Encountering trauma, we are challenged to cope and adjust. We often learn to work and live in new and improved ways.
Mahatma Gandhi’s words inspire us to change—not for the sake of change, but change for a higher good, a nobler purpose.

Change is often difficult and uncomfortable, especially in the face of deeply ensconced beliefs and ways of thinking.

At the National Center we are dedicated to fostering cutting-edge thinking about the impact of crime and ways to help victims of crime rebuild their lives. This critical aspect of our mission requires, at times, that we push ourselves to rethink conventional wisdom and change outdated assumptions.

One such assumption is that the vicarious trauma experienced by victim service providers is only harmful. Although supporting victims can be very stressful, increasingly, researchers are documenting the positive aspects of this work. Our cover story, *The Other Side of Darkness: Working through Trauma with Victims of Crime*, approaches this subject from a fresh perspective—that sharing in a victim’s trauma can change us for the better. This article validates what most of us believe, but seldom express: supporting victims of crime can greatly enrich our professional and personal lives.

David Kennedy’s *Rethinking Law Enforcement Strategies to Prevent Domestic Violence* challenges us to question our assumptions about the capacity of law enforcement to reduce domestic violence. Kennedy suggests that treating domestic violence cases differently from other kinds of crime has restrained experts’ thinking about the problem. He also challenges the view that domestic violence offenders are significantly different from other violent criminals. Characterized by repeat and chronic offending, domestic violence could be better controlled, Kennedy proposes, by applying insights from law enforcement deterrence programs (called “pulling levers/focused deterrence strategies”) that have successfully reduced other violent crime.

Our third feature article, *Repairing the Harm: Reexamining Victim Compensation*, strikes at the heart of our complacency regarding one of the most important, tangible expressions of society’s compassion for those harmed by crime—victim compensation. This article summarizes a new National Center report that finds major shortcomings in our nation’s system of victim compensation. The report also sets forth an ambitious agenda for improving and strengthening victim compensation in America. We encourage you to use *Repairing the Harm* to raise awareness about the impact of crime on victims and to promote a new vision for crime victim compensation in America.

As you read this issue of NETWORKS, we hope you reflect on the changes that working with victims of crime have brought into your life and on the changes you feel are important to the future of victim services. And, then, “be the change you wish to see in the world.”

Susan Herman
Executive Director

*For the full-text report, *Repairing the Harm: A New Vision for Crime Victim Compensation in America*, visit [www.ncvc.org/victimcomp](http://www.ncvc.org/victimcomp).*
The Other Side of Darkness:

Working through Trauma with Victims of Crime

BY ELIZABETH JOYCE

In late fall 1990, victim advocate Carroll Ann Ellis of Fairfax County, Virginia, found herself losing sleep over one of her cases. Destiny Souza—an eight-year-old girl—had been beaten to death by her aunt’s boyfriend in the basement of her home. As Ellis struggled to comfort Katie, the girl’s mother, she became overwhelmed by the brutal crime. “It was shocking. It was shattering. It was evil and unjust,” said Ellis. “Katie’s life would never be the same again, and in some sense, neither would mine.”
Despite Ellis’s years of experience working with crime victims, the Souza case crashed into her life with unexpected force. “I had never been so close to such pain,” said Ellis. “I could feel it and touch it, it was so strong,” she remembered. Driven by the need to “do something,” she felt powerfully drawn into the tragedy. “She [Katie Souza] had my beeper number. She had my telephone number. I was there for her anytime she needed to call.” So intensely involved was Ellis that her family became concerned about the effect of the case on her.

Yet as the process of helping Katie started taking hold, both Carroll and Katie began to move forward. Carroll listened for hours as Katie talked about her murdered daughter. She accompanied her to the morgue and through the funeral, the trial, and the empty hours after the murderer was sentenced. Then slowly, over a period of months and years, Katie began to reclaim her life. She delivered the child she was expecting when Destiny was murdered, remarried, had another child, and eventually became an effective victim advocate. Fourteen years later, Carroll remains awed by Katie’s resilience and courage; Katie credits Carroll with saving her life. Although no murder story has a happy ending, the healing process transformed and strengthened both survivor and advocate in unexpected ways.¹

**Vicarious Trauma**

*Just hearing their stories, you become part of those stories. If you really allow yourself to be a fully caring presence, you cannot help but be impacted.*²

When Carroll Ellis started losing sleep, she was experiencing a phenomenon victim service providers know well—vicarious trauma. It is defined as “the transformation that occurs in the inner experience of a therapist [or worker] that comes about as a result of empathic engagement with clients’ trauma material.”⁴

Trauma is contagious. When victim service providers, counselors, and other “helping” professionals empathize with survivor clients, they may develop, more or less, some of the same symptoms they see in their clients: disturbed sleep, anger, fear, nightmares, flashbacks, irritability, anxiety, alienation, feelings of insanity, loss of control, and suicidal thoughts,⁴ as well as physical distress and low self-esteem.⁵

The effects of vicarious trauma may disrupt a provider’s sense of meaning, connections, identity, and views of the world. These shifts appear and are often felt in subtle to radical changes in providers’ interpersonal relationships and sensory memories as they begin to visualize the same disturbing images described by their clients.⁷

In recent years, research has begun to explore in depth the incidence and negative effects of vicarious trauma.¹ One important study, for example, showed that seven out of ten therapists treating women raped in adulthood reported negative, long-term changes in their cognitive schema (important beliefs about themselves, other people, and the world).⁷ Other research showed that 38 percent of social workers experienced moderate to high levels of vicarious trauma⁹ and that 37 percent of child protective service workers showed clinical levels of emotional distress associated with vicarious

**RESOURCES FOR COPING WITH VICARIOUS TRAUMA**

*Sidran Institute, [www.sidran.org](http://www.sidran.org)*, offers education, resources, training, and advocacy on trauma and trauma-related stress.

*Gift from Within, [www.giffromwithin.org](http://www.giffromwithin.org)*, offers resources and educational materials on posttraumatic stress disorder and related traumatic stress syndromes, as well as peer support for victims.


The problem attracted considerable attention after many mental health-care professionals who treated World Trade Center survivors reported having symptoms that appeared to be linked to their exposure to survivor narratives.

Considering the nature of their work, it is hardly surprising that victim service providers sometimes feel much like their clients—trapped, overwhelmed, and somewhat out of control. To support victims of crime, providers willingly enter into the traumatic impact of rape, murder, and terrorism—despite the known risk of developing their own traumatic reactions—in the hope that their presence, witness, and support will positively affect victims of crime.

Jeff Dion, deputy director of the National Crime Victim Bar Association of the National Center for Victims of Crime, says the effects of victims’ stories build up like “smoke trapped in a room.” Providers can be choked and overwhelmed by their own powerful emotions and, says Dion, may need to “ventilate.” They must also find ways to integrate the effects of contact with traumatized victims into their lives and work. Encountering trauma as they do—even vicariously—providers are as challenged as their clients to cope and adjust. (See Box, “Resources for Coping with Vicarious Trauma” on preceding page.)

“Secondary exposure to trauma through crime victims puts you in the same predicament,” says Kevin O’Brien, Ed.D., director of education at the National Center for Victims of Crime and former counselor to families of homicide victims at the Wendt Center for Loss and Healing in Washington, DC. “When we ask them to integrate, strive, move on, the same must be true of us. We also must find resilience. Just as we believe that our clients have the innate ability to do this, we have that same ability.”

Resilience: The Other Side of Vicarious Trauma

Professionals who work directly with victims of crime provide many different services: counseling, safety planning, education, advocacy, assistance with compensation and restitution applications, court accompaniment, information, referral, and case planning. Working with traumatized victims in all of these roles exposes professionals to the effects of incomprehensible brutality. Yet from witnessing the strength and compassion of victims as they cope with trauma, providers can gain personal satisfaction, deep enrichment, and personal and professional growth they might never otherwise attain.

Vilma Torres, clinical director for families of homicide victims at Safe Horizon in New York City, recalls an unforgettable instance of deep inspiration from the days after September 11. When Torres was about to leave her station after a long, difficult day of helping victims, a mother who had lost a child motioned her back. “What did I forget to do for her?” Torres wondered. “Please don’t go yet,” said the woman. “I forgot to give you a hug.” “When I think about 9-11,” says Torres, “that woman’s courage and warmth always come back to me.” Providers see
How does our work with victims foster our own professional and personal growth?

Research on Providers’ Experience

As researchers look more closely at vicarious trauma, they have begun to explore the full experience, both positive and negative, of the provider. The findings of such initial research—conducted primarily on psychologists, social workers, and sexual violence counselors—indicate that the effects of working with victims are not limited to vicarious trauma and that the ultimate outcomes of such work can be positive. In one study, counselors of sexual violence survivors described the satisfaction of watching victims grow and change and how much they had learned about themselves from reacting to victims throughout the counseling process.12

Faced with essentially the same challenge as their clients, providers find ways—not yet fully identified or understood—to emerge from trauma. One study that found negative long-term changes in cognitive schema also reported that eight out of ten therapists experienced positive changes, which included developing a broader emotional range, an awareness of increased connectedness with others, and a sense of personal enrichment. The study also found that providers undergo a developmental process in understanding trauma work, coming to better understand, for example, how their approach to and processing of trauma material have changed over a period of repeated exposure. These changes may appear in improvements in counselors’ clinical skills in supporting the traumatically bereaved.13

Another study of therapists treating survivors of torture also found that despite negative effects (e.g., increases in pessimism about human nature and about the efficacy of treatment), some therapists developed a broader emotional range, an awareness of increased connectedness with others, and a sense of personal enrichment, as well as increases in political involvement, and improved clinical skills.14 This research suggests that the negative effects, while present, were short-lived. In fact, these negative, short-term consequences appear to have been crucial to developing the longer-term effects—suggesting that providers’ growth and well-being, like that of clients, depends on how they cope and integrate the early negative features of trauma work.

Providers also report increased understanding of trauma, including “a deeper awareness of the connections among the physical, emotional, and social symptoms that develop in victims as the numbness wears off,” says Kevin O’Brien. “Providers learn the emotional triggers (like sights, smells, sounds) that intensify these symptoms, as well as how to help victims identify and cope with the ways they change as they find resilience in the wake of trauma.

BROWN BAG TOPIC

Organize a brown bag lunch to share positive experiences you and your colleagues have had working with victims of crime. Discuss constructive ideas for building the resilience of victim service providers. Adopt specific strategies that not only ameliorate the impact of vicarious trauma, but also encourage a work environment that appreciates the positive aspects of helping victims rebuild their lives.

Share your ideas with us at networks@ncvc.org.
For example, when I’m out walking my dog and hear a car backfire, I’m now more likely to associate the sound with gunfire than I was before I worked with homicide survivors. By understanding the effect of such triggers on me, I can prepare victims to recognize and prepare for the effects of sensations that trigger traumatic memories,” O’Brien adds. “Experienced providers ask better questions and pay more attention to the significance of the details the client mentions. They know from their own experience what adjustments victims make as they cope with trauma and what approaches may be more helpful than others in supporting them.”

