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Preventing
Repeat Victimization
n my work with the National Center for Victims of Crime, I have had many opportunities to meet scores of talented and dedicated professionals who are helping rebuild the lives of crime victims in the United States and throughout the world.

This experience has been a tremendous privilege for me.

It has also served as a constant reminder that—to do the best job possible for crime victims—we must challenge our assumptions about the way we conduct business; foster a dialogue with cross-cutting disciplines; encourage innovative practices; and stay abreast of breaking issues and trends.

One issue that bears more of our attention, I believe, is that of repeat victimization, the subject of our lead article (page 3), which provides current data on this troubling phenomenon and describes some of the implications for our work with victims. The growing body of research literature should inform our sense of obligation to tell crime victims about the possibility of recurrence and advise them on expanded options to prevent repeat victimization.

There is also much to learn by exchanging ideas with our counterparts in other countries. In the United States, we have tended to view participation by victims in the criminal justice process as almost an unqualified good thing. The discussion by Edna Erez and Helen Reeves in “The Timing of Victim Statements: Two Approaches” (page 6) raises some provocative questions not only about the timing of the participation, but the potential risks and benefits.

We must also keep an open dialogue with other disciplines struggling to serve victims better. For example, Dennis Maloney, a national advocate for restorative justice, shares an entirely different approach to probation in “Probation’s Emergence into Community Justice” (page 12). He advocates for a new model that would embrace victim reparation as a core principle, with crime victims and communities playing key roles.

You may have noticed that NETWORKS has grown considerably over the last year from a 12-page newsletter to a 24-page magazine. As the National Center’s flagship publication, NETWORKS is one of the most important vehicles we have for serving our members and victims of crime. We will continue to sharpen and strengthen the editorial content of NETWORKS and encourage you to let us know what issues and developments you’d like addressed on these pages in the future.

Susan Herman
Executive Director
Imagine your home has been broken into, your personal belongings rifled, heirlooms, gifts, and valuables taken. You feel violated and unsafe. You have become one of the more than 28 million people who are crime victims each year. Despite the anxiety, inconvenience, and loss, you know you’ve had your turn at being a victim of crime and are statistically safe from going through that again.

Not so. Once a victim of crime, the greater your chance of being victimized again. Especially in the near future.

For more than 30 years, criminologists, law enforcement, and victim service providers have studied the phenomenon of repeat victimization—when one person or place experiences multiple criminal incidents over a specified period. Each study has come up with the same conclusion: the best predictor of victimization is having been victimized within the past 12 months, and during that time, your chances of becoming a crime victim are high. In 1994, the National Board for Crime Prevention in Great Britain reported that 22% of motor vehicle thefts happen to 8% of the people who report them. The Canada Solicitor General found in 1998 that robbery victims stand a nine times greater chance of being robbed again than people who haven’t been robbed; and that sexual assault victims are thirty-five times more likely to be re-assaulted than individuals who were never assaulted.

Statistics about repeat victimization raise uncomfortable issues for many victims and victim service providers. One could conclude that simply being a crime victim is a sign of vulnerability, and victims could do something that would decrease their vulnerability. For many victims and victim service providers, this sounds too much like saying that victims ask to be victimized by failing to take preventive actions. It seems to fly in the face of our longtime understanding and portrayal of crime and crime victims.

For years, we have had to battle social beliefs blaming victims for what happens to them. Why was he out walking so late? She shouldn’t have invited him up to her apartment. He shouldn’t have gone to that party. She needs to work harder to make that marriage work. Many victims reflect their acceptance of these social messages by assuming responsibility for what happened to them. Scenarios of...If only I had... tend to play over and over again in their minds. Armed with knowledge about repeat victimization, the last
thing we wish to do is to bolster the notion that victims are responsible for crimes against them. Therefore, we must find ways to educate victims about the increased risk they face while continuing to place blame where it belongs—on the offender.

**Safety Plans**

Domestic violence victim service providers have long understood the likelihood of repeat incidents of domestic violence and have learned how to balance support for increased victim safety with refusal to blame victims for the violence against them. Together, service providers and domestic violence victims have developed safety plans that cover safety at home, children’s safety, safety while preparing to leave and leaving the abusive relationship, and ongoing safety, particularly if the abuser exhibits stalking behavior.

Comprehensive safety plans address physical, emotional, and behavioral concerns in all aspects of a victim’s life, and are both proactive and reactive. The plans assess who can be helpful to the victim and how, what the abuser knows about locating the victim, privacy in a new home, resources needed to make a fresh start, and services to increase safety.

Good safety planning requires creativity. In the United Kingdom, “cocoon watches” involve the victim’s immediate neighbors who are informed of the crime, educated about signs they should pay attention to, and given a list of contacts should they witness suspi-

Research documents that victims receiving prevention training as part of their crisis response services had 33% fewer incidences of repeat victimization over the 12 months immediately following a crime than those receiving no prevention training.
phones that only call 911. Landlords have agreed to install new locks, motion sensitive lighting, or alarm systems.

These safety plans work by creating more avenues to safety, involving more people, and using more strategies. When security personnel at work are alerted to a victim’s risk, they can carry copies of the protective order and a photograph of the perpetrator. Helpful neighbors can call police if they see suspicious activity or hear a pre-arranged emergency code word. Family or friends can help screen mail and phone calls to shelter victims from unwanted contact.

