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hen the U.S. Congress established the Victims of Crime Act (VOCA) Fund in 1984, it was considered a landmark achievement that fundamentally changed the way our society responds to victims of crime.

The new federal crime assistance program represented a long-awaited recognition of the tremendous physical, emotional and financial harm that crime inflicts on victims. In practical terms, it meant that many more victims could receive the services and assistance they needed to help them rebuild their lives.

Now, almost 20 years later, the ability of the VOCA Fund to support victim assistance programs and services has been severely hampered by multiyear budgetary caps imposed on the Fund, significantly limiting the money that was originally intended to be provided to the states. And, a change in the VOCA formula last year made a bad situation even worse by triggering an eight percent reduction in funding for victim service agencies. (For a detailed analysis of Congressional action on VOCA funding, please see the Winter 2003 issue of Victim Policy Pipeline.)

The National Center for Victims of Crime has been surveying our members to assess what impact these budgetary caps, and the eight percent funding reduction, have had on their ability to meet the needs of victims.* What members are telling us is quite alarming:

**Staff lay offs and full-time staff reduced to part-time.** Uniformly, programs report that they are already operating at bare bones levels. The only area left to cut is staff time, which directly reduces services available to victims. A Louisiana rape crisis center reported that, “We have already cut as many positions as we can without shutting down entirely.” In many instances, programs have only one or two paid staff, and the reduction in their time requires the elimination of extensive volunteer programs because of insufficient professional oversight and coordination.

**Limits on geographic coverage.** Programs in Colorado, Michigan, and Virginia, formerly serving victims in 5 to 10 counties, have had to pull back from providing services in the outlying regions, leaving those victims entirely without any support. Some programs serving rural victims can no longer reimburse mileage or phone costs to volunteer advocates who offer services throughout a large area.

**Services discontinued for special populations.** One program from Minnesota reported that their immigrant and refugee program to sexual assault victims will be cut. “The outreach to this population in our community has been building for the past eight years. The trust and confidence from the community will be eroded. Most importantly, an underserved community will go unserved.”

**Services discontinued for secondary victims.** A North Carolina shelter told us, “In [our] county there have been two domestic violence murders in 2003, one of which was a stalking case. The five children involved in those cases need our programs and we may not have the resources to serve them. Then what?”

**Crime victims turned away.** Victim service providers from Alabama, Massachusetts, and Nevada all reported that the numbers of victims seeking assistance, and the numbers of schools and other organizations seeking outreach programs, have increased at the same time as funding reductions. One North Carolina program noted, “County guidance counselors and medical professionals continue to identify and refer more and more children who are victims of family violence, sexual assault and sexual abuse…. Yet, we will not be able to offer our afternoon programming or summer programs to additional children until some of the current children enrolled in the program age out.”

Victim assistance programs across the country—programs already suffering from reduced private giving and state support—are feeling an enormous strain. Providers working in rape crisis centers, in domestic violence shelters, in law enforcement and prosecutor offices, and in other direct service agencies convey a universal frustration in not being able to adequately serve their communities.

The National Center for Victims of Crime is calling on Congress to raise the cap on the VOCA Fund to at least $685 million for Fiscal Year 2004. The most important step you can take right now is to let your congressional representatives know how critical VOCA funds are to your work and to the crime victims you support. If we don’t take a stand now, who will?

Susan Herman
Executive Director

* To participate in the National Center’s on-line survey, visit www.ncvc.org/policy/voca/questionnaire.
Fifty years ago in Cambridge, England, a young American scientist assembled a set of cardboard cutouts that launched a revolution in biology. James Watson’s model, which looked like a twisted ladder, represented the double helix of the DNA molecule—the basic structure of life—discovered with fellow scientist James Crick.

At the time, no one could have imagined the impact of this dramatic breakthrough on criminal investigations, starting with the discovery of genetic fingerprinting in 1984 by British researcher Alec Jeffreys. Jeffreys showed how genetic fingerprinting could eliminate suspects or link individuals to crimes. British police soon used the new technique to clear two teenage suspects of a murder;¹ and in 1987, the first U.S. prosecutor used DNA evidence to win a guilty verdict in a series of sexual assaults in Orlando, Florida.²

As law enforcement continues to apply DNA testing with increasing sophistication, the new technology is revolutionizing evidence collection and having a profound impact on victims and those who support them.
“There Was No Escaping the Pain”

In 1989, Debbie Smith, a Williamsburg, Virginia, mother of two, was attacked by a masked stranger who broke into her home on a weekday afternoon. He dragged her out into the woods behind her home, blindfolded her, and repeatedly raped her. Before leaving the scene, the man threatened to come back and kill her if she reported his crime. Yet Smith, following the advice of her police officer-husband, reported the rape and went to the emergency room, where the staff performed a sexual assault forensic examination. After the evidence reached the authorities, she lived in terror for years while the crime remained unsolved.

"There was no escaping the pain, no escaping the fear," she told a Senate committee. "It cripples like arthritis, making every movement unbearable, until finally it no longer seems worth the pain."

Six years after the crime, the Commonwealth of Virginia finally analyzed the evidence from Smith’s rape kit and submitted it to the state DNA database, which matched the rapist’s DNA to a blood sample taken from a convict serving time for another crime. The suspect was convicted of raping Smith and sentenced to two life terms plus 25 years.

"For the first time in six and a half years, I could feel myself breathe," Smith said. "There was a real name and a real face to go with the nightmare. Everyone would know that I was telling the truth, that it was real. Finally I could quit looking over my shoulder."

Smith’s case shows both the promise DNA technology holds for victims and the obstacles that can thwart their hopes for justice.

FBI Databases

The key to solving Smith’s case was her state’s DNA index, which is part of the FBI’s powerful Combined DNA Index System (CODIS) database, an automated DNA information processing and telecommunications system. CODIS, which supports the State DNA Index System (SDIS) and the Local DNA Index System (LDIS), has a forensic index for DNA profiles from crime scene evidence and an offender index for DNA profiles of individuals convicted of sex offenses (and many other violent crimes). Currently, CODIS contains 1.4 million DNA profiles of convicted offenders and more than 48,000 forensic profiles.

The FBI maintains CODIS, with 47 states participating in the nationwide system. Each state designates one crime laboratory to maintain both its SDIS and LDIS databases. Local and state labs use FBI-supplied CODIS software to upload DNA profiles into the database at the next-higher level. At each level, the newly uploaded profiles are automatically compared to all other profiles in that index. If a match occurs, the laboratories that submitted the profiles are notified; the laboratories must then contact each other and run tests to confirm that the DNA profiles match. (See Figure 1.)

Every year, the CODIS database matches thousands of crime scene samples to convicted offender samples, (e.g., matches jumped from 2,200 to almost 5,000 between 2001 and 2002), yielding genetic clues for solving crimes. Results have been particularly rewarding in states that collect DNA samples from persons convicted of a wide range of crimes (rather than just for sex offenses). For example, Virginia’s database has helped to solve 109 homicides, 241 rapes, 12 rape-homicides, 57 robberies, 47 carjackings, 9 malicious woundings, 465 burglaries/larcenies, and 86 other crimes.

Cold Hits

The development of CODIS and other DNA databases represents both a great achievement and a new challenge to law enforcement and victims. The databases have allowed police to solve cases that would otherwise have languished in the evidence drawer. Particularly promising are the “cold hits” that occur when databases link DNA from previously unsuspected individuals to evidence collected from crime scenes. The FBI recently reported that these matches have aided more than 6,600 investigations throughout the country. Yet the databases sometimes generate a match after the statute of limitations on the crime has expired, leaving police, prosecutors, and victims at a dead end.

Californian Jeri Elster, who was raped in her home in 1992, waited until 1997 for her case to be solved. Desperate because the statute of limitations was about to expire, she urged police to reopen the case. Elster was then shocked to learn that her rape kit had never been analyzed.

When the police analyzed the evidence
and submitted the results to a database, a cold hit identified therapist, who was serving time for another crime. Yet because the hit occurred after the statute of limitations had expired, the state could not prosecute the rapist for his crime. “If my rape kit had been tested early on,” Elster told a U.S. Senate committee, the state could have prosecuted the rapist and “he would not be getting out of jail in 2007 a free man. The state let me down by imposing its 6-year arbitrary statute of limitations . . . . There is no statute of limitations on my anguish and pain.”

**New Strategies**

Reacting to cases like Elster’s, some prosecutors are using new strategies that effectively extend statutes of limitations for certain crimes. To allow sufficient time for the state to match the profile to a specific suspect, some states have eliminated the statute of limitations for certain sexual assaults when a DNA profile is available. Some other states allow prosecutors who have an identifiable DNA profile for an individual but no match in the database to issue “John Doe” warrants based on the suspect’s DNA markers. In Wisconsin, where this approach originated, the First District Court of Appeals recently ruled that John Doe warrants are legal.

Even when cold hits occur after the clock has run out, prosecutors can offer victims some measure of relief when it’s clear that someone already in prison has committed the crime. “If I can tell a victim who her attacker is and that he will be in jail for ten years,” says Milwaukee Assistant District Attorney Norman Gahn, “I can ease her fears. At least she knows that he’s off the street. Also, we can help protect the victim by connecting her to the computerized VINE notification system for information about the attacker’s legal status and whereabouts.”

Gahn’s office has also used evidence from cold hit DNA matches to help keep rapists in prison. Gahn submits the evidence to prison administrators, to be included in the prisoner’s correctional record and presented to boards that determine sexual predator status or parole. When he submits evidence to parole boards, he includes the victim impact statement, giving the victims a forum to describe the crime and a voice in the outcome of their assailants’ cases.

**Old Cases—Tough Questions**

When police and prosecutors use cold hit evidence to reopen a case, they face some tough questions: Do the police reports still exist? Do the police still have the evidence? How should the police go about contacting the victim? Has the jurisdiction outsourced the evidence sample? Are the victim’s medical records available? Is the suspect out on parole or probation? Is the victim available and able to withstand the trauma of reopening the case?

For victims of crime, the issues are equally complicated and potentially troubling. The victim’s circumstances and outlook on the case may have changed dramatically in the years since the crime. “The victim may be in a relationship and have chosen not to tell his or her partner about the assault,” said Ilse Knecht, National Center for Victims of Crime public policy associate who works on DNA-related issues. “A victim who has children, may be concerned for their well-being. The victim may fear media coverage that the ‘hit’ and trial may renew, especially in cases that were high profile at the time of the assault.” “Another important concern,” Knecht adds, “is the victim’s safety. If the
offender did not know the identity of the victim at the time of the assault, pursuing the case would mean that he will find out who the victim is.”

