PROJECT ROADMAP:
Charting a Course for Crime Victims in Maryland
February 2003
The National Center for Victims of Crime

The National Center for Victims of Crime is the nation’s leading resource and advocacy organization for victims of crime. Founded in 1985, our mission is to forge a national commitment to help victims of crime rebuild their lives. We are dedicated to serving individuals, families, and communities harmed by crime. Working with local, state, and federal partners, the National Center:

- Provides direct services and resources to victims of crime and victim service providers;

- Advocates for passage of laws and public policies that create resources and secure rights and protections for victims of crime;

- Delivers training and technical assistance to victim service organizations, counselors, attorneys, criminal justice agencies, and allied professionals; and

- Fosters cutting-edge thinking about the impact of crime and the ways in which each of us can help victims regain control of their lives.

This project was funded by the State of Maryland Governor’s Office of Crime Control & Prevention under a Byrne Memorial Grant (2002-DB-MU-0024), awarded by the U.S. Department of Justice. Points of view or opinions within this document are those of the authors and do not necessarily represent the official position or policies of any agency. Any questions or comments should be forwarded to the authors at the National Center for Victims of Crime.
Acknowledgements

Project Roadmap: Charting a Course for Crime Victims in Maryland is the result of hard work and valuable contributions from many people. Victim advocates and criminal justice professionals were extremely generous with their time and their creative thinking. They gave advice, opened doors for us, organized focus groups, and recruited participants. Neither the study nor this report would have been possible without their support, active assistance, and participation.

We would like to express our appreciation to the following National Center for Victims of Crime staff who provided assistance on various aspects of this report: Erin Carney, Jasmine D’Addario-Fobian, Rebecca Layton, Jen McLish, Lara Murray, Anton Popic, and Carlie Radlove.

We would also like to thank the Governor’s Office of Crime Control & Prevention for inviting us to take on this project and for their desire to improve Maryland’s response to victims of crime.

Above all, we wish to express our gratitude to the victims of crime who participated and gave up their time to come together, sometimes with strangers, to tell us about their experiences. We were continually moved by their willingness to share stories touching on some of the most intimate and painful details of their lives, by their remarkable frankness, and by their passion to speak out so that others might benefit in the future. Listening to these victims was extraordinary and deeply moving.

Susan Herman
Executive Director

Project Staff
Cressida Wasserman
Ilse Knecht
Carol Dorris
Susan Howley
Mary Rappaport
# Table of Contents

**Introduction**.................................................................................................................. 1
  - Purpose.......................................................................................................................... 1
  - About the National Center for Victims of Crime......................................................... 2
  - A Snapshot of Crime in the State of Maryland.............................................................. 2
  - Understanding the Challenges in Serving Crime Victims............................................ 3
  - How Project Roadmap Was Conducted...................................................................... 5
  - How This Report Is Organized.................................................................................. 7
  - Final Thoughts ............................................................................................................ 8

**Section 1. Listening to Victims and Those Who Serve Them** ........................................... 9
  - Introduction................................................................................................................. 9
  - How this Assessment Was Conducted...................................................................... 10
  - Articulating a Vision for Victim Services................................................................. 13
    - Information and Analysis.................................................................................... 14
    - Program Evaluation............................................................................................. 15
    - Promising Practices............................................................................................. 16
  - Improving Collaboration Among Victim Service Agencies................................... 18
  - Enhancing the Skill of Victim Service Providers.................................................... 20
    - The Victim’s Perspective...................................................................................... 22
    - Training and Professional Support..................................................................... 23
    - Training for Other Service Providers................................................................ 24
  - Ensuring Compassionate Treatment of Crime Victims........................................... 25
    - Prosecutors, Judges, Victim Advocates, and Others......................................... 28
    - Treatment of Rape and Sexual Assault Victims.................................................. 28
    - Treatment of Children and Teenagers................................................................. 29
    - Hierarchies of Victims......................................................................................... 30
    - Treatment of Victims Already Socially Marginalized........................................ 30
  - Providing Services to All Victims of Crime............................................................... 31
    - Underserved Victims of Crime........................................................................... 31
    - Problems of Access.............................................................................................. 32
    - Lack of Services Tailored to Specific Needs....................................................... 33
    - Discussion of a Central Office for Victims......................................................... 36

**Section 2. Improving Maryland’s Service Response to Crime Victims** ............................ 39
  - Introduction................................................................................................................. 39
  - A Roadmap for Moving Forward............................................................................ 39

**Section 3. Strengthening Maryland’s Legal Protections for Crime Victims**.................... 57
  - Introduction................................................................................................................. 57
  - How This Review Was Conducted........................................................................... 57
  - Constitutional Amendment for Victims’ Rights....................................................... 59
  - Victims’ Rights Statutes............................................................................................ 60
    - The Right to Notice............................................................................................... 60
    - The Right to Attend Criminal Justice Proceedings............................................ 63
    - The Right to Be Heard......................................................................................... 66
    - The Right to Restitution...................................................................................... 71
    - The Right to Victim Protection......................................................................... 75
<table>
<thead>
<tr>
<th>Table of Contents</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Right to Victim Compensation</td>
<td>77</td>
</tr>
<tr>
<td>The Right to Be Treated with Dignity, Respect, and Sensitivity</td>
<td>83</td>
</tr>
<tr>
<td>Compliance with Victims’ Rights</td>
<td>87</td>
</tr>
<tr>
<td>Definitions of “Victim”</td>
<td>92</td>
</tr>
<tr>
<td>Funding for Crime Victims’ Services</td>
<td>95</td>
</tr>
<tr>
<td>State Funding for Crime Victims’ Services</td>
<td>95</td>
</tr>
<tr>
<td>Federal Funding for Crime Victims’ Services</td>
<td>97</td>
</tr>
<tr>
<td>Conclusion</td>
<td>103</td>
</tr>
<tr>
<td>Appendices</td>
<td></td>
</tr>
<tr>
<td>Appendix A: Consolidated List of Recommendations for the State of Maryland</td>
<td>109</td>
</tr>
<tr>
<td>Appendix B: Compilation of Quotations</td>
<td>112</td>
</tr>
<tr>
<td>Appendix C: Guidelines and Topic Areas for Interviews with Service Providers</td>
<td>125</td>
</tr>
<tr>
<td>Appendix D: Guidelines for Focus Groups and Interviews with Victims</td>
<td>126</td>
</tr>
</tbody>
</table>
Introduction

Purpose
In April 2002, the Maryland Governor’s Office of Crime Control & Prevention asked the National Center for Victims of Crime to undertake an independent assessment of Maryland’s response to crime victims and provide recommendations that would address the results of that assessment.

*Project Roadmap* involved identifying strengths and weaknesses in current services and programs through a series of discussions with victims of crime and victim service providers in Maryland. It also included an examination of current Maryland policies and laws.

The report’s findings and conclusions are based significantly on what we learned going into the field and listening to victims and victim service providers. More consensus emerged around some issues than others, but it is notable that crime victims and service providers often expressed the same or similar concerns, even if they did not agree about how the concerns should be addressed.

The ultimate goal of *Project Roadmap* is to chart a course forward that will help establish the state of Maryland as a national leader in its response to victims of crime. The project was structured so that the results of this assessment would be available early in 2003, to inform the newly elected administration as it considered its crime victim agenda. While the recommendations put forth in this report are geared to Maryland’s executive branch of government, it is our hope that victim service providers, allied professionals, faith based institutions, legislators, and local communities will also benefit from *Project Roadmap* and seek to respond to crime victims’ needs in more compassionate and effective ways.
Introduction

About the National Center for Victims of Crime

The National Center for Victims of Crime is the nation’s leading resource and advocacy organization for victims of crime. Since its inception in 1985, the National Center has helped victims of crime understand the impact of victimization, and has worked with crime victim advocates, criminal justice officials, and policy makers throughout the United States to secure legal rights and protections for those harmed by crime.

The National Center has gained a national non-partisan reputation for effectively fostering fundamental system change—changing the way our country helps victims of crime rebuild their lives—through such activities as piloting demonstration projects, advocating for legislation at the federal and state levels, and establishing programs for underserved victims, including stalking victims and teenage victims of crime. Project Roadmap was informed by our national experience and perspective.

A Snapshot of Crime in the State of Maryland

In 2001, more than 42,000 violent crimes and more than 200,000 property offenses were reported in Maryland. The majority of these crimes occurred in the Baltimore area and the counties adjacent to Washington, D.C. In rural areas, more than 1,000 violent crimes and more than 4,500 property offenses were reported.¹

According to police reports, in Maryland during the year 2001, 446 people were murdered, 1,449 people were forcibly raped, 13,525 people were robbed, and 26,668 people suffered an aggravated assault. There were burglaries in 41,553 homes, 32,025 motor vehicles were stolen, and 145,934 thefts took place.² There were also 20,688 domestic violence crimes reported in 2001.³

It is worth noting, however, that these statistics represent only a portion of the total crime in Maryland. According to the Bureau of Justice Statistics, U.S. Department of Justice, nationally only half of all violent crime, 35 percent of thefts, and 37 percent of other property crime is reported to law enforcement.⁴ Estimates of reporting rates for other types of crime are even lower.
Understanding the Challenges in Serving Crime Victims

To strengthen and improve Maryland’s current system, it is important to understand the reasons why creating an effective response to victims of crime is inherently challenging.

Complex Needs

First, crime typically creates a mix of practical and emotional needs. Victims may be in a state of shock or afraid for themselves and other family members. They may have to flee their homes to stay safe. Whether or not they sustain physical injuries, they are likely to experience some degree of trauma. They may require help understanding the police investigation, the criminal justice process, and their legal rights. Victims may not know where to turn for help or what services exist to help them. Even where crimes are “less serious,” there can be complicated psychological and practical ramifications for the victims. For example, victims of fraud are frequently financially devastated and as emotionally traumatized as those who sustain serious physical injuries.

The emotional and practical consequences of crime are often hard to disentangle, one problem compounding another. Dealing with practical matters of daily living can require calmness, energy, and concentration at the best of times. In the wake of victimization, new burdens, aggravations, and anxieties complicate even ordinary matters. Victims often require practical assistance to access health care, counseling, or psychotherapy, daycare for children, safe housing, or financial support or compensation to pay their bills.

Varied Responses to Victimization

Second, individuals respond very differently to the trauma of crime. The type of help and support that victims require (and the length of time services are needed) can be critically affected by their current circumstances and personal histories. The availability of financial and material resources, the extent to which victims can rely on help from their families, friends, neighbors, or communities, their history of experiencing crime or violence, all affect their ability to cope with the impact of the crime. In many cases, the revival of past traumas complicates and compounds emotional responses. Many domestic violence and sexual abuse victims have prior histories of abuse— as children or
adults. Many parents of abused children are themselves victims of childhood abuse. Many immigrants from war-torn countries are scarred by the traumas which they or their families experienced in their countries of origin. All of these factors affect individual resiliency.

Unreported Crime
Third, many victims do not report crimes or seek help. They may be ignorant of the law or local services. They may worry about the consequences of coming forward, fear involvement with the police or state agencies, be intimidated by the perpetrator, or feel embarrassed and ashamed about what happened. Even if victims want help, they may not seek it because of difficulty accessing services. There may be language barriers, difficulties communicating with providers due to physical or mental disabilities, age (for example, victims who are too young to speak; seniors who are too frail—mentally or physically—to access help), and cultural barriers. Poverty, low education and literacy levels, homelessness, mental illness, drug addiction, lack of transportation, and other disadvantages are all factors that make it harder for some victims both to report crime and to access services.

Many Individuals and Agencies Involved in Response
Finally, many individuals and agencies are part of Maryland’s official response to crime victims. Others are involved informally. The number of agencies and individuals involved, the extent of their involvement, and the degree to which their roles have been defined in legislation, policy documents, or informal agreements, all vary. Depending on the nature of the crime, where it took place, the age of the victim and other factors, the response may involve law enforcement officers, prosecutors, court clerks, judges, social services officials, victim service professionals, doctors, nurses, clergy, school teachers, college professors, student counselors, and employers. Making sure that every component of a multidisciplinary response complements the others is difficult.
Introduction

How Project Roadmap Was Conducted

Project Roadmap began in April 2002 and was completed in January 2003. The process included a retreat in mid-May; and later, a series of activities, conducted in parallel. The project was designed to allow the National Center to identify key issues in Maryland by talking directly to victims of crime and those who serve them and by reviewing Maryland’s policy and legislative framework. Our conversations enabled us to gather rich and nuanced perspectives and create a multidimensional portrait of the principal strengths and weaknesses in the state’s current response to victims. It was assumed from the outset that Project Roadmap would provide a solid foundation for future, more in-depth research, not serve as a substitute for it.

The Retreat

The retreat served as the formal launch of the project and enabled project staff to establish links with the victim services community, and garner their input on specific aspects of the study. Approximately 40 people attended the event, including a broad cross-section of system-based and private nonprofit victim service providers, criminal justice officials, health care providers, and others who interact with victims of crime on a regular basis. In selecting the participants, we sought broad representation from government and nonprofit agencies serving a range of victim populations in different parts of the state.