Safety-planning skills developed for domestic violence victims are transferable, even to crime victims not usually helped by victim service providers. Guidelines can be modified for victims of break-ins or car theft. By looking at the circumstances of the original crime, victim service providers can determine what areas of a victim’s life are most vulnerable and develop practical solutions. It is essential, however, to involve the victim in the planning process. Cookie-cutter approaches don’t work. Only the individual knows what she or he is capable of doing to increase personal safety, whether it makes sense to involve other people, and, if so, how to approach them.

Safety planning also seems to speed emotional healing. Assessing areas in which the victim feels most vulnerable and taking steps to reduce that vulnerability can be a powerful antidote to feelings of fear and loss of control. By enhancing their sense of safety, victims tend to gain greater confidence in coping with the repercussions of crime.

Research documents that victims receiving prevention training as part of their crisis response services had 33% fewer incidences of repeat victimization over the 12 months immediately following a crime than those receiving no prevention training. Our work with victims must be informed by research. The knowledge that repeat victimization places crime victims at greater risk mandates that we relearn some basic lessons, be candid about real dangers, and offer effective strategies to protect all crime victims.

The National Center has developed a model program for police departments on preventing repeat victimization that includes an interview guide for responding officers. The resulting publication will soon be available from the Department of Justice. For more information on repeat victimization and creating safety plans, contact Lara Murray, director of victim services, National Center for Victims of Crime, 703-276-2880 or lmurray@ncvc.org.

Edna Erez:
The Case for Victim Impact Statements at Sentencing

Professor Edna Erez is chairperson of the Department of Justice Studies at Kent State University.

Over the last two decades, victims—the previously “forgotten persons” of the criminal justice system—have gained significant rights. Important programs and services have been established to ameliorate the impact of crime on their lives. Victim-oriented reforms provide crime victims with crisis intervention, counseling, advocacy, support, and information during criminal investigation, prosecution, and after case disposition. Yet none of these rights and services has addressed the most important stage in the criminal justice system from the victims’ perspective: the sentencing of the offender.

Legislation allowing victim input into criminal justice proceedings in the form of victim impact statements is the culmination of a long campaign to improve crime victims’ treatment by the justice system. Passed in most jurisdictions in the United States, it is aimed at reducing victims’ frustration with and alienation from an adversarial legal system in which they had no voice. With the right to provide victim impact statements, victims can inform the sentencing judge of physical or psychological harm, or loss or damage to property suffered as a result of the crime.

Objections to victim impact statements have centered on three issues. First, opponents argue victim impact statements could undermine adversarial legal system principles and defendants’ rights, because only the state and offender are parties to the trial in such systems. Incorporating victims could violate this delicate balance. Second, say opponents, victim impact statements increase the likelihood of negative effects on victim welfare. Victims could relive the crime, be traumatized under cross-examination, or have unrealistic expectations about their impact on sentencing. Those who felt their input had been ignored could become embittered and resentful. Third, victim impact statements could adversely affect criminal justice processes and outcomes, particularly in terms of increasing sentence harshness, reducing sentence uniformity, and prolonging proceedings or causing delays for an already overburdened system.

Advocates of victim impact statements were particularly criticized for their presumed alliance with or exploitation by “law and order” campaigns for harsher punishment. Other objections related to process—whether victim input should be given directly to the sentencing judge (the U.S. practice) or conveyed to the judge through the prosecutor (preferred in England).

Supporters of victim input into sentencing argue that providing victim impact statements has positive effects on victims, the criminal justice process, and the cause of justice as a whole. A victim impact statement recognizes the victim’s wish for status as a legitimate party to the crime, respects individual dignity, and provides therapeutic benefits. It also offers possible rehabilitative
A victim impact statement reminds judges, juries, and prosecutors that a real person with an interest in how the case is resolved lies behind the “state’s” case. Information on victim harm improves sentence accuracy without prolonging proceedings, and provides victims with an equal right to be heard without violating defendant rights or causing additional burdens for the victim. Because prosecutors represent the “public interest” which can differ from victims’ interests, victim rights advocates in the United States do not believe prosecutors are the vehicle to convey to judges the impact of crime on victims.

Studies in various countries confirm that victim impact statements have had mostly positive effects on victims’ welfare, criminal justice processes, and court outcomes. Research suggests victims are generally interested in providing input for sentencing (which is, in any case, voluntary), do not feel burdened, and often view providing their statements as an important civil duty. Describing the impact of the crime on their lives to the judge has been shown to bring cathartic closure to the experience of victimization and to reduce victims’ sense of powerlessness over the process.

Victims report satisfaction when judges have validated their harm by quoting their statements in sentencing comments. Although some acknowledge heightened expectations regarding their influence on sentencing and disappointment when the outcome did not match their expectations, these problems could be reduced or prevented by more thorough explanations of the victim impact statement’s purpose.

Research also demonstrates that victim impact statements have not led to increased sentence severity, but rather made sentences commensurate with the harm or increased its proportionality. In the few cases in which victim impact statements caused a change in sentence, it was as likely to result in increased leniency as increased severity. Judges intimated that reading statements educated them about the full range of victimization, and they did not find victim input to be exaggerated, vindictive, or inflammatory. Lastly, not only did the inclusion of victim impact statements not lead to longer trials, it generally shortened proceedings by combining information on crime impact in the statements, rather than scattered throughout the case file.

In sum, research demonstrates that victim impact statements can simultaneously empower victims and enhance justice processes and outcomes. In light of these results, attempts to oppose statements by patronizing victims—presenting them as unwilling to provide input or incapable of shouldering responsibility—or claiming such statements may adversely affect criminal justice processes will only perpetuate time-honored legal traditions of treating crime victims as invisible, the “forgotten persons” of criminal justice.

