.

Unresolved issues

The availability of services for victims and a larger role for victims are becoming part of the American criminal justice system. Research has provided the underpinning to many of today's innovations in the treatment of victims. But there remains much to be learned about ways to make these reforms as effective and as efficient as possible. The following highlights only a few of the issues research might address.

More information is needed on the effects of service programs for victims. These are some specific questions that might be addressed:

- Which counseling techniques work best for which victims?
- Can we learn something about which techniques might be most effective by studying differences in coping styles between victims who do and those who do not recover quickly after the crime?
- Can police officers, whose behavior seems to significantly shape how victims react to their experience, be trained successfully in techniques to alleviate victims' trauma?
- Do programs designed to aid victims in the court process promote greater willingness of victims to cooperate with officials?
- Are compensation programs aiding those victims with the greatest needs or are such victims often excluded due to

lack of information or overly complex application procedures?

Secondly, more research is needed about the role of the victim in the criminal justice system. Current research on victim impact statements will yield important information on the administrative effects of such statements. But we still need to learn about other basic issues involving the use of impact statements:

- How many victims actually want the opportunity to make a statement?
- Does the opportunity to make a statement promote the healing of psychological wounds?
- Do victims view the opportunity to make impact statements as meaningful involvement in the criminal justice process? If so, do impact statement opportunities increase satisfaction with the criminal justice system? What new incentives can be developed to increase victim participation?

Research might provide useful answers to questions on other victim-related issues as well. For instance:

- Do elderly and child victims have special psychological or material needs that are currently not being addressed?
- What are the benefits and impediments to having the private sector ease victims' financial burden through employee counseling and referrals and provision of paid leave for medical treatment or court appearances?

Unquestionably, the attention given to victim issues over the past two decades has changed police, prosecutor, and court procedures throughout the United States. In many jurisdictions programs now exist to help reduce the trauma of victimization and to ease the victim's way through the criminal court process.

Research projects funded by the National Institute of Justice and others have provided the impetus and rationale for many reforms in the treatment of victims. Continued collaboration by researchers and practitioners can help sustain these advances and lead to new ways of helping victims of crime.