At the retreat, participants engaged in a series of visioning exercises to conceptualize the many elements of Maryland’s ideal response to crime victims, barriers to progress, and strategies to overcome them. Participants were also asked to suggest names of individuals and organizations who should be contacted for interviews or assessments, to supplement the information we had already gathered about service providers in Maryland. We asked participants at the retreat to give special attention to providers they knew who were not present, especially those working in non-traditional settings or with innovative projects.
Focus Groups with Victims
We convened 11 focus groups with 60 crime victims around the state who had experienced different types of crime and received services. Given the ethical issues involved in recruiting crime victims to participate in *Project Roadmap*, we decided to seek approval from an Institutional Review Board (IRB) for our recruitment and focus group procedures. The role of an IRB is to protect the interests of those who participate in research projects. In this case, while not conducting formal research, we sought to ensure that victims who had not sufficiently recovered from their trauma or were unable to make informed decisions about participating in our focus groups were excluded. As part of the approved procedures, we approached providers serving different victim populations (for example, victims of sexual assault, domestic violence, child abuse, homicide, and drunk driving crashes) and asked for their assistance. All providers who volunteered to help recruit participants were asked to follow the guidelines approved by the IRB and only invite suitable candidates from among current or recent clients. By approaching providers serving different types of victims, we aimed to involve a reasonable cross-section of victims. Focus group topics included the primary sources of help received; how victims linked up with services, the adequacy of the response, and barriers to accessing quality services.

Interviews with Victim Service Providers
We selected victim service providers to interview based on many factors about their programs including geographical location, organizational mission, program focus, and the types of victim populations served. We included representatives from community-based nonprofit organizations, law enforcement, and other criminal justice agencies, as well as some less traditional victim service providers such as clergy and school personnel.

Thirty-one interviews were conducted. Two people were interviewed by telephone, the rest in person. We asked everyone his or her opinion on a variety of issues. Which victim populations are best or least well served? Are there gaps in service delivery to victims? What policy changes would improve the overall response to victims? What administrative or organizational changes would make the overall system work more
Introduction

effectively? While each person interviewed was provided the same list of questions in advance, the interviews were shaped by the concerns of each individual.

Review of Maryland’s Legal Protection for Crime Victims
We also took an in-depth look at the key elements of Maryland’s legal protections for crime victims focusing mostly on laws that are designed specifically to help crime victims participate in the criminal justice process.

How This Report Is Organized
This report is divided into three sections:

1. Listening to Victims and Those Who Serve Them. The first section reports on our conversations with Maryland crime victims and those who serve them. It includes a discussion of themes which emerged from our focus groups with crime victims and interviews with service providers. Throughout the section, we intersperse direct quotations to give more of a flavor of what we heard from the field.

2. Improving Maryland’s Service Response to Crime Victims. The second section presents our recommendations for improving Maryland’s victim service delivery. These recommendations are based primarily on our discussions in the field, and in part, on the National Center for Victims of Crime’s national perspective and experience.

3. Strengthening Maryland’s Legal Protections for Crime Victims. The third section summarizes our review of Maryland’s crime victim-related laws and includes recommendations for strengthening areas of weakness. These recommendations were informed by our discussions in the field, and were based primarily on the National Center’s extensive experience analyzing crime victim-related laws at the state and federal levels and supporting the work of victim advocates around the country.

The Appendix to this report includes a consolidated list of recommendations from Sections 2 and 3, additional quotations from participants (from the retreat, interviews, or
focus groups), and a document with guidelines and topic areas covered in the interviews and focus groups.

**Final Thoughts**

Inevitably, much of this report focuses on negative features and areas that can be improved in Maryland’s current response to victims of crime. We hope, however, that in drawing attention to some critical issues, the state’s solid foundation and significant accomplishments are not eclipsed.

*Project Roadmap* gave many victims of crime and many service providers the opportunity to discuss new and creative thinking about the state's current response to victims and how it can be improved. Our hope is that this report will inform discussions among policymakers and victim advocates alike and help Maryland develop consistent, high quality, and accessible support services, and fair and equal recognition of victims’ rights.

Maryland is fortunate in having an impressive base on which to build. If the state develops a bold vision for the future, builds on current strengths, and addresses weaknesses, it can be a model for the nation.
Section 1. Listening To Victims and Those Who Serve Them

Introduction
During the past 30 years, every state in the nation, including Maryland, has witnessed a fundamental shift in its response to victims of crime. Police departments have adopted new policies regarding their interactions with victims of sexual assault, domestic violence, and stalking. Prosecutors have moved away from the view that the crime victim is a mere witness at trial, toward an understanding that victims are key participants with rights and legitimate concerns. Medical personnel and social service providers have come to view their interactions with crime victims as critical opportunities to help victims secure their own safety and recover from the trauma of the crimes committed against them.

A major goal of Project Roadmap was to assess the state of victim services in Maryland by listening carefully to those who have first-hand experience with those services—crime victims themselves and those who serve them. Our aim was to understand, from their point of view, both the strengths and the shortcomings in Maryland’s response to crime victims—to gauge how far the state has come, and how far it has yet to go.

This section reflects the collective insights gathered from those conversations. Crime victims and service providers found much to praise about Maryland’s victim services. They told of police officers who treated them professionally and courteously, victim advocates who went the extra mile time and again, victim witness coordinators in prosecutors’ offices who demystified the judicial proceedings, and counselors and therapists who put their experience with crime in useful context. These stories underscore the central message of this section — that high quality, sensitive, professional responses by service providers and government employees make all the difference for a victim of crime.
Crime victims and victim service providers also did not hesitate to share their disappointments. In this section, we present both the positive experiences and the areas needing attention. The following section provides our recommendations for improving Maryland’s services for victims of crime, recommendations based in part on these conversations and in part on our experience working with victims and victim service providers around the country.

How This Assessment Was Conducted

From June through October 2002, the National Center for Victims of Crime conducted focus groups with victims of crime and a series of interviews with service providers. These discussions were conducted in locations throughout Maryland, with victims of different kinds of crime and service providers working in urban, suburban, and rural jurisdictions.

Participants were recruited exclusively through victim service providers. Sixty crime victims took part in eleven focus groups and two victims were interviewed individually. The majority (54) were female. Thirty-six focus group participants were white (58 percent), 23 were African American (37 percent), and three were from Hispanic or other minority populations (5 percent).

Participants included homicide survivors* and victims of domestic violence, sexual assault, child abuse, incest, rape, robbery, burglary, car-jacking, and drunk driving. Six of the participants were teenagers. We asked victims about their needs, the services they had received, how they had accessed services, and what had been the most helpful and least helpful.

We interviewed service providers from a variety of programs to ensure a broad cross-section of perspectives. To compile the list of candidates for interviews, we gathered information about victim services in Maryland and sought advice from participants at the retreat. In making our final selection, we took into account factors such as geographical

* Family and friends of murder victims.
location (including rural, suburban, and urban locations), organization/agency type, program focus and mission, and the type of victim population served. We included representatives from law enforcement or other criminal justice agencies, community-based victim service organizations, and less traditional settings such as faith-based institutions. Some specialized in one aspect of victim services, such as trauma; others provided comprehensive services for a wide variety of victims.

The victim service providers interviewed represented agencies working with a wide variety of victim populations. Eleven providers represented programs serving victims of domestic violence, eleven represented programs serving victims of rape or sexual assault, and seven represented programs serving homicide survivors and victims of any type of crime (including burglary, theft, robbery, car-jacking, and drunk driving). In some cases, programs served victims in more than one category (for example, victims of domestic violence and victims of sexual assault) or special populations, such as victims of child abuse, older victims, or members of particular ethnic minorities.

In the course of our fieldwork, we traveled to all regions of the state. In addition to Baltimore city, we visited the following counties: Allegany, Anne Arundel, Baltimore, Caroline, Howard, Frederick, Garret, Montgomery, St. Mary’s, Prince George’s, Queen Anne’s, Talbot, and Wicomico.

In all, we conducted individual interviews with 31 service providers. In addition to the formal interviews we had numerous telephone conversations and email exchanges with other providers and advocates. The interviews lasted, on average, approximately two hours. While all interviewees were given the same list of questions, these were essentially guidelines to indicate topics we wished to address. It was a fluid process in which the conversations were shaped by the interviewees’ priorities and concerns.

These extensive conversations with victims and service providers brought to the surface a myriad of common experiences and perceptions relating to victim services in Maryland. In analyzing the wealth of material collected during the listening phase of this project, we
Listening to Victims and Those Who Serve Them

discerned five overarching themes—issues that victims and service providers believe to be of utmost importance in helping victims of crime rebuild their lives. This section is organized around these five overarching themes.

- **Articulating a Vision for Victim Services.**
  Many service providers expressed concerns relating to the lack of a unified vision for the delivery of services to crime victims. The current state of sometimes fragmented, isolated programs—which results, in their view, from a lack of vision—does not serve victims well.

- **Improving Collaboration Among Victim Service Agencies.**
  Many crime victims and service providers urged the state to promote more collaboration among service providers. Too often, they said, individual victims are unnecessarily passed from one agency to another, fall between the cracks, or are not served well, due to a lack of collaboration.

- **Enhancing the Skill of Service Providers.**
  Our conversations underscored a pressing need to improve the level of training of criminal justice and social service personnel.

- **Ensuring Compassionate Treatment of Crime Victims.**
  The experiences shared by a large number of crime victims resoundingly communicated the need for compassionate and respectful treatment, particularly by government personnel. Victims spoke vividly about their experiences with rude, unhelpful, and insensitive behavior.

- **Providing Services to All Victims of Crime.**
  Providers and victims alike spoke about the importance of providing services to all victims of all crimes, all across the state, irrespective of barriers of language and culture, race, disability, and poverty.
These five themes emerged in *Project Roadmap* as the chief concerns of victims and providers. In addition, we also explored victim service providers’ views on establishing a central state office for victims of crime. A summary of those discussions can be found at the end of this chapter.

Articulating a Vision for Victim Services

Comments by many victim service providers suggested Maryland lacks an overarching concept or vision of what the state’s response to crime victims should be. Various advocates talked about the absence of any baseline of services for crime victims. Some described the problem in terms of the state’s failure to set expectations for local communities. Others expressed concern that the current decision-making process fails to guarantee fair or effective results for many crime victim populations. Several noted, in particular, the inadequacy of resources for victims of sexual assault compared to victims of domestic violence. A few emphasized the fact that funding agencies operate in isolation, unaware of which agencies are funding which programs. A significant number of providers pointed to the need to develop services based on sound information about victim needs and effective interventions. For example, providers commented they would like better data collection, reliable evaluation of current programs, and dissemination about promising practices.

A strong message from providers was the need to retain decision-making control at the local level. Thus, while many favored a statewide minimum level of service for all victims of crime, they were adamant that local communities should be left to determine how this would be implemented. It was appropriate for the State to set expectations, but to develop an optimum response to crime victims, differences in local community cultures and environments had to be
taken into account. This would only happen if the state left local communities to devise their own solutions in light of local needs, formal and informal resources, and other relevant factors.

The comments we heard from providers point to three interrelated problems: the lack of a unified vision offering a framework for the future development of victim services; the absence of a minimum level of service and support all victims of crime should be able to expect, regardless of where they live; and the lack of a strategy to translate the vision for the future into services on the ground. Without these key elements, Maryland will continue to lack a cohesive system of services and support, and operate without identified goals and standards.

**Information and Analysis**

A significant number of service providers took the view that there was a need for more reliable information about crime victims and their needs. They wanted a stronger knowledge base to inform Maryland’s response to crime victims and its strategy for funding services. Some suggested that the basic information exists, but is not adequately collected, analyzed, or used effectively to guide funding decisions. Others asserted that the available information is inadequate because there is no consistent method used to collect information about services and clients. Providers wanted information both about the victims of crime who are being served and about those victims who remain un-served.

While service providers expressed a desire for more comprehensive information about current clients and services, some were also concerned about the burdens already placed on programs by the many and varied forms of data required by different funders.
Program Evaluation

Some victim service providers thought program effectiveness had to be established through formal evaluation. Several suggested it was time to address fundamental questions about program aims and priorities: What are programs aiming to achieve? What do victims want and need? Are programs effectively addressing those needs and wants? Can needs be addressed differently? What are the priorities when choices have to be made?

Numerous victim service providers interviewed thought program evaluation was vital. They felt that it would not only improve the quality of services offered to victims, but should be used to help determine funding decisions, especially where programs are costly relative to the numbers of victims served. Many also stressed the importance of program evaluation to clarify goals, help determine priorities, and foster innovation.

Providers recognized that it can be difficult to fairly and accurately assess program impact and performance. Nevertheless, this was not generally viewed as a deterrent. Some providers noted that they were already engaged in efforts to develop outcome measures, on their own or together with other agencies. They were measuring their success through attendance records for counseling sessions, demand levels for particular services, and client feedback through questionnaires and exit surveys.