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Helen Reeves: The Case for Early-Stage Victim Personal Statements

Dame Helen Reeves is chief executive of Victim Support, United Kingdom.

I have for many years campaigned for the right of victims to be recognised, respected, and heard. I do not, however, believe that the Victim Impact Statement prepared for the purpose of sentencing is the right way to achieve this.

The sentencing stage is far too late to meet most requirements of a victim of crime. Victims need to be recognised throughout the process, from the time when the crime is reported until the offender is released from prison. Most people want to be kept fully informed of how the case is progressing and what decisions are being made, including an explanation of how decisions have been reached. If they have fears about their safety, they are also entitled to protection during the investigation or at any time that bail is considered.

Many victims need to be referred to special services for support. Most need information about compensation, crime prevention, or social security. In many countries where victim impact statements are used, there is very little opportunity for the victim to be heard on any of these issues at an earlier stage. They could therefore be overlooked, neglected, and misunderstood throughout the investigation and trial.

Some people also need special support while giving their evidence—for example, if they have communication difficulties or physical or psychological problems. Early preparation and the provision of screens or interpreters can be essential in these cases. Yet these necessities are often overlooked because victims do not have an opportunity to make their needs known. Many instances of insensitive behaviour at all points in the process could be avoided if victims had an opportunity to make a clear statement about their wishes, needs, and legitimate interests at an early opportunity.

In the United Kingdom, we have campaigned for a different type of statement, the Victim Personal Statement. This statement would be made at the outset, when the victim is making an evidential statement. It would be entirely optional and can include anything that the victim would like the police, the Prosecution Service, or the court to know. In particular, victims will have an opportunity to state whether they would be interested in an order of compensation from the offender or a request for mediation. By making their wishes known at this early stage, victims’ interests can be taken into account at all crucial stages of the case, including the decision to prosecute.

I have said that the statement should give information about the victim’s “legitimate interests.” These words have been carefully chosen. We believe it is important that victims should not be led to believe they could or should have an impact on the level of punishment which the offender should receive. Case law in the United Kingdom makes it quite clear that victims’ opinions cannot be taken into account in sentencing, as this is a matter for the court. Research in other countries, as well as a short pilot study in the United Kingdom, have made it clear that the victim personal statement is not likely to have an impact on the level of punishment that the offender receives. It is important that victims understand this at the outset.

However, the issue remains as to what, if
Should an offender whose victim has been well supported receive less punishment than one whose victim has been neglected?

The information provided in the victim statement will often be affected by the attitude, or sometimes the religious beliefs, of the victim concerned. Many people believe that they should aspire to forgiveness, and this will be reflected in the statements they make. Does it automatically follow that the offender should receive less punishment?

Finally, I believe there is a serious danger that the use of victim statements in determining the level of punishment could result in courts evaluating victims according to their social status. It would be natural, for example, for the parents of a murdered child who was dearly loved to make a deeply moving statement about the extent of their loss. This does not mean that a child who has not been loved is of less value or that the offender should receive a lesser sentence. A different example might be the value placed on an injury committed against a working man with a family, as opposed to the value placed on the same injury suffered by a homeless, unemployed man with no dependants. It may be appropriate for a civil court to make a distinction in the amount of damages awarded, but it cannot be appropriate for a criminal court to make a distinction in the level of punishment for a similar act of violence.

In summary, I am strongly in favour of victims having a voice and being heard by everyone who deals with a crime. But I believe equally strongly that the purpose of their statements should be made clear at the outset. The victim’s statement should not be made to determine the level of punishment for the offender, but to ensure that the victim’s own legitimate interests can be recognised and met throughout the process.

Dame Helen Reeves can be reached at The National Office for Victim Support, located at Cranmer House, 39 Brixton Road, London, England, SW9 6DZ.
Imagine having a drink at a party or bar and waking up hours later in a different location. Imagine finding yourself naked or disheveled with vaginal or anal trauma and semen stains on your clothes. You can’t remember what happened or who was around.

Drugs secretly slipped to or taken voluntarily by unsuspecting victims represent a powerful new weapon to disable and sexually assault victims. Typically, “date rape” drugs are slipped into victims’ drinks or food at parties, bars, and clubs. Victims describe feeling far more drunk than would be warranted by the amount of alcohol they’ve consumed, and often lose motor control and lapse into unconsciousness. Combined with alcohol, the drugs can be lethal. In a shocking, first-person account published by Jane magazine, a 15-year-old high-school student suffered a coma, seizures, and repeated heart failure after “guy friends” offered her a drink one Saturday night. Her girlfriend, Samantha Reid, appeared to fall asleep after drinking a drug-spiked Mountain Dew and was dead by the following day.

**Popular Drugs to Disable Victims**

The two drugs used most often to immobilize victims are Rohypnol and Gamma-hydroxybutyrate (GHB)—both illegal in the United States but readily available in other countries, on the black market, or via the Internet. Rohypnol is a benzodiazepine that depresses the central nervous system and is used as an anesthetic or prescribed for sleep disorders in other countries. It comes in a small white pill that can be ground into a powder and dissolved in liquid. GHB, another central nervous system depressant, is a clear liquid that can be ingested in drinks or mixed with food. Before 1990, GHB was marketed at health food stores as a sleep aid, weight reducer, and body-building supplement, and is now easily concocted from recipes on the Internet.