**DNA Testing Backlogs**

One of the greatest obstacles to justice is the nationwide backlog of untested DNA samples from crime scenes and convicted offenders. Currently, all 50 states and the federal government have laws requiring convicted sex offenders to submit biological samples for DNA analysis; the analysis results are then submitted to the CODIS database. Twenty-three states require all convicted felons to provide DNA samples. These samples and biological evidence from crime scenes, which can cost more than $1,000 per sample to analyze, have accumulated too rapidly for the states to process. A recent National Institute of Justice survey estimates the current backlog of rape and homicide cases at roughly 350,000 and the number of untested convicted offender samples at between 200,000 and 300,000. The FBI’s DNA units have backlogs of more than 1,000 cases. Because almost two-thirds of prosecutors’ offices report using DNA evidence during plea negotiations and felony trials, the backlog has become one of the criminal justice system’s greatest challenges.

As Debbie Smith testified, for victims, each untested rape kit represents a “life in turmoil.” While Smith’s rape kit sat on the shelf, she lived in terror of the rapist’s threat, “I know where you live, and I will come back and kill you.” Hundreds of thousands of unanalyzed rape kits represent the same number of horror stories like hers.

**Exonerations**

Vic tims and their advocates are increasingly aware that DNA evidence is being used to exonerate individuals accused or convicted of committing crimes. The Innocence Project at the Benjamin N. Cardozo School of Law, founded by Barry C. Scheck and Peter J. Neufeld in 1992, has helped to exonerate 127 individuals convicted of serious crimes, many of them capital offenses. DNA testing has also resulted in thousands of post-arrest, pre-conviction exonerations that occur when DNA evidence that emerges during investigations or trials proves the defendants’ innocence and results in the charges against them being dismissed.

Many states have enacted provisions that allow convicted offenders in some cases to seek post-conviction DNA testing of evidence. Currently, 31 states have passed special statutory provisions for post-conviction DNA testing, and additional states make post-conviction testing available through other procedures.

As the justice system begins to absorb the impact of post-conviction DNA testing, prosecutors are coming to understand its effects on victims. “You have to remember that these cases are fairly rare,” Norman Gahn said recently. “But when an order for post-conviction DNA testing is issued, it’s important to bring the victim in to talk with the prosecutors, given the possibility that the verdict could be overturned. The victim needs to know what is going on and to have support from a victim advocate. The law now requires that victims be notified of court proceedings, so we have to make sure that they understand each step in the process.”
The reexamination of cases can traumatize victims—reopening old wounds, forcing them to relive the crimes, and subjecting them to new challenges to their credibility in court. Victims feel “tremendous distress” under such circumstances, the National Commission on the Future of DNA Evidence reported in 1999. The Commission emphasized that “victims need a “great deal of support and an opportunity to express their anger and frustration.” When the accused is exonerated and the criminal is still at large, victims may agonize over the conviction of an innocent person and the failure of the justice system to remove the real criminal from society.

### Missing Persons

Another source of anguish for victims, as illustrated by the events of September 11, 2001, is when families of missing persons lack authoritative information about the fate of their loved ones. Although DNA technology is crucial for such identifications, it is not routinely used in missing persons cases. The FBI has a missing persons database for identifying human remains. Its database has two indices, one for DNA profiles of unidentified human remains and another for DNA profiles of relatives of missing persons. Currently, this database is not used to its full potential, and states have only recently begun to conduct DNA analysis of human remains and submit the results to the FBI. Many crime labs lack the capacity to conduct DNA analyses, especially when samples are old or degraded. Also, many law enforcement officials and family members are unaware of the FBI program.

### Advocating for Victims

DNA technology has cast victims and advocates into a new landscape that both are just beginning to survey. Advocates report that although DNA technology has not yet significantly affected their practice, they are starting to think about new strategies for supporting victims.

“I’m struck by the complexity of the DNA issue,” said Joyce Lukima, director of training and technical assistance for the Pennsylvania Coalition Against Rape (PCAR). “How do we break it down so we can train our advocates?” The best way, she suggests, is by starting with what they already know. “We know that with or without DNA, the victims’ credibility is always an issue in court, and we have to prepare victims to confront challenges to their integrity. A defendant whose DNA has been positively linked to a crime almost always shifts to a consent defense, no matter how preposterous the claim. Defense attorneys will argue that the victim has agreed to the sexual act. We explain to victims that this tactic, however upsetting, is a defense strategy. We must help victims tell their stories with conviction and confidence to convince a jury that they are telling the truth.”

“We also try to dispel the myth that DNA evidence is invincible,” Lukima said. “As with all physical evidence, DNA doesn’t always make the case—it can be contaminated or insufficient, and we prepare victims for any possible outcome. DNA evidence can certainly bolster a victim’s case and support testimony but not replace it.” Lukima points out that DNA is not always available when victims first testify at preliminary hearings. But if the DNA analysis later backs up the victim’s statement, the case is all the more convincing.

Lukima recalled that until recently, victim service providers sometimes had to convince budget-strapped prosecutors to spend the several thousand dollars that the DNA analysis once cost. “In one par-

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**Glossary**

- **CODIS**: FBI’s Combined DNA Index System database, an automated DNA information processing and telecommunications system
- **Cold Hit**: Database match of DNA sample from crime scene with sample from convicted offender
- **Genetic Fingerprinting**: Technique to identify individuals by their unique DNA patterns
- **John Doe Warrant**: Warrant issued for individual identified by genetic markers
- **VINE**: Victim Information and Notification Everyday, an automated, computerized system that notifies victims about the status and location of convicted offenders
CONGRESS AND THE WHITE HOUSE RESPOND

This year has the potential to produce significant changes in DNA-related policy. Both the White House and the U.S. Congress have taken steps to eliminate the DNA testing backlog and support the use of DNA technology throughout the criminal justice system.

WHITE HOUSE INITIATIVE: ADVANCING JUSTICE THROUGH DNA TECHNOLOGY
March 2003

- Recommends $236 million for FY 2004 and $1 billion over five year period
- Aims to eliminate, in five years, the backlog of DNA samples from convicted offenders and from crime scenes involving most serious violent offenses
- Seeks to increase capacity of nation’s 130 public crime labs to test DNA efficiently
- Supports research and development to improve DNA technology
- Supports training of law enforcement professionals to collect DNA evidence
- Establishes grant program to help states provide access to post-conviction DNA testing in defined circumstances
- Calls for education and outreach to law enforcement professionals and victims’ families on DNA use to identify missing persons.

FEDERAL LEGISLATION

DNA Sexual Assault Justice Act (S. 152)
Chief Sponsor: Senator Joseph Biden (D-DE)

- Creates grant programs for sexual assault forensic examiner programs and training law enforcement and first responders on proper evidence collection
- Authorizes federal John Doe warrants for sex offenses identifying a perpetrator by his or her DNA profile if the indictment is issued within the five-year statute of limitations.
- Authorizes an increases in funding to reduce the DNA testing backlog and promote submission of evidence to CODIS database
- Creates quality assurance protocols for DNA collection

Debbie Smith Act of 2003 (H.R. 1046)
Chief Sponsors: Representatives Mark Green (R-WI) and Carolyn B. Maloney (D-NY)

- Authorizes grants for states to establish sexual assault nurse examiner programs and train law enforcement and first responders on handling sexual assault cases and forensic evidence
- Increases funding to reduce the DNA testing backlog and promote submission of evidence to CODIS database
- Authorizes “John Doe” warrants*

*The PROTECT Act signed by President Bush on April 30, 2003, includes language authorizing federal John Doe warrants.

The National Center for Victims of Crime is working with the Rape, Abuse & Incest National Network (RAINN) and Lifetime Television for passage of the Debbie Smith Act. To sign a petition to support this bill, log on to www.lifetimetv.com/community/alc/violence/debbie_smith_pledge.html.

For more information about DNA-related legislation, visit the National Center for Victims of Crime Web site at www.ncvc.org/policy/legislation.

FIGURE 2

particularly memorable case, publicity and pressure from a rape crisis center and other advocates persuaded the prosecutor to use DNA evidence to build a winning case.”

SEEKING SOLUTIONS

Advocates suggest reaching out in all directions to get a handle on the new technology. Lukima recommends that advocates use existing networks to brainstorm strategies for helping victims, including identifying strategies that build on existing resources and approaches. “It might not occur to a victim struggling with the reopening of her own case or the exoneration of someone she testified against to go back to the rape crisis center where she first sought help,” Lukima said. “We have to let her know that we are still there to offer guidance and support.”

Other organizations are just beginning to formulate their priorities on DNA issues. Elizabeth Barnhill, executive director of the Iowa Coalition Against Sexual Assault, stresses the importance of establishing clear protocols for collecting and storing the forensic exam rape kits that may contain DNA evidence. “Victims’ privacy must be protected in the handling of their DNA samples,” reports Barnhill, “and we are particularly concerned about cases in which the victims themselves may have committed a crime. . . . It’s also important for jurisdictions to have protocols for contacting victims in cases of cold hits and exonerations. Those who prepare training for law enforcement professionals should be required to work with victim advocates to ensure that materials address
the victims’ perspective.” According to Barnhill, the National Alliance to End Sexual Violence is planning to convene national working groups to consider these issues.

While advocates welcome new federal support for DNA testing, Barnhill cautioned that some localities lag far behind others in their readiness to apply DNA technology. Many jurisdictions will not even pay for the initial sexual assault forensic examinations to collect the DNA evidence after a rape. “Jurisdictions that leave victims to pay for their own forensic exams are seldom equipped to use DNA technology effectively,” said Barnhill, “and comprehensive federal solutions must address such local variations in readiness for the DNA revolution.” (See Figure 2 for update on federal DNA-related policy.)

Victims As Advocates

A striking feature of evolving DNA policy is the number of victims who have become effective advocates. Debbie Smith’s powerful advocacy, which cast a national spotlight on the DNA testing backlog, has helped move Congress and President Bush to seek a solution.

Floridian Kellie Greene, brutally attacked in Orlando in 1994, founded Speaking Out Against Rape (SOAR) and convinced her state to open more rape crisis centers, hire more counselors, and pass a law requiring consecutive (rather than concurrent) sentences for offenders convicted of more than one rape. Like Smith’s, Greene’s case was solved when a DNA match identified her assailant. Greene wants every victim to know “the power of DNA” and the freedom she felt when her assailant had been successfully prosecuted. “I didn’t have to worry about going home at night or how he might be hurting other women. I know who he is, and that makes me free,” she said.