A small minority of those interviewed were more skeptical about the value of evaluation. Their reasons varied, from concern that it would be impossible to create fair and appropriate outcome measures to a belief that formal evaluation wasn’t necessary or a priority given other demands.
Promising Practices

Providers took advantage of the interviews to share information about a wide range of pioneering programs that are operating in Maryland. For example:

- a court-based legal advocacy service helping domestic violence victims get orders of protection;
- a supervised visitation program located in a local library for children and parents to meet;
- programs that paid transportation costs to help victims attend counseling sessions;
- a “Citizens Complaints Unit” operated by the state’s attorneys office to help smooth the path for victims in victim-generated criminal cases in the district court;
- a long-term support group designed to help domestic violence victims maintain confidence, morale, and independence in the community;
- a program in a high school that strives to help a diverse population, including numerous immigrant children, some of whom came as refugees from war-torn countries, with a wide range of health and mental health issues. Many students who benefit from the services offered in the program are adolescent victims of crime including assault, physical abuse, and sexual assault;
- a specialized senior victims unit in a police department, providing outreach to citizens over the age of 60 who have been victimized by crimes such as theft, assault, caregiver abuse/neglect, domestic violence, and financial exploitation;
- a project that connects uninsured, low income families with mental health problems to licensed professionals willing to offer treatment at no cost. The project provides access to mental health services.
counseling for those who would otherwise be unable to get services;

- a voluntary adolescent shelter for 13 to 18 year-olds that offers counseling, life skills education, wellness education, domestic violence and sexual assault counseling, and crisis intervention for family members.
- an outreach program and daytime drop-in shelter for prostitutes.

Several victims commented on the variety of support they could access: individual supportive counseling or therapy, group counseling, psychotherapy, medication, and even “alternative” therapies like stress management. Some felt all these services had contributed to an alleviation of their anxiety, anger, depression, and other emotional problems stemming from victimization.

Many victims stressed the value of the support groups that had brought them comfort, reassurance, a sense of control, a reduced sense of isolation, and, sometimes, new friendships. Sharing feelings and experience with other victims in a confidential, non-judgmental setting helped in their recovery. One homicide survivor noted that in the group she was not embarrassed to repeat the same things over and over again. She felt the participants understood and being with the other survivors made her feel good. Another found her group refreshing, sustaining, and empowering. She felt it was like a family, where she was not judged. One victim of childhood abuse identified the particular psychological benefit of the group setting for victims of crimes that thrive on secrecy: the fact that she could express her feelings openly—in a public, albeit confidential, setting.

Service providers expressed a desire for more information about promising practices and innovative programs, so that more providers...
could learn from others’ successes. They felt that state agencies and individual programs were constantly reinventing approaches, rather than benefiting from the work of others. Providers were also eager to learn from their colleagues about innovative uses of both traditional and nontraditional sources of funding, so that more programs could avail themselves of such funding.

- **Improving Collaboration Among Victims Service Agencies**

Many service providers stressed the need for more collaboration among victim advocates and between advocates and other agencies. Some providers expressed a desire to connect better with government personnel, including law enforcement officials, state’s attorneys, and staff at the Departments of Human Resources, and Health and Mental Hygiene, who come into contact with crime victims. They also wanted to work more effectively with service providers who are meeting other needs of victims such as drug and alcohol treatment centers, homeless programs, and churches. The majority saw collaborative approaches as essential to an improved response to crime victims, recognizing that, in many cases, victim needs can only be addressed effectively if agencies work together as partners in a joint enterprise, rather than on their own.

The need for collaboration stems from the fact that several agencies typically become involved when a crime is committed and victims often have complex needs. As providers and victims illustrated, in such circumstances, successful outcomes depend critically on effective collaboration. In fact, several victims reported they had gotten bounced from program to program in ways that made them angry and frustrated. They thought different parts of the system and...
different agencies should work together more closely.

One provider illustrated the need for more collaboration by citing the fact that Maryland has not formally adopted the Sexual Assault Response Team (SART) model, recognized nationwide as the most compassionate and effective way to address multiple needs of sexual assault victims. Typically, at a minimum, a SART includes a Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE), a rape crisis advocate, a law enforcement officer, and a prosecutor, but it also may include clergy, corrections officers, and social services staff. SART members work collaboratively to provide specialized care for victims, collect forensic evidence, and ensure the prosecution of offenders.

Others talked about the critical need to find common ground and get a commitment to shared goals. They wanted more regular meetings of agencies serving victims in different capacities to help clarify issues and provide the opportunity to create more effective support systems. Several providers cited the local domestic violence coordinating councils as good models.

While numerous providers stressed a need for closer working relationships between agencies, there are examples of good collaborative approaches in many quarters. We heard about several kinds of initiatives, including multidisciplinary teams that seek to minimize the trauma of child abuse victims while strengthening the investigation and prosecution of the cases; local domestic violence coordinating councils comprised of a wide range of agencies that aim to create more effective multidisciplinary responses to family violence victims; and a legal services program for victims of domestic violence.

**Service provider**

The biggest positive change as far as domestic violence victims are concerned has come from law enforcement. We have our best working relationships with them—resulting from regular contacts and the leadership shown from within the state police and local sheriff’s office - the introduction of dedicated officers to deal with domestic violence cases. Many police officers have come to see that our work isn’t in conflict.

(Service provider)
domestic violence that involves advocates, attorneys and court officials. Some providers described collegial working relationships with the police, hospitals, state’s attorneys, and the courts. Others mentioned trouble-shooting committees to address common issues and the adoption of “memoranda of understanding” between agencies.

Service providers and victims reported that many programs were highly creative and innovative in their efforts to serve victims. They described programs that refused to be stymied by bureaucratic obstacles, and made the system work for victims. They told of programs that were open to new ideas, looking for new partnerships, yet still willing to ask critical questions about the quality of their own services. Again and again, we heard of determined program administrators and staff who believed, “where there’s a will, there’s a way.”

Everyone recognized that collaboration doesn’t come easily. There are turf issues, limited resources, and difficulties inherent in joint decision making. Providers acknowledged that such factors can create a feeling of competition between agencies. But, at the same time, there was a strong consensus that for victims of crime to be served well, more collaboration is required.

Enhancing the Skill of Victim Service Providers

Victim service providers from agencies throughout Maryland talked about the importance of building the skill levels of victim service providers and other professionals who come into contact with victims in the course of their work through training and professional support.
While our discussions reflect the fact that the vast majority of crime victim advocates do their best to help the victims they serve, both service providers and victims gave examples of those who fell short of expectations in terms of their knowledge of victims’ rights and/or skills to perform their jobs properly. In most cases, disappointing job performance was attributed to lack of education, training, background experience or skills needed to serve victims effectively.

Training and the need for improved standards were considered important issues by most providers. However, they often focused on different aspects of the problem, and there was no consensus on how to move forward.

At one end of the spectrum, there are victim/witness coordinators, typically based in states’ attorneys’ offices, offering a limited range of services to victims whose cases are proceeding through the criminal justice system. Victim/witness coordinators are often responsible for assisting victims in exercising their legal rights to participate in the criminal justice system, and in referring victims to additional services. Their role is largely defined by the needs of prosecutors and their clients must be involved in criminal prosecution.

At the other end of the spectrum, there are community-based, private nonprofit agencies serving crime victims in crisis. Their primary aim is to alleviate trauma and help victims with practical needs arising from their victimization, regardless of whether criminal justice agencies are involved in the case. Generally, these are agencies serving victims of rape, sexual assault, and family violence and abuse. Their clients are sometimes reluctant to report the crimes or testify against their perpetrators. These victims may be primarily

---

*We view attention we pay to staff training as one of our special strengths. We raise grants so we can send staff to the best national trainings – we allow them a stipend of $800 a year for training out of state and they can bank it for two years if they want to and then go to one of the major conferences where leading questions are examined, trends identified, and mistakes reviewed.*

(Service provider)
Listening to Victims and Those Who Serve Them

seeking safety, practical support, or counseling. The remedies offered by the criminal justice system may be largely irrelevant to the efforts of these service providers and those they serve, some of whom may not even identify themselves as victims of crime.

The Victim’s Perspective

All across Maryland, victims talked about counselors and advocates who took the time necessary to ensure they were fully informed and supported. In sharing their experiences, victims highlighted the importance of having advocates who could explain the impact of victimization and the effects of trauma as well as inform them about the criminal justice system. One victim, for example, reported how the advocate had explained the court process in detail before her case went to trial, significantly reducing her anxiety about the criminal justice process. Another told us that when her counselor explained the variety of responses that victims have to crime, she stopped feeling as if she was “going crazy.” These providers helped to normalize reactions to crime and showed a great understanding of the short- and long-term needs of victims of crime.

Numerous anecdotes recounted by focus group participants demonstrated how vital it was to have knowledgeable and skilled victim service providers. While the majority reported good experiences, stressing how much they had been helped, a few felt they had received poor support and assistance and suggested good training for service providers was critical.

The help I got was “top shelf”—all our questions were answered. It was so important that we got an explanation of the procedures and were given information—even if it wasn’t what we wanted to hear. We were prepared for what happened in court. It was the most helpful thing in the world.

(Crime victim)
Training and Professional Support

Most providers agreed about the need to raise standards, the importance of staff training and the need for greater professionalism in the delivery of victim services. However, they focused on different aspects of the issue and there was no consensus on the best way to move forward. Some providers wanted to create a statewide training system for all advocates. However, others suggested that the different focus of advocates working in different settings made this approach unnecessary or undesirable. Some wanted to move quickly to establish a system and felt the need to professionalize through training was urgent. Others preferred to move more slowly, bringing advocates on board through a joint process that would work through the issues and come up with the appropriate solutions.

Differences on training and related issues often reflected differences in the types of populations served. Providers who serve victims who frequently participate in the criminal justice system tended to support the statewide training initiative organized by the Maryland State Board of Victim Services. Their primary concern was to ensure training for victim/witness coordinators based in state’s attorneys’ offices or police departments, where they sometimes felt that the staff assigned to victim/witness coordinator positions lacked relevant qualifications or experience. Providers reported cases where victim/witness coordinators had given wrong information to victims about their rights. Overwhelmingly, comments from providers and victims alike conveyed a real need for comprehensive training to enable victim/witness coordinators to properly perform the tasks they had been assigned.

Lack of training and standards undermines the credibility of victim advocates. There is a clear need for certification – accreditation will boost their credibility. There are no barriers to achieving this except working out how to do it and who will initiate it.

(Service provider)
Where service programs were more specialized, such as those serving victims of domestic violence, sexual assault, or child abuse, programs tended to have some staff members with professional qualifications, such as licensed social workers or therapists, and tended to offer in-service training at various levels. For example, one agency provided clinical training for case managers and more basic training on trauma and victimization issues for non-clinical staff. Another program made it a priority to ensure that clinical staff kept up-to-date about best practices in their field and current research studies.

There was no consensus among victim service providers about whether it would be best to establish approved training programs, tests, and certification (as in other professions), or a process of registration for advocates with “track records” sufficient to justify the award of “credentials” even though advocates lacked other qualifications or formal training.

While there was broad agreement that training was important, several providers expressed the view that training would not, on its own, guarantee higher quality services. Those providers stressed the need for greater accountability and higher professional standards. They noted that programs had to ensure that all frontline staff had good supervision, and that systems were in place to measure staff performance, including soliciting feedback from victims. Others believed higher wages for victim service providers was the key to attracting and retaining high quality staff.

**Training for Other Service Providers**

A significant number of victims and providers indicated the importance of training for service providers other than victim
Listening to Victims and Those Who Serve Them

advocates. They offered vivid examples of the difference that training could make when police officers, prosecutors and judges interacted with victims. Many talked about how badly they had been treated. Others praised providers who had responded sensitively and professionally. A notable number of domestic violence victims talked about officers who had responded quickly, calmed them and their children, given them information about local programs, and treated them with kindness, sympathy, and respect. One victim, who had to reveal injuries to intimate parts of her body, said she found the officers extremely sensitive to her distress. They were well-mannered and considerate. She was also impressed by their training as evidenced by such things as their willingness to wait to take photos of the bruises, knowing it took time for them to show. These comments are instructive. Police officers are “first responders” to most criminal incidents. In many cases, they are the only face of the criminal justice system that victims see. The skills police develop to interact appropriately with crime victims - generally through training - are critical to the state’s overall response to victims.

 Ensuring Compassionate Treatment of Crime Victims

Victims of crime should be treated by agents of the state, with dignity, respect, and sensitivity during all phases of the criminal justice process.

Maryland Constitutional Amendment for Victims’ Rights (ratified in 1994)

The quality of human interaction matters greatly to crime victims.

A criminal act often subjects victims to intentional human cruelty,
Listening to Victims and Those Who Serve Them

frequently leaving them emotionally and physically traumatized. Poor interaction and the absence of victim-friendly behaviors by those responding to victims of crime represent not only missed opportunities to positively respond to victims’ needs, but impede recovery by heightening anger and distress. In cases involving the criminal justice system, it can make victims resentful and unwilling to cooperate.