The View from the Field

PERSONAL REWARDS

When I leave at the end of the day, I feel like I have done something useful with my time, my time on earth that calendar day.

Sharing in the pain, growth, and healing of another person often extends deeply into the personal lives of providers. “You know immediately that the simplest gesture—just listening—can make an enormous difference to a victim,” said Carroll Ellis. “So many times, I come in with nothing—no smart answers—just a Kleenex box and a sincere wish to help. And victims will tell you later, ‘You were so important in my life.’”

As the leader of homicide survivor support groups at Safe Horizon, Vilma Torres creates a haven for victims feeling anger, rage, pain, and stigma. Victims whose suffering has caused non-victims to avoid them help one another cope with their grief. “When people become victims,” says Torres, “they find themselves in ‘a club you never want to join.’ They are in a hole and can’t see their way out. But other people who understand can bring them out of the darkness.”

“People who work with victims and enjoy it always tell me how much it means to them to be able to help,” says Jeff Dion, a homicide survivor and victim advocate who knows firsthand the power of support from other victims. “In my case, I get up every morning knowing that I am doing what I should be doing, particularly because I know that survivors can be helped by someone who has walked that path.” And the rewards of his work are
Considerable, says Dion, remembering how he once helped convince the Virginia legislature to pass a law granting victims the right to present impact statements at sentencing. Even more meaningful was to have a minister whose son had been murdered tell Dion how much it meant to present such a statement at the murderer’s sentencing.

**Sharing in Victims’ Growth**

It is also very hopeful to me, in some way, how human beings are able to be in their pain and also in a way sort of use that heart-wrenching experience to really connect more deeply with other people…. Getting a family in that has fallen apart initially over a death and in a few months seeing the family actually appearing more vibrant, more capable of coping, or willing to consider the homicide in a different light…. If I can touch just one family in some way, that is important.

Witnessing clients’ resilience and capacity to grow and heal—a powerful antidote to the pessimism that characterizes vicarious trauma—increases respect for the human spirit and gives providers a strong sense of the value of their work.

The satisfaction can be “overwhelming,” says Carroll Ellis, to see a once-shattered victim take back control and begin functioning again. Counselors report how much they enjoy seeing “victims become survivors,” changing and growing despite profound trauma and pain. The success stories are many and varied, says Vilma Torres. But the greatest victories are those victims who “get up every day, put their clothes on, and go out and face the world with the clear understanding that it is what it is.” Torres reports being amazed at the resilience of survivors who “go to work and provide for their families, laugh, and know they will cry sometimes, but that’s OK.” Witnessing such triumphs, says Torres, inspires her and keeps her going.

**Providers’ Inner Growth**

What keeps me coming back every day? It reminds me to live.

Like their clients, providers often learn to work and live more effectively, building stronger relationships and expanding their view of the world. “As a white Irish Catholic from northeastern Pennsylvania,” says Kevin O’Brien, “I was surprised at how little my background mattered to the African American, Asian, Latino, and immigrant survivors I worked with. All different kinds of people let me be with them through the pain of a homicide. That taught me a lot about different cultures and ethnic groups and how much we really are the same. The stereotypes broke down as I got to know people I probably wouldn’t have gotten to know otherwise. Now, when I walk down the street in the District of Columbia where I live, I know I’m still a white guy, but I feel more connected, knowing that people can count on each other during the bad times, regardless of what we look like or where we come from,” O’Brien says.

For Jeff Dion, working with victims produced a spectrum of complex changes. “I’ve learned that by doing something, I can help others and myself at the same time. I’ve become more protective of my children, more sensitive to depictions of violence, and much more balanced. I’ve learned how very different people are and how differently they deal with the same gaping wound. I’ve learned not to make assumptions about people, their backgrounds, and their ways of thinking.”

To Vilma Torres, working with victims made her part of a vast, extended family that has both helped and strengthened her. “I had so much support from survivors when my father died,” she says. “People remembered that I had helped their families, and they came back to help...”
me. Survivors do not ‘get over’ things,” she continued, “but they adapt, and being part of that makes me a different person. I have grown because of the love of my extended family of survivors.”

**PROFESSIONAL GROWTH**

*I think the work changes you all the time—the more human suffering I encounter and realize I can handle, the more I am willing to expose myself to even worse trauma and worse conditions.*

The kinds of professional growth providers experience from working with victims are as varied as the practitioners themselves. One counselor described once having feared that in the counseling process, he would lead victims to a juncture he did not know how to get beyond. But when he reached such impasses several times—and then figured out how to keep going—he learned not to fear where working with victims might lead.

“Providers who facilitate integration of trauma for their clients and themselves usually gain clinical, social, and educational advantages,” says Kevin O’Brien. “They may learn, for example, how to support people from different cultures, to help novice counselors, to understand gaps in their own knowledge and empathy, and to know when (and when not) to self-disclose. They can help create less intrusive programs for victims and educate the public about the effects of trauma and how to help,” O’Brien says.

For Elizabeth Vermilyea of the Sidran Institute in Towson, Maryland, vicarious trauma is a signal, a “red flag” that warns providers to take stock and change course. Vermilyea recalls how she once recognized that she needed to stop visualizing the horror stories she had heard from traumatized victims. As she struggled to “shake off” these disturbing images, she realized that she was gradually paying closer attention to her clients.

When providers find ways to move beyond the trauma, says Vermilyea, they can help both clients and themselves.

**Power of Resilience**

Research and provider accounts paint a complex picture of vicarious trauma. Although the associated problems are undeniable, victims and their advocates can and often do succeed in moving beyond tragedy. “No matter how broken a person may be,” said Carroll Ellis, “there is something inside that I can’t identify, but I know it’s there. It drives us to overcome—to go on and even excel. That is what I have seen at work with so many victims. Far be it from me to take credit for what that core strength is or where it comes from. I am just grateful to be a part of it.”

Elizabeth Joyce is senior writer at the National Center for Victims of Crime. She may be reached at ejoyce@ncvc.org.

2. Italicized inserts in this article are excerpts from a series of interviews by Kevin O’Brien, Ed.D.—with eight social workers, psychologists, counselors, and volunteers—held in conjunction with research on vicarious trauma for a doctoral dissertation.
Rethinking Law Enforcement Strategies to Prevent Domestic Violence

BY DAVID M. KENNEDY
strategies for addressing domestic violence have traditionally been strongly victim-focused, with a heavy emphasis on helping victims avoid patterns of intimacy with abusers, disengage from abusers with whom they are involved, physically remove themselves from abusive settings, and address the damage created by abuse and patterns of abuse.

This narrow focus on domestic violence victims has had the effect of limiting how experts think about approaching the problem. As a result, potentially more effective strategies, such as using law enforcement to control offenders, have failed to emerge. Where criminal justice strategies have played a prominent role, as in the movement toward mandatory arrest, they have often served primarily to signal a social commitment to taking domestic violence seriously and/or as part of a long-term strategy to “break the cycle” of domestic violence, rather than to increase society’s power to control abusers. Mandatory arrest, as is now well known, frequently puts victims at greater risk from their abusers.\(^1\) Criminal justice strategies have also been seen as ways to ensure that offenders receive treatment\(^6\) or as avenues to require the surrendering of offenders’ firearms.\(^3\) But, in general, criminal justice strategies have offered little hope for directly controlling abusers.

### Domestic Violence Offenders as “Special”

Domestic violence advocates, researchers, and theorists have tended to argue that domestic violence is “special”—fundamentally unlike other kinds of violence—and that domestic violence offenders are similarly special. Students of domestic violence have argued that “[domestic violence] is a special and unique kind of violence and should not be approached as a subset of general violent behavior.”\(^7\) Because those who assault other family members are often depicted as otherwise law-abiding citizens, there is no compelling reason to apply broader notions of criminality.\(^5\) This conception of the “batterer as anyone”\(^6\) led to a clear distinction between these men and other violent offenders. But, as we shall see, domestic violence offenders frequently are not at all special and unique, a fact that greatly increases the usefulness of criminal justice interventions for providing rehabilitation, incapacitation, or deterrence.

### Pulling Levers/Focused Deterrence Strategy

One promising enforcement framework comes from Boston and from a sizable number of other cities and jurisdictions that have adopted and adapted the basic Boston strategy.\(^7\) The core Boston intervention, called “Operation Ceasefire,” was a deterrence-based strategy (implemented in 1996 as a problem-oriented policing ini-

---

\(^1\)\(^2\)\(^3\)\(^4\)\(^5\)\(^6\)\(^7\)
tiative) to prevent “street” violence committed by and among groups of chronic offenders.8 Research on youth homicides in Boston showed that both offenders and victims tended to be highly active criminally: three-quarters of the individuals in each group had prior criminal records; those with records averaged nearly ten prior arrests apiece; and one-quarter of offenders were on probation at the time they committed their murder. Most violence was patterned, back-and-forth vendetta-like behavior between readily identifiable groups of offenders.

The Boston intervention relied on what has come to be called a “pulling levers” or “focused deterrence” strategy. In direct, face-to-face meetings with offenders, criminal justice authorities delivered a clear “retail deterrence” (targeted) message that violence would not be tolerated. They also made it clear that they would relentlessly back up the “no more violence” message by using all available criminal sanctions. Offenders who committed violence could face probation and parole enforcement, drug enforcement, service of outstanding warrants, the opening of “cold” cases, focused misdemeanor enforcement, special attention from prosecutors, and federal attention. As they delivered such crackdowns, authorities explained their strategy to the broader offender population in a continuing, face-to-face conversation (“this ‘gang’ hurt somebody, so here’s what we just did to them; this doesn’t have to happen to you—don’t be next”). The face-to-face promises of sanctions for violence were supplemented with supportive messages from service providers and community spokespersons offering help, guidance, and moral suasion.9 Also, crucially, the operation was designed and implemented with heavy involvement from line-level agency personnel, whose experience was central to assessing the problem and crafting the intervention and implementation (e.g., by noting which gangs were acting up and needed attention).

The Boston intervention was dramatically successful, with youth homicide falling by two-thirds, overall homicide by half, and with sizable reductions in gun assaults and reports of gunshots.10 These effects were felt within only a few months of the initiation of the operation. Notably, the intervention was designed and executed as a low-arrest strategy. The idea, in line with the deterrence framework, was to make the promise of enforcement sufficiently credible that it would rarely be necessary to employ it. Very few actual crackdowns were in fact necessary, with the bulk of the work apparently being done by the deterrent power of the communications strategy: only a few dozen arrests were required before the reductions in violence occurred; few additional arrests were required to maintain the new, lower rates; and complaints against police actually fell during the time Operation Ceasefire was in place. Comparable results have occurred with similar interventions in Minneapolis; Indianapolis; Stockton, California; High...
The pulling levers/focused deterrence strategy relies on linked but distinct elements:

- Selection of a narrow target behavior;
- Attention to identifiable offenders;
- Direct communication and recommunication of a clear deterrent message;
- Backing up that message through enforcement activity on a potentially wide variety of fronts; and
- Matched applications of various services and other facilitative and normative influences.