Jeri Elster, too, battles to transform her struggle into a victory for all rape victims. Her emotional testimony before the California Assembly’s Public Safety Committee in 2000 convinced legislators to effectively eliminate the statute of limitations in rape cases where DNA evidence can be used to identify the perpetrator. Elster is now researching legal strategies to keep her assailant locked up indefinitely. If she finds one that works, “justice will be served,” said Elster, “and that’s all I ever wanted.”

Elizabeth Joyce is Senior Writer at the National Center for Victims of Crime.

The National Center is collecting information about our members’ experience with DNA forensics, especially its impact on their support to victims. Please e-mail your experiences, policies, and protocols to dna@ncvc.org, or call Ilse Knecht at 202/467-8700.

4 Smith, Debbie (2003).
12 At least eighteen states have either extended or eliminated the statute of limitations when there is DNA evidence. Twenty-four other states have no limitations for at least their most serious sex offenses.
14 Victim Information and Notification Everyday (VINE) is an automated, computerized system that notifies victims about the status and location of convicted offenders.
19 Smith, Debbie (2002).
23 u. S. Department of Justice (2003).
In a simple white room, four men sit on one side of a large table. They fidget nervously, staring at their hands and peering out the windows. Soon, four more people enter and sit opposite the first group: a man and a woman in their 60s, a priest, and an out-of-uniform cop. As each group scrutinizes the other, the discussion facilitator, who is seated at the head of the table, begins speaking. He introduces himself, the policeman and the three other new arrivals who live or work in the neighborhood. Then he turns to the four men, asking them to introduce themselves and “to explain the circumstances that brought you to court today.”

One of the two young men, a student from a local university, shifts in his seat as all eyes turn to him. Like the three other men, he received his citation about a month ago. When he appeared before the judge earlier that morning he had expected, at worst, to pay a fine. Instead, he was sent upstairs to this room.

“I was cited for, uh, public urination,” he mumbles.

The facilitator waits a moment for the young man to say more and then gently prods, “Where were you, and what time of day was it?”

“It was 2:30 in the morning. I was drunk, going to a club.”

After soliciting similar stories from the other three participants, also charged with public urination, the facilitator leans back in his chair and looks across to the other side of the table. “It’s time to turn to you guys,” he says to the community representatives. “What kind of reactions have been percolating over there?”
So begins a Community Impact Panel—approximately two hours of facilitated conversation between perpetrators of low-level crime and representatives from the community.

The panels were developed by the Midtown Community Court, an experimental court in the heart of Manhattan, as a tool for combating quality-of-life offenses. They are called Community Impact Panels because the central goal of these conversations is to give community residents a chance to talk about the impact that low-level crime has on the community in and around Times Square.

Not long ago, this densely populated portion of New York City had a reputation as open territory for such activities. But in recent years the area has seen a decline in low-level offenses, which researchers have tied to increased commercial development, more vigorous law enforcement and the creation of the Midtown Community Court. The Court, founded in 1993 to address crimes like prostitution, shoplifting, and drug possession, is guided by the principle that there is no such thing as a victimless crime. The Court views the community as the victim of quality-of-life offenses and, where appropriate, it sentences offenders to perform community service to repair the damage they’ve done. The sanctions are swift, often carried out the day of sentencing, and are designed to make clear to offenders that their behavior has consequences.

All this is in sharp contrast to previous practice in which the city’s overburdened courts often let low-level offenders slip through the cracks; cases were often dismissed or offenders were sentenced to “time served.” In another departure from past practice, the court provides offenders with social services—such as drug rehabilitation and job training—to address the underlying causes of their undesirable behavior.

Community Impact Panels are one of many experiments the Court has tested as part of its commitment to innovative responses to neighborhood problems. This article looks at how the Impact Panels worked and how they provided the community with a voice in the criminal justice process.

Community Volunteers
Most Community Impact Panels are composed of four community representatives (including a police officer), a facilitator, and three offenders. The community representatives are volunteers, recruited by the court from the neighborhood. They include people who live or work in the area, merchants, ordinary citizens, social service providers, the police and representatives of the faith community. The facilitator is a trained mediator.

The offenders have usually received a summons from the police for a misdemeanor crime or violation. The summons requires them to appear in court, usually within a month. In the courtroom, the judge will make a determination about whether the Impact Panels are an appropriate sanction as part of the standard plea bargain process. Typically, those linked to the Impact Panels are first-time offenders with no previous record. In many cases, the Impact Panels serve as a sanction for a range of quality-of-life offenses—including public urination and public drinking—which are considered too minor to merit a full day of community service but too significant for a fine or “time served.”

Offenders and community residents
receive a basic, one-hour training and orientation prior to each panel.

In Impact Panels, offenders don’t meet with an individual victim, but with a panel of community representatives. That’s because, for the offenses handled by the Midtown Court, the community itself is the victim. “Low-level crime affects the lives of citizens every day, as they go to work or pick up their children from school or go to dinner,” says Julius Lang, who helped implement the panels as coordinator of the Midtown Court. “Shoplifting, turnstile jumping, and graffiti may feel insignificant compared to crimes like murder, robbery, and rape, but they place a heavy weight on communities, shaping their sense of safety and their perception of justice.”

What makes Community Impact Panels unique is that they acknowledge this impact in a tangible and productive way. Another unusual wrinkle is that participation in the panels is mandatory for offenders. “For a lot of offenders, paying a fine is too easy,” says Judge Eileen Koretz. “They just pay and get out. They don’t really understand why the police are bothering to pick them up—that police don’t just arrest people, they respond to the community’s concerns.” Compelling offenders of low-level offenses to go to court and attend an Impact Panel is an alternate form of punishment that expresses the community’s disapproval.

Panel participation is ultimately intended to be a positive experience for everyone involved—which is why skilled facilitators are essential to ensure that disapproval doesn’t degenerate into shaming. “If you speak to people with respect, you’re liable to get respect back,” says Stuart Sears, a mediator from the victim services agency Safe Horizon who helped coordinate the project. Sears learned that offenders say more when the process is not overly judgmental of them. “If what you want is respect for your neighborhood, you can help that process out by giving some respect up front.”

Overt apologies from the offenders are not a required result of the program. The primary goal of the panels is to inform the offenders of the impact of their behavior on others so that their heightened awareness will guide their future behavior. Nevertheless, it is not uncommon for offenders to express remorse for what they have done.

**Exit Surveys**

Nearly 70 percent of participants—both offenders and community members—reported in exit surveys that the Impact Panels were “worthwhile” or “very worthwhile.” All 59 offenders surveyed answered affirmatively when asked whether they felt the community members had treated them with respect.

When asked what they learned from the process, answers included: “It enlightened me that people live in this area,” “It drives home the point of personal responsibility very effectively,” and “I learned that specific acts can have a ripple effect.” These responses are particularly significant given the offenders’ attitudes toward their offenses prior to the panels: 60 percent had said earlier that they thought their actions were “not harmful.”

As for community participants, 96 percent felt that the Impact Panels had given them the opportunity to present their point
of view. And 84 percent felt that the offenders who participated had learned that their actions had a negative effect on the surrounding community. This response was typical: “It’s an opportunity for the offenders to see the faces of the people they have affected. It makes it real.”

**A Work in Progress**

The Court administered questionnaires to offenders and community volunteers before and after each session and experimented with different ways of improving the program’s effectiveness.

One example of this evolution concerned the question of whether or not the police should participate in Impact Panels. Soon after the program began, the New York Police Department representative on the Court’s advisory board suggested that a police officer would be able to contribute an important perspective to the conversation, allowing offenders and community members to understand how police make decisions. Others feared, however, that a police officer would intimidate offenders and inhibit their candor. And some also worried that a police officer’s presence would be a distraction, turning the Impact Panel into a cop-bashing session. The Court determined that having a cop present out of uniform satisfied all concerns: the police perspective was integrated without sabotaging the spirit of trust and honesty or diverting conversation.

Another experiment involved altering the ratio of offenders to community representatives. The Court determined that if there are not a comparable number of people on both sides of the table, the quality of the discussion may suffer. When there are significantly fewer offenders than community members, for example, the offenders may feel besieged and become overly defensive. The quality of conversation also suffers when offenders outnumber community members.

Even now, the Court continues to experiment, tailoring each Impact Panel to the community’s changing issues and concerns. Among the new approaches the Court is contemplating, is having former offenders participate as community representatives. “It might be interesting to test how easily one can go from transgressor to defender of the community’s interest,” says Julius Lang, the original coordinator of the Community Impact Panels.

Robin Campbell wrote this article as a consultant for the Center for Court Innovation, the research and development arm of the New York State Court System. Work on the article was supported by Grant Number 98-VF-GX-0017 awarded by the Bureau of Justice Assistance, Office for Justice Programs, U.S. Department of Justice. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the United States Department of Justice. This article was redacted from ‘There Are No Victimless Crimes:’ Community Impact Panels at the Midtown Community Court, published by the Center for Court Innovation and the U.S. Department of Justice.

Located in New York City, the Center for Court Innovation is a unique public-private partnership that promotes new thinking about how courts can solve difficult problems like addiction, quality-of-life crime, domestic violence, and child neglect. For more information, visit www.courtinnovation.org or contact Greg Berman, director, at 212-373-8090 or bermang@courtinnovation.org.
victim literature provides sufficient evidence of the impact on individuals or groups that have been exposed to traumatic and/or criminal events. Consequently, we know a great deal about the victim experience, how lives are disrupted by victimization, and how meaningful participation in the criminal justice system benefits those affected by crime. However, a new phenomenon is occurring and one that stands to become more frequent, namely that of an entire community being victimized by an event that takes on a life of its own.

One of these “events” are acts of terrorism that seem to be growing in prevalence and which may occur with even greater frequency whenever the nation goes to war. Despite extensive planning for prevention, it is not unrealistic to expect that communities will experience significant disruption accompanied by elevated anxiety levels and the types of emotional assault that occurred with what has become known as “the Washington sniper incident.” In that event, whole communities became paralyzed with fear, economies suffered, systems that provide structure to daily life went into crisis mode, such as school systems locking down, and the routine activities of citizens became disorganized. The crisis played out on national television where citizens sought information to reduce uncertainty and restore some semblance of stability. However, all too frequently they heard conflicting reports that may have fanned fear rather than calm, and the heightened uncertainty did not abate. In that incident, citizens ended up looking to a police chief for reassurance, an unlikely and unexpected role for American law enforcement, but one that seemed to have worked.