Numerous victims stressed the importance of compassion and kindness. Many also illustrated how much insensitivity, indifference, and unhelpfulness on the part of providers hurt them. It was a distinctive message. Being nice matters to victims and it doesn’t cost anything.

Victims talked about counselors as family or friends who understood their needs, who were always there for them, who made them feel safe, who were willing to have “real relationships” with them. “They get their hands dirty with you. No rubber gloves.” Several victims expressed positive opinions about counselors who were flexible and always available. Whether they were homicide survivors, victims of childhood abuse, domestic violence, assault, drunk driving, or mugging, victims found hope and encouragement through their relationships with counselors.

While a few victims reported negative interactions with victim service professionals, unhelpful and insensitive attitudes seemed a bigger problem among government officials. Many victims of crime were critical of the treatment they received from police officers, prosecutors, court clerks, and judges. Some complained about school officials, social services staff, and clergy as well.

The message from providers and victims was powerful and clear:

The greatest thing was the ability to talk to people who knew how I felt. This place has given me back my life.
(Crime victim)

It’s very healing. When you are down and emotional, the people here are focused and positive.
(Crime victim)
when the response to victims is compassionate, sensitive, and helpful, it makes all the difference. When the response is cold, unsympathetic, and unhelpful, it causes further harm to those already traumatized by crime.

**Police Responses**

The largest volume of complaints from providers and victims were directed against police officers. Bearing in mind that police officers are generally the first and often the only contact victims have with the criminal justice system, this is less surprising than first appears. But, given their role as first responders, it is especially troubling.

Criticism often focused on police failures to behave with sensitivity and respect in the immediate aftermath of the crime. Many victims felt they should have received better information and more understanding from officers. In some homicide cases, there were significant delays in death notification without explanation. In one case, it was nearly twelve hours. In another case, news of the murder reached relatives through television news reports before they were notified by the police. In a drunk driving case, an officer left the twelve-year-old brother of a teen girl who had died to tell his parents what had happened. In another, a mother was threatened with arrest when she tried to get in the ambulance with her son. No one had told her he was dead.

In some cases, police officers showed no compassion or even interest in what victims had gone through and even complained to victims about the number of similar cases they had on their books. We heard how some victims had to drive themselves to the hospital or get neighbors to take them, and about police officers who did not look victims in the eye.

I called the police a few days later to complain about their response: “I don’t know what to expect and I got no help from the police. All I need is a little assistance.” The sergeant apologized and sent the detective back to see me. He stayed three minutes and never looked me in the eye. He said, “I can’t tell you how many files and files we have on assaults.” He did absolutely nothing for me. It took my hope away.

(Crime victim)
The impact of an insensitive, unhelpful, and disrespectful response is not quickly erased. Some victims appeared almost angrier or more upset about the way the police treated them in the immediate aftermath than about the crime itself, despite the passage of time.

**Prosecutors, Judges, Victim Advocates, and Others**
The police were not the only focus of criticism. Some providers and victims saw prosecutors and judges as less professional and less accountable. Others mentioned court administrators, victim advocates, and other service providers. Victims shared stories about prosecutors who were perceived as arrogant and unable to show understanding or sympathy for victims; about judges who talked to victims as if they were on trial; about victim/witness coordinators who showed no empathy for victims; advocates who behaved unprofessionally; and social services staff who told victims in crisis they should be grateful for the benefits they were getting from the state. Others believed it reflected ignorance about the impact of a crime. Some mentioned that criminal justice professionals seemed to feel that being sensitive or sympathetic was outside their role. Numerous victims thought that this was due to poor training or a lack of training.

**Treatment of Rape and Sexual Assault Victims**
Many victims and victim service providers talked about victim-blaming among police officers, prosecutors, and judges as particularly prevalent in cases of sexual assault, compounding victim distress and trauma. One provider offered the example of police investigations of sexual assault cases by way of illustration. Instead of methodical investigation—searching evidence at the crime scene, talking to witnesses, and authorizing a sexual assault forensic exam—officers tend to pre-judge cases, deciding whether a crime has been
committed solely on the basis of the perceived credibility of the victim. Providers and victims reported that, instead of attempting to discover what had actually occurred, the first questions officers investigating the crime often asked were whether the victim had been drinking or taking drugs, whether she was a prostitute, or whether the alleged perpetrator was a boyfriend.

**Treatment of Children and Teenagers**

Both provider and victim participants suggested that crimes against children and teens are frequently not taken as seriously as equivalent crimes against adults. They said that sometimes young victims are simply not believed when they report crimes.

Frequently, crimes that occurred between adolescents are seen as part of the rough and tumble of growing up and dismissed as insignificant. Instead of understanding the potential negative impact of victimization on adolescent development, the significance of these crimes is diminished and young victims are blamed for getting themselves into trouble. This is especially true if alcohol is involved, where it is even less likely that cases will be taken seriously and more likely that the traumatic effects of threatening behavior, assaults, and sexual assaults will be ignored. We heard how such attitudes generally left young victims angry, alienated, and unsupported.

Sometimes extraneous factors come into play. For instance, teen victims reported that if criminal incidents took place on school premises, school personnel might try to minimize or cover up what happened, fearing that disclosure and publicity would damage the school’s reputation.
Hierarchies of Victims

According to several victims and victim service providers, victims of certain crimes (in particular, fraud, petty theft, simple assault, car jacking, and harassment) and victims of drunk driving crashes are liable to get less support and fewer services compared to victims in more serious or high-profile cases. Such “second-class” treatment mirrors the way crimes tend to rank in the criminal justice system; such offenses fall within the Part II offenses of the Uniform Crime Reports, and criminal justice agencies tend to focus on Part I offenses. If a case is not a priority for police and prosecutors, the victims in these cases tend to get less attention and assistance from victim service providers. The impact of crime on victims, however, does not depend on whether their cases happen to be priorities in the criminal justice system.

Victims of low level crimes, misdemeanors, or non-violent crimes, who get little attention from police or prosecutors, can still have a range of complex needs as a result of the victimization.

Treatment of Victims Already Socially Marginalized

A recurring theme throughout our discussions was the unequal treatment of victims “marginalized” by social disadvantage. Several providers expressed their opinion that those victims disadvantaged by race, ethnicity, poverty, drug addiction, homelessness, or other factors were generally perceived to be treated badly compared to other crime victims, as if they were less deserving or had fewer needs. Victims of color were often singled out, by providers and victims alike, as being treated poorly by the police and the criminal justice system generally. Many victims in our focus groups underscored this point in recounting their personal experiences.
Providing Services to All Victims of Crime

A major theme that emerged, primarily in the interviews with providers, is that Maryland currently fails to reach or adequately serve many victims of crime. This failure was articulated as three discrete, and in many cases, overlapping problems:

1. Underserved victims are found in disproportionate numbers among disadvantaged population groups and in specific victim populations.
2. Problems accessing services exist for many victims.
3. The failure to tailor services to the characteristics and circumstances of diverse populations results in gaps in services for many victims.

Underserved Victims of Crime

Non-English speaking immigrants were most often viewed by providers as those least well-served by the system, but many other groups were also mentioned. They included deaf or hearing-impaired people, victims with physical or mental disabilities, children, older people, and those “marginalized” by disadvantages like poverty, race/ethnicity, low educational and literacy levels, drug addiction, and homelessness. African-American and Hispanic victims were singled out by many participants as among the least well treated and least well served victims in Maryland. Again and again, we heard from providers that it is generally those who are more educated, better off financially, and less disadvantaged generally, who come forward and are better served by the system - because they are more articulate, know what questions to ask, present better, are more middle class, and are “easier to serve.”

Assumptions are made that less educated, poorer people “don’t care about their rights.” There may be a race factor, but the wider point is that victims who are perceived as less educated are therefore seen as not needing to understand their rights like other victims.

(Service provider)
Problems of Access

Discussions that focused on access to services revealed a number of issues. Several providers pointed out that it is largely assumed in Maryland that victims who need assistance will come forward. Yet, in many cases, victims cannot or will not access services for a variety of reasons. Some do not know what services are available and have difficulty getting information about local providers. Others may not even identify themselves as victims, or, if they do, may still not report the crime.

Some providers saw informational brochures as the primary or most obvious means to open up access. For several reasons, this approach was troubling. First, many victims in our focus groups reported that they did not receive information that the police or other providers were supposed to distribute to them—for example, a brochure about victims’ rights in Maryland and the criminal injuries compensation program. Second, it is clear that some victims, even if they receive brochures, cannot read them, either because their literacy levels are too low or they are not fluent in English. Third, many victims thought the brochures they had seen were too long, too wordy, and too complicated, especially given the trauma they were experiencing following the crime. They felt they needed someone to go over the information with them several times and explain the different services to them in person. Over reliance on written materials as the principal means to ensure access to victim services was clearly inadequate from victims’ perspectives.

Victims who had accessed services reached them via different routes. A few said they were given information by the police and did call service providers as a result. Others received a phone call from a service provider who had been contacted by law enforcement. This

Someone needs to tell us, as citizens, where we can go for help. We shouldn’t have to become detectives. We are in crisis. 800 numbers should be everywhere, in every bathroom, church, library, etc.

(Crime victim)
system worked well in some cases but in others, the system broke down and victims were never contacted. In these cases, victims reported they had to find services on their own. Victims also said they heard about programs or got toll-free numbers through friends, family members, or drug treatment programs. A significant number of focus group participants did not link up with programs quickly.

Several victims found out about services only after their case reached the court system. Some of these victims resented the struggle to get support.

Several providers gave examples of other barriers that made it more difficult for victims to access services. Many fear or distrust law enforcement. Immigrants abused by their sponsors, whether spouses, other family members or employers, fear withdrawal of sponsorship. Undocumented immigrants fear deportation. Some victims fear the shame, intimidation, or additional trauma and violence that they or family members may experience if they report the offense or seek assistance. Older victims may be reluctant to “bother” the police. Others are unable to access services due to physical or mental infirmities, or embarrassment about coming forward and admitting they were victimized.

Lack of Services Tailored to Specific Needs
According to both victims and service providers, when victims seek services, they may not find what they need. Providers gave examples of how programs often fail to tailor their services to the needs of certain victim populations. For example, there may be no appropriate local resources to help a victim who is disabled or who does not speak English. Many providers were concerned that most victim service agencies lack the capacity to serve non-English speakers.

Traditional interventions—protection orders, shelters—are “the American way.” Getting foreign-born domestic violence victims to embrace these solutions is very hard because of deep-seated family traditions and the fact that in some cultures it is shameful to discuss any personal problems with outsiders. (Service provider)

Most domestic violence and rape programs don’t have the capacity to serve non English speakers, but 20 percent of our clients are non-English speakers. (Service provider)
Listening to Victims and Those Who Serve Them

Even when an immigrant victim speaks English, he or she may need culturally specific services. This failure to tailor programs to serve populations with special needs leaves many victims of crime with no assistance.

Several providers felt that, in certain cases, victims are not receiving the assistance they need because of an overly narrow focus on "primary" victims and the relative neglect of the impact of exposure to violence and crime on "secondary" victims (witnesses to crime or anyone affected by a crime committed against another person, such as children of domestic violence victims, mothers of abused children, or spouses of sexual assault victims). Some stressed the importance of special programs for children of domestic violence victims and mothers of abused children. Several domestic abuse victims reported the difficulty they experienced in finding help for their teenage sons, who were beginning to exhibit their own violent tendencies. These boys may require services similar to those being accessed by their mothers. Many providers expressed the belief that to combat the kind of inter-generational violence and abuse exhibited by these teens, there must be an end to the distinction between prevention and intervention, to enable the needs of these younger, secondary victims to be addressed. As one provider put it to us, "the kids are the key" to combating inter-generational violence.

A majority of focus group participants confirmed that victimization typically creates a wide variety of needs. Many talked, in addition, about their difficulties finding appropriate services. Victims with substance abuse problems often could not access shelters; their addictions precluded access to services. A number of victims reported difficulty finding drug treatment programs that understood the significance of their victimization and trauma. Service providers
commented that victims with mental and physical disabilities also suffered from a lack of services tailored to their needs. One provider spoke of the difficulties in serving homeless victims who are frequent and vulnerable targets of criminals and have no consistent place where law enforcement or service providers can reach them.

Many victims said they often need support to sort out financial and other practical problems. While some advocates do help victims with many taxing practical problems, others do not. Many victims discussed their difficulty dealing with paperwork for compensation and other claims or reports they had to submit. A significant number of victims reported needing assistance handling housing issues, locating appropriate and reliable drug treatment programs, and obtaining employment or related benefits. They wanted one person to walk them through different procedures, tell them who to call for particular problems, or advocate on their behalf. In the aftermath of crime, when these victims felt least able to cope, they felt that having someone who could take on the most burdensome tasks would make a huge difference. Overwhelmingly, focus group participants expressed that having this type of focused and individualized assistance would allow them to spend their energy on their emotional health and would advance their healing process.