**Lessons Learned in the Field**

More research is needed to determine the prevalence of drug-facilitated rape. Gail Abarbane, director of the University of California at Los Angeles’s Rape Treatment Center, dates a rise in drug-facilitated sexual assault cases at her center from late 1995. Abarbane shares important lessons she has learned from victims:

- Perpetrators using drugs to immobilize victims do not have to overcome any kind of resistance to the assault.
- Victims do not detect a threat to their safety because the weapon used to overpower them is hidden.
- Drugged victims are prevented from using any self-defense strategies such as memorizing locations or physical details that might aid apprehension and prosecution of the offender.
- Bystanders are likely to misconstrue the scene—viewing the rapist who is carrying or leading away a seemingly intoxicated victim as a helpful rescuer transporting a vulnerable person to safety.
- Reporting rates for drug-facilitated rapes are even lower than traditionally low reporting rates by rape victims because the victim remains unconscious for several hours, has a hangover effect prolonging incapacitation, feels guilty because of past voluntary use of alcohol or drugs, or is reluctant to make an accusation when she is uncertain about what happened.
- The inability to provide a complete narrative of events to investigators is met with suspicion, frustration, and disbelief, compounding the victim’s sense of helplessness.
- Both officials and others mistakenly minimize the victim’s trauma when she can’t remember the assault. Lack of cognition during the assault and subsequent amnesia, in fact, subject victims to an extreme sense of powerlessness.
- Surreptitious drugging represents a distinct act of victimization, adding to the degradation of the assault. Some victims describe the violation as “mind rape.”
- Inability to recall the assault forces victims to imagine what happened, resulting in humiliation and horror. Being unable to remember is as bad for many victims as being unable to forget.
Tara Davis, who oversees the National Center’s toll-free victim services Helpline (1-800-FYI-CALL), says most victims don’t know what drug was used, and their inability to recall events stops them from reporting or going to court. Davis confirms the misery and helplessness many victims feel. “It’s especially horrible because they’ve been caught completely unaware. People underestimate how frightening it is to lose chunks of time, and be left trying to put the pieces together.”

**Law Enforcement Response**

Because many drugs exit the system within hours and rape drugs are more likely to be detected in urine than blood, urine specimens should be collected as soon as possible. Law enforcement personnel should advise victims not to urinate, if possible, before reaching a medical facility, and should save urine specimens in a clean container if the victim can’t wait. Other evidence may be found at the scene of the crime: corroborating stories by witnesses, glasses from which the victim drank, traces of drugs in food or small bottles, and recipes on the offender’s computer. Standard rape evidence kits should be updated, and victim service providers should work with police and medical professionals to develop new kits where none exist.

Identifying a forensic laboratory capable of conducting the required toxicology tests is important, as are procedures for preserving chain of custody of the evidence. Congress responded to the growing use of “date rape” drugs by passing the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000 (H.R. 2130). This law classified GHB as a Schedule I substance. Because Schedule I substances have no lawful purpose, possession or sale of these drugs carries stiff penalties. The law also authorized funding to develop new toxicology tests for detecting GHB in victims, and a national awareness campaign about the dangers of “date-rape drugs.”

Drug-facilitated sexual assault has received the attention of law enforcement, policymakers, victim service providers, and the public at large. While efforts to raise national awareness and to catch and punish offenders continue, women are left to consider this new threat to their safety and to determine what can be done to protect themselves.

“What makes this such a glaring offense,” says Davis, “is the calculation involved. It doesn’t get much more premeditated or cruel than this. We’re talking about someone who plans to disarm and rape a woman, then prepares to carry it out by ordering the ingredients, mixing them up, and putting them in the victim’s drink.”

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Probation’s Emergence into Community Justice:

By Dennis M. Maloney

THE PROBLEMS

After almost 30 years of working on approaches attempting to balance the interests of victims, offenders, and the public, I believe probation should transform its procedures and embrace a mission in which crime victims and communities play key roles.

The first principle of a new community justice model of probation should be victim reparation. It is clear most people, including criminal justice professionals, do not consider probation a meaningful sanction, as it is practiced today. I’ve sat through hundreds of sentencing hearings where the offender got probation, and have yet to hear the victim or victim’s family say, “Good, that’ll teach him a lesson.” No one has ever stood up and said, “It means he had to pay back.” Or, “It means he was held accountable.”

Having dedicated much of my career to extolling the good derived from highly visible restitution and community service, I am convinced more than ever that most members of the public would prefer to see offenders working and paying back instead of passing idle time in prison and jails. Offenders who complete well-designed restitution programs and community service requirements are less likely to recidivate.

Probation, however, failed to make its case with crime victim advocates who were focused on a reliable aspect of corrections—jails and prisons. Had we become allies with instead of ignoring victim groups, perhaps we could have demonstrated that many offenders now facing mandatory prison terms could have been held accountable constructively and safely in the community.

Victims have minimal to no input in probation requirements. The long list of conditions imposed on offenders treats reparative duties as one aspect among many. Generally, a probation officer housed in a government office monitors adherence by requiring the offender to report monthly for fewer than 30 minutes. Few offenders meet all conditions, so revocation becomes subjective. In my opinion, “office-visit probation” is the Achilles’ heel of community corrections efforts.

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Implications for Crime Victims

A COURSE OF ACTION

Pursue the mission. If we adopt victim reparation as our first principle, we must seek every means to allow the crime victim and the community to participate in the process. They must have an opportunity to identify the amount and meaning of the loss; determine an appropriate means for the offender to repair the harm; and participate in a lesson for the offender to reduce the likelihood of re-offense. If the victim does not want to be involved in developing the reparative contract, a variety of surrogate means can be substituted. Community participation should be required as a responsibility for resolving problems that the community encounters. This includes taking part in mitigating criminal behavior.