Although many local level systems deal with crises, it is law enforcement that has had substantial experience in dealing with victims of violence. Historically, that experience has not always been positive but policing reforms have introduced a new sensitivity to community issues. Responding appropriately to victims has become a high priority and one that has been supported by much legislation dealing with victims rights.

Beyond individual crimes where one person inflicts violence on another, as in domestic violence or rape cases, police and sheriffs must also get involved when communities become immobilized because of gang wars or drug infestations. And, they are no strangers to the agony in neighborhoods that accompanies missing or exploited children or to the devastation caused by crimes with firearms. These types of issues lend support to the proposal that communities should have the opportunity to provide victim impact statements in court proceedings. The Center for Court Innovation has experimented with community impact panels for offenses such as vandalism, shoplifting and prostitution. Community impact statements could also be extended to the
crimes that victimize whole communities through terror.

How does a community articulate the effect on children when their world has spun out of control and they are unable to engage in the normal activities of childhood—when their sense of normalcy is disrupted? How do they deal with adults who are afraid to go to work or provide for basic necessities like groceries or gasoline because of overwhelming anxiety about being in the market place? How do they reassure their businesses that the consumers for the services they provide will soon return? Such are outward manifestations of the immediate paralysis that occurs with crime epidemics. They are further compounded by the abject fear and sinking feeling that life as we know it is being unalterably changed in the face of a terrorist threat. Because of the toll they take on communities, these issues need to be addressed in the public discourse and the community impact needs to be seriously assessed.

In the face of crime epidemics or sniper threats, citizens are asked to assume some level of public risk while being encouraged to go about their daily activities as though chaos is not happening all around them. In these instances the community incurs both social and emotional costs and local officials usually concur that all sense of normalcy is disrupted. But rather than give in to crime or terror, they make difficult requests of citizens in hopes of imposing some form of control to a situation that is out of control. It is not a stretch to imagine that they would welcome, if not feel entitled to, the chance to regain some measure of control by having the opportunity to express how their communities and the citizens they serve have been impacted by these violent events.

One thing we know from work with victims is that the human is remarkably resilient. We also know that the opportunity to tell their story, to be heard, and to be taken seriously resurrects some measure of personal control and greatly advances the healing process. In all likelihood, the community is no different. While local governments cannot make the horror disappear, opportunities to provide a victim impact statement, as a community, may well have similar effects and leave citizens with the knowledge that the community is healing and regaining its vitality. Children and adults alike would see that local leadership is advocating for restoring a way of life that they can trust. Even though it may not approach “business as usual” again, the community would have the opportunity to bring closure to a difficult time and that, in itself, would be a constructive experience.

Undoubtedly, community victim impact statements will generate much debate about the feasibility of collecting restitutions and civil judgments. Moreover, a myriad of issues need to be explored about how community issues are different from those of individual victims working with prosecutors and entering into plea agreements. These issues need to be seen as challenges or as problems to be solved, in contrast to stumbling blocks that dissuade the process. Clearly, the vitality of citizens and the stability of community life are at stake and they are too important to be undermined by crime and terror.

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This is the first in a series of invited columns that are designed to encourage new ways of thinking about challenging issues.
January 19, 1973, began as an unusual and wonderful day in the life of a thirteen-year-old boy in the Tidewater area of Virginia. There had been a great snowstorm the day before, and I was looking forward to a rare and much appreciated “snow day.” I had no way of knowing the circumstances of this day would change the course of my life forever.

Our parents were not lucky enough to get a day off, and had to leave my siblings and me to fend for ourselves while they went to work. As we began to prepare our lunch, I discovered we were out of a few things and took it upon myself to walk the half-mile to the convenience store to get the items we needed.

Three blocks from my home, I was approached by a blue van, driven by a very friendly man who called himself PeeWee. PeeWee asked if I could help him in exchange for a few dollars. Being new to living in the city and having no real fear of strangers, I agreed to help and proceeded to climb into the blue van.

PeeWee, whose real name was Richard Alvin Ausley, had been convicted of abducting and raping a ten-year-old boy twelve years earlier and in the two years since his parole had raped at least five other boys before he was arrested again. This day, he was due to appear in a Portsmouth courtroom to answer for those charges. Rather than facing justice, Richard Ausley had decided to skip out on his trial and take with him an innocent boy for his pleasure and amusement. I, unknowingly, had become that boy.

Driving to a remote location in the woods of Suffolk, Ausley talked me into entering an underground chamber, a four-by-four-by-eight-foot wooden box that he had built a month earlier. Within minutes he was telling me I had been kidnapped. What followed were seven days filled with sexual, physical, and psychological abuse. When it was over, he left me chained and
buried in that box in the frozen ground, presumably to make it my grave. Miraculously, the next day brought hunters into the area for the last hunt of the season. Upon hearing their trucks, I began to scream for help. Fortunately, they heard my calls and rescued me.

Ausley was arrested a few days later and charged with abduction and sodomy on a minor, crimes for which he was convicted and sentenced to 47 years. For the next 30 years I rested comfortably each night in the knowledge he was safely behind bars, never again to injure another child. As the summer of 2002 came to an end, however, so did my comfort.

It began with a phone call from my mother, who still resides in Virginia, telling me a reporter from the Richmond Times-Dispatch had called wanting to speak with me about Ausley’s upcoming parole. The news was as galvanizing as it was shocking: I became determined to prevent his release and to accomplish what the Commonwealth of Virginia had failed to do—keep Richard Alvin Ausley from ever harming another child. As the summer of 2002 came to an end, however, so did my comfort.

It did not take long to realize there were major obstacles in my path and that determination alone would not accomplish my goal. I needed to get educated, I needed to get help and, above all, I needed a plan. I had no experience with government, lobbying, lawmaking, or Supreme Court decisions. I had had only minimal contact with the news media. Most important, I had not lived in the Commonwealth of Virginia for nearly 25 years, and had little reason to expect Virginia politicians would listen to someone who did not reside, vote, or pay taxes in their state. I simply did not have the political clout, financial resources, or manpower to wage an all-out, long-distance campaign. What I did have was faith. Faith had carried me this far and I knew it would see me the rest of the way.

I began my fight rather naively by writing e-mails to the Governor, Attorney General and every member of the Virginia General Assembly. I appealed for their help by laying out the basic facts of the case and attaching copies of the recent Times-Dispatch newspaper article about it. The very few who wrote back referred me to someone else, promised they would look into it, or said there was nothing they could do to help.

Even with the pitiful response, I did receive one very important, albeit discouraging, piece of information: Earned time and time off for good behavior had shaved 17 years from Richard Ausley’s sentence; he was receiving a mandatory parole and nothing could be done to stop it.

Still, I found there was reason to hope. In 1999, Virginia’s legislature had passed the Civil Commitment of Sexually Violent Predators Act, a law that would allow the state to commit qualified sex offenders to mental institutions if it could be proven the offenders were, among other things, more likely than not to recommit their crimes. This seemed like the answer to my prayers, but there was a problem: Virginia’s law was never funded, and there seemed little hope it would be with the state facing a historic budget deficit. Even if I could obtain funding for the law, it would not be available in time to affect Ausley unless I could convince the General Assembly to pass an amendment to the budget with an emergency clause attached that would make the funds available immediately upon passage. Also, Virginia’s civil commitment law was no longer in compliance with recent U.S. Supreme Court rulings and needed to be rewritten.

Even though the odds of my accomplishing any of these things were small, I did have something very important now: a realistic objective. I had something to advocate and, if I was successful, I would also accomplish my goal of preventing Ausley’s release. The next step was to get the politicians to stop saying there was nothing they could do and start thinking...
of ways to get it done. What they needed was to be motivated.

Politicians can be wonderful, caring, and helpful people, but they are inundated with requests for support. I soon discovered the “squeaky wheel” approach is what worked best. I found they can also be motivated by what will get them reelected, what will keep them from being reelected, and the fear of looking bad in the media.

The media played a huge role in my campaign and I would not have been successful without it. With every story came new supporters—motivated citizens who would contact their elected officials in support of the legislation. A major turning point came when NBC’s Today Show contacted Virginia’s Attorney General about Ausley’s impending release from prison. He realized this was bigger than one noisy victim and quickly joined me in calling for emergency funding and implementation of the civil commitment law.

Getting the bill introduced was the first major turning point; the second occurred when I made a personal visit to Richmond. I had arranged meetings with the Attorney General, the House Majority Leader, and a few other public servants who were working on the problem. The one person I desperately needed to see, the Governor, had declined to give me an appointment, but I was not deterred. I learned where he was going to be the morning of my visit, and decided I had to see him even if it was only long enough to place my letter in his hand. I laid the groundwork for my visit by calling his press secretary the night before and informing her of my intentions. Mentioning my meeting later in the day with the Attorney General and the press greased the way. After my ten minutes with the Governor, I walked away with his full support. One month later, the Governor included funding for the Civil Commitment of Sexually Violent Predators Act in his proposed budget amendments for the next fiscal year.

**PART TWO: Advice for the Amateur Advocate**

One of the greatest difficulties I encountered in waging this campaign was my own inexperience. What I needed most was advice. I tried reaching out to advocacy and support groups but none could offer any tangible help. What follows are some of the important things I have learned. It is advice you can pass on to the victims you support if they decide to become politically active.

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**MEDIA HANDBOOK**

Check out the National Center’s *Privacy and Dignity: Crime Victims in the Media* at www.ncvc.org/store/publications for more tips on dealing with the media. This useful handbook is designed for victim service providers who are called on to help crime victims navigate the onslaught of media attention that accompanies many crimes. It provides practical guidance on interacting with the media, building effective media relations, giving successful media interviews, setting boundaries, and more.
Media

- Essential for any campaign. One television report can reach more people in five minutes than you can personally reach in a year.
- Develop a media contact in your community. A local reporter also may help you to make contact with more widely distributed media outlets.
- Find a compelling, emotional side to the story. Media people like stories with a sense of urgency (something must be done now), scandal (look who we caught), injustice (think David and Goliath) and a fear factor (there is danger coming to your town). But don’t exaggerate; you’ll lose credibility.
- Be prepared for your interviews. Practice telling your story. Try to anticipate the important questions and decide how you will answer them. Keep your answers short and to the point.
- Develop talking points and stick to them. Make certain you use each one during every interview.
- Remain business-like in your interviews. Try to leave most of your emotional baggage at home. Instead, try to elicit an emotional response from your interviewers and their audiences. Their feelings will bring action; yours will bring only sympathy.
- Never give exclusive interviews without a guaranteed air date or publication date. If they insist or request that you not talk to a competing media outlet, agree on a date the exclusive will end, even if the story has not been used.
- Most stations within a network will share stories and resources. News media contacts will welcome having half their work done by someone else.
- Reporters need stories like yours to do their jobs. In return, make sure you get what you need from them: your message conveyed along with the story.
- Set boundaries and stick by them. Reporters are always looking for an angle and may find your personal life more interesting than your cause. Don’t let them cloud the issue.
- Establish personal relationships with the media people. Treating them as friends can go a long way in keeping them interested in your story.
- Keep everyone updated. Any reporter who has expressed interest in your story should be contacted regularly.