Many providers explained gaps in services by pointing to the lack of funds to expand services to more diverse populations. If they had the money, they would provide the services. Others acknowledged that, in practice, the issues were often more complicated. They said that there are too few trained social workers or police officers who are bilingual. They said that in rural areas, where the population is widely dispersed, it is extremely difficult to provide the same range of services as in more densely populated, higher-crime areas.

The problem is that there are so many different victim assistants. All of them make assumptions that victims know who is who in the criminal justice system but this is all so foreign. We need one contact who is the victim assistant to coordinate everything. Perpetrators get caseworkers, why can’t victims? (Crime victim)
there are simply not enough cases in rural areas to staff a full-time position or allow providers to build up the right kind of expertise to provide the range of specialist services that exist elsewhere.

The degree of consensus among participants about underserved victim populations was striking. Again and again, the comments pointed to the same troubling conclusion. The way the system tends to operate at present means many of the most vulnerable victims, those in greatest need of support and services, and least able to help themselves, are the least well-served, or not reached at all. In other words, the current system, despite its strengths, fails to address the needs of many who are deeply affected by criminal victimization.

* * * * * * * * * * * * * * * * * * * *

**Discussion of a Central Office for Victims**

Victim service providers had mixed opinions about the need for administrative restructuring. Some had heard about the proposal to create a central office for victim services in Maryland; many expressed no view on this and few had a clear idea of what such an office would look like in practice. Most did not see administrative restructuring at the state level as a high priority.

Service providers gave very different accounts of what they understood to be the scope, purpose, and orientation of a central office for victims. These included:

- A physical building where all the relevant state agencies would be housed.
- A place that would centralize information and take calls from victims across the state.

Elder abuse is a highly under-reported crime but I think domestic violence among seniors is even worse. Only eight percent to ten percent of our cases get into the criminal justice system. This largely reflects attitudes among seniors. They don't want to bother the police. These populations are among the worst served. They are probably at a point where domestic violence involving younger adults was twelve or fifteen years ago - way behind.

(Service provider)
• A state office that would bring together the criminal injuries compensation scheme and victim services programs other than those serving victims of domestic violence or sexual assault.

• A state office to oversee all the major functions of the state relating to victim services, including training and certification of advocates, compliance with victims’ rights, the administration of the compensation program, and most or all grant-making functions.

A minority of providers interviewed, whose primary focus was securing victims’ rights and services connected to the criminal justice process, favored a central office because it could eliminate the fragmentation of services and create a more rational structure for the administration of victim services. They felt an independent agency would raise the status of victim advocates within government and would also lead to higher standards of service and greater uniformity. These providers also believe that a different administrative structure – an independent agency – would be necessary to achieve a unified vision of victim response and create a strategy for implementation. They argued that an independent agency would free victim issues from the influence of other political agendas, and could reduce administrative costs.

Providers serving victims of domestic violence and sexual assault (clients who do not always report to the police or participate in the prosecution of perpetrators) were generally wary of the idea of a central office. They were concerned that a central office was likely to lead to an over-emphasis on rights and services connected to the criminal justice system and a neglect of the issues of most relevance to the majority of victims. They felt that a central office would
oversimplify complex issues affecting victims of family violence and abuse. They also feared that channeling most funds through a single office would concentrate funding power in one agency with a narrow mission creating a risk that good programs might be de-funded and have nowhere else to turn.

Few providers seemed to be aware of the actual scope of the legislative proposal under consideration during the 2002 legislative session [HB.455] to create a state Office of Victim Services in Maryland, which would consolidate the management of victim compensation and the Maryland Victims of Crime Fund, but not affect other funding streams that support victim services, or consolidate oversight. Such confusion may stem from the use of the term “Central Office” which for many implies centralized funding or oversight.

You can’t get consistency in services simply by centralizing.
Centralization or decentralization isn’t really the issue.
Both approaches might work. The question is accountability.
(Service provider)
Section 2. Improving Maryland’s Service Response to Crime Victims

Introduction

Providing a compassionate, effective, and comprehensive response to all victims of crime in Maryland is an ambitious, yet attainable goal that can be achieved only with a long-term statewide commitment. It will require taking bold steps and dedicating adequate resources to ensure no victim is left behind.

Clearly, the state of Maryland can be applauded for many of the programs and services already in place for victims of crime. Equally true is that significant gaps exist, many services for victims could be strengthened, and many victims in Maryland are not being well served. In some cases, victims are totally shut out of the system. In order for the state to move forward and strengthen its current delivery of services, Maryland must rededicate itself to supporting all victims of crime effectively, even those victims who require extra efforts to reach.

A Roadmap for Moving Forward

This section offers a roadmap for moving the state of Maryland forward to strengthen its services for crime victims. The recommendations that follow focus specifically on victim services and support programs in Maryland; Section 3 recommendations focus solely on issues related to Maryland’s policies and statutes. This roadmap addresses many of the issues and concerns raised by Maryland victims and victim service providers during the retreat and the listening phase of this project (discussed in Section 1). It also draws heavily from the extensive experience of the National Center for Victims of Crime in developing model crime victim programs, assisting policy makers and victim advocates in analyzing and addressing state-specific issues, and providing direct support to victims of crime.
The following eight recommendations, and accompanying discussions, address the essential elements for improving Maryland’s service response to crime victims.

**RECOMMENDATION:**

*The Governor of the state of Maryland should establish a Crime Victim Cabinet Council consisting of high-level representatives of every cabinet agency that serves crime victims.*

The current array of victim services in Maryland cuts across a variety of executive branch agencies. For example, through the Governor’s Office of Crime Control & Prevention and the Department of Human Resources grant funds are used to support a variety of services for victims. The Department of Housing and Community Development supports special needs housing, which crime victims utilize. The Department of Higher Education, and the State Superintendent of Schools, have significant impact on the treatment of victims in school and campus settings. This broad range of services reflects the reality of victimization—crime victims have needs that cannot be met through a single service delivery mechanism. Crime victims need assistance from the criminal justice system, the health and hospital-based infrastructure of services, housing agencies, educational institutions, and many others. Accordingly, in order for the state to develop a high-quality, state-of-the-art governmental response to crime victims, all of these agencies of the executive branch must be mobilized in a concerted effort that goes beyond a criminal justice system response.

Almost all of the eighteen principal departments within the executive branch of the Maryland government should be represented in this council because each of them oversees functions which impact victims of crime directly. (Exceptions might include the Departments of Agriculture, Environment and Natural Resources.) From the Department of Transportation (and its Motor Vehicle Administration), which must ensure the confidentiality of its records, the Department of Health and Mental Hygiene, which supports public health services and laboratories, to the Department of Labor, Licensing and Regulation, which oversees employment services, training, and unemployment...
Improving Maryland’s Service Response to Crime Victims

insurance—each of these agencies should audit their functions to see how their efforts could help victims of crime.

There has been discussion within policy circles in the state, and within the victim service community, of the desirability of creating a separate state agency to serve crime victims. Our recommendation does not embrace this course of action. We learned in our discussions with victim service providers that the idea of a single state agency does not have broad support within the victim service and victim advocacy community, especially if such an agency were to have grant-making and oversight authority. (See pp. 36-38 for a full discussion).

Some agencies and individuals favor the concept of a state-wide office for victims, arguing that it would create new visibility for the needs of crime victims and potentially streamline the provision of victim services. Other agencies and individuals oppose the idea, arguing that it would divert attention from the broader policy goals of meeting victims’ needs and would remove responsibility for victim services from the many cabinet agencies which should be addressing victims’ needs. We believe that the arguments in favor of a single state grant-making and policy-development agency, on balance, are not convincing. Instead, we recommend that the Governor create the Crime Victim Cabinet Council (CVCC) which would, by virtue of the gubernatorial directive, be responsible for ensuring that all executive branch agencies that interact with crime victims (including but not limited to criminal justice; housing and community development; human resources; children, youth and families; and employment services) meet the ultimate goal of serving victims wherever their needs can be met, irrespective of the identity of the government agency.

This Council would be similar to the Cabinet Council on Criminal and Juvenile Justice. The new Council’s membership should be broader, however, to include more Cabinet-level agencies and reinforce the mandate of creating a comprehensive (beyond criminal justice) response to victims. The Council’s chief responsibility would be to “ensure that all appropriate State agencies work together in a collaborative, cooperative, coordinated
manner in planning, implementing, and evaluating State . . . policies and programs,” that affect victims of crime. The Council is not a free-standing agency with management oversight or funding authority. It is a way to foster inter-agency collaboration. The priorities of the council would include “developing innovative funding arrangements, including the sharing and pooling of financial resources to ensure comprehensive, flexible, and efficient use of existing resources necessary to make Maryland a national model for [crime victim] policy and practice.”

Creating a Cabinet Council whose sole focus is on the needs of victims of crime, and fostering coordination among multiple state agencies, is in our view preferable to placing a victim representative on various other boards or even on the Executive Council. It is also preferable to creating one agency to manage all victim-related funding.

We note that the state of Maryland has in place a State Board of Victim Services, comprised of a group of victim advocates, representatives from the public, and government officials that was established to advise the Governor’s Office of Crime Control & Prevention and administer the Maryland Victims of Crime Fund. The Board has been in existence since 1988, and has played a key role in advancing a state response to crime victims. It has provided a welcome forum for victim service providers and criminal justice officials to discuss matters affecting crime victims across the state.

The statutory duties of the State Board include monitoring the needs of victims and advising the Governor on those needs. The Board should play a similar role with respect to the Crime Victim Cabinet Council. State Board involvement in advising the Cabinet Council is essential to ensure that the concerns that come to the Board’s attention are put before the executive department’s leadership. Advice should also be sought from the Family Violence Council, a multidisciplinary body that since 1995 has worked to reduce and prevent family violence in Maryland. Other statewide organizations, including the domestic violence coalition and the sexual assault coalitions, should also inform the work of the Crime Victim Cabinet Council.
RECOMMENDATION:

The state of Maryland should administer a statewide victimization survey, including a youth victimization survey, on a biennial basis.

For a state to develop an effective response to victims of crime, the state must first develop a detailed understanding of the extent of victimization within its borders. In this assessment, we found that the state of Maryland does not have a system in place for regularly gauging the level and prevalence of victimization throughout the state. The most effective methodology for developing this kind of baseline measure is a “victimization survey.” First developed by the U.S. Department of Justice in the 1970s and now administered annually by the Bureau of the Census on behalf of the Bureau of Justice Statistics, the National Crime Victimization Survey (NCVS) is the most accurate measure of the level of victimization. Because victimization surveys are based on household survey interviews, rather than relying on official police reports, they are considered much more accurate barometers of the actual level of victimization. In recent years, the Bureau of Justice Statistics has developed software that allows states to administer inexpensive, reliable telephone surveys to measure the level of victimization in a local community.

Several states have administered these local victimization surveys. Some have broadened its scope. For instance, when Pennsylvania surveyed its residents about victimization, it included questions about utilization of, and satisfaction with, local services. We would also recommend that the survey ask about crimes such as stalking, identity theft, and car jacking, etc.

According to the U.S. Department of Justice, teenagers are twice as likely to be victims of violence as any other age group. The rate of violent victimization in 2000 was higher among people age 16-19 (64.3 in 1,000) and people age 12-15 (60.1 in 1,000) than among any other age group. We also know that victimization of youth is not only linked to poor school performance, depression, teenage pregnancy, and suicide—more than any other risk factor, victimization is correlated to teenagers’ offending behavior. Maryland
could establish itself as a national leader if it supplemented its biennial victimization survey with information specific to the youth population. A teen victimization survey could be incorporated into Maryland’s biennial adolescent survey, which already gathers information on youths’ perceptions of safety. Expanding the adolescent survey would capture a key dimension of victimization that is often missing from police reports and most household surveys, and would provide a basis for targeting the resources of youth development agencies to resolving conflicts, reducing violence, providing counseling and assistance to victims, and preventing future delinquency, criminal behavior, and a host of other social problems.

A comprehensive statewide victimization survey would help Maryland identify important trends in victimization levels, particularly for crimes historically underreported to police such as offenses related to domestic violence, stalking, sexual assault, child abuse, incest, gang violence, bullying, and the full range of youth violence. Beyond prevalence, it can also shed considerable light on the impact of crime and what victims need as a result of the crime.

**RECOMMENDATION:**

*The state of Maryland should conduct a biennial survey of the broad range of victim-serving agencies, with an assessment of shortfalls and geographic imbalances in the delivery of services to victims.*

Our assessment found that existing services were unevenly available throughout the state, not well known, and difficult to access by some crime victims at the time when the services were needed. To make sure resources are allotted most effectively, the state must first identify the full array of existing victim services. This mapping of statewide assets should cast a wide net, using a broad definition of “victim services.” The services to be catalogued should include those that are exclusively designed to assist crime victims—the shelters for battered women, rape crisis centers, support groups for victims of particular crimes, police and prosecutor-based victim/witness coordinators, etc.
In our experience, however, not all service providers that assist victims of crime are viewed by the public as “victim services.” For example, a Salvation Army facility might provide furniture to a family made homeless due to arson. A college health center may provide rape counseling. A family services center or a local mental health clinic may work with trauma victims. A community development corporation may support special needs housing or emergency day care for battered women. Accordingly, the statewide survey of victim services should include any government agency or community-based organization that can meet any of the special needs of crime victims. Updating this survey on a regular basis, then matching it against the results of the victimization survey and the minimum level of crime victim support established by the state, will help the state see gaps in service delivery mechanisms, will highlight geographic mismatches between need and service capacity, and will document success over time in bringing more services closer to more victims of crime.