The strategy is also one of a small but growing number of (at least relatively) sophisticated, carefully crafted, knowledge-based, customized “problem solving” criminal justice approaches aimed at particular crime problems—and, as such, quite distinct from the more routinized and generalized activities that usually characterize law enforcement. While applied so far primarily in the gang/gun/street violence realm, the approach has potential in other settings.

Domestic violence unquestionably differs from the “street” violence on which these strategies have focused, particularly with respect to the sustained relationships typical between offenders and victims and the psychological and material dependencies victims often experience. Yet, because existing control strategies for domestic violence offenders are so inadequate, it seems reasonable to ask whether these strategies might serve to enhance current approaches to the problem.

A Profile of Domestic Violence Offenders

We should begin by recognizing that the dominant perception of domestic violence offenders as “anyone”—as distinct from other violent offenders and from their patterns and dynamics—is often, and perhaps largely, wrong. Domestic violence offenders tend to be serial offenders in two ways. As is well-known, they tend to commit multiple acts of domestic violence within a given relationship and across multiple relationships. But beyond that, despite the widespread belief that domestic violence offenders are uniquely “specialized” and that domestic violence is evenly distributed across society, research suggests that offenders tend to have robust criminal histories including a wide range of both domestic violence and non-domestic violence offenses, and that domestic violence homicide victims are disproportionately poor and minority. A review of individuals arrested for assault in Lowell, Massachusetts, found that “domestic offenders are commonly thought to be ‘specialists’ who do not pose a threat to the community at large. Our data indicate that this is not the case. The domestic offenders [studied] were just as likely as the non-domestic offenders to have committed non-domestic offenses in the five years prior (46 percent of each group had been arraigned for non-domestic offenses). Additionally, the two groups had statistically equal proportions of high-rate offenders.”

Similarly, a study of more than 18,000 Massachusetts men with restraining orders found that three-quarters had some sort of prior criminal history: nearly half had an arraignment or conviction for a violent crime, more than 40 percent for a property crime, more than 20 percent for a drug offense, one-quarter for driving under the influence, and nearly half for other offenses. Qualitative work gives similar results. Unpublished research on the Quincy, Massachusetts, Probation Project, based on victim interviews, found that 55 percent of batterers had prior criminal records of which the victim was aware. Another study that examined reports from 270 women in intervention programs found that nearly half of spouse abusers had previously been arrested for...
violent crimes, and that those who had been arrested for violence against strangers were more frequently and severely violent at home. Additional research shows other parallels. Violent and chronic offending tends to be concentrated among poor and minority populations. This is also true with domestic violence. One study found that "marital violence is found across all social classes, but rates are higher in lower socioeconomic status, blue-collar families, especially those marked by underemployment and unemployment"; a study cited in the article shows a two-to-one proportion of lower to higher economic status among offenders who commit family violence. One study of female victims of domestic homicide in New York City between 1990 and 1997 found that victims were disproportionately black: half of all victims were black, relative to about a quarter of the population. Victims were also somewhat disproportionately Latina and came primarily from the poorer boroughs of Brooklyn, the Bronx, and Queens.

Promising Strategies for Controlling Domestic Violence Offenders

Such patterns of offending and victimization present opportunities for intervention. The following interventions, which vary in complexity, identify possibilities and basic frameworks for criminal justice approaches to domestic violence offenders.

Giving Information to Women

Many domestic violence offenders are serial abusers within and across relationships. Many of them come to the attention of criminal justice authorities: they are arrested and sometimes convicted, and also are subject to restraining orders. It could be very useful to women to have access to such information. Many women would not enter a relationship, or would exit a troubled relationship earlier, if they knew the man had a history of domestic abuse.

As a practical matter, this information is not readily available—obtaining it is procedurally difficult, requires a specialist's knowledge of what questions to ask, and can require consulting multiple databases in multiple jurisdictions. States could provide an important service by collating and presenting this information in a user-friendly fashion such that women (and, not incidentally, enforcement authorities and service providers) could make use of it.

Alerting Potential Offenders About Current Enforcement

Law enforcement authorities are notably poor at communicating penalties and policies to offenders. It is routine for offenders to be ignorant of the penalties they face and (even more so) of changes in enforcement policy. Yet unless other offenders and potential offenders know that law enforcement is aggressively pursuing abusers, the deterrent/preventive power of these actions is nil. By definition, that which is not known cannot deter.

For example, the U.S. Attorney for the District of Maine recently indicted 13 men and women on federal domestic violence-related firearms charges either because the offenders had a previous misdemeanor domestic violence conviction, (which, under recent federal law, results in their being prohibited from possessing firearms) or because they lied about such convictions in attempting to purchase firearms. The deterrent value of this indictment is likely to be fairly small. It could be greatly increased, however, in several ways: by explaining the action and the potential for more of that type of enforcement in mailings and other means of communication to individuals with relevant prior convictions; by in-person briefings by law enforcement personnel to individuals involved in treatment programs and on probation for domestic violence offenses; as part of judicial statements to offenders sentenced for new domestic violence offenses; and through posters or flyers in gun stores.

“Group A” Dangerous Offender Programs

Most jurisdictions have a relatively small number of domestic violence offenders who are especially dangerous, chronic, or otherwise deserving of exceptional attention. Just as Al Capone was finally prosecuted on tax charges, these “Group A” offenders can be prosecuted using any available legal tool: a domestic violence offense, a drug offense, a weapons offense, an outstanding warrant, a drunk driving charge, a probation or parole violation, or anything else that presents itself. This type of effort requires coordination among law enforcement agencies that is seldom in place. Constructing such partnerships is entirely possible but requires a substantial commitment from the partici-
participating agencies. Brockton, Massachusetts, has such a program that involves the Brockton Police Department, the district attorney, the U.S. attorney, probation personnel, victim advocates, and shelter providers. Selected Group A offenders receive heightened probation scrutiny (including home visits and drug tests) or, if deemed necessary, a “prosecution by any available means” approach that seeks to take them off the street by any available legal means. While incarcerated, these offenders are carefully monitored, and participating agencies are notified when their release is imminent.

“GROUP A/GROUP B” PULLING LEVERS/FOCUSED DETERRENCE PROGRAMS
It may be possible to greatly enhance the deterrence value of the pulling levers/focused deterrence strategy by explaining them to a wider audience. Here, a much larger “Group B” of less serious offenders would receive direct communications about the existence of the operation aimed at Group A and the consequences of being so targeted—as well as the criteria that would result in “promotion” to Group A. As in the Boston intervention, continued communication about which offenders have stayed out of trouble and which have not (with consequences clearly specified) keeps the message fresh and drives home its seriousness.

CLOSE SUPERVISION OF OFFENDERS
Incarceration is not the only, or necessarily the preferable, enforcement action. Both for probationers and parolees, meaningful supervision can be more effective than incarceration or reincarceration. An effective structure might include high levels of field (rather than office) contacts with offenders; extensive contacts with friends, families, and neighbors of partners and other victims; compliance conditions that require complete abstinence from drugs and alcohol and frequent and meaningful testing, with immediate sanctions for failure; and reporting of new intimate partners. Unlike incarceration, this regime would allow both promotion (movement from Group B to Group A) and graduation (well-behaved offenders could move from Group A to Group B). It might also be attractive to victims who want something meaningful to happen to their abusers but who do not, for a variety of reasons, want their abusers incarcerated.

GATHERING INFORMATION FROM THE COMMUNITY AND OFFENDERS
The more information that is available regarding offenders’ behavior and threats to victims, the better these strategies will work. The more offenders see such information as coming from sources other than their targets (i.e., victims and potential victims) and as being comprehensive and impersonal, the lower the risk to targets will be and the more effective the strategies will be. This approach clearly assumes that there should be routine and high-quality information gathering from a variety of sources other than offenders’ targets and emphasizes the community’s stake in reducing domestic violence. It would resemble the “behavioral supervision” approach used by some jurisdictions to monitor and treat sex offenders. This process will never be perfect, but it can easily be much better than it usually is now.

Another particularly important step would be to convene, regularly and frequently, working groups of front-line domestic violence practitioners (e.g., advocates, shelter providers, prosecutors, police investigators and first responders, medical personnel, and probation and parole officers) to gather core information. They should ask basic, pertinent

The more information that is available regarding offenders’ behavior and threats to victims, the better these strategies will work.
questions: who is particularly at risk right now? Who is particularly dangerous right now? Are previously identified cases being properly managed? Can they be addressed and acted upon in this setting (e.g., Boston, Brockton, Lowell)?

Finally, there is an intriguing set of possibilities that involve getting information from offenders themselves. Several states currently mandate that sex offenders undergo regular polygraphs as part of their treatment and supervision programs. Such mandates might also be made part of intensive probation and parole supervision regimens for domestic violence offenders. This would be a very powerful tool whereby offenders could simply be asked if they had hurt, threatened, or stalked their targets. Similarly, probationers and parolees and those under restraining orders could be obliged to use technology that would indicate that they were having contact with or approaching victims.
Risk to Victims

The possibility of increased risk to victims as a result of criminal justice attention to offenders should be taken seriously. Yet it is important to remember that in recent decades, while criminal justice attention to domestic offenders has been increasing, domestic violence victimization has gone down, not up. Particular programs, such as the Quincy, Massachusetts, Domestic Violence Program, have substantially raised the level of intervention with offenders. Groups implementing these heightened enforcement strategies, such as those in Brockton, are extremely concerned about the risk to victims. Interviews with the administrators of such programs, however, suggest that the feared retribution against victims has not materialized in any of these sites. Overall, any increase in risk from heightened criminal justice attention must be weighed against the resulting reductions in risk from these interventions. Analysts should also seek to determine the classes of victims that might experience those enhancements and reductions, and what might be done to address particular problems associated with the interventions.

Conclusion

These law enforcement strategies, which focus intensely on repeat and chronic offenders, challenge the view that domestic violence offenders are significantly different from other violent criminals. Because repeat and chronic offenders commit so much domestic violence, it may be possible and perhaps useful to employ pulling levers/focused deterrence strategies to control and deter this crime. By applying insights from successful violence deterrence programs, law enforcement agencies can devise strategies that take advantage of chronic offenders’ multiple vulnerabilities. And by communicating these tactics to potential offenders, law enforcement can gain powerful leverage to deter future crimes. These possibilities deserve further exploration.

David M. Kennedy is a senior researcher in public policy at the Harvard University Kennedy School of Government. He may be reached at david_kennedy@harvard.edu.