Politicians

- They can be your best friends and your worst enemies. Learn who is what. Work to build up your friends and turn your enemies around.
- Engage your political detractors in a dialogue, in person if possible. Try not to be confrontational. Find out why they are in opposition and try to devise a solution.
- Start in your own backyard. Make sure your own representatives are supportive.
- Start with legislators in higher offices than you are looking to influence. Higher elected officials have usually served at the level you are working and can advise you as to the lay of the land: who are the powerful people and with whom you need to speak. Name-dropping can get results.
- Secure a champion. Without someone to sponsor the legislation, it will never get passed. Convince the most powerful legislator you can to carry the ball for you.
- Don’t trust them to do everything they say they can or will. Have a plan “B” just in case and don’t wait until plan “A” falls through to begin work on it.
- Share your conversations with the media, unless a politician asks to speak off the record. If they have done well, they deserve the credit. If they are standing in your way, nothing will move them out of the way faster than bad press.
Be respectful at all times. Give them the respect of their office. Use their titles.
Stay on the good side of the secretaries and the legislative assistants. They are the gatekeepers.
Suggest that your media contacts get in touch with your political contacts. Politicians love to talk to the press. Use their names in your interviews.

“I
Make sure yours is not the only voice they hear.”

Get to know the politician well. Most state government websites have posted bios for their elected officials. You may have something in common with them that may help you to fashion your appeal to them.
Be prepared to educate. Have resource materials ready on all aspects of the issue, both pro and con. Helping them to understand that your side of the issue is the proper one to support and keeping them from being blind-sided with questions about the opposing side helps them to look like experts.

Don’t get discouraged. If at first you don’t get a reply, try, try again. Bombard them with correspondence until they do respond. Send your correspondence in every manner possible; simultaneously use e-mail, fax and regular mail. Try getting through by phone. Be happy to speak with an aide, who may carry significant influence with his or her boss.
Follow-up every conversation with written correspondence as soon as possible. Respond immediately to e-mail messages and don’t wait to return missed phone calls.
Try not to make enemies. Even if you can’t get a legislator to support you, you do not need one working against you. Always take the high road.
Make sure yours is not the only voice they hear. Use the media to rally other constituents. Encourage them to make their voices heard.
Take advantage of opportunities to speak in person to them and get them to go on the record concerning your issue.
Don’t meet with them alone. Having another person with you shows them you are not acting alone. It also helps to keep them honest about what they say to you.

Supporters
Without supporters and other advocates you will never get anywhere. Some legislators will not even acknowledge anyone other than their own constituents.
Give them your talking points. Help them to write their own letters. One letter signed by 100 people is perceived as one letter; 100 different letters, signed by 100 different voters, makes a much larger impact.

Help them to bring in other people. Suggest to them ways they can get involved.
Keep them informed as to what you are doing and what is going on. It helps keep them motivated.
Don’t become their leader unless you have the time and ability to lead. Instead, try to be a rallying point.
Identify established organizations that are already working in your field of interest. Convince them to add your agenda to theirs.
Contact groups you already have relationships with around your community and state. Civic groups and churches are full of people who like to get involved in a worthy cause.
Share your efforts with family and friends. Help can come from unexpected places.

Seven months after that fateful phone call from my mother, the Virginia legislature unanimously passed the new Civil Commitment of Sexually Violent Predators Act, the funding has been allocated and, at this writing, it awaits the Governor’s signature. The only better ending to this story would be to tell you Richard Ausley was the first person committed under this law, but that is tomorrow’s challenge and I have always enjoyed having something to look forward to.

Postscript: Virginia’s civil-commitment law became effective April 2, 2003.

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Editor’s Note: The National Center for Victims of Crime does not, generally, take positions on offender-sentencing issues. We present Martin Andrews’s inspiring story as an example of the power of passionate advocacy.
Victims of crime receive the majority of their rights, resources and protections from the states to give our members a better idea of what’s going on in their own states and throughout the country, the National Center for Victims of Crime has compiled a summary of victim-related statutes that were passed in state legislatures during 2002 legislative sessions; the summaries have been organized by region.

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

Connecticut
Adopted a bill expanding employment rights for crime victims. The new law gives employees protection from discharge, retaliation, or harassment by an employer if he or she is protected by a restraining order or must take time off to attend a court proceeding or assist with a police investigation. The law also expands the definition of “crime victim” under this section to include an employee who is an immediate family member or guardian of a homicide victim, or a minor, incompetent, or physically disabled crime victim. (S.B. 458). Required each local and regional school board to develop policies to address the problem of bullying. Such policies shall: enable students to report acts of bullying anonymously; allow parents or guardians to file written reports of suspected bullying; require teachers and school staff who witness or receive reports of bullying to notify school administrators; encourage the review and investigation of reported bullying; include an intervention strategy to be used by school staff when dealing with bullying incidents; and provide for notification of the parents or guardians of the victim and the student committing the bullying conduct. (H.B. 5425).

Delaware
Enacted the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, which requires courts to enforce any validly issued out-of-state protection order. (H.B. 315). Extended eligibility for victims’ compensation to Delaware domiciled victims of terrorist acts occurring within the United States. (11 § 9001). Authorized Superior Court judges to revoke and forfeit the bail of any person released on bail after being charged with a violent felony when there is probable cause to believe that he or she committed another violent felony after being released on bail. (11 § 2116).

Maine
Passed legislation expanding the state’s victim employment protection law to family members who take time off to attend to medical treatment of a victim of domestic violence, sexual assault, or stalking. (H.B. 1463). Established an address confidentiality program to protect victims of domestic violence, stalking, or sexual assault. (§ 5-90-B). Adopted an act implementing the recommendations of the Commission to Study Domestic Violence. The act includes provisions prohibiting bail commissioners from setting preconviction bail in domestic violence cases without making a good faith effort to obtain certain information, such as the abuser’s history, the relationship between the parties, the victim’s name, address, phone number, and date of birth, and any conditions of existing protection orders, bail, or probation. In addition, law enforcement agencies are required to adopt written policies regarding the handling of domestic violence cases, including procedures to ensure that the victim is notified of the defendant’s jail release, a process for the safe retrieval of the victim’s personal property, and a risk assessment for the defendant. Each agency must provide training for its members relating to these policies. The act also requires the submission of a report to the criminal justice committee of the state legislature regarding the effectiveness of batterers’ intervention programs. (H.B. 1658).

Maryland
Ratified an amendment to the state Constitution authorizing District Court commissioners to issue interim orders for protection pending hearings on domestic violence and peace order petitions and enacted legislation to implement the amendment. (H.B. 663). Created the felony offense of abuse or neglect of a vulnerable adult in the first degree. A caregiver, or a household or family member, who causes abuse or neglect of a vulnerable adult that results in the death or serious physical injury, or involves sexual abuse of the vulnerable adult is subject to ten years imprisonment, a $10,000 fine, or both. (Crim. Law § 3-603).

Massachusetts
Added clergy members to the list of mandated reporters of child sex abuse. (S.B. 2230). The state also enacted a law criminalizing reckless conduct that endangers children. The law makes illegal any action that creates a substantial risk of serious bodily injury or sexual abuse to children, or recklessly failing to take reasonable steps to alleviate such a risk where there is a duty to act. The bill creates an avenue for criminal prosecution for persons, including employers of abusers, who recklessly place or fail to remove a child from substantial risk of serious bodily injury or sexual abuse. (§ 265-13L). Imposed a $50 fine on people con-
State Legislative Round-up cont.

victed of drunk driving to be deposited into a fund for use by the Massachusetts Office for Victim Assistance to provide services for drunk driving victims. (H.B. 4601).

New Hampshire
Mandated the development of a standardized protocol for the investigation and assessment of child abuse and neglect case, to be developed jointly by the department of health and human services and the department of justice, and include standard procedures for the interviewing of child victims in a safe and appropriate place. (§ 11:3:1) Increased the amount of money designated for the victims’ assistance fund from $750,000 to $900,000, and removed the 25 percent cap on grants made for the establishment and maintenance of victim assistance programs. (§§ 176:1–4). Amended its stalking statute to extend the relief available under civil protective orders to stalking victims who are minors. (H.B. 1285).

New Jersey
Required each New Jersey school district to develop a policy against harassment, intimidation, and bullying. The bill also requires the policy to be incorporated into school employee training programs. (§§ C.18A:37-14). Established a task force composed of government officials, representatives of organized labor and business interests, and a battered women’s advocate to examine the incidence, impact, and prevention of workplace violence. (Ch. 49, Laws 2002). Prohibited retail sales establishments from electronically printing more than the last five digits of a customer’s credit card account number or the credit card’s expiration date on any sales receipt given to the customer at the time of the sale, to help prevent identity theft. (§ C.56:11-42).

New York
Approved “Sean’s Law” authorizing a judge to suspend the driver’s permit or junior license of a teenage driver charged with DWI or DWAI, at the driver’s first appearance before the court pending prosecution. In addition, the minor’s parent or guardian is required to be notified of the child’s court appearance or failure to appear. (S.B. 7581). Adopted a measure criminalizing identity theft. The new law also gives judges the ability to order an offender to pay restitution and grants victims of identity theft the right to sue for damages. (A.B. 4939).

Pennsylvania
Enacted legislation aimed at removing habitual drunk drivers from Pennsylvania roads by increasing jail time and penalties for repeat offenders. (S.B. 238). Approved a bill extending employment protection to family members of victims attending court proceedings. Previously, the law applied only to crime victims and witnesses. (S.B. 820). Extended the statutes of limitations for both criminal and civil cases of child sexual abuse to 12 years after the victim turns 18. (S.B. 212). Authorized the submission of oral or videotaped, in addition to written, comments by crime victims prior to the parole release of the defendant. The victim or the victim’s representative may appear in person and testify before the parole board or hearing examiner. In the alternative, the victim’s testimony may be presented by conference call. (H.B. 219).