RECOMMENDATION:

The state of Maryland should adopt a minimum level of support the state provides every victim of crime. This support should include:

- intervention to help victims with the immediate crisis of victimization;
- compensation for victims’ losses;
- opportunities to participate in critical aspects of the criminal justice system; and
- victim advocate case managers who can assist victims in obtaining rights and services.

Informed by the biennial survey of victim-serving agencies, the state should organize its strategy around the basic needs of crime victims. In our experience, we focus on four building blocks to an effective response. Each of the four building blocks is an important ingredient in meeting a minimum standard of effective assistance:

Crisis Intervention. At a minimum, there should be support for victims in the immediate aftermath of the trauma of the crime, to help them understand the kinds of
Improving Maryland’s Service Response to Crime Victims

reactions, emotional and physical, which may come. Crisis intervention should be available 24 hours a day, 7 days a week. It should also involve assistance with practical needs and information about preventing repeat victimization. Victims should be able to access crisis counseling through the police, hospitals, and other social service agencies. We emphasize “at a minimum” because communities should strive to provide long-term emotional support and counseling as well.

Victim Compensation. The state should continue to reimburse victims for their out-of-pocket expenses. The state should also increase the amount paid for reparative expenses such as mental health counseling, job training, emergency day care, etc., and provide for payment of relocation expenses and an acknowledgement of pain and suffering. In addition, the state should remove the time limits for filing compensation claims. (See pp. 80-83.)

Victims’ Rights. Maryland has created a broad array of victims’ rights statutes. For these rights to be meaningful, however, victims need to know about these opportunities, and the rights must be implemented and enforced. (See Section 3 for full discussion.)

Victim Advocate Case Managers. In the aftermath of crime, dealing with paperwork, filing forms, and understanding the idiosyncrasies of government bureaucracies can be overwhelming. Victim advocates should serve as “case managers,” helping victims navigate the health care, public assistance, housing, social service, and criminal justice bureaucracies. These case managers should also provide effective and appropriate referrals to a wide range of services. There are several models to draw upon, ranging from the notion of seamless services developed through Victim Services 2000 in both Colorado and Vermont to the case management approach of Project Liberty created in New York after the September 11 attacks.11

In our interviews and focus groups throughout the state of Maryland, we found that, in each of these areas, the response was not uniform. In some parts of the state, we found first-rate victim advocates who provide excellent crisis response, assist victims with
Improving Maryland’s Service Response to Crime Victims

compensation claims, inform them of their rights in the criminal justice system, and advocate on their behalf in dealing with often recalcitrant bureaucracies. But this standard should become the norm, not the exception in the state.

While the state should set the minimum level of support to be provided to all crime victims, it should give local jurisdictions flexibility in developing those services. In some areas, for example, a local community may determine the best approach would be to consolidate certain victim services for victims of all types of crimes. Such centers exist in Jacksonville, Florida, (a municipal victim services center) and in Putnam County, Ohio, (a United Way agency) and in other places. Other communities may choose to segment their services by the type of crime.

RECOMMENDATION:

*The state of Maryland should make extra efforts to provide equal access to services for crime victims who experience barriers to service due to poverty, language and culture, age, disability, or geography.*

In order for the state of Maryland to deliver high quality services to victims of crime across the state, special attention must be paid to the hurdles facing certain categories of victims. Our review found significant discrepancies across the state in the level of access to needed services. We found five principal kinds of barriers—poverty, language, age, disability, and geography. The state of Maryland should develop a statewide strategy to overcome each of these barriers.

**Poverty.** It is axiomatic to observe that poor people have greater difficulty accessing needed services than those who are in better financial situations. Six percent of Maryland families live below the poverty level as do approximately eight percent of seniors. In households headed by women, the poverty rate rises to more than eighteen percent.\(^{12}\) More than sixteen percent of adults have not graduated from high school.\(^{13}\) This gap between the poor and others better off is particularly acute when examining the needs of crime victims. Poor people are more vulnerable to crime, and crime often creates urgent
Improving Maryland’s Service Response to Crime Victims

needs for services—medical care, mental health counseling, emergency housing, day care and time off from work, to name a few. For residents of Maryland who are poor, these services are already greatly needed and in short supply, and can sometimes only be accessed at great cost in terms of time, travel, and persistence. Our review found that poor people in Maryland often suffer the double indignity of being victimized by crime and then having enormous difficulties locating and accessing the services they need to overcome their victimization.

Victim advocates working with impoverished communities should be trained to make creative use of all the benefits available for low income Marylanders, including housing assistance, Medicaid, food stamps, child care, transportation assistance, etc. At the same time, social workers and other government representatives in the community should be cross-trained about the impact of victimization and the resources available to help victims of crime.

Language and Culture. America is becoming an increasingly multi-ethnic, multinational society. These demographic trends have affected Maryland as well. According to the 2000 census, approximately ten percent of Maryland residents speak English less than “very well,” and almost thirteen percent of residents live in a home where a language other than English is spoken. The challenges of connecting crime victims to needed services have been compounded by new obstacles of language and culture. In many communities reflecting new immigration patterns, the barriers of language and culture have created distance between residents and service providers. These distances are more difficult to overcome when victimization occurs. The police are often viewed as untrustworthy in these communities. In fact, in some of the originating countries represented in the new immigrant communities, the police were the agents of a repressive state and therefore were inherently suspect. The criminal justice system is often a foreign experience, so the notion of asserting a victim’s rights to participate in court proceedings is likewise unfamiliar. Compensation schemes are not familiar concepts, so this avenue of financial assistance is not well recognized. Our review found that most outreach materials for victims were only in English and very few service providers knew how to
access translators. In some communities with large immigrant populations, service providers had made creative alliances with other community based organizations. In others, non-English speaking victims had very little opportunity to access services.

Local collaboration between victim service providers and organizations serving immigrant populations should be supported to incorporate training on diversity and multicultural competency into the provision and tailoring of services to meet the needs of diverse populations.

**Age.** The Maryland Department of Aging estimates 15 percent of Marylanders are over age 60, and this percentage is growing. Elderly Marylanders often face multiple barriers: 19 percent of those over 60 who are living in the community suffer functional disabilities, and over 65,000 elderly Marylanders live in poverty.

Elderly victims of crime face particular barriers to services. They may be reluctant to “bother” the police; they may be unwilling to seek assistance because they are ashamed of their vulnerability; they may fear losing the care or shelter that an abuser provides if they disclose the abuse. Many elder victims have practical barriers as well, including lack of transportation, vision or hearing problems, or other physical or mental infirmities that impede their ability to access existing services. At the same time, crime impacts elders very strongly. Elder victims of crime recover more slowly from injuries. The emotional trauma of crime can cause deterioration of an elder’s physical and/or mental condition. And because elders live on a fixed income, their ability to recover after a financial crime is also limited, adding to the emotional and physical toll of those types of crime as well as a reduced standard of living.

Fourteen percent of Maryland’s population is between the ages of 10 and 19. Teens, too, face barriers in accessing traditional victim services. Adolescence is a significant development period that presents particular challenges to those working with teens. Their need for peer interaction, their developing identity, their communication styles, and other factors require a different response than that developed for child or adult victims.
Maryland has few specialized services for elder victims or teen victims. Victim service providers should receive training on adolescent development and aging to better understand the impact of crime on teens and elders and the special needs of these victims. There should also be regular cross-training among victim service providers and those in the community who work with teens or elders, to better respond to teen and elder victims and connect them to services.

**Disability.** Many Marylanders suffer from some form of disability, including physical disability, deafness, blindness, developmental disability, or mental illness. Research has shown that the rates of victimization of disabled persons is significantly higher than for the general population. For example, people with developmental disabilities are 4 to 10 times more likely to be victims of crime than others.\(^\text{18}\) Those with mental illness are estimated to be are 2½ times more likely to be victims of violence than the general population.\(^\text{19}\)

Many populations of disabled victims remain hidden from view, including those in institutions, the developmentally disabled, and others isolated by their disability. That isolation – a factor in their high risk of victimization – also means they are largely hidden from researchers. Maryland should, therefore, make a special effort in its victimization survey to capture the victimization of the disabled.

Maryland has few services targeted to disabled victims of crime. In other cases, existing services aren’t accessible for disabled victims. For example, few victim service programs in Maryland are equipped with a TDD/TTY telephone line to assist deaf and hearing impaired victims, and in the case of some agencies that have such lines, Maryland’s online directories do not reflect that capacity.

Maryland should ensure that victim service providers receive training and technical assistance about making their services accessible, and should promote collaborations with other service organizations already working with the disabled populations. In
addition, the state should make funding available to help providers serve disabled victims, by making their facilities wheelchair accessible, installing TTY/TDD lines, etc.

**Geography.** Maryland is a geographically diverse state, with significant variety in its communities. The state ranges from the poor inner city neighborhoods of Baltimore, to the wealthy suburbs of Annapolis and Montgomery County, to the more rural communities of Washington and Carroll Counties and the Eastern Shore. This diversity poses a particular challenge to a statewide strategy to bring needed services to victims of crime. This challenge is acute when we consider the more isolated communities of rural Maryland, where social services are generally few and far between. In these communities, there are few of the more traditional crime victim services, few if any shelters for battered women who are seeking safety from abusive relationships, few doctors trained to examine rape victims properly, and few school-based programs for youth violence. Our review found, however, that some rural communities had multi-service agencies that had embraced meeting many of the needs of crime victims as part of their mission. It was often in these communities, in fact, that particularly creative approaches were being explored. Many rural communities across the country have found ways to bring highly specialized expertise to residents through the use of telemedicine for forensic exams of adult and child victims of sexual assault to mobile vans for legal services to battered women.

Local communities should be supported in their efforts to find creative uses of technology and transportation to broaden the services available to victims. This should involve collaboration among community-based services, transportation services wherever possible, as well as closed circuit TV or computer video cameras to allow victims to have information and services otherwise too far away to access.
RECOMMENDATION:

*The state of Maryland should use its oversight and grant-making authority to ensure effective and high quality service delivery by government agencies and grantees who serve victims of crime.*

Even if the state is successful in identifying the key responses to crime victims, targeting those services to areas of greatest need, and overcoming barriers to accessing those services, the state will not succeed in its goal of assisting crime victims if the services themselves are not high quality. Our discussions revealed a sobering range in the quality of services received by crime victims in Maryland. At one end of the spectrum, we learned about dedicated service providers who were sensitive to the special needs of crime victims, aware of new research findings, trained in the latest techniques and methods, and respectful in their dealings with crime victims. At the other end of the spectrum, we heard accounts of government agency officials ranging from law enforcement officers and prosecutors to court officials who were rude, unskilled, and seemingly unaware of the special circumstances of crime victims.

The state of Maryland can play a critical role in improving the quality of existing services for victims of crime. We see three critical dimensions to a state strategy to improve service quality: setting performance standards through grant conditions; strengthening complaint mechanisms; and providing ongoing training.

**Performance Standards.** Maryland provides financial support to or direct oversight for the full range of victim-serving agencies throughout the state. This relationship to grantees and government agencies provides an opportunity for the state to focus squarely on the effectiveness and quality of services they offer. Victim service providers across Maryland are already engaged in the development of program outcome measures, driven in part by efforts at the federal level to require VOCA and VAWA grantees to demonstrate the effectiveness of their programs. The state of Maryland should not only encourage and assist in the development of such measures by government agencies and grantees, but urge the development of performance standards as well. Such performance
Improving Maryland’s Service Response to Crime Victims

standards would ensure that clients are provided services in a timely, helpful, and appropriate manner.

Once Maryland has adopted a minimum level of support (See previous recommendation on p. 45.), performance standards should be linked to the provision of this support. For example, if every victim of crime is entitled to opportunities to participate in critical aspects of the criminal justice system, specific performance standards should be established for each agency delineating their responsibility in that regard.

After such performance standards are established, the state should ensure that those standards are being met. The state should, for example, require that government agencies and grantees participate in independent client satisfaction surveys, similar to those used frequently in the private sector (and recently implemented by the Metropolitan Police Department in the District of Columbia), to gauge the quality of service delivery and client satisfaction. Government agencies should include the full range of criminal justice agencies (from police through corrections) and health and social service agencies. The state should also undertake a review of training programs of government agencies and grantees to see whether staff are being sufficiently trained to serve victims effectively.