References

3 See, for example, “Close Gun Seizure Loopholes,” editorial, Hartford Courant, April 8, 2002.
5 Ibid. 323.
6 Ibid. 322.
8 These groups, called “gangs” in Boston, were not Chicago- or LA-style gangs but rather loose affiliations on a neighborhood and sub-neighborhood basis.
10 See Braga, Kennedy, Waring, and Piehl.
11 See Braga, Kennedy, and Tita.
19 See, for example, David M. Kennedy, “Pulling Levers,” 463-464.
22 Coerced abstinence from alcohol would likely pay huge dividends in violence prevention in this context. Monitoring for alcohol use is more troublesome than for other substances because of its rapid elimination from the body. However, it is not impossible; Web-based monitoring that would combine scheduled home breathalyser testing in view of a Web-cam would be possible using existing technology. The Quincy, Massachusetts, domestic violence prevention structure reportedly required alcohol abstinence of probationers (See Elena Salzman, 348). Exactly how this was imposed and whether it was meaningful is not addressed.
25 The author has conducted these exercises with very good results. In one such setting in Boston, the question was asked: do you in the room usually know who is most at risk at any given time, and from whom? The answers were initially negative and revolved around questions of prediction—on the basis of restraining orders, the criminal histories of offenders, and the like. When the question was rephrased as being about knowledge—that is, do you, today, on the basis of your work and experience, know who is at great risk, and from whom—the answers were overwhelmingly in the affirmative.
27 Global Positioning System (GPS)-based devices that transmit offender locations to a central monitoring location are off-the-shelf items. This approach might require victims to use the system as well.
29 This, of course, leaves open the possibility of coercion so successful that victims do not report it and police, prosecutors, advocates, and shelter providers all remain ignorant of it.
In September 11, 2001, the terrorist attacks at the World Trade Center, the Pentagon, and in Shanksville, Pennsylvania, killed nearly 3,000 people and left behind countless others who suffered physical and emotional injuries. The nation responded immediately with a remarkable outpouring of support for these victims. Individuals, businesses, elected officials, and charities joined together to provide assistance. And, in an unprecedented act, Congress created the September 11th Victim Compensation Fund of 2001 (Fund).

The Fund is unique in our nation’s history. Supported by tax revenue, the Fund reimbursed victims for immediate out-of-pocket expenses and provided payments for long-term economic and non-economic losses, including pain and suffering. By the December 22, 2003 application deadline, 4,430 victims had filed injury claims and 2,963 survivors of those killed in the attacks had filed claims for compensation.

Never before had the federal government attempted to compensate victims of a mass attack. No such program was established for the victims of the bombing in Oklahoma City, the bombing of the U.S.S. Cole, attacks on American embassies overseas, or the first attack on the World Trade Center.

The United States does, however, have a long history of providing compensation to victims of crime. Every state in America has a crime victim compensation program that reimburses victims for their immediate out-of-pocket expenses. Unlike the Fund, which was entirely supported by tax revenue, these programs are primarily supported by fines and penalties paid by defendants in criminal cases. Victims are entitled to reimbursement for certain expenses incurred immediately following the crime such as healthcare costs, counseling fees, funeral bills, and lost wages for victims unable to work due to an injury. As a general rule, these programs do not compensate victims for non-economic losses, such as pain and suffering.

The September 11 tragedy and the tremendous response that followed raised our collective awareness of the profound personal and societal impact of crime, the needs of individual crime victims, and the role and capacity of government in meeting those needs. The nature and scope of the government response to September 11 victims, particularly in comparison to the state compensation programs, sparked a renewed debate about the role of crime victim compensation in our society.

National Roundtable on Victim Compensation

In June 2003, the National Center for Victims of Crime convened the National Roundtable on Victim Compensation to sharpen the national conversation and deepen our nation’s thinking on how best to compensate victims of crime. Roundtable participants included leading researchers, policymakers, practitioners, victims, and victim advocates. (See Box on next page.) The discussion, which was informed by six commissioned papers, addressed a number of critical and com-
plex questions about how our nation assists victims in rebuilding their lives in the aftermath of crime—whether the crime is terrorism, homicide, domestic violence, or fraud:

• What is the purpose of victim compensation? Is it a part of achieving justice or a form of charity? Is it a symbolic gesture or intended to make victims financially whole? Is it a form of practical crisis intervention?

• Should compensation be tailored to individual needs or should victims receive set amounts depending on the crime? Should compensation cover both economic and non-economic losses?

• For which crimes should victims be compensated by our government—all crimes or only violent crimes?

• Should compensation programs be funded by tax dollars and other sources, as well as offender fines and penalties?

• What lessons can be drawn from our September 11 experience? What lessons can be drawn from compensation programs in other countries?

### New Report Released

Informed by the Roundtable discussion and commissioned papers, the National Center has released a report, *Repairing the Harm: A New Vision for Crime Victim Compensation in America.* This report examines:

• The rates, costs, and consequences of crime;

• The current approach—and shortcomings—of the American crime victim compensation system;

• Other models of victim compensation, including those of Great Britain and Australia;

• The September 11th Victim Compensation Fund; and

• Other financial assistance initiatives for victims of the September 11 terrorist attacks.

### A New Vision for Victim Compensation: Core Principles

In concluding that far more can be done to help victims of crime rebuild their lives, *Repairing the Harm* sets forth a framework for improving and strengthening the system of victim compensation in America. This framework reflects the following ten core principles:

1. All victims should be eligible for compensation unless implicated in the crime. Virtually every state compensation program now excludes large numbers of crime victims. Victims of non-violent crime are ineligible under most state statutes, even though federal regulations were changed in 2001 to...
is neither fair nor reasonable to divide victims into categories of deserving and undeserving.

2. Compensation should recognize all types of economic losses. Currently, states delineate allowable expenses, such as medical and mental health treatment, funeral expenses, or lost wages. Some states reimburse victims for relocation, crime-scene clean-up, and transportation costs. Others do not. While it is helpful for both victims and compensation program officials to define categories of previously approved expenses, the United States should move toward a system where any crime-related expense could be covered, as in Australia, rather than restricting reimbursements to pre-approved categories. If a crime victim can demonstrate that a particular economic loss is directly related to a crime, the victim should be able to seek compensation for that expense.

3. Compensation should recognize non-economic losses. Currently only two states and the Virgin Islands recognize crime victims’ non-economic losses. While Tennessee and the Virgin Islands provide payments for pain and suffering to victims of sexual assault, Hawaii provides all crime victims an “acknowledgement” payment to symbolize the non-quantifiable harms suffered by victims. Similarly, when Congress established the federal September 11th Victim Compensation Fund, it mandated that these victims receive payment for non-economic losses. In several European countries and Australia, compensation awards are calculated to include both economic and non-economic losses. Because any victim of crime can experience non-economic losses, compensation programs should provide payments to acknowledge those losses.

4. Compensation programs should recognize victims’ ongoing losses and not impose filing deadlines. While a crime may occur in an instant, its impact may last a lifetime. Ongoing economic losses may be continuous or sporadic, but if they are crime-related, compensation programs should recognize them regardless of the passage of time. For example, victims often experience ongoing mental health or crime-induced substance abuse problems that continue for many years or manifest long after the victimization occurred. If limits must be set, the overall amount of compensation per victim can be capped. But, as in Utah and Vermont, no filing deadlines should be established for consideration of legitimate crime-related expenses. Victims should also be able to apply for additional compensation as new needs arise. As long as a police report has been filed within a reasonable period of time, there is no reason to deny compensation to a victim who can meet the standards of eligibility.

This article is based on Repairing the Harm: A New Vision for Crime Victim Compensation in America, a new report by the National Center for Victims of Crime. The full-text version can be found at www.ncvc.org/victimcomp.
5. **All victims should be informed about compensation and how to apply for it.** If victims do not know about victim compensation programs, they are effectively deprived of the compensation to which they may be entitled. America must do far more to promote public awareness of compensation programs. People who come in contact with victims should be more prepared to provide information on compensation. Law enforcement officers should give every victim who reports a crime information about how to file for compensation. Victims should also be given copies of the complaint report which provides the basis for a compensation application. Victim advocates, healthcare professionals, and employers should also be responsible for providing victims information about compensation. Programs already mandated to inform victims about compensation should be held accountable for doing so. Many states use automated notification to inform victims of critical criminal justice proceedings. The same technology could be applied to informing victims about compensation.

Efforts should also be made to reach victims who do not initially report the crime to law enforcement.

6. **The federal funding base for victim compensation should be broadened to include tax revenues and other sources of funding.** If compensation programs are expected to conduct more outreach and cover more victims, additional funds need to be made available. The current funding base is unnecessarily restricted, unstable, and jeopardizes the ability of our victim compensation system to meet victims’ needs. Instead of relying exclusively on court-ordered fines that fluctuate according to outcomes in the criminal justice system, tax revenues and other funding streams (e.g., civil penalties, licensing fees, and income tax check-off) should be used to supplement the Crime Victims Fund and to better reflect a national commitment to victims of crime. The governmental obligation to help victims rebuild their lives is as important as providing the funds for the operation of the criminal justice system. Because the impact and costs of crime are felt by our entire society, every American should contribute to repairing the harm caused by crime.

Because the impact and costs of crime are felt by our entire society, every American should contribute to repairing the harm caused by crime.
makes victims feel less marginalized and contributes to their emotional recovery. The process should be simple and transparent, and compensation should be awarded quickly.

8. Tax relief should be provided as additional financial assistance for helping victims recover from the harm caused by crime. The Victims of Terrorism Relief Act of 2001 passed by Congress after September 11 provided generous tax relief to survivors of the attacks. Similar relief measures should be adopted for all victims of crime. Victims should also be allowed to deduct crime-related healthcare expenses and uncompensated costs, and restitution payments should not be taxed.

9. Compensation should be part of a broader system of support for victims of crime. Although compensation plays a critical role, financial assistance alone cannot fully repair the harm caused by crime. In the immediate aftermath of crime, victims may need safety planning, crime-scene clean-up, health care, and practical assistance with problems such as repairing broken windows or damaged locks. Victims also sometimes need ongoing support, long-term therapy, advocacy with criminal justice or social service agencies, and assistance with relocating, job training, child care, or housing. Compensation that includes reimbursement for out-of-pocket expenses and an acknowledgment of the harm victims have suffered can help victims with many of these needs, but it cannot address all of them. A broad societal commitment to helping victims rebuild their lives should provide multiple supports to victims, only one of which is a comprehensive system of financial compensation.

10. State and federal legislators and policymakers should initiate a comprehensive examination of the United States system of crime victim compensation. Our hope is that Repairing the Harm: A New Vision for Crime Victim Compensation will encourage new thinking and robust discussion about how to improve victim compensation in America. We hope to spark new research on the role of compensation in meeting the needs of victims, new inquiries within state and federal government into current compensation programs and other means of providing financial assistance, and new strategies to improve our society’s response to crime victims.

Fulfilling an Important Societal Obligation

The United States has made enormous progress over the last thirty years in recognizing our obligation to victims of crime. During this period, we have developed greater understanding of the profound and far-reaching impact of crime. The events of September 11 highlighted not only the devastation of crime, but also new ways to provide a generous and compassionate communal response to its victims. A properly designed and adequately funded victim compensation system would fulfill an important societal obligation within the pursuit of justice. Many opportunities exist for improving our system of crime victim compensation in America. We must continue to do everything we can to repair the harm.

Susan Herman is executive director of the National Center for Victims of Crime. She may be reached at sherman@ncvc.org. Michelle Waul is director of special projects at the National Center for Victims of Crime. She may be reached at mwebster@ncvc.org.