Rhode Island
Approved legislation protecting domestic violence victims from housing discrimination. Landlords may not evict or in any way discriminate against an applicant or tenant because he or she, or a member of the household, is or has been a victim of domestic abuse, or is seeking or is protected by a restraining order. Landlords are also prohibited from making oral or written inquiries into a tenant’s status as a victim of domestic violence. (S.B. 2312). Amended its stalking law to make the crime of stalking a felony offense, punishable by imprisonment for up to five years, a $10,000 fine, or both. (S.B. 2935).

Vermont
Adopted legislation significantly strengthening its crime victim restitution law. The new law incorporates a number of changes, including: increasing the consequences for an offender’s willful failure to pay restitution; providing that any state monies owing to the defendant— including lottery winnings and tax refunds—are assigned to discharge the restitution order; and calling for an examination of the viability of establishing and maintaining a restitution system funded by a surcharge on criminal offenses. (S.B. 222). Established the domestic violence fatality review commission within the attorney general’s office. (15 § 1140).

West Virginia
Prohibited the use of a student’s social security number to identify the student on any public grade list, class roster, student identification card, student directory, or for any other public identification purpose unless specifically required by law. These restrictions apply to public and private elementary and secondary schools as well as colleges and universities. The new law also authorizes the assignment of an alternative number to be used in place of a child’s social security number if the child’s parent or guardian refuses to provide the number when enrolling the child in public school. (§ 18-2-5f). Enacted the West Virginia Computer Crime and Abuse Act, which makes it a misdemeanor to, with the intent to harass or abuse another, use a computer to: make contact with a person without disclosing his or her identity; make contact with a person after that person has requested the contact to cease; threaten to commit a crime against any person or property; or cause obscene material to be transmitted to a person who has requested that such material not be sent. (§ 61-3C-14a).

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

Alabama
Mandated criminal background checks for all current and prospective teachers and other school employees who have unsupervised access to students. The new law
applies to both public and private school applicants and personnel. (S.B. 1).

Arkansas
(Did not hold a regular legislative session in 2002.)

Florida
Made it a felony for state workers to falsify records relating to children, the elderly, or disabled in state care. This bill was adopted in response to the case of a Miami foster child whose disappearance went unknown for 15 months because the child’s case worker allegedly filed false reports of monthly visits with the child. (§ 839.13). Required courts to notify victims of the rights granted to them under the state constitution. The new law states that courts must either make a scripted announcement regarding the rights of victims at any arraignment, sentencing, or case-management proceeding or post the information prominently on courtroom doors. (§ 960.0021).

Georgia
Approved penalties for creating, possessing, or using false identification documents. The use of identifying information with the illegal intent to access or attempt to access a person’s financial or other resources is punishable by up to 10 years in prison and a $100,000 fine. (S.B. 475). Eliminated the statute of limitations for the prosecution of armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, and aggravated sexual battery in cases where DNA evidence is used to establish the defendant’s identity. A sufficient portion of the evidence tested must be preserved and made available for testing by the accused. (§ 17-3-1). Expanded victims’ rights to notification in death penalty cases to require the attorney general to notify the victim of the filing and disposition of all challenges to the conviction, and the time and place of any related proceedings or rescheduling of such proceedings. The attorney general must also provide the victim with a status report regarding all pending appeals, challenges, and other litigation at least every six months until the defendant dies or the sentence/conviction is overturned, commuted, or reduced to a sentence other than death. (§ 17-17-12).

Kentucky
Established a Sexual Assault Response Team Advisory Committee charged with, among other things, developing a model protocol for Sexual Assault Response Teams, serving as an advisor to the chief medical examiner in crafting a statewide sexual assault protocol, and recommending to the Governor’s Council changes in policy, administrative regulation, or budget to promote a multidisciplinary response to sexual assault. (H.B. 308). Enacted legislation whereby a plea or verdict of guilty to the offense of stalking in the first or second degree operates as an application for a civil restraining order limiting contact between the victim and the stalker, unless the victim requests otherwise. An order issued pursuant to the provisions of the new law may prohibit the defendant from entering the victim’s residence, property, school, or place of employment; from contacting the victim personally or through an agent; or from initiating any personal, written, telephonic, electronic, or any other communication likely to seriously alarm, annoy, intimidate, or harass the victim. Such an order may be valid for up to ten years with the specific duration to be determined by the court based on such factors as the probability of future violations and the safety of the victim or an immediate family member of the victim. A person who violates a stalking restraining order commits a Class A misdemeanor, and is subject to a mandatory warrantless arrest by a law enforcement officer who has probable cause to believe that a violation has occurred. (H.B. 428).

Louisiana
Required adult protection agencies receiving reports of sexual or physical abuse to notify the chief law enforcement agency where the incident occurred of the report before the end of the next business day. (§ 14:403.2). Amended its sex offender registration law to require a registered offender to update his or her registration information each year and to pay an annual registration fee of $60 to help defray the cost of maintaining the offender’s record. Offenders are also required to provide descriptions of every vehicle registered in their names, including license plate number. In addition, the new law increased penalties for failure to register as a sex offender. (§§ 15:542 and 542.1).

Mississippi
Required licensed health care facilities to perform criminal background checks on employees and prohibited those who have been convicted of certain offenses (including murder, manslaughter, rape, grand larceny, sale of drugs, child abuse, armed robbery, and felonious abuse and/or battery of a vulnerable adult) from being employed at a health care facility. (S.B. 2191). Increased the maximum compensation award available from $10,000 to $15,000. In addition, the maximum amounts for certain categories of loss were also raised: funeral expenses from $3,500 to $4,500; mental health counseling benefits from $2,500 to $3,500; and lost wages from $450 per week to $600 per week. (§§ 9-41-5 and 99-41-23).

North Carolina
Approved legislation enhancing it’s identity theft law by allowing court-ordered restitution and creating civil remedies for victims. (H.B. 1100). Amended its stalking law to encompass harassment, defined to include written, telephonic, cellular, facsimile, voice mail, computerized, and other electronic communications or transmissions which torment, terrorize, or terrify the person to whom they are directed. The amendment also eliminates the specific intent requirement and lowers the level of fear that the victim must experience as a result of the conduct. In addition, stalking is reclassified as a Class A1 misdemeanor while a person who commits the offense of stalking after having been previously convicted of a stalking offense is guilty of a Class F felony. (S.B. 346). Enacted a new law establishing an Address Confidentiality Program. Stalking victims may apply for these programs regardless of whether the stalking acts have been reported to law enforcement by providing the state with proof that they are a victim of stalking. (H.B. 1402).
South Carolina
Issued an Executive Order directing all state agencies to craft policies which address domestic violence in the workplace and appropriate responses to victims. State agencies are now required to assess employee security and make necessary changes to ensure safety, create appropriate leave and benefit policies, institute training and counseling programs, and ensure the availability of referral services. In addition, the policies must state that all forms of workplace violence are prohibited and that employees who are threatened or who have witnessed violent actions in the workplace must report it to a supervisor, or if violence is imminent, to law enforcement. (Ex. Order 2002-30). Enacted the South Carolina Campus Sexual Assault Information Act requiring colleges and universities to develop, publish, and implement policies and practices which will promote prevention, awareness, and remedies for campus sexual assault. The policy must include the procedures to be followed by the student victim and the institution when a sexual assault is committed as well as information relating to the victim’s rights throughout the disciplinary process. (§§ 59-105-10–60). In conjunction with this act, the South Carolina Campus Sex Crimes Prevention Act was also adopted whereby each institution of higher education must include a statement in its annual security report advising the campus community where information concerning registered sex offenders may be obtained. (§§ 59-106-10–30).

Tennessee
Adopted the Tennessee College and University Campus Sex Crimes Prevention Act which requires convicted sex offenders to register with the Tennessee Bureau of Investigation when they enroll at or begin working or volunteering on a college or university campus. (Ch. 469, Acts 2002). Created the Victims of Crime State Coordinating Council tasked with the following: promote public awareness of the needs of crime victims and their families; provide information and resources to victims of crime; and coordinate and support efforts of victims’ rights organizations. (§§ 40-38-2??). Enacted legislation authorizing the imposition of a fine not to exceed $200 in cases of domestic violence related assaults to be used for the exclusive purpose of funding family violence shelters and shelter services. (§§ 39-13-101, 102, and 111).

Virginia
Mandated the establishment of a central computerized protective order registry within the Department of State Police. (H.B. 488/S.B. 290). Required the publication and dissemination of a model policy or guidelines for use by state and local agencies to ensure that law enforcement personnel are sensitive to cultural diversity and the potential for biased policing. (§ 9.1-102).

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

Arizona
Amended pretrial release provisions relating to defendants accused of certain sexual offenses, prohibiting bail when there is evident proof or great presumption that the person is guilty of the offense. At the bail hearing, the judicial officer is required to consider the victim’s views, and the victim is to be notified if the defendant applies to have the conditions of his or her release reviewed. In addition, the Sex Offender Probation Study Committee is established to evaluate the effectiveness of sex offender probation in the state, and determine the frequency and impact of sex offenders living near schools and make recommendations to reduce potential risks, among other things. (S.B. 1202). Authorized the construction of a victims’ rights memorial. (S.B. 1009). Expanding the rights afforded to victims of juvenile offenders to provide victims with post-adjudication notice and an opportunity to submit a statement to the court considering a juvenile’s request for discharge. (H.B. 2335).

Colorado
Enacted a new law requiring an employer with 50 or more employees to permit an employee who is the victim of domestic abuse, stalking, sexual assault, or other crimes involving domestic violence to take up to 3 days of leave in a 12 month period to seek protection for him or herself. An employee may use the leave time to pursue a civil restraining order, obtain medical care or mental health counseling for self or children, secure his or her home from the perpetrator of the crime, seek legal assistance, or to prepare for and attend related court proceedings. An employer is prohibited from discharging or discriminating against an employee who exercises his or her rights under these provisions. (§ 24-34-402.7). Authorized a judge or magistrate to issue a civil restraining order to a business entity in order to protect employees of the business upon finding that an imminent danger exists. An employer shall not be liable for failing to obtain such an order to protect its employees and patrons. (§ 24-34-402.7).

Nevada
(Did not hold a regular legislative session in 2002.)

New Mexico
Eliminated filing and service costs for victims of domestic abuse, stalking, harassment, and sexual abuse, and discouraged the dual arrest of persons involved in domestic abuse incidents. A law enforcement officer investigating a domestic abuse incident shall attempt to determine whether one of the parties acted in self-defense when making arrests. In addition, domestic abuse incident training shall be required as part of both basic and continuing law enforcement training. (Ch. 35, Laws 2002).