Rely on Measurement to Drive Performance. For years, colleagues and I viewed data collection and program evaluation as bureaucratic meddling administered to prove our shortcomings. It finally dawned on us that if we were working in an environment where measurement could determine whether we were accomplishing our mission, staff members would appreciate its utility. In terms of repairing harm to victims, outcome measures should be: (1) Does the activity contribute to the likelihood victim restitution requirements are being fulfilled and community reparative service orders completed? (2) Has the victim received assistance to reduce trauma suffered as a result of the crime?

Serve the Community. In Deschutes County, Oregon, community justice officers work with community organizations to assess critical local needs. Offenders with court-ordered or mediated work service

A community justice “case” has three clients—the victim, the community, and the offender.
requirements are assigned to projects under the supervision of volunteers. Offenders first complete required work service hours, then can continue working to earn money from a restitution fund supported through contract work for local municipalities. Restitution hours are credited to the offenders’ accounts and crime victims are paid back expeditiously. Teams have helped construct a child advocacy center, new parks, homes for Habitat for Humanity, and a domestic violence safe house, and have helped organize efforts to build a homeless shelter.

**Do a Few Things Well Rather Than a Lot of Things Poorly.** To fulfill our new role of doing better for victims and the community, we must find time. The answer lies in becoming performance-based, time-limited, and behavior-targeted. Court orders for community sanctions should be succinct and measurable, specifying schedules for restitution to the victim, work service requirements, training program completion, and lawful behavior. While some offenders such as sex offenders require substantially longer supervision and treatment, they are the exception.

**Adopt a Name that Better Reflects Our Mission.** It is clear we need a title that is holistic, proactive, and welcoming to victims and communities. Attorney General Janet Reno once described this new strategy. “Can we have a national crime policy that by its very nature requires the tragedy of a crime to occur before we rely upon such an enlightened response?” she asked. “Shouldn’t we devote as much time to preventing crime as we do to restoring the losses caused by crime? Wouldn’t the notion of community justice offer a more complete vision for our efforts?”

Together, the words are proactive and

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**On Parallel Justice**

“I’m completely supportive of the concept of parallel justice. It not only makes perfect sense, it is the only fair way to proceed. For 20 years, we’ve given lip service to victim rights. This makes it a reality....My only concern is that in exploring how to proceed on parallel justice, we should not be bound by old patterns of spending. We’ve made some faulty decisions in the past on where to put justice dollars. While new tax dollars should be directed toward setting up a parallel justice system for victims, we need to simultaneously examine how the current system of justice can be reshaped to work in tandem with it. Installing a new parallel justice system doesn’t mean we let the old justice system off the hook.”

—Dennis Maloney, remarking on “Seeking Parallel Justice: A New Agenda for the Victims Movement,” an address by National Center Executive Director Susan Herman to the National Press Club, December 15, 2000.
Victim-Friendly Facilities

The Deschutes County Community Justice Center houses staff, victim assistance providers from the county district attorney’s office staff, and community nonprofit organizations dealing with juvenile and adult offenders. A volunteer team of community justice ambassadors greet arriving victims and visitors. Community groups use the buildings and meeting space seven days a week for planning, conflict resolution, mediation, and training. Parking space usually dedicated for staff and judges is permanently reserved for victims and volunteers. County commissioners dedicated the center as a place for serving victim needs, organizing crime prevention strategies, and constructively supervising offenders.

In the words of a former juvenile probation officer: “Many days [in the past] the time spent on paperwork was more than time spent with the client, the offender. If citizens really knew, they would have questioned who was getting justice from the system. It was not the victims. Our system was not kind to victims, and the victims that did call were rightfully expressing their dissatisfaction with the system.”

The move to a community justice approach in my jurisdiction, Deschutes County, has changed that perception. In a survey of 98 local crime victims who participated in accountability meetings with a mediator, 95% of those surveyed felt it was helpful to meet with the offender, and 93% would meet with an offender again if they experienced a similar victimization. We are demonstrating every day there is another more humane, more holistic, and more effective way of doing business.
I would like to begin by commending the Department for its handling of the reinvestigation. It is not an easy task to air dirty laundry...Admitting the truth about the scandalous record in the face of public scrutiny took real courage and should be noted.

—Carol Tracy, executive director of the Women’s Law Project, Philadelphia City Council hearings, December 12, 2000.

In the aftermath of startling media revelations that thousands of rape cases had been closed without investigation, women’s advocacy groups called on Philadelphia’s City Council to hold public hearings. In a dramatic overture, Philadelphia Police Commissioner John F. Timoney invited representatives from Women’s Law Project, Women Organized Against Rape, Support Center for Child Advocates, Philadelphia Children’s Alliance, and Penn Women’s Center to help police assess old cases and monitor current police department handling of sex crime complaints.

Carol Tracy, executive director of Women’s Law Project, joined others in hailing Timoney’s move. “I think it’s amazing to have this amount of citizen review,” said Tracy. Carol Johnson, executive director of Women Organized Against Rape, said the plan “should serve as a model for other cities and communities all over the country. It will open up cases that have wrongly been closed and...put faith in those who’ve doubted the police too much to come forward.”

Invisible Crimes
The Philadelphia police department’s long-standing practice of closing rape cases without investigation came to light in October 1999 when the Philadelphia Inquirer documented the placement of thousands of sexual assault complaints—about 30% of its case-load—in an “investigation of person” category intended for situations in which no crime was committed. These cases received little or no attention, did not show up on crime statistics, and were effectively shelved. According to the Inquirer, current and former members of the sex crime unit explained that the practice resulted from heavy workloads and pressure from commanders to reduce official tallies of violent crime.