4 All commissioned papers may be found at www.ncvc.org/victimcomp.
5 Repairing the Harm: A New Vision for Crime Victim Compensation in America may be found at www.ncvc.org/victimcomp.
6 In 1984, Congress passed the Victims of Crime Act, which provides federal funding, through the Crime Victims Fund, to all 50 states, the District of Columbia, and U.S. territories for victim assistance services and compensation programs. The Crime Victims Fund is wholly supported by fines, penalty assessments, and bond forfeitures collected from federal offenders.
The following victim-related statutes were passed in state legislatures during their 2003 legislative sessions. To help our members sort through the information, the summaries have been organized into five geographic regions. If you would like a copy of any of the legislation mentioned in this update, please contact Carol Dorris at the National Center for Victims of Crime at (202) 467-8700 or cdorris@ncvc.org.

**NORTHEAST/MID-ATLANTIC:**
Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia

**Connecticut**

**S.B. 853:** Establishes an address confidentiality program that provides a substitute mailing address for any victim of family violence, injury or risk of injury to a child, sexual assault, or stalking who wishes to keep his or her residential address confidential because of safety concerns. **S.B. 1066:** Requires courts at sentencing to ask whether there is a victim present who wants to make an oral impact statement or who has submitted a written statement, prior to imposing sentence. If the victim is not present and has not submitted a written statement, the court must inquire whether attempts were made to notify the victim. Also requires victim advocates to notify victims of their rights and to ask them to sign a form stating that they have been so notified.

**Delaware**

**S.B.104:** Prohibits stalking that threatens a victim’s property, employment status, or personal safety. Also creates a misdemeanor offense for cases in which the victim is not aware she is being stalked, and makes stalking of a child by an adult a felony, regardless of whether the child is aware of the behavior. **H.B. 315:** The Uniform Interstate Enforcement of Domestic Violence Protection Orders Act requires courts to enforce the terms of any validly issued out-of-state protection order and directs law enforcement officers to enforce foreign orders.

**Maine**

**PL. 186:** Expands a crime victim’s right to notification to include notice when defendants are released from a secure mental health facility, and added victims of stalking to the list of victims entitled to receive notification of post-conviction or post-commitment release. **ME Code §§ 5-3360 and 3360-C:** Expands the list of those who may be eligible for victim compensation to include victims of offenders who have left the scene of a motor vehicle accident involving personal injury or death. Eligibility is also granted to those who have an equally significant relationship with the victim as family or household members, such as a spouse, parent/stepparent, child/stepchild, sibling, or grandparent. Extends the time for filing a claim for compensation from one to three years.

**Maryland**

**MD Code of Crim. Proc. § 6-222:** Authorizes circuit and district courts to extend probation for a certain number of years when the defendant has not completed payment of restitution. **MD Code of Crim. Proc. § 11-811:** Extends the benefits available under victim compensation to include up to 30 days’ lost wages for the parent or guardian of a minor victim who misses work to care for the child. Also authorizes an additional award of $25,000 in cases in which the victim’s injury results in permanent total disability.

**Transportation Code § 27-101:** Requires drivers with multiple DUI convictions in a five-year period to spend at least five days in jail for a second offense and ten days for a third offense.

**Massachusetts**

**MA Code ch. 6, § 178E:** Requires sex offenders planning to work at or attend an institution of higher learning to register with the sex offender registry board ten days prior to the commencement of employment or enrollment in classes. The board shall transmit notice of the registration to police departments and the FBI.

**New Hampshire**

**NH Code § 226:8:** Authorizes courts to prohibit visitation between a parent convicted of sexual abuse or sexual assault of a minor child or minor stepchild and any sibling or step-sibling of the victim. The court shall make visitation orders that best protect the victim of the abuse and the siblings and step-siblings of such victims. **NH Code § 259:1:** Allows victims who inform the court of their need for assistance in making an impact statement to designate a representative to write or speak on their behalf. The victim’s statement may include all harm resulting from the crime, whether or not it was determined or discovered at the time the information or indictment was filed.

**New Jersey**

**S.B. 1644:** The state’s legislature enacted the nation’s first “drowsy driving” law aimed at curbing fatal accidents by allowing sleepy motorists to be charged with vehicular homicide, an offense punishable by up to 10 years in prison and a $100,000 fine. The new measure defines drivers as “knowingly fatigued” if they have been awake more than 24 consecutive hours. **NJ Code § 17:29B-17:** Bans medical and life insurance companies from discriminating against victims of domestic abuse by denying cover-
age or limiting benefits for abuse victims. Violators of the new law are subject to fines of up to $5,000 and can be sued for damages by regulators.

New York
S.B. 3060: Makes video voyeurism a felony punishable by 18 months to 4 years in jail, and mandates that offenders be listed in the state’s registry of sex offenders. A.B. 15: Requires hospitals to provide sexual assault victims with both information regarding their healthcare options and with emergency contraception, unless the victim was already pregnant prior to the sexual assault.

Pennsylvania
S.B. 164: Requires family courts to remove children from the custody of anyone convicted of a violent offense, including child molestation, sexual assault, stalking, and incest, if a county agency has requested such removal. S.B. 1515: Repeals the state’s joint stalking and harassment law and creates two separate statutory sections for the offenses. In the harassment sections, the bill adds a definition of “communicates,” and specifically includes communications by electronic means, including the telephone, electronic mail, the Internet, and facsimile. A separate stalking offense was added in a following section whose definition includes electronic communications. 42 PA Code § 5985: Amends the state constitution to protect child victims and witnesses by allowing them to testify in criminal cases via closed-circuit television or videotape.

Rhode Island
RI Code § 11-49.1-3: Expands the state’s identity fraud law to prohibit an individual from possessing another person’s financial information, including account numbers and balances, transactional information concerning any account, codes, passwords, Social Security numbers, tax identification numbers, driver’s license numbers, or other information used to access accounts or initiate financial transactions. RI Code § 16-21-26: Requires public school districts to adopt policies prohibiting harassment, intimidation, or bullying and to provide training on such policies for school employees and volunteers. RI Code § 16-76.1-1: Requires institutions of higher education to provide a student who has submitted an internal complaint alleging harassment based on race, religion, sex, disability, age, sexual orientation, gender identity or expression, or country of ancestral origin a written disclosure regarding the disposition of the complaint, including any action taken.

Vermont
S.B. 15: Creates a Restitution Fund, which will pay up to the first $10,000 of a crime victim’s restitution order. The restitution unit, which is part of the Center for Crime Victims Services that administers the Restitution Fund, has authority to enforce the restitution order against the defendant. S.B. 93: Includes members of the clergy as mandatory reporters of child abuse and neglect. The bill also requires the department of social and rehabilitative services to develop model protocols and a comprehensive training program for mandatory reporters, as well as a proposal to implement a training program to frequently reach all mandatory reporters.

West Virginia
WV Code §§ 48-27A-1-3: Establishes a domestic violence fatality review team to review deaths resulting from suspected domestic violence, including suicides, in order to identify trends, patterns, and risk factors. The multidisciplinary team will also conduct statistical analysis concerning the causes of domestic violence fatalities, promote public awareness regarding such deaths, and provide training for state agencies. WV Code § 49-6A-5: Increases the amount of time that the Department of Health and Human resources must retain reports of child abuse and neglect from six to thirty years. WV Code § 62-12-26: Authorizes courts to sentence certain sex offenders to a period of supervised release for up to fifty years in addition to any other penalty or condition imposed. A defendant sentenced to supervised release is required to participate in offender treatment during the supervision period unless the court expressly finds that such treatment is no longer appropriate.

SOUTHERN:
Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia

Alabama
AL Code § 26-14-3: Adds members of the clergy to the list of mandatory reporters of child abuse and neglect. Clergy members shall not be required to report information gained solely in a confidential communication which is privileged under the law. AL Code § 30-5-5: Eliminates costs for filing, issuance, registration, or service of domestic abuse protective orders and witness subpoenas. Such costs may be assessed against the defendant at the court’s discretion.

Arkansas
H.B. 1679: Changes the requirements for basic law enforcement officer training to include at least twenty hours of training on sexual assault. Training is to cover the dynamics of sexual assault, sexual assault-related laws, victim interview techniques, and available support services for sexual assault victims. AR Code § 5-26-310: Authorizes courts to order a defendant convicted of domestic violence to reimburse any shelter or other entity providing services to the victim of the abuse. If the victim will continue to incur costs for lodging, the defendant may be ordered to pay additional remuneration for the victim’s lodging expenses. AR Code § 6-18-514: Mandates that school districts adopt anti-bullying policies that: define conduct that constitutes bullying; prohibit bullying; require reporting of bullying incidents; and state the consequences for bullying.
Florida
S.B. 144: Increases funding for services for victims of sexual assault. The Sexual Battery Victims' Access to Service Act imposes a fine to be paid by offenders convicted of sexual battery and other battery-related offenses. S.B. 146: Creates the rape crisis services trust fund within the Department of Health into which monies generated through offender fines will be deposited. H.B. 479: Amends the stalking law to include cyber-stalking. H.B. 561: Provides rights and protections for sexual assault victims by: allowing victims to obtain a protective order against an offender if they report the crime to law enforcement and cooperate with any criminal justice proceeding, even if the charges are dropped or reduced by the State’s Attorney. H.B. 747: Also eliminates the statute of limitations for certain aggravated sexual offenses against minors.

Georgia
GA Code § 20-2-314: Requires the State Board of Education, with input from appropriate experts such as family violence shelters, to develop a program to prevent teen dating violence for children in grades eight through twelve. GA Code § 42-1-13: Prohibits individuals required to register as sex offenders from living within 1,000 feet of any childcare facility, school, or area where minors congregate. A person who knowingly fails to comply is guilty of a felony punishable by imprisonment for one to three years. GA Code §§ 46-6-81-85: Promotes, safeguards, and protects adults participating in adult day care or health services. Under the Adult Day Center for Aging Adults Licensure Act, entities operating an adult day center must obtain a license from the Department of Human Resources and are subject to periodic inspections to ensure compliance with applicable laws.

Kentucky
H.B. 36: Establishes the Kentucky Amber alert system to notify the public when a child has been abducted and the Department of State Police determines that public notification might aid in the child’s recovery. The system will use existing resources to alert the public, including electronic highway signs, the emergency broadcast system, and local, regional, and statewide media providers. KY Code §§ 196.700-735: Adds a victim to the Kentucky State Corrections Commission tasked with developing a statewide strategic plan for community corrections programs which provide the judicial system with alternatives to incarceration. The commission shall conduct an assessment of existing programs, review program plans to ensure compliance with the statewide strategic plan, and award grant moneys.

Louisiana
S.B. 304: Waives fees for stalking victims applying for restraining orders as well as court costs and service fees for victims of stalking seeking peace bonds. LA Code §§ 14:79.2 and 46: 2143: Implements a pilot program authorizing certain courts to order the use of electronic monitoring equipment in domestic violence cases with the victim’s consent. The electronic monitoring device will alert the domestic violence victim and the police when the offender is within a certain distance of the protected person or premises. LA Code § 46:1846: Provides for the disposition of evidence to protect the privacy of victims of child pornography, video voyeurism, and obscenity. A victim of such crimes may petition the district attorney to file for a hearing to determine whether the court should limit access to evidence obtained in the investigation in order to protect the victim’s privacy. Upon the motion of the district attorney, the court may also order that the evidence be destroyed.