RECOMMENDATION:

_The state of Maryland should conduct a systematic review of the complaint procedures of victim-serving agencies and take steps to institute accountability systems in those organizations so that victims can lodge complaints when they believe they have been poorly served. The state of Maryland should also publicize state level complaint processes so that victims can lodge complaints there as well._

One well-established method for providing accountability in the delivery of public and private services is to encourage clients or consumers who have complaints about their service encounter to file a formal complaint with the organization, to investigate those complaints, and to take action in cases where the complaint was well-founded. We were
told about cases in which victims had serious complaints about the quality of the services they received, or the lack of professionalism of the staff delivering those services, yet in very few cases did we find that those victims had filed complaints with the agency. This was true regardless of whether the agency was a community-based nonprofit or a government criminal justice agency. The larger point is that the victims we interviewed felt that the agencies were not accountable for the quality of their services. The state is well-positioned to conduct a review of the complaint resolution mechanisms of these agencies. Whether they are grant recipients and, therefore, contractually obligated to follow state guidance on these matters, or are simply entities conducting business in the state and, therefore, subject to state regulation, these service agencies should be responsive to a state initiative to improve service quality.

While the Victim Services Coordinator, housed in the Governor’s Office of Crime Control & Prevention, currently operates as a state-level complaint mechanism concerning the implementation of victims’ rights, it has little authority, is too narrow in scope, and none of the victims we spoke with were aware that it existed. The key element of this initiative is to view the service delivery experience through the eyes of the crime victim. When we spoke with crime victims who felt that their service encounters were disturbingly unprofessional, they felt they had no place to turn to voice their dissatisfaction. This situation can be remedied by elevating and strengthening the position of Victim Services Coordinator and expanding the focus of that office to receive and investigate other types of crime victim complaints. (See pp. 90-91.)

**RECOMMENDATION:**

*The state of Maryland should embark upon a multi-year training initiative to create the highest level of professionalism within the ranks of government officials and service providers who interact with victims of crime.*

A complementary way to achieve the goal of high quality service delivery systems in Maryland is to improve the training of the staff who deliver those services. Again, because of their roles as oversight and grant-making agencies, the Governor’s Office of
Improving Maryland’s Service Response to Crime Victims

Crime Control & Prevention, the Department of Human Resources, and any other agency funding programs serving victims, are in a unique position to require a specified level of training for employees. Everyone who interacts with crime victims should perform in a compassionate, respectful, non-judgmental and effective manner. But the state can do more than merely mandate training. The state should also sponsor statewide training programs on specified topics through the recently funded State Victims Assistance Academy. Maryland could also create a system of mentors in specialty areas, and institute field training programs across the state. In particular, based on our assessment, we would emphasize training on working with racially, ethnically, and economically diverse populations of victims.

RECOMMENDATION:

*The state of Maryland should launch a sustained, multi-pronged public education campaign designed to inform crime victims throughout the state of their rights and the services available to meet their needs.*

In order for the state of Maryland to ensure that victims access the high quality services that would be available under this initiative, individual victims of crime must be made aware of their existence and know how to avail themselves of these resources. While there have been various public awareness efforts undertaken by government agencies and non-profit service providers, to effectively communicate this information to the general public will require a sustained, multi-sector public awareness campaign. This campaign should be tailored to the realities of victimization – it should build upon the network of first responders (police, hospitals, schools, etc.), be concentrated in communities where crime hits hardest, be tailored to the language and cultural diversity of the state, and make special efforts to reach every corner of the state of Maryland.

In designing this kind of public education campaign, the state should consider these strategies:
**Public Service Announcements.** The state should create public service announcements (PSAs), featuring a high level government official (such as the Governor), or a celebrity with high name recognition (sports or cultural figure) to inform the public of victims’ rights and services. For example, Senator Leahy of Vermont created a television PSA to convey information about victim compensation to Vermont residents.

**Posters.** Posters with information about resources and help lines for victim services should be posted and promoted in public sites, including courthouses, city and county buildings, public housing, social service offices, libraries, hospitals and other health care facilities, police stations, campuses, and youth centers. In Virginia, former Attorney General Mark Early used billboards to inform the public about crime victims’ rights.

**Telephone books.** Every county telephone book should include county, state, and national telephone numbers crime victims can call for additional information about their rights and services.

**Video Program.** A videotape with a more detailed overview of victims’ rights and services should be developed, which can be shown on a continuous loop in courthouses, police stations, health care facilities, as well as public access cable television. Local Public Housing Authorities should be encouraged to show them regularly as well.

**Internet.** State and county government web sites should provide easy links to information about the rights and services available to victims.

These eight recommendations taken as a whole, address the themes articulated by the victims of crime and victim service providers we interviewed. They would create a vehicle to articulate a unified vision for victim services, improve collaboration among agencies, enhance the skills of service providers, and ensure respectful treatment and access to services for all victims of crime in Maryland.
Section 3.  Strengthening Maryland’s Legal Protections for Crime Victims

Introduction

More than 30 years ago, the state of Maryland began the process of constructing a foundational policy and legislative framework to give victims of crime the legal support necessary to address their needs and concerns. As with many states, Maryland began with a set of statutory guidelines—unenforceable recommendations for how the criminal justice system should respond to victims of crime. Now, in 2003, victims of crime can claim specifically defined rights guaranteed by the state constitution and implemented in detail by scores of state laws.

How This Review Was Conducted

In reviewing Maryland’s legal protections for crime victims, we drew heavily from the National Center’s extensive experience in analyzing and annotating thousands of victim-related federal and state laws. This data is stored in a comprehensive legislative database maintained by the National Center for Victims of Crime.

Our review and analysis was informed by discussions with leading policy makers and crime victim advocates during regional roundtables conducted by the National Center throughout the United States. Regular communication with victim policy advocates in the field provided a basis for comparison with other states and helped us identify issues of common concern.

This review entailed taking an in-depth look at the key elements of Maryland’s policy and legislative framework that are designed specifically to help crime victims participate in the criminal justice process and recover some sense of control over their lives. The discussion of these elements is organized under the following four headings:
Constitutional Amendment for Victims’ Rights. The first element we reviewed was Maryland’s constitutional amendment for victims’ rights. With 32 states now adopting such measures, victims’ rights constitutional amendments are widely viewed as a critical foundation for the enactment and implementation of strong victims’ rights laws.

Victims’ Rights Statutes. We then evaluated and compared with other states a wide range of existing Maryland statutes that implement what are widely viewed as core victims’ rights:

1. The Right to Notice
2. The Right to Attend Criminal Justice Proceedings
3. The Right to Be Heard
4. The Right to Restitution
5. The Right to Victim Protection
6. The Right to Victim Compensation
7. The Right to Be Treated with Dignity, Respect, and Sensitivity
8. Compliance with Victims’ Rights

Definitions of “Victim.” As we conducted our review, it became clear that limited and inconsistent definitions applied to the term “crime victim” is a cross-cutting issue that may significantly hinder the implementation of victims’ rights. For that reason, we address this issue separately.

Funding for Crime Victims’ Services. Finally, our analysis included an examination of Maryland’s utilization of the state and federal funding available for victim compensation and assistance programs. Obtaining adequate financial support and ensuring that resources are used efficiently are critical to providing effective, comprehensive services to crime victims.
We found many provisions of Maryland’s victims’ rights laws to be strong, thoughtful responses to the concerns and needs of victims. We also identified many areas that could be strengthened. In three of the aforementioned sections, we offer concrete “recommendations” that will, if implemented, help Maryland close the gaps in its current policy and legislative framework and chart a course toward a future in which victims of crime receive the support they need to rebuild their lives.

☐ Constitutional Amendment for Victims’ Rights

Maryland has set a strong foundation for the rights of crime victims by the adoption of a victims’ rights amendment to the state’s constitution. Ratification of the victims’ rights amendment in 1994 by 92 percent of Maryland voters demonstrated a clear public commitment to fair treatment of crime victims in the criminal justice process.

Rights enshrined in a state’s constitution have greater strength, permanence, and enforceability than rights that exist only in the state’s statutes. Maryland’s constitutional amendment for victims’ rights represents a significant achievement in the struggle to obtain legal rights for crime victims, made possible only after tremendous effort by concerned victim advocates, criminal justice officials, policymakers, and the voters of Maryland.

Maryland’s constitutional amendment for crime victims’ rights provides that:

(A) A victim of crime shall be treated by agents of the state with dignity, respect, and sensitivity during all phases of the criminal justice process.

(B) In a case originating by indictment or information filed in a circuit court, a victim of crime shall have the right to be informed of the rights established in this article and, upon request and if practicable, to be notified of, to attend,
(C) and to be heard at a criminal justice proceeding, as these rights are implemented and the terms "crime", "criminal justice proceeding", and "victim" are specified by law.

(D) Nothing in this Article permits any civil cause of action for monetary damages for violation of any of its provisions or authorizes a victim of crime to take any action to stay a criminal justice proceeding.21

As adopted, Maryland’s crime victims’ rights amendment provides a strong basis for the enactment of legislation to implement these rights throughout the criminal justice process.

 Victims’ Rights Statutes

1. The Right to Notice

Purpose of this Right
The crime victims’ right to notice is generally divided into two classifications:

- the right to general information, such as compensation, legal rights, and available services; and
- the right to be informed of criminal justice events and proceedings relating to the offense against the victim.

A crime victim’s right to notice is often referred to as the “threshold right.” If victims are not informed of compensation and services available, they cannot access them. If victims are not informed of their legal rights, they cannot exercise them. If victims are not notified of various criminal justice events—such as the arrest of an offender, plea agreements, releases, incarceration, escapes, or the closing of an investigation—and of court hearings and other proceedings, victims will be unable to exercise their rights in relation to those events and proceedings.
Maryland’s Implementation of this Right
Maryland law provides victims the right to notification throughout the criminal and juvenile justice processes. On first contact with a victim, the law enforcement officer, District Court commissioner, or juvenile intake officer is required to provide the victim with an informational brochure that informs victims of basic rights, services, and procedures. After the filing of an indictment or information in the circuit court, the prosecutor is required to mail or deliver a second pamphlet that describes the victims’ rights in cases prosecuted in circuit court. The prosecutor is also required to certify to the court clerk that such notice has been mailed or delivered to the victim, or that the victim could not be identified.

In addition to laws that implement the right to notification, Maryland has also begun to institute an automated crime victim notification system (VINE), by which registered victims are notified of changes in an offender’s custody status. This service is available in English and Spanish.

Maryland victims of crime have extensive legal rights to notice. However, during the course of our interviews and focus groups many victims reported that they did not receive information about their rights and/or services, including crime victim compensation. There are two possible explanations for this.

First, it is possible that victims are not receiving the written notice they are entitled to under the law. It could be that law enforcement officers or prosecutors are not distributing the information as required. It also could be that prosecutors, who are not required to send notice to the crime victim until after the information or indictment is filed, do not have accurate victim contact information at the time their duty arises.

Second, victims may be receiving the written information but not reading or understanding it. They may not speak English, they may have limited literacy skills, or
they may be too distraught from the crime to focus on the written material. Written notification, whether of rights and services or of hearings and events in the criminal justice process, may be insufficient to provide actual notice.

**Recommendations for Strengthening the Right to Notice**

*a. The state of Maryland should conduct an audit of court files to ensure prosecutorial compliance with victim notification provisions.*

Maryland law requires that prosecutors certify to the court clerk that a victims’ rights pamphlet and notice request form was mailed to each identified victim in a circuit court prosecution. Thus, the law provides a means by which the state could easily determine whether notice at the prosecution stage is in fact being provided to victims at the circuit court level. A review of court files should be conducted to determine how frequently such notice is provided.

*b. The state of Maryland should expand its current notification law to encompass district court cases and all juvenile cases.*

Maryland law currently requires that prosecutors notify victims of their legal rights when a case is filed in circuit court, or involves a juvenile offense equivalent to a felony. The law also requires that such victims be furnished a form to request future notices. This provision should be expanded to include all victims, including victims of misdemeanors and all juvenile cases.

*c. The state of Maryland should expand its victim notification laws to allow notification via electronic mail at the victim’s option.*

Maryland law should be amended to allow victims the option to receive notification via e-mail. Utah allows notification to be made in various forms including electronic mail, but also provides that victims are to be notified by telephone of any unforeseen important hearings. Such a system might improve notification, and could have the additional benefit of lowering the cost of notification if significant numbers of victims choose to be notified via e-mail.
d. The state of Maryland should require judges to read a list of victims’ rights in court at the beginning of each judicial day.

States are beginning to require courts to read aloud the list of victims’ rights in the courtroom to ensure that any victims who are present receive actual notice of their rights. Connecticut, and more recently Florida, require courts to make a scripted announcement regarding the rights of victims at any arraignment or post the information prominently on courtroom doors. If instituted in Maryland, such a system would also serve to increase public awareness of crime victims’ rights.

2. The Right to Attend Criminal Justice Proceedings

Purpose of this Right

Another basic right of crime victims is the right to attend criminal justice proceedings, such as pretrial hearings, the trial, and sentencing proceedings. This right is important to crime victims and their families who want to see justice at work. They may want to hear the information presented and the arguments made, and to view for themselves the reactions of the judge, the jury, and the defendant.

Maryland’s Implementation of this Right

In Maryland, victims are given a general right to attend all proceedings that a defendant may attend. In addition to this general right, the right to attend is reiterated throughout the Maryland Code as it relates to specific proceedings, adding clarification and encouraging compliance.