Oklahoma
Passed legislation to aid law enforcement in their efforts to prosecute cases of sexual solicitation of minors over the Internet and by other means. The new law expands the definition of facilitating, encouraging, offering or soliciting sexual conduct with a minor.
to include solicitation of a person believed to be a child in order to permit prosecution in cases where the individual solicited was posing as a child. (H.B. 2301). Passed the Kristle LeGrange Act, which allows juries to view photos of homicide victims taken during the victim’s life. (H.B. 2216). Established Oklahoma’s Victim Protective Order Task Force for the purpose of studying and preparing recommendations for improvements to the Protection from Domestic Abuse Act, particularly in relation to procedures for issuing protective orders. The bill also standardizes the form for all ex parte and final protective orders entered within the state. (H.B. 2400). Established an Address Confidentiality Program to protect persons attempting to escape from domestic violence, sexual assault, or stalking. Agencies that provide counseling and shelter to domestic violence, sexual assault, and stalking victims are directed to assist such victims in applying for certification in the program. (H.B. 2921).

**Texas**
(Did not hold a regular legislative session in 2002.)

**Utah**
Eliminated the statutes of limitations for the prosecution of child abuse homicide, aggravated kidnaping, and child kidnaping. (§ 76-1-301). Created the offenses of custodial sexual relations and custodial sexual misconduct with youth receiving state services. “Youth receiving state services” includes persons under the age of 18 who are in the custody of the Department of Human Services or who are receiving services from any division of the Department; or persons under the age of 21 who are in the custody of the Division of Youth Corrections or the Division of Child and Family Services, or under the jurisdiction of the juvenile court. Neither consent of the victim nor the mistaken belief of the perpetrator that the child was 18 or older is a defense to the crime. (§ 76-5-413).

**Alaska**
Adopted measures intended to strengthen collection of restitution. Under the new provisions, a restitution order imposed when the court has suspended the imposition of sentence is a civil judgment that remains enforceable and is not discharged even if the conviction is set aside. (§ 12.55.045). Also authorized using the fair market value of unclaimed property to pay restitution owed by the owner of the property. (§ 34.45.380) Laws relating to restitution in juvenile cases were also amended, requiring the minor and the minor’s parents to submit financial information to the court for use in determining the restitution amount or to enforce a restitution order. Submission of incomplete or inaccurate information is punishable as unsworn falsification, a Class A misdemeanor. (§ 47.12.120).

**California**
Passed legislation requiring the Department of Motor Vehicles to issue new license plates to domestic violence victims upon their request. (A.B. 1915). Strengthened the right of domestic violence victims to sue their abusers and recover damages, creating a cause of action specifically for domestic violence victims, extending the limitations period to three years, and allowing victims to recover the cost of attorney representation. (A.B. 1933). Voters adopted a proposition to enact the Housing and Emergency Shelter Trust Fund Act. Among other things, the Act provides funding for shelters for women fleeing domestic abuse, emergency shelter for homeless persons with children, and funds to repair existing emergency shelters. The proposition creates a housing trust fund through the issuance of state bonds totaling over two billion dollars. (Proposition 46). Extended the civil statute of limitation for victim lawsuits against offenders. The new law extends the time for felony crime victims to file a civil action for damages against convicted offenders to 10 years following the offender’s release from parole. There are certain exceptions, including where the person convicted of murder or attempted murder was suffering from battered women’s syndrome at the time of the offense. (Code of Civ. Proc. § 340.3).

**Hawaii**
Enacted legislation tolling the statute of limitations for bringing a civil action against a person convicted of a felony, a sexually violent offense, or a criminal offense against a minor, during the time the offender is incarcerated, on parole or probation, or is otherwise under the court’s jurisdiction for committing the crime. (§ 657-21.5). Passed a measure affecting victims’ financial recovery, by requiring the department of public safety or other appropriate criminal justice agency to notify a victim or the victim’s surviving family when the person imprisoned for the crime receives a civil judgment, settlement, or income in one fiscal year that exceeds $10,000, or when the offender’s financial account exceeds that amount. In addition, payment of a restitution order or judgment owed to victims or their families shall be a precondition of parole release for any imprisoned offender who has the financial ability to completely or partially satisfy an outstanding restitution order or other judgment. (§ 801D-4).

**Idaho**
Extended its domestic violence laws to include adults who are or have been in a dating relationship. Previously, the law provided protections only to minors in abusive dating relationships. (S.B. 1351). Expanded the crime of forcible sexual penetration by the use of a foreign object to cover the commission of the crime on victims who are prevented from resisting due to any intoxicating, narcotic, or anesthetic substance, or are incapable of giving legal consent because of a temporary or permanent unsoundness of mind. (§ 18-6608).

**Montana**
(Did not hold a regular legislative session in 2002.)

**West and Pacific:**

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

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- **Montana**
  - (Did not hold a regular legislative session in 2002.)
State Legislative Round-up cont.

Oregon
(Did not hold a regular legislative session in 2002.)

Washington
Approved legislation requiring hospitals to offer emergency contraception to victims of rape. (S.B. 6537). Addressed the issue of trafficking in persons by creating a statewide task force charged with: evaluating the state’s antitrafficking measures; identifying available resources and programs that provide services to victims; and making recommendations on how to improve the response to trafficking victims. (H.B. 2381). Authorized eligibility for unemployment insurance benefits for victims of stalking and domestic violence who show that their unemployment was necessary to protect themselves or their family members from being stalked or abused. (H.B. 1248). Provided for the payment of compensation to a dependent parent or stepparent of a homicide victim traveling from out-of-state at the request of a law agency or prosecutor to assist in proceedings related to the crime. An eligible parent/stepparent may receive a lump sum payment of up to $7,500 upon his or her arrival. If more than one parent/stepparent is eligible the payment will be divided equally among them. (§ 7.68.070).

MID-WEST:
Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, Wyoming

Illinois
Approved legislation declaring September 11 as a commemorative holiday and school day. The act also creates the September 11th Remembrance Fund, a special fund to provide grants to terrorism victims or local governments for training on responding to and preventing terrorism. Specialty license plates are authorized under the new law and the money collected is to be deposited into the Fund. (S.B. 1531). Expands its stalking statute to protect former stalking victims from subsequent repeat stalking incidents by the same offender. (H.B. 4081). Provided civil remedies to victims of financial identity theft and aggravated financial identity theft. Such victims may recover actual damages, lost wages, court costs, and attorney's fees. (§ 720-5/16G-21).

Indiana
Made extensive revisions to laws pertaining to protective orders in cases of domestic or family violence, stalking, and sex offenses, and authorized the issuance of a workplace violence restraining order for the protection of an employee. The legislation also extends the state’s address confidentiality program to emancipated minors and victims of sexual assault and stalking, and removes the requirement that a program participant live in Indiana. (H.B. 1232). Excluded from taxable adjusted gross income the amount of any compensation paid to an individual who died in the September 11, 2001 terrorist attack, the individual's spouse or child, or an estate or trust of the individual, spouse, or child. (S.B. 50).

Iowa
Extended its domestic abuse laws to allow adults or teenagers in an “intimate relationship” to obtain no-contact orders against their abusers. Previous law offered protections only to those who are or have been married, have lived together, or have a child in common. (S.F. 2100). Authorized the issuance of no contact orders upon the arrest of a person for committing the crime of sexual abuse when the magistrate determines that the presence of or contact with the defendant poses a threat to the safety of the victim, persons residing with the victim, or the victim’s immediate family. (H.F. 2495). Allowed victims to submit video or audio victim impact statements, in addition to oral and written statements at sentencing and any hearing regarding reconsideration of sentence in the presence of the defendant. If available, a victim’s statement may be made through a video monitor or speakerphone. A victim shall not be subjected to cross examination at the sentencing hearing. (§§ 915.13 and 915.21).

Kansas
Adopted the protection from stalking act, providing for civil protection orders in stalking cases. The parent or an adult residing with a minor may seek relief on the child’s behalf. (S.B. 474). Authorized the making of grants from the protection from abuse funds to programs providing emergency shelter, counseling, and assistance to victims of sexual assault. Previously, the moneys were distributed only to programs providing services to domestic abuse victims and their dependent children. (§ 74-7325). Expanded sex offender registration requirements to include juvenile offenders who are adjudicated for an act that would constitute a sexually violent crime if committed by an adult. Juvenile sex offenders shall be required to register until the age of eighteen or five years from the date of adjudication, whichever is later. (§§ 22-4902 and 4906).

Michigan
Expanded its sex offender registration law to require registration by certain non-residents who are employees, contractual providers, or volunteers at an institution of higher education, or students enrolled at such institutions. (S.B. 1275). Required courts to order a person convicted of terrorism to make restitution to any victims and to reimburse any governmental entity for expenses incurred as result of the terrorist act. (§ 750.543x).

Minnesota
Amended Minnesota’s stalking law to expand the law’s definition of aggravated harassing conduct to include acts of criminal sexual conduct, among other things. In addition, specific penalties for certain violations under the law were added, including making it a felony for stalking a victim under 18 when the stalker is more than 36 months older than the victim and the conduct is committed with sexual or aggressive intent. (S.F. 3172). Required the Commissioner of Human Services to form a review committee of other agencies and...
members of groups involved with adult maltreatment investigations and background studies for individuals providing services to children and vulnerable adults in order to inform the state legislature of issues and concerns that need to be reviewed. The review shall include data relating to maltreatment investigations and concerning the processes for setting aside background studies and the statistics concerning maltreatment by individuals with criminal histories who have allowed to provide services to children and vulnerable adults. In addition, the Supreme Court was requested to make recommendations regarding methods for tracking civil actions for damages resulting from sexual abuse in order to identify individuals who should be disqualified from human services licensing. (S.F. 2692).

Missouri
Eliminated the statute of limitations for prosecuting certain sexual offenses, including rape and sodomy. (§ 556.036). Broadened the state’s stalking statute to include conduct and threats that are communicated through electronic means. The legislation 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. Additionally, the law establishes the Missouri Regional Computer Forensics Lab to prevent and reduce computer, internet and other electronically based crimes. The bill also made numerous revisions to laws relating to sexual offenses and the sex offender registry. (S.B. 969). Authorized the governing body of any county, city, or village in the state to designate a street, road, or highway within its boundaries as a memorial to a law enforcement officer who is killed in the line of duty. (§ 229.222).