Mississippi
MS Code § 93-5-24: Creates a rebuttable presumption that it is detrimental and not in the best interest of a child to be placed in sole, joint legal, or joint physical custody of a parent with a history of perpetrating family violence. In determining whether the presumption has been overcome, the court shall consider such factors as: whether the perpetrator has successfully completed a batterer’s treatment program or, if appropriate, alcohol or drug abuse counseling or a parenting class; whether a perpetrator who is on probation or parole is restrained by a protective order; and whether the perpetrator has committed further acts of domestic violence. The new law also authorizes the court to impose conditions to safely facilitate visitation. MS Code § 97-5-33: Expands the prohibition against exploitation of children to include conduct generated by any means, including a computer. The new law specifically makes it a crime to knowingly entice, persuade, seduce, or order a child to meet with another person for the purpose of engaging in sexually explicit conduct. Exploitation of children is a felony punishable by a fine of up to $50,000 and imprisonment of two to twenty years, with substantially enhanced penalties for second and subsequent convictions.

North Carolina
NC Code § 14-33: Imposes penalties, including supervised probation, on a person who inflicts serious injury on a person with whom he or she has a personal relationship in the presence of a minor while committing an assault. NC Code § 14-113.24: Requires that businesses print no more than five digits of a client’s credit, charge, or debit card account number and delete the expiration date on customer receipts in order to limit identity theft. Businesses installing new electronic transaction devices on or after March 1, 2004, must comply at the time of such installation, and all others have until July 2005 to update their equipment. NC Code § 50B-3.1: Requires courts to order defendants to surrender firearms as part of an ex parte or emergency protective order if the defendant has inflicted serious injuries or threatened violence against the victim or a minor child. At the protective order hearing, the court must ask the plaintiff whether the defendant owns or has access to firearms.

South Carolina
SC Pub. Act No. 92: The Domestic Violence Prevention Act of 2003 requires state agencies to develop workplace domestic violence policies, including a zero tolerance statement regarding acts or threats of domestic vio-
lence and safety and security procedures. In addition, the Department of Education, in conjunction with the South Carolina Coalition Against Domestic Violence and Sexual Assault, will develop materials for continuing education on domestic and family violence for teachers and other appropriate staff, as well as for childcare owners and operators. SC Code §§ 47-3-910?970: Makes it a crime for a person to, or to allow his or her dog to, interfere with the use of a guide dog or service animal or to injure, disable, or cause the death of such an animal. The law also makes it unlawful for a person to wrongfully obtain or exert unauthorized control over a guide dog or service animal with the intent of depriving the animal’s user of the animal’s services. Under the new law, a defendant convicted of one of these crimes may be ordered to make full restitution for damages incurred, including the replacement value of an incapacitated or deceased animal, the cost of retraining the guide dog or service animal, related veterinary expenses, the animal user’s medical costs, and compensation for lost wages.

Tennessee
TN Code 10-7-504: Provides that an institution of post-secondary education may disclose the final results of a disciplinary proceeding involving a violent crime or non-forcible sex offense to the victim of that offense. Final results include the perpetrator’s name, the violation committed, and any sanction imposed. TN Code § 29-13-108: Extends the circumstances constituting good cause for failure to report a crime to law enforcement within 48 hours for the purposes of compensation eligibility to any victim of a sexual offense or domestic abuse.

Virginia
VA Code § 18.2-186.5: Begins a new program to protect identity theft victims by issuing a Virginia Identity Theft Passport. The passport, bearing the seal of the Attorney General, is issued to victims of identity theft by a judge, and helps victims convince law enforcement officers of their innocence in cases where there is a warrant out for their arrest for crimes the identity thief committed. VA Code § 19.2-11.01: Expands the rights of crime victims by giving victims of felonies the right to be consulted about the disposition of a case, including dismissal, plea, and sentencing. The new law also requires victims to be notified of the following in post-trial proceedings: the disposition of a case; the crimes for which the defendant was convicted; the defendant’s right to appeal; the telephone number of offices to contact in the event that the defendant fails to pay restitution; and any release of the defendant on bail pending appeal.

SOUTHWEST:
Arizona, Colorado, Nevada, New Mexico, Oklahoma, Texas, Utah

Arizona
AZ Code § 12-511: Establishes a statute of limitations for a victim to bring a civil action against a defendant for criminal conduct. If the defendant is convicted of the crime, the statute of limitations is extended for one year from the time the conviction becomes final. The limitations period is tolled (stops running) at the time the defendant is charged with a crime until the final adjudication of the case, whether the defendant is convicted or not. AZ Code § 12-2239: Creates a domestic violence victim advocate victim privilege, prohibiting the examination of a domestic violence victim advocate in any civil action, except in an action relating to the commitment of a sexually violent person. This privilege does not extend to cases in which the advocate has a legal duty to report non-accidental injuries to and physical neglect of a minor. AZ Code § 13-2401: Makes it illegal for a person to knowingly make personal information regarding a justice, judge, commissioner, or public defender available on the Internet if the dissemination of such information poses an imminent and serious threat to such person’s safety or the safety of their immediate family. Previously, the law only applied to personal information of a peace officer or prosecutor.

Colorado
H.B. 1024: Prohibits anyone convicted of misdemeanor child abuse from receiving a foster care license and requires fingerprint-based criminal history background checks on prospective county employees who will have direct contact with children in foster care. H.B. 1191: Creates civil penalties for the crime of computer dissemination of indecent material to children, the use of a computer to initiate or engage in communication with a person known to be a child for the purpose of enticing or inviting the child to engage in sexual contact or sexual conduct. H.B.1213: Makes sexual exploitation of a child a class 3 felony.

Nevada
A.B. 38: Amends the state’s stalking law to elevate the classification of stalking to a class C felony when a person commits the crime of stalking through the use of the Internet or a network site, electronic mail, or any other similar means of communication to publish, display, or distribute information in a manner that substantially increases the risk of harm or violence to the victim. A.B. 160: Provides protection and privacy for victims of certain crimes. The new law allows a court to waive the required public notification of a name change and seal the related records if an applicant can prove that dissemination of the information would put him or her in danger. The law also makes communications between a domestic violence or sexual assault victim and a victim advocate confidential. Victims, guardians or conservators of the victim, the personal representative of a deceased victim, or the victim advocate acting on behalf of the victim may claim the privilege.

New Mexico
NM Code § 24-100-3: Requires all hospitals in the state to offer emergency contraception to rape survivors. NM Code §§ 66-5-23 and 25: Makes it possible for traffic records, including information about DWI offenses, to be shared between state and tribal governments. The new law is aimed at getting repeat offenders off the road and would also give the New Mexico Motor Vehicle Division the power to suspend a dri-
ver's license based on a conviction in tribal court, including DWI convictions. Each of New Mexico’s 22 native tribes must now enter into an agreement with the state to share files.

Oklahoma

H.B. 2921: Establishes an address confidentiality program that allows a victim of domestic violence, sexual assault, or stalking to file an application with state government agencies to keep their addresses confidential. An application shall be approved on the basis of the victim’s sworn statement that he or she is a victim of one of these crimes and that he or she fears for the safety of self or children. 21 OK Code § 1040.80: Authorizes the Attorney General or a law enforcement officer to request an interactive computer service provider to voluntarily remove an item of child pornography from such server or other device. The law also outlines procedures for obtaining a court order for the removal of an item of child pornography if a provider refuses to do so voluntarily, including penalties for failure to comply with such an order.

Texas

S.B. 473: Allows consumers to place a freeze on their credit files and provides for the confidentiality of Social Security numbers. The new law limits disclosure of Social Security numbers on health insurance cards and non-secure Web sites and requires creditors receiving credit reports to take additional steps when a fraud alert is placed on an account. The legislation also allows for identity theft cases to be prosecuted in either the county where the victim resides or where the violation occurred. TX Code of Crim. Proc. art. 56.32: Requires the Office of the Attorney General’s Crime Victims’ Compensation Program to reimburse a deceased crime victim’s immediate family and household members for the necessary expenses of traveling to and attending the victim’s funeral. Also provides reimbursement for wage loss suffered from bereavement leave in connection with the victim’s death for up to 10 days, with a maximum benefit of $1,000.

Utah

UT Code § 41-6-102.5: Waives or refunds the fee charged for the impoundment of a vehicle if the registered owner, lien holder, or owner’s agent presents written evidence that the vehicle was stolen at the time it was impounded. UT Code §§ 77-38a-102 and 404: Authorizes the courts to require that a defendant reimburse a person or entity who has paid a reward for information leading to the defendant’s arrest and conviction as part of court-ordered restitution. UT Code § 77-38a-302: Allows a victim to recover restitution for up to five days’ lost wages if they were lost due to the theft or damage of tools or equipment owned by the victim that were essential to his or her current employment.

WEST AND PACIFIC:

Alaska, California, Hawaii, Idaho, Montana, Oregon, Washington

Alaska

AK Code 12.55.045: Authorizes courts to order a convicted offender to compensate a victim that is a non-profit organization, such as a domestic violence shelter, for the value of labor or goods provided by volunteers, if the goods or labor were necessary to alleviate or mitigate the effects of the crime. AK Code §§ 18.65.850-870: Enables victims of non-domestic violence-related stalking to apply for six-month protective orders. A peace officer investigating a stalking offense must notify victims of their rights and available services.

California

S.B. 478: Protects the employment of crime victims, and certain persons related to crime victims, who are absent from work while attending judicial proceedings. Employers are prohibited from discharging or in any manner discriminating against such employees, including through the loss of compensation or seniority, due to the employee’s absence while attending judicial proceedings. A.B. 1105: Extends the criminal statute of limitations for identity theft. Under the new law, the three-year limitations period begins to run when the victim discovers the identity theft. Previously, the statute of limitations was three years from the commission of the offense. A.B. 1290: Prohibits persons subject to a stalking emergency protective order or elder abuse restraining order from owning, purchasing, possessing, or receiving a firearm while that order is in effect. Violation of such an order is a misdemeanor. CA Civil Code § 1785.15: Gives identity theft victims access to free monthly credit reports for one year. CA Civil Code § 1798.29: Requires companies, organizations, and governmental agencies to notify state residents when their unencrypted personal data are acquired by an unauthorized person or are believed to be stolen. If victims are not notified as required, they can file suit for the resulting harm.