A later review by the police department’s auditing arm concluded that at least 1,800 sex crime cases between 1995 and 1997 were closed without proper investigation. Reviews of old cases, however, have covered only cases miscoded in the last five years because of the statute of limitations. “The passage of time has prevented many cases from being resolved,” said Tracy. “Our hope is that the work that we are currently doing will prevent such occurrences in the future.”

Recommendations for Procedural Reform
On December 12, 2000, during the latest of three hearings held by the Philadelphia City Council, Tracy credited Commissioner Timoney for significantly expanding oversight of police operations. “Frankly, we know of no other citizen’s group that has ever been invited by a police department to review files,” said Tracy. She cited his cooperation in providing the group with crime data in whatever format they requested, and recommended the following procedural reforms:
Immediate relocation of the police department's Special Victims Unit (SVU) to a location that is easily accessible, affords privacy for victims and families, and provides a healthier work environment for staff members. While collocated offices of the police, Department of Human Services, and the district attorney’s office would be beneficial, better facilities for sex crime victims are needed immediately.

- Improved training and the use of a protocol for interviewing traumatized victims.

- Enhanced screening and assistance to SVU staff who are at risk of experiencing secondary trauma as a result of their work.

- Development of a revised coding manual that would update the federal Uniform Crime Report (UCR) definition of rape and comply with definitions in current state crime codes.

- Changes in police protocol to eliminate the use or threat of victim polygraphs, reduce recantations by addressing domestic violence victims’ safety concerns and family pressures on young victims, and improve the collection and use of forensic evidence including rape kits and drug screens.

- Publication of an annual department report including the number and category of sex crime complaints, founded and unfounded cases in which arrests were made, involvement of domestic violence or child protective services, and victim ages.

The Numbers
Commissioner Timoney, who took command in early 1998, acknowledged that the Philadelphia rape squad was “paying the price for some past sins.” His testimony on December 12, 2000 to the City Council detailed how many rapes and other crimes had been ignored in the past. With more than 90% of 2,000 cases reviewed from 1995-97, detectives and auditors have identified 705 rapes, 532 other sex crimes, and 131 non-sexual offenses. The department also reversed several dozen cases from 1998 and 1999, originally rejected as “unfounded.” Police have arrested 58 suspects so far, and were seeking nine fugitives. Solving stale cases was hard, Timoney testified, because victims couldn’t be located or were unwilling to revisit the trauma of their attack.

Sexual assaults are now a Philadelphia police department priority, Timoney told the Council. The rape squad should handle about 5,400 rapes, sexual assaults, and child abuse cases in 2000, a third larger caseload than two years before. Timoney has increased training, weeded out bad investigators, added new supervisors and investigators, and almost eliminated the use of lie detectors to test victims. A total of 89 patrol officers and detectives are assigned to the unit—a third more personnel than two years ago. Among changes aimed at ensuring better treatment of victims, the squad’s victim assistance officer checks with victims to see if they feel their cases were handled properly. And if a rape victim is unhappy with her investigator, said the commissioner, she is told, “We will happily reassign you another.”

1. Philadelphia Inquirer, 3/21/00
2. APBNews.com, 3/21/00
3. Philadelphia City Council Hearing, 12/12/00
4. Philadelphia Inquirer, 12/13/00
5. Ibid.
Setting up and furnishing a home is expensive. Along with big-ticket items like beds, couches, tables and chairs, one must accumulate everything else essential for daily living: sheets, towels, soap, pots and pans, breakfast cereal, and much more. For women who have fled an abusive situation to a shelter—many with children in tow—a new household is often unaffordable. Most have little or no money saved for this kind of expenditure and few resources to which they can turn. Victim service providers encourage battered women to begin a new life free of violence, but far too many return to abusive homes because of hopeless financial dependence.

Domestic violence shelters across the country routinely receive offers of donated furniture they cannot accept due to lack of storage space. When former National Center intern Amy Retsinas volunteered this past year at a domestic violence shelter in Providence, Rhode Island, she learned that all of the state’s six domestic violence shelters had to turn back furniture donations. No business or service existed to provide a conduit for free or inexpensive furniture to needy women and families victimized by domestic violence.

Retsinas began contacting local furniture retailers with literature about domestic violence and promises of favorable publicity for any service-minded business willing to contribute furniture to domestic violence victims. While most retailers expressed sympathy upon learning that a lack of financial independence was one of the biggest barriers to women wanting to escape violence, they did not have a donation policy or offer to help. “While I reached out to many retailers, the response was not what I expected,” said Retsinas. Fortunately, she met an enthusiastic response from Goodwill Industries of Rhode Island. Vice President Paul Pickens immediately embraced the idea of linking Goodwill to a project that helped domestic violence victims.

A Partner in Goodwill Industries of Rhode Island

“My timing for approaching Goodwill was extremely lucky,” said Retsinas. The company had recently sponsored a welfare-to-work awards ceremony in which their keynote speaker failed to show up. The reason, they discovered, was because she was in court all day, trying to get a restraining order against her husband. Board members subsequently considered how they might address domestic violence issues that might be affecting Goodwill’s own staff.

On any given day in Rhode Island, 44 women and children spend the night in a domestic violence shelter....

Most arrive with nothing but the clothes on their backs.