Nebraska
Approved legislation designating the Nebraska Child Prevention Fund as the recipient of a $25 docket fee charged for the dissolution of marriages, along with additional fees imposed for filing, copying, or searching for birth certificates. (L.B. 48). Authorized the disclosure of all relevant documents generated by any governmental agency to personnel and mental health professionals assigned to the sex offender registration and community notification division of the State Police. Such documents include law enforcement reports, presentence reports, psychiatric examinations, and criminal histories. The information shall be used for the purpose of assessing the risk of re-offending of registered sex offenders. This bill also included extensive revisions to the state’s sex offender registration program. (L.B. 564).

North Dakota
(Did not hold a regular legislative session in 2002.)

Ohio
Passed a law providing qualified immunity from tort liability for domestic violence shelters and associated individuals in cases where shelter clients or others are harmed by the conduct of a family violence perpetrator, either within the shelter or off shelter premises under certain circumstances. (S.B. 131). Created a task force to focus on crimes perpetrated against mentally retarded and disabled people. The task force, comprised of prosecutors, judges, law enforcement officials and coroners, is charged with issuing recommendations on investigating and prosecuting these crimes against this vulnerable population.

South Dakota
Increased the penalty for the crime of stalking a child twelve years of age or younger from a misdemeanor to a felony. (§ 22-19A-7). Adopted legislation requiring criminal record checks for individuals being considered as an adoptive or foster parent. No child may be placed for adoption with a person who has been convicted of child abuse or a sex offense. (H.B. 1163).

Wisconsin
Created a domestic violence or sexual assault advocate-victim privilege to protect the confidentiality of communications made between a victim, an advocate acting in the scope of his or her duties as an advocate, and others providing counseling, assistance, or support under the advocate’s direction. The privilege may be claimed by the victim, the advocate on the victim’s behalf, the victim’s guardian or conservator, or a deceased victim’s personal representative. (§ 905.045). Expanded the list of those eligible to seek civil protection from domestic violence to specifically include an adult abused by an adult caregiver, and by an adult abused by another adult with whom the individual has or had a dating relationship. The term dating relationship is defined to mean a romantic or intimate social relationship. Factors to be considered by the court when determining whether a dating relationship existed include the length and type of the relationship, and the frequency of interaction between the individuals involved in the relationship. In addition, the law was amended to increase the duration of an injunction from two to four years. (§ 813.12).

Wyoming
Required the division of criminal investigation to investigate suspected violations involving computer crimes and crimes involving the sexual exploitation of children. (§ 9-1-618). Expanded the definition of victim for the purposes of crime victim compensation eligibility to include residents of the state who is a victim of a crime involving terrorism occurring outside the state if the crime would be compensable if it had occurred within state borders and the victim suffered a loss as a direct result of the terrorist act. Family members of a victim of terrorism who are Wyoming residents may also be eligible, regardless of the victim’s state of residency. (§ 1-40-102).

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, 202-467-8700 or by e-mail, cdorris@ncvc.org.
TEEN ACTION PARTNERSHIP

The National Center for Victims of Crime recently launched the Teen Action Partnership, an innovative youth leadership initiative aimed at supporting teenage victims of crime in their own communities.

According to recent national studies, teens are twice as likely as other age groups to be victims of violent crime, and although teens represent only 14 percent of the population, they represent 25 percent of victims of violent crime, including rape, assault, and robbery. Studies also show that victimization may be more detrimental during adolescence than at other times in one’s life.

“Teenagers are a particularly vulnerable and overlooked group when it comes to being victimized by crime,” said Susan Herman, executive director of the National Center for Victims of Crime. “What makes this new approach stand out is that teenagers will become a critical part of the solution.”

In partnership with local youth organizations, the National Center project will initially involve teenagers, ages 12 to 18, working in four different communities. These teenagers will assess the level and type of teen victimization occurring within their own communities; advocate for public policies that support teen victims; and conduct a peer outreach campaign to encourage teen victims to get help. Teenagers at each site will determine that site’s specific goals and strategies.

“We’re getting to help other teens face the problems that we see every day. We can help in ways that adults can’t,” said Troy, 16, of the 4-H program of Vinton County, OH, one of the four pilot organizations participating in the Teen Action Partnership. Also participating in the project are the Boys & Girls Clubs of Garden Grove, CA, Trailblazers Academy of Stamford, CT, and the Police Athletic League (PAL), of Baltimore, MD.

This program is supported by a grant from the U.S. Department of Justice Office of Community Oriented Policing Services (COPS). “I applaud the National Center for its leadership in establishing this innovative program,” said Carl Peed, director of the COPS office. “With so many youth harmed by crime, it is crucial that effective programs are put into action—and what better way than teens helping teens.”

If you are being bullied or abused in any way...

…there is help.

1-800-FYI-CALL

If You Help Teens, You’ll Want This Card. The National Center has developed a colorful, teen-oriented outreach card featuring Miss America 2003 Erika Harold. Each card contains important information to help teens who may have been bullied, harassed, or abused in some other way. Multiple copies may be ordered, free-of-charge, at www.ncvc.org/store/outreachcards/teens.

Miss America 2003 Erika Harold is featured in new National Center for Victims of Crime television public service announcements on teen bullying and abuse. Erika takes a moment out of production shoot to pose with teen “extras.” Erika Harold also made another PSA with the National Center and the Dart Foundation on posttraumatic stress disorder. Both PSAs may be viewed at www.ncvc.org/tvp.

Miss America 2003 Erika Harold
New Teen Website
Check out www.ncvc.org/tvp for new teen-oriented information bulletins on bullying, dating violence, stalking, assault, sexual assault, child sexual abuse, and robbery. Information for parents and in Spanish also available.

Stalking Resource Center’s First National Conference
The National Center’s Stalking Resource Center held its first national conference, March 10-12, 2003, in Memphis, Tennessee. Entitled “Intimate Partner Stalking: Keeping Victims Safe and Holding Offenders Accountable, the conference brought together more than 90 Office on Violence Against Women grantees from across the country to hear presentations by stalking experts on a wide range of issues, including the lethality of stalking, stalking in communities of color, protocol development and promising practices, safety audits, and stalking investigations. The conference will be repeated this summer. For more information, contact the Stalking Resource Center at 202-467-8700 or visit www.ncvc.org/src.

2003 Training Institute
The National Center has launched another series of Training Institutes designed to enhance the skills of anyone who works with victims of crime. Training Institute sessions provide in-depth information on timely topics, including technology and stalking, identity theft, working with teens, bringing victims into community policing, evidence-based prosecution, and much more. This year’s training locations: San Francisco (May 14-16), Minneapolis (September 23-24), Washington, DC (October 15-17), and Dallas (October 29-30). To register online or for more information, visit www.ncvc.org/traininginstitute or e-mail traininginstitute@ncvc.org. National Center members receive a generous discount.

“Bars and Bandaids” encourages discussion about what justice means for crime victims. Order this 17” x 22”, four-color poster online at www.ncvc.org/paralleljustice.
HOW CHILDREN INTERVENE IN ADULT DOMESTIC VIOLENCE

While research on children’s involvement in adult domestic violence incidents is limited, a recent study examined factors in the family that might explain diversity of children’s responses. The study is one of few to systematically compile data from abused mothers about their children’s involvement in domestic violence that answered the following questions:

- How did children intervene in violent events?
- Which family and contextual characteristics statistically predicted the types and degree of children’s intervention in these events?

The study sample included 114 battered women (mothers) who were interviewed over the phone. A wide range of children’s interventions was reported. Fifty-two percent of the mothers reported that their children intervened by yelling from another room during the abuse, 53 percent reported occasional yelling by children in the same room, and 21 percent of the mothers said their children called someone else for help.

Regarding children’s physical involvement (physically intervening in the abuse), 23 percent reported at least occasional intervention by their children.

In terms of family and contextual characteristics of their involvement, children were more likely to intervene if their mother had been unemployed, unmarried, and not very educated. Children were also more likely to get involved if they lived in transitional housing, if they were not biologically related to the abuser, and if the abuser was of an older age. In general, the more the mother was being abused and her health and life threatened by the abuse, the more likely were children to intervene. The researchers concluded that these results raise serious concerns about the safety of children and their abused mothers and the need for increased attention to the mothers’ economic wellbeing as a way to provide stability and safety for mothers and children alike.

TRADE TOOLS: PUBLICATIONS AND PRODUCTS

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 for print publications to puborder@ncjrs.org and e-mail questions to askncjrs@ncjrs.org or the Justice Information Center at www.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. Most publications are also available for download using the web address provided in brackets.

Snell, Tracy and Laura Maruschak. Presents characteristics of persons under sentence of death on December 31, 2001, and of persons executed in 2001. Preliminary data on executions in 2002 include State, method used, and race of inmate. BJS. NCJ 197020. [www.ojp.usdoj.gov/bjs/abstract/cp01.htm]


Fox, James and Marianne Zawitz. This BJS Crime Data Brief outlines the primary findings from the updated section of the BJS website about homicide patterns and trends since 1976. BJS. NCJ 197471. [www.ojp.usdoj.gov/bjs/abstract/htus00.htm]

Rennison, Callie. This release reports on trends in intimate partner violence of persons age 12 or older in the United States using data from the National Crime Victimization Survey (NCVS) and the FBI’s Supplementary Homicide Reports. BJS. NCJ 197838. [www.ojp.usdoj.gov/bjs/abstract/ipvs01.htm]

Local Police Departments 2000.
Hickman, Matthew and Brian Reaves. Presents data collected from a representative sample of the nearly 13,000 general-purpose local police departments nationwide. BJS. NCJ 196002. [www.ojp.usdoj.gov/bjs/abstract/lpd00.htm]


Hart, Timothy and Callie Rennison. This Special Report presents National Crime Victimization Survey (NCVS) data from 1992 to 2000 on non-lethal crimes against persons age 12 or older that were reported to police. BJS. NCJ 195710. [www.ojp.usdoj.gov/bjs/abstract/rcp00.htm]


Violent Victimization as a Risk Factor for Violent Offending Among Juveniles.
Shaffer, Jennifer and R. Barry Ruback. This analysis of the National Longitudinal Study of Adolescent Health provides proof that victims of violence are significantly more likely than non-victims of violence to become violent offenders. OJJDP. NCJ 195737. [www.ncjrs.org/pdffiles1/ojjdp/195737.pdf]
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- Retelling violent death
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Locations

West
San Francisco, California, May 14-16, 2003

Midwest
Minneapolis, Minnesota, September 23-24, 2003

Mid-Atlantic
Washington, DC, October 15-17, 2003

South
Dallas, Texas, October 29-30, 2003

Look for your registration brochure in the mail or call 202-467-8700 for more information.

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