In Maryland, victims have the right to be present in court “if practicable” and if the victim has filed a request form, under one part of the Code, and have the right to be present at trial or at a juvenile delinquency adjudicatory hearing after he or she initially testifies, under another part of the Code. The first provision applies only to victims in circuit court cases, the second to all victims. The second provision states that it does not alter the rights provided under the first. The court rules state that victims of a crime of
violence or the representative of such a deceased or disabled victim are not to be excluded from the courtroom as witnesses “to the extent required by statute.”

Thus, Maryland law allows for exclusion of most crime victims who are witnesses until after testifying, after which they may be excluded only if the court makes specific findings of fact on the record that there is reason to believe that the victim will be recalled or that the presence of the victim would influence his or her testimony in a way that would materially affect the defendant’s right to a fair trial.

Allowing routine exclusion of many crime victims from the trial until after they have testified imposes unnecessary limits on the participation of victims in the criminal justice process. Exclusion of crime victims who will testify is generally intended to protect the defendant’s constitutional right to a fair trial. However, in many cases, it may be possible to accommodate the interests of both the defendant and the crime victim. Often, a crime victim has made pretrial statements, or has even been deposed, regarding the facts of the case. Such prior statements reduce the likelihood that victims will alter their testimony, regardless of any intervening influence. If the victim does give conflicting information while on the stand, counsel in the case could confront the victim with the earlier statement. The judge or jury would then have to take into account any variation in such testimony when assessing the credibility of the victim.

One element absent from Maryland law pertaining to the right to attend proceedings is the right for crime victims to have a support person present. The right to have a support person present can include a supportive family member or a victim advocate who can explain the criminal justice process and provide emotional support to the crime victim.

Recommenations to Strengthen the Right to Attend

a. The state of Maryland should exempt all crime victims from sequestration during trial.

Maryland should strengthen the crime victim’s right to be present by providing an exemption from any sequestration, including sequestration prior to testifying, for
all victims except where specifically shown to be necessary, as in Alaska and Florida. Alaska provides victims a clear statutory right “to be present during any proceeding in . . . the prosecution and sentencing of a defendant if the defendant has the right to be present, including being present during testimony even if the victim is likely to be called as a witness.” Alaska’s rule on witnesses also exempts “the victim of the alleged crime . . . during criminal . . . proceedings when the accused has the right to be present.”

In Florida, “[a] victim… may not be excluded from any portion of any hearing, trial, or proceeding pertaining to the offense based solely on the fact that such person is subpoenaed to testify, unless, upon motion, the court determines such person’s presence to be prejudicial.”

b. The state of Maryland should guarantee victims the right to have a support person present during criminal proceedings.
Maryland should amend its law to guarantee the right of a victim to have a support person present at all criminal justice proceedings. The supportive presence of a trusted advocate or family member can lessen the emotional toll of attending such proceedings, and may make victims more willing to exercise their right to attend. Maryland does not guarantee the right of victims to have a support person present.

Many states have granted victims the right to have a support person present during the trial. For example, Arkansas’s law provides:
“If the victim is present, the court, at the victim's request, shall permit the presence of an individual to provide support to the victim, unless the court determines that exclusion of the individual is necessary to protect the defendant's right to a fair trial.”
3. The Right to be Heard

Purpose of This Right
The crime victim’s right to be heard is implemented throughout the criminal justice process and in various forms. This right can include:

a. the right to consult with key criminal justice officials before certain decisions, such as pretrial diversion of the defendant or plea agreements, are made; and

b. the right to address or submit a written statement to the court or other authority at various proceedings, including hearings and trials.

Granting victims the right to be heard is a central element in a system that treats crime victims with fairness and respect. When a crime victim is allowed to speak or to submit information regarding recommendations or the impact of the offense on the victim and the victim’s family, there is an acknowledgment by the criminal justice system of the personal nature of the crime and the harm suffered. The right of crime victims to be heard is not a right to control strategies or decisions made by the criminal justice system, rather it is the right to ensure that decision makers have complete information, including information about the impact of the offense and the concerns of the victim.

Maryland’s Implementation of This Right

a. **The right to consult with key criminal justice officials.**

The right to be consulted before a plea agreement is entered is especially important to crime victims. More than 90 percent of all state court felony convictions are a result of plea agreements. Unless victims have a right to provide input at the plea stage, they are denied any opportunity for meaningful participation in the criminal justice process. Nearly half of all states require prosecutors to obtain the victim's views concerning the plea agreement. A number of these states also require prosecutors to certify to the courts that they have complied with the requirements of their state’s plea consultation laws. In no state is the right to confer interpreted to mean the right to direct the prosecution of the case or to veto the prosecutor's decisions. While the terms and sentencing
recommendations agreed to under a negotiated plea are still ultimately decided by the prosecutor, laws that require prior consultation with the crime victim ensure that victims are at least given an opportunity to have input into the prosecutor's decision.

Maryland does not provide crime victims a clear right to consult with the prosecutor before key decisions are made, including prior to the entry of a plea agreement. Rather, victims of crime in Maryland are entitled only to prior notice of the terms of the plea agreement, if practicable, even under recent amendments to Maryland court rules. Consulting with crime victims in advance of a plea agreement, allowing victims to share how the crime has affected their lives and asking them about their views, enables prosecutors to take these factors into consideration when formulating the plea agreement. This step also provides prosecutors an opportunity to inquire about restitution or the need to request protective orders as part of the sentence or plea agreement. Since the impact of the offense is an important consideration in determining the appropriateness of a plea agreement, a plea proposal that incorporates the victim's concerns is more likely to be approved by the judge.

Maryland does provide victims the right to request a meeting with a parole commissioner prior to consideration of an inmate’s request for parole. A victim of crime also has a right to request such a meeting when an inmate has applied for a commutation of a sentence, pardon, or remission of sentence.

b. The right to be heard during criminal justice proceedings.
Crime victims may be given the right to address the court or submit written statements at any number of stages. Providing such information to the court allows for more informed decision-making. A few states give crime victims the right to submit information at bail hearings or at hearings regarding modification of bail or pretrial release. Maryland law includes consideration of a victim’s
request for protections for safety at the pretrial release stage, although it is unclear how this request is to be made, whether in person or through the prosecutor.\textsuperscript{43}

At least one-third of the states give victims of crime the right to present information to the court when a plea agreement is considered. Maryland victims have no such right.

Maryland victims are given a variety of options for submitting victim impact testimony at sentencing. For example, a pre-sentence or predisposition investigation report must include a victim impact statement in cases where the victim suffered physical, psychological, or economic injury as a result of the commission of a felony, or suffered serious physical injury or death as a result of a misdemeanor offense.\textsuperscript{44} In cases where a victim impact statement is not required, the prosecutor or the victim has the option, under Maryland law, to prepare and submit a victim impact statement to the court.\textsuperscript{45} Consideration of the victim impact statement is mandatory by the court when determining the appropriate sentence or disposition and when entering a restitution judgment.\textsuperscript{46}

In addition, victims who filed a notification request form have the right to address the court orally at sentencing and disposition hearings.\textsuperscript{47} Victims who have not filed the requisite notification request forms are allowed to address the court at the request of the prosecutor, or at the court’s discretion if the victim requests.\textsuperscript{48} In death penalty cases, a victim’s representative has the same right to address the jury at sentencing as he or she has to address the court in other cases.\textsuperscript{49} Not only do Maryland’s statutes provide victims a clear right to be heard at sentencing, court rules were recently amended to reinforce this right.\textsuperscript{50}

Victim impact testimony is also considered at various other criminal justice proceedings in Maryland, including certain juvenile proceedings\textsuperscript{51} and proceedings before a judicial review panel regarding a change in sentence.\textsuperscript{52} At the parole level, victims have the right to request the completion of an updated
victim impact statement and to submit a recommendation regarding parole, in addition to the right to provide oral testimony at the parole hearing. The victim also has the right to submit a written impact statement and recommendation when an inmate applies for commutation of sentence, pardon or remission of sentence.

Recommendations to Strengthen the Right to be Heard

a. The state of Maryland should require prosecutors to consult with victims regarding the terms of any negotiated plea agreement and obtain their views prior to the entry of the plea.

Maryland should require that prosecutors consult with crime victims about a proposed plea agreement, as nearly half of all states do. For example, Illinois state's attorneys are required, where practical, to both consult with the victim and to consider a written impact statement, if one has been prepared, before entering into a plea agreement. South Dakota victims also are permitted to provide their views both orally and in writing.

Maryland's Constitution provides that a "victim of crime shall be treated by agents of the state with dignity, respect, and sensitivity during all phases of the criminal justice process." Consulting with a victim prior to entering a plea agreement, and allowing the victim to express his or her concerns, is a concrete way to implement this right.

b. The state of Maryland should grant victims a specific right to be heard when a plea agreement is presented to the court for consideration, and if the victim is not present, require the prosecutor to inform the court of the victim’s views.

Maryland's Constitution provides that victims have the right to be heard during the criminal justice process. In practice this may be afforded to some victims at the plea stage, but the legislature should expand its implementation of this right to clearly and uniformly provide victims the right to be heard in court when a plea agreement is presented.
A third of the states permit the victim to be heard, either orally or in writing, at plea entry proceedings. In Missouri, for example, "[p]rior to the acceptance of a plea bargain by the court,. . . the court shall allow the victim of such offense to submit a written statement or appear before the court personally or by counsel for the purpose of making a statement."\textsuperscript{58}

In addition to permitting the victim to address the court or submit a victim impact statement, the prosecutor should be required to inform the court of the victim's position on a plea agreement. Prosecutors in Arizona and Maine, for example, are required to inform the court of the victim's position on the plea, even though a victim who is present when the plea is entered may address the court at that time as well.\textsuperscript{59} In this way, the objections and concerns of victims who are unable to address the court themselves will be available to judges who can make informed decisions on proposed plea agreements.

c. The state of Maryland should incorporate certification of compliance provisions in its laws regarding prosecutors’ efforts to confer with victims and to obtain victims’ views regarding negotiated plea agreements.

Preventing violations of the victim's right to participate at the plea stage is vital since no post-violation remedy can restore a victim's ability to have meaningful input into a plea agreement. Maryland can prevent violations of this right by requiring prosecutors to affirm in court that they have complied with requirements to consult with the crime victim regarding the plea and to inform the victim of the right to make a statement in court. Maryland might follow Arizona’s example: "[t]he court shall not accept a plea agreement unless:

1. The prosecuting attorney advises the court that before requesting the negotiated plea reasonable efforts were made to confer with the victim.
2. Reasonable efforts are made to give the victim notice of the plea proceeding . . . and to inform the victim that the victim has the right to be present and, if present, to be heard."
3. The prosecuting attorney advises the court that to the best of the prosecutor’s knowledge notice requirements . . . have been complied with and the prosecutor informs the court of the victim’s position, if known, regarding the negotiated plea."\(^{60}\)

**Alabama** and **Indiana** have similar laws.\(^{61}\) In **Maine**, the attorney for the state must disclose to the court any and all attempts to notify the victim of the plea agreement, and any victim objections to the plea proposal.\(^{62}\)

### 4. The Right to Restitution

**Purpose of this Right**

Restitution is payment by a convicted offender to a crime victim for the harm caused by the offense. The payment is ordered and to some extent enforced through the criminal justice process. Restitution is important to crime victims because it provides a tangible means for the state to acknowledge the harm caused to the victim, and to hold the defendant directly accountable for that harm.

**Maryland’s Implementation of this Right**

In Maryland, the court has discretion to order restitution to a crime victim if the victim’s property was stolen, damaged or destroyed, or if the victim suffered direct out-of-pocket costs, including, but not limited to, medical, dental, hospital, counseling, funeral, or burial expenses, or loss of earnings\(^{63}\) The victim is presumed to have a right to restitution upon request and presentation of competent evidence of financial loss.\(^{64}\) The court can also order restitution to state entities that have incurred certain costs as a result of the crime, including ordering a defendant to reimburse the crime victim compensation program for benefits it paid to a victim.

The law also provides that the court need not order restitution if it finds the defendant does not have the ability to pay or there are “extenuating circumstances that make a
judgment of restitution inappropriate.” If restitution is requested and the court fails to order it, the court is required to enter its reasons for doing so on the record.

Thus, victims of crime in Maryland do not have a clear right to restitution from the convicted offender. In addition, while Maryland law provides that the court need not order restitution if a defendant does not have the ability to pay, the law does not contain provisions to ensure that Maryland courts have sufficient information about the defendant’s assets and earning ability at sentencing.

Under Maryland law, victims are only presumed to have a right to restitution when they or the prosecutor request it. However, before victims can request restitution and present evidence of their loss, they must know that they have the right to restitution. Maryland victims are entitled to be informed of their right to restitution by the state’s attorney “if practicable.” (The law is actually stronger at the juvenile level, where prosecutors are required to inform victims of juveniles committing acts that would be tried in circuit court if committed by an adult of their right to request restitution and to certify compliance with the clerk of the juvenile court.)