Victim service providers encourage battered women to begin a new life free of violence, but far too many return to abusive homes because of hopeless financial dependence.
Together, Retsinas and Pickens worked out a plan. Furniture donations were the biggest source of profit in Goodwill’s thrift stores, so Goodwill couldn’t afford to give those donations away. However, if individuals donated furniture specifically for battered women, Goodwill agreed to pick it up and store it at their main office. The first five couches, kitchen sets, coffee tables, and chairs would be stored at the main office. Additional donations would be kept at Goodwill’s thrift stores. When a domestic violence victim left the shelter, she could come to Goodwill’s main office and select furniture that would be available free of charge. As soon as items were taken, similar furniture would be replaced from the store. The arrangement worked for both the shelters and Goodwill. If businesses or individuals donated an excessive amount of furniture, Goodwill could sell it. If little furniture was donated, Goodwill agreed to contribute some of their own stock to the women.

**An Enthusiastic Response**

Retsinas met with the directors of residential services for each of the state’s six domestic violence shelters and provided contact sheets for referring clients and furniture donations to Goodwill. The phone immediately started ringing with offers for donations to Goodwill for domestic violence victims. Shelters began referring callers who wanted to donate furniture to Goodwill, and a barrage of flyers, public service announcements, and calendar listings began generating donations. The response to newspaper and radio announcements about the program has been so overwhelming, furniture pickups are now scheduled a month in advance.

The program’s future looks promising. Now operating three thrift stores along with a small high school for students with disabilities and a welfare-to-work program for women, Goodwill plans to launch seven more thrift stores in the state over the next ten years. More stores and the use of vouchers to select furniture from nearby stores rather than a central office could ease accessibility difficulties for some of the women. Goodwill has taken the message of domestic violence awareness beyond providing furniture. Information on domestic violence and resources for help are now available in all of Goodwill’s Rhode Island facilities.

Now a Swarthmore College senior, Amy Retsinas plans to write an instructional pamphlet for other communities. “Looking back on this past year, I feel extremely proud of creating a service that will benefit many women and families,” said Retsinas. “It amazes me that all it took was time, persistence, and a small budget to bring together this alliance.”

Readers wanting more information can contact Karen Jeffreys at the Rhode Island Coalition Against Domestic Violence (401-467-9940, ext. 103) or e-mail ritarheel@ricadv.org.
or more information on these and other victim-related cases, please call the National Crime Victim Bar Association at 703-276-0960. To receive in-depth information on civil justice issues on a regular basis, please consider becoming a National Center member at the MembershipPlus/ Civil Justice Publications level, which entitles you to receive Victim Advocate and Crime Liability Monthly, in addition to all other membership benefits.

Plaintiffs in the first four cases were represented by NCVBA members.

Tenant Assaulted by Landlord’s Daughter Settles Claim for $500,000. Maria Majano, a tenant in Luis Iglesias’s apartment building, was attacked with a brick by Iglesias’s daughter while Majano was hanging laundry. The attack left Majano with two bone fractures and unable to work. Iglesias was aware of his daughter’s history of severe psychiatric problems including violent outbursts and several involuntary hospitalizations, but had not warned Majano. After Majano sued Iglesias, the parties settled before trial for his insurance policy limits of $500,000. Majano v. Iglesias. Fla. Cir. Ct.

Sexual Assault Victim Settles with Security Company for $200,000. Marlen Corea, whose job required cleaning public transportation stations in a high-crime area, was attacked and sexually assaulted. The attack caused severe recurring headaches and post-traumatic stress, leaving her unable to work. Wackenhut Corporation had an exclusive contract to provide security for the stations but had recently reassigned a guard away from the area where Corea was working, despite greater danger in Corea’s area. The one roving guard who patrolled Corea’s station checked it three-and-a-half hours before she was attacked. Corea sued Wackenhut for inadequate security to her area and negligence by the guard in failing to patrol his route with sufficient frequency. The parties settled before trial for $200,000. Corea v. Wackenhut Corp. Fla. Cir. Ct.

Hit and Run Victim Settles with Perpetrator and Alcohol Providers for $275,000. Tariq Khan was walking on the grass when he was struck by a car driven by David Thompson, who did not stop. The crash left Khan with a fractured knee, fractured nasal bones, herniated disk, and hand, chest, and face scars. Thompson, who had consumed beer at a restaurant, baseball game, and sports bar prior to striking Khan, pled guilty to driving under the influence and leaving the scene of an accident. Khan sued Thompson, the Chicago National Baseball League baseball club, and the Cubby Bear sports bar, settling for a total of $275,000. Thompson’s insurer, Allstate, paid $250,000; the baseball club paid $10,000; and Cubby Bear paid $15,000 through North America, Inc. Khan v. Thompson 96 L 8660 Cir. Ct of Cook County, IL 8/1/00

Restaurant Patron Awarded $50,000 in Negligence Suit. While waiting for his food order at the Whataburger restaurant, Robert Rockwell was verbally harassed by a group of three men. Rockwell repeatedly asked the restaurant manager to call the police, but she told the men to “take it outside” if they were going to fight. Once outside, Rockwell was hit in the head with a brick. His suit against Whataburger for negligence in failing to respond to his request for police protection resulted in a jury award of $50,000. The Court of Civil Appeals of Alabama affirmed, holding that the jury could reasonably conclude the manager was negligent in failing to call police immediately, and her negligence was the proximate cause of Rockwell’s injuries. She should have known a fight was about to break out, and the restaurant had a policy of calling the police in such situations. Whataburger v. Rockwell 706 So.2d 1220 Ala.Civ.App. 5/3/97
Much of the funding for state crime victim compensation and assistance comes from the federal Victims of Crime Act (VOCA) Fund. This fund is derived largely from fines on federal offenders. For the past two budget cycles, the VOCA Fund has been capped at roughly $500 million, despite a balance of collected fines of more than $1 billion dollars. It is widely expected Congress will propose a similar cap next year.