Hawaii

S.B. 931: Amends the employment code to provide a leave of absence for victims of domestic abuse, sexual assault, or stalking. An employer with 50 or more employees must allow an employee to take up to 30 days of unpaid victim leave from work per calendar year. An employer with fewer than 50 employees must allow the employee to take up to 5 days of unpaid leave. The leave must be used to seek medical attention, obtain services from a victim services organization, obtain psychological or other counseling, relocate temporarily or permanently, or take legal action. HI Code § 706-662: Extends the state’s hate crimes law to protect those whose gender identity or expression might make them a target of abuse. The law amends the state’s current hate crimes law to impose longer prison sentences on convicts who intentionally victimize a person or their property “because of hostility toward the person’s actual or perceived gender identity or expression” in addition to crimes motivated by race, religion, disability, ethnicity, national origin, or sexual orientation.
Idaho

ID Code §§ 9-1801-1808: The Uniform Child Witness Testimony by Alternative Methods Act allows child witnesses under the age of 13 to testify in both criminal and non-criminal proceedings without being present in an open forum in full view of the finder of fact, the presiding officers, or the parties to the case. The act applies in a criminal action only if there is clear and convincing evidence that the child will suffer serious emotional trauma that would substantially impair the child’s ability to communicate with the finder of fact if required to testify in an open forum or to be confronted face-to-face by the defendant. ID Code § 33-1225: Classifies a communication or report to a school principal, or the principal’s designee as a “communication of public concern” if it states that a specific person has threatened violence on school grounds through the use of a firearm, explosive, or deadly weapon. Such a communication is not subject to liability as defamation, unless the person making the communication knew it was false or acted with reckless disregard for the communication’s truth or falsity.

Montana

MT Code § 46-14-214: Mandates courts, in cases where the defendant is found not guilty by reason of mental disease or defect, to make specific findings on the record about whether there is a victim of the crime, and if so, whether the victim wants to be notified of the defendant’s conditional release, discharge, or escape. MT Code §§ 46-18-241-245: Revises the state’s restitution laws to: clarify that a felony offender’s duty to pay restitution and related administrative costs continues until restitution has been paid in full; expand the definition of pecuniary loss to include the full replacement value in dollars of such loss; and specify procedures for restitution collection, including garnishment of wages and interception of state and federal tax refunds. MT Code § 46-23-202: Requires a parole hearing panel to consider written or oral statements from any interested person, including the victim, or the interested person’s legal representative regarding the effects of the crime on the victim. A victim’s statement may include the circumstances surrounding the crime, the manner in which the crime was committed, and the victim’s opinion as to whether the offender should be paroled, and may be kept confidential.

Oregon

S.B. 610: Requires employers to allow their employees who are victims of felonies and members of victims’ immediate families to take unpaid leave time to attend a trial or other criminal proceedings. A business can limit the amount of time an eligible employee may take off if it can show that the employee’s absence will create an “undue hardship” for the business. In such cases, the court shall take the victim’s work schedule into account when scheduling court proceedings. H.B. 2765: Mandates that a landlord release a tenant who is the victim of stalking from his or her rental agreement if that tenant provides the landlord with verification that he or she is a victim of stalking and at least 14 days’ written notice. The new law also allows tenants to request that the locks of their apartments be changed if they give actual notice to their landlord that they are a victim of stalking. OR Code § 809.235: Requires lifetime revocation of a drivers’ license for a third conviction of DUI. OR Code § 811.182: Increases criminally negligent homicide involving drunken driving from a Class C to Class B felony. OR Code § 813.010: Allows judges to fine offenders up to $10,000 if they drink and drive with minors in the vehicle. OR Code § 813.095: Imposes a fine on suspects who refuse to take a breath test. OR Code § 813.200: Requires drivers to plead guilty or no contest before entering a diversion program—a charge that would be dismissed if the defendant successfully completes diversion, but would result in a conviction if the defendant fails.

Washington

WA Code § 43.101.227: Provides for training for law enforcement officers on interacting with people with developmental disabilities and mental illnesses. The training shall cover such topics as the cause, nature, and identifying indicators of mental illnesses and developmental disabilities, conflict resolution and de-escalation techniques, appropriate language to use, alternatives to deadly force when interacting with potentially dangerous persons, and available community and state resources. WA Code § 46.61.5055: Subjects a person convicted of driving under the influence with a passenger under the age of 16 to using an ignition interlock device for a period of at least 60 days after the person’s license is restored.

Illinois

H.B. 51: Prohibits an individual convicted of abuse, neglect, or financial exploitation of an elderly or disabled victim from inheriting the victim’s estate. H.B. 87: Increases the role of the state’s Department of Aging in protecting elders from abuse by instructing the Department both to work with financial institutions to make information about financial exploitation available to senior citizens and to coordinate efforts with utility companies to explain to the elderly their rights regarding telemarketing and home repair fraud. H.B. 536: The Gender Violence Act allows victims of gender-related violence to bring civil actions for damages, injunctive relief, or other appropriate relief against their perpetrators. H.B. 3486: Establishes the Victims’ Economic Security and Safety Act, entitling victims of domestic abuse, sexual violence, or stalking to take up to 12 work weeks of unpaid leave during any 12-month period to seek medical attention,
obtain services from a victim services organization, obtain psychological or other counseling, participate in safety planning, relocate temporarily or permanently, or seek legal assistance.

**Indiana**

IN Code §§ 22-4-15-1 and 2, and 22-4-18-1 and 4.5: Prohibits a domestic violence victim’s disqualification for unemployment benefits, if the victim voluntarily left or was discharged from employment due to circumstances directly caused by domestic or family violence. The law also requires the department of workplace development to establish a training program on the dynamics of domestic violence for all employees who interact with claimants for benefits. IN Code § 35-38-1-2.5: Allows a victim of identity theft to ask a judge to request that creditors clear his or her name and credit history, regardless of how much time has passed since the offender’s conviction.

**Iowa**

IA Code § 80B.11: Mandates training on sexual assault as part of the minimum basic training requirements for law enforcement officers. IA Code § 231.56A: Implements projects on elder abuse emergency shelter and support services within area agencies on aging that have demonstrated the ability to provide a collaborative response to the immediate needs of elders in their area. IA Code § 901.5: Authorizes sentencing courts to order a defendant to have no contact with the victim of the offense, the victim’s immediate family or household members, or witnesses to the crime, if the court finds that contact with the defendant poses a threat to their safety. The no-contact order may remain in effect for five years from the date the judgment is entered or up to the maximum term of confinement, whichever is greater. Unlimited five-year extensions are permitted upon the filing of an affidavit by a person protected by the order, unless the court finds that the defendant no longer poses a threat.

**Kansas**

KS Code § 44-706: Protects victims of domestic violence who leave work due to the abuse and resulting circumstances from disqualification for unemployment benefits if they provide proof that the domestic violence occurred. Such circumstances include relocation of the victim to avoid further abuse; the victim’s need to address the physical, psychological, and legal impacts of the abuse; the victim’s reasonable fear of future domestic violence at his or her workplace; the need to leave employment as a condition of receiving shelter or services; or the reasonable belief by the victim that employment termination is necessary to provide for the safety of the victim or the victim’s family.

**Michigan**

MI Code §§ 38.556 and 556b: Amends the Fire Fighters and Police Officers Retirement Act to allow the surviving spouse of a deceased fire fighter or police officer who is receiving a duty death pension to continue to receive the pension for life. Previously, the pension terminated upon the remarriage of the surviving spouse. MI Code §§ 722.671 and 722.677: Prohibits business enterprises that sell sexually explicit matter from displaying that matter except in a restricted area. A restricted area means: an area where the matter is displayed in a manner that prevents public view of the lower two-thirds of the matter’s cover; a building or an enclosed area within a building where access by minors is prohibited and access is monitored to prevent entry by minors; or an area where at least 75 percent of its perimeter is surrounded by a wall or solid dividers high enough to prevent a minor from viewing any sexually explicit matter from a non-restricted area. Displaying sexually explicit matter in violation of this section is a misdemeanor punishable by imprisonment for up to 93 days, a fine of not more than $5,000, or both.

**Minnesota**

MN Code § 242.31: Prohibits convicted felons released from prison after August 1, 1993, from owning guns for life. Previous law allowed felons to own a gun 10 years after their release from prison. MN Code § 609.35: Permits a county to seek reimbursement for the costs of a sexual assault forensic exam from the victim’s insurance company only with the victim’s consent. The county shall inform the victim that he or she is not obligated to authorize the reimbursement and is in no way liable for such costs. MN Code §§ 611A.03 and 611A.0301: Grants crime victims the right to attend plea agreement hearings and express orally or in writing any objections they have to the agreement. Previously, victims were extend- ed this right only in conjunction with sentencing hearings. Prosecutors are required to inform victims of this new right.

**Missouri**

S.B. 969: Broadens the state’s stalking statute to include conduct and threats that are communicated through electronic means. Creates a new first-degree invasion of privacy crime and expands the definition of invasion of privacy in the second degree to include elements of video voyeurism. Also establishes the Missouri Regional Computer Forensics Lab to prevent and reduce computer, Internet, and other electronically based crimes. MO Code § 217.760: Requires pre-sentence and pre-parole investigation reports to include information concerning the impact of the crime on the victim as well as available sentencing alternatives to incarceration, including opportunities for restorative justice. MO Code § 595.209: Grants crime victims the right to be present at all criminal justice proceedings at which the defendant has such a right, including juvenile proceedings where the offense would have been a felony if committed by an adult, even if the victim is called or may be called to testify as a witness in the case.
Nebraska
L.B. 43: Establishes a juvenile pretrial diversion program to provide eligible juvenile offenders with an alternative to adjudication through the juvenile court and to promote the collection of restitution for the victim, among other things. The recommendation of the victim shall be considered when determining a juvenile’s eligibility for the pretrial diversion program. As part of the program, the juvenile offender shall enter into a juvenile diversion agreement which shall include such provisions as a letter of apology, community service, restitution, and participation in juvenile offender/victim mediation, if the victim agrees. L.B. 228: The Address Confidentiality Act allows victims of domestic abuse and/or stalking to use a substitute mailing address with local and state agencies if they fear for their safety or the safety of their children.

North Dakota
ND § 12.1-06.1-08: Authorizes a victim of computer fraud or computer crime to bring a civil action for damages restitution, and attorney’s fees for damages incurred as a result of these crimes. ND Code § 12.1-17-13: Mandates treatment of domestic violence offenders. Defendants convicted of assault, reckless endangerment, terrorizing, or menacing against a family or household member must be ordered to complete a domestic violence offender treatment program unless the court makes findings on the record why such treatment is inappropriate.

Ohio
S.B. 8: Broadens the state’s stalking law by adding a section on stalking through electronic means and inciting a third person to stalk. This legislation prohibits a person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, from posting a message with the purpose to urge or incite another to commit a violation of the stalking law. S.B. 50: Enhances penalties for domestic violence when the offender has pleaded guilty or been convicted of domestic violence offenses in the past, expands the list of violations that are considered prior convictions, and includes a provision requiring the court to consider any act of violence against a family member when considering bail. Additionally, the law requires the Attorney General’s Office to provide a pamphlet explaining the rights of victims of crime that specifically address domestic violence victims. OH Code § 1349.18: Prohibits the recording of more than the last five digits of a credit card account number, or the recording of the expiration date of a credit card on an electronically printed receipt provided to a credit cardholder to assist in the prevention of identity theft. The new law provides civil remedies for a violation of the act and enforcement by the Attorney General.

South Dakota
H.B. 1011: Re-appropriates funds to ward off social services budget shortfalls. Beginning July 15, 2003, South Dakota’s Department of Social Services will receive $250,000 of money previously earmarked for the South Dakota-bred racing fund in order to further programs

Civil Remedies for Identity Theft

BY JIM FERGUSON

The crime of identity theft is exploding. A 2003 Federal Trade Commission (FTC) survey concluded that almost 10 million Americans had been victims of some form of identity theft in the previous year, and in the previous five years, there were more than 27 million such victims. Although the average loss for out-of-pocket expenses is about $500, many victims experience much greater financial setbacks, as well as significant losses in time and emotional health. As identity theft strikes more people, it is important to understand how victims can respond to this crime. One option that victims should consider is a civil lawsuit, either against the perpetrator of the crime or against responsible third parties. A wide variety of criminal acts fall under the heading of...
identity theft. Generally, the crime involves the unauthorized use of a person’s identifying information (e.g., name, date of birth, Social Security number) to steal money or services, commit fraud, or engage in other illegal activities. More than 40 percent of identity theft involves credit card fraud, but it can also involve bank accounts, telephone or utility accounts, government benefits, and a host of other financial transactions.

Once people realize that they have been victimized by identity theft—on average, more than 12 months pass between the first misuse of a victim’s identity and the time the victim discovers the crime—they should take immediate action. The FTC recommends that victims quickly contact the fraud departments of one of the major credit bureaus in order to have a fraud alert placed on their credit file. Victims should also close any accounts affected by the identity theft and report the crime to the police as soon as possible. Almost every state has a law specifically criminalizing identity theft. In addition, the 1998 Identity Theft and Assumption Deterrence Act made identity theft a federal crime.

If a criminal prosecution is successful, restitution may be ordered, compelling the perpetrator to pay the victim for various losses caused by the identity theft. Although restitution may fully compensate some victims, others may choose to pursue a civil lawsuit. Such an action could take many forms.

The victim can directly sue the perpetrator of the crime, seeking compensation for both economic and non-economic (e.g., pain and suffering) damages. Depending on the facts, the suit might involve various common-law causes of action including misrepresentation, fraud, or conversion (i.e., an unauthorized act that deprives an owner of his or her property). Several states, including New Jersey, Connecticut, and Iowa, have enacted statutes that create a civil cause of action for identity theft. These laws could be particularly beneficial to a victim because they allow for the awarding of treble damages and attorneys fees.¹

In addition to the perpetrator, other parties may be liable for the harms suffered by an identity theft victim. For example, a bank could be liable in negligence if it fails to take reasonable steps to protect a customer after a fraudulent account has been reported. (See accompanying case summary.) A company might also be liable for intrusions upon seclusion or similar torts if it discloses a person’s Social Security number for an improper purpose. There are various statutes that also might be used to hold a third party liable, including state consumer protection acts and the federal Fair Credit Reporting Act.

Identity theft is a rapidly evolving area of the law and significant hurdles could stand in a victim’s way. Despite such challenges, identity theft victims should keep in mind that civil lawsuits may provide meaningful compensation for the losses they have suffered.

¹ Treble damages: damages given by statute in certain cases, consisting of the single damages found by the jury, actually tripled in amount. (Black’s Law Dictionary, 5th ed.)
he National Center presented its 2004 Leadership Award to Don McPherson this June in New York City. After a successful professional football career with the Philadelphia Eagles and the Houston Oilers, former NFL quarterback Don McPherson dedicated himself to promoting sports as a powerful educational tool to change a culture that cultivates violence against women.

McPherson established the Adelphi University Sports Leadership Institute (SLI), which advocates using athletics, sports, and physical education to promote positive values, build leadership, and teach valuable life lessons. As SLI’s executive director, McPherson has reached thousands of students, athletes, and young men across the country with his stirring message on non-violence. His lectures and workshops focus on understanding social influences that lead to the perpetration of violence, particularly the impact of “narrow masculinity” on men’s attitudes about themselves, women, and violence.

Working with numerous school districts and community organizations, McPherson has developed innovative violence prevention programs for high school and college students. He also has worked in several correctional facilities throughout New York State, conducting workshops on a variety of social issues ranging from substance abuse to gender violence prevention.

A nationally recognized speaker and advocate for the prevention of men’s violence against women, McPherson has testified before Congress on violence in sports and society and has appeared on many national television programs.
New Resources Available for Stalking and Dating Violence Victims

The National Center has released two new brochures for educating victims of stalking and dating violence. The brochures describe stalking and dating violence behavior and help victims identify whether they or someone they know is a victim, as well as what emotions to expect, steps to take to protect themselves from further harm, and where to turn for help. Both brochures are available on-line as PDFs, in color or black-and-white, and have room for adding local contact information. To view or download these resources, visit www.ncvc.org/src for the brochure on stalking and www.ncvc.org/dvrc for the brochure on dating violence.

Susan Herman to Leave National Center

After serving the National Center for Victims of Crime with distinction as executive director for more than seven years, Susan Herman will resign her position this fall to move to New York City where her husband, Jeremy Travis, has been named the new president of John Jay College of Criminal Justice.

“This is both a very exciting and difficult transition for me because my years at the National Center have been so rewarding,” said Herman. “It has been a great honor to work with so many wonderful people and to be part of such important work.”

The National Center’s board of directors has formed a search committee that is seeking candidates for the executive director position.

2005 National Conference Call for Workshop Proposals

The National Center is accepting proposals now through October 15 for workshop presentations at its National Conference on June 20-22, 2005, in Washington, DC. Workshops will address a wide range of topics organized into eight separate conference tracks: Victim Services, Civil Justice, Criminal Justice, Media, Public Policy, Underserved Populations, Violence Against Women, and Teens. Anyone involved in helping victims of crime rebuild their lives is invited to submit a workshop proposal. For more information about the conference or to download a Workshop Proposal Form, visit www.ncvc.org.

NETWORKS Honored in National Competition

Congratulations to the National Center’s editorial and design team for its Magnum Opus commendation of excellence for NETWORKS! The National Center will continue to strive to bring you cutting-edge information on crime victim issues and best practices to help you better serve people harmed by crime.
Abuse, Mental Health, and Racial Differences

While growing evidence shows that intimate partner violence negatively affects victims’ mental health, studies documenting the differences in mental health outcomes among different racial and ethnic groups are scarce. Although race and ethnicity do not necessarily influence the incidence and prevalence of domestic violence, they may influence the subjective experiences of victims. A recent study (“Lifetime Abuse, Mental Health, and African American Women,” *Journal of Family Violence*, June 2004) examined the relationship between lifetime abuse (childhood abuse or abuse by an intimate partner as an adult) and the resulting differences in mental health between African American women and white women. The study was part of a domestic violence screening intervention in a primary healthcare setting. A total of 491 women (365 white; 126 black, all self-identified) were contacted by phone.

Both black and white women who reported childhood physical and sexual abuse were more likely to report all types of abuse as adults (physical, sexual, and emotional). While for both black and white women lifetime abuse was related to higher levels of depression, the association was higher for white women: white women who had experienced lifetime abuse were 18.4 times more likely to report depression than white women with no abuse history. In contrast, abused black women were 9.3 times more likely to report depression than nonabused black women.

Different patterns between black and white women also emerged for anxiety, another mental health symptom reported more frequently by abused than nonabused women. Nonabused black women have higher levels of anxiety than nonabused white women—10 percent versus 6 percent. For women who have been abused, the risk of anxiety was the same across groups.

In addition, the study examined the association between abuse and mental health among women with little or no economic hardship compared to the women with severe economic hardship. Though this finding is unstable due to the small sample size, data suggest that economic hardship greatly increases the risk of depression and anxiety among abused women.
The National Criminal Justice Reference Service (NCJRS) distributes publications for the National Institute of Justice (NIJ), Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office for Victims of Crime (OVC), Bureau of Justice Statistics (BJS), Bureau of Justice Assistance (BJA), and Office of Community Oriented Policing Services (COPS). Most publications are available for download using the Web address provided in brackets. You can also contact NCJRS at P.O. Box 6000, Rockville, MD 20849-6000, or call 1-800-851-3420 for personal assistance and fax-on-demand service. Send e-mail orders to puborder@ncjrs.org and e-mail questions to askncjrs@ncjrs.org. Use the document’s “NCJ,” “FS,” or “BC” number when ordering. If a document is out of stock, it may be available through interlibrary loan or by purchasing a photocopy if copyright is granted.

**Crime and the Nation’s Households, 2002**

Presents findings from the National Crime Victimization Survey that include vandalism and intimate partner violence.

BJS. NCJ 201797.  

**Explanations for the Decline in Child Sexual Abuse Cases**

This bulletin explores the strengths and weaknesses of six possible explanations for the decline in child sexual abuse cases by using data from a number of different sources.

OJJDP. NCJ 199298.  
[www.ncjrs.org/pdffiles1/ojjdp/199298.pdf](https://www.ncjrs.org/pdffiles1/ojjdp/199298.pdf)

**Forensic Examination of Digital Evidence: A Guide for Law Enforcement**

This guide is designed to assist law enforcement agencies and prosecutorial offices with computer forensics.

NIJ. NCJ 199408.  
[www.ncjrs.org/pdffiles1/nij/199408.pdf](https://www.ncjrs.org/pdffiles1/nij/199408.pdf)

**Gun Violence among Serious Young Offenders**

This guide addresses serious youth gun violence, describing the problem and reviewing factors that increase the risk.

COPS. NCJ 205110.  

**Highlights of the 2002 National Youth Gang Survey**

Reports findings from the 2002 National Youth Gang Survey, the eighth annual survey conducted by the National Youth Gang Center.

OJJDP. FS 200401.  
[www.ncjrs.org/pdffiles1/ojjdp/fs200401.pdf](https://www.ncjrs.org/pdffiles1/ojjdp/fs200401.pdf)

**Identity Theft**

This Problem-Oriented Policing (POP) guide for law enforcement reviews the emerging crime of identity theft and summarizes how police can help reduce the harm caused by this crime.


**Stalking**

This Problem-Oriented Policing (POP) guide, written by the National Center for Victims of Crime, reviews the problem of stalking and its contributing factors and identifies a series of questions to help law enforcement analyze local problems.


Provides parents with the most current information on and helpful insights into what families should do when a child is missing.

OJJDP. NCJ 204958.  
[www.ncjrs.org/pdffiles1/ojjdp/204958.pdf](https://www.ncjrs.org/pdffiles1/ojjdp/204958.pdf)
Don’t miss this unique opportunity to expand your vision of helping victims of crime rebuild their lives. Attend our first national conference, held in conjunction with the National Center’s 20th anniversary.

HIGHLIGHTS INCLUDE:

- Nationally recognized speakers on a wide range of cutting-edge issues
- Hands-on workshops to sharpen your skills
- Networking opportunities with victim service providers and allied professionals from across the country
- Exhibit opportunities

Now accepting Workshop Proposals.
For more information, visit www.ncvc.org.