While Congress has limited victim service providers’ principal source of funds, funding needs for victim compensation and services remain substantial. Advocates around the country contributed the following suggestions of how states might spend additional funding if it were available.

**For Victim Compensation:**
- Expanded coverage that includes victims of non-violent crimes such as identity theft, elder fraud, and theft, and victims of hit-and-run crashes;
- Counseling for all non-offending family members in cases of sexual assault, domestic violence, or homicide;
- Counseling for witnesses of violence, especially children;
- Expanded outreach to crime victims; and
- Increased compensation for catastrophic injury.

**For Victim Services:**
- Creation of a victim/witness coordinator or victim/witness assistant position at every criminal justice agency, including law enforcement agencies, prosecutors’ offices, courts, corrections agencies, parole and probation departments, and pardon and parole boards;
- Provision of translators for all victim services, not only to serve the large Hispanic population, but also growing numbers of Vietnamese, Korean, Chinese, Bulgarian, Sudanese, Bosnian, Pacific Islander, Russian-speaking, and Indian immigrants;
- Establishment of basic victim services in every county;
- Creation of programs for the many underserved populations of crime victims, including victims of school violence, elderly victims, crime victims with physical disabilities, developmentally disabled victims, and victims of juvenile offenders;
- Additional child advocacy centers to coordinate investigation and treatment of child abuse and
- Increased technology such as statewide automated crime victim notification systems, special equipment allowing rural sexual assault nurses to instantly transmit examination results to a metropolitan hospital for a second opinion, and interactive websites to provide victim information.

Several states indicated they could spend any additional money released for victim services immediately, even if the entire reserve were released today. However, proposals to cap the VOCA Fund are expected to resurface in the next round of appropriations bills. Victim advocates should take time now to identify and quantify unmet needs, and share this information with the National Center. We will take your concerns to Capitol Hill. If we can’t make the case for raising or removing the cap, we run the risk that it will become permanent.

For more information, contact Susan Howley, director of public policy at showley@ncvc.org.
**California** lawmakers enacted the “Sherrice Iverson Child Victim Protection Act,” requiring any person who believes that he or she has observed the crimes of murder, rape, or lewd act being committed against a child victim under the age of 14 to notify a peace officer. Persons who are related to the victim or the offender or whose failure to report is based on either a reasonable mistake of fact or fear for safety of self or family are exempted from the reporting requirement. Failure to notify is a misdemeanor punishable by a fine not to exceed $1,500, imprisonment of up to six months, or both. CA Penal Code § 152.3.

The **Colorado** parole board has been directed by the state legislature to adopt a policy for conducting parole hearings, parole revocation hearings, and board meetings via video teleconferencing. CO Code § 17-2-201.

A deceased victim’s photograph may now be shown to **Connecticut** jurors during the prosecutor’s opening and closing arguments. The photo must be a fair and accurate representation of the victim that is not inflammatory in nature and may not be larger than 8” X 10”. CT Pub. Act No. 00-200.

Under a federal law, 18 U.S.C. § 922 (g)(8), domestic violence offenders who are subject to certain restraining or protective orders are prohibited from purchasing firearms. **Kentucky** has extended notification requirements for agencies responsible for entering domestic violence records into the state’s Law Information Network. When such agencies are notified that an offender has purchased or attempted to purchase a firearm in violation of federal law, the agency must notify both the court that issued the restraining order and law enforcement agencies where the order was issued and where the victim resides. Reasonable efforts to notify the victim protected by the order of the offender’s firearm purchase or attempted purchase shall then be made by law enforcement. KY Code § 237.095.

**Michigan** legislators imposed a tiered sentencing system based on the value of money or property exploited from a vulnerable adult through fraud, deceit, or misrepresentation by a person who is in a relationship of trust with the victim. The penalties available at each level include fines which may be as much as three times the value taken and/or imprisonment terms. MI Code § 750.174a.

**New Jersey**’s “Tony Pompelio Commemorative Scholarship Fund” provides scholarships to children of crime victims and enables them to attend state public colleges and universities. The fund will be administered by a board of trustees composed of the Chancellor of the Department of Higher Education, the Chairman of the Violent Crimes Compensation Board or designees, and eight citizens who are crime victims or family members of crime victims. The board shall develop a system for identifying potential scholarship recipients, establish eligibility criteria, and determine scholarship amounts. The fund was established in memory of 17-year-old Tony Pompelio, who was murdered while attempting to assist a woman who was being assaulted. NJ A.B. 1410.

On the basis of medical, law enforcement, or court records, or information provided by the individual insured, **Wisconsin** insurers have the discretion to: deny or limit benefits to a beneficiary who inflicted the abuse that resulted in the insured’s death; refuse to issue a policy that names as a beneficiary a person known or believed to have abused the insured; or refuse to name a domestic abuse perpetrator as the beneficiary under the insured victim’s policy. WI Code § 631.95.
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 the Office of National Drug Control Policy (ONDCP). 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 or the Justice Information Center at www.ncjrs.org. Many publications are available on the Justice Information Center website. Use the document’s “NCJ” or “FS” number when ordering. If a document is out-of-print or stock, it may be available through interlibrary loan or by purchasing a photocopy if copyright is granted.


Holloway, Christopher. *Interstate Compact on Juveniles.* OJJDP. FS 200012.


Mumola, Christopher J. *Incarcerated Parents and Their Children.* BJS. NCJ 182335.


Sheppard, David; Grant, Heath; Rowe, Wendy; Jacobs, Nancy. *Fighting Juvenile Gun Violence.* OJJDP. NCJ 182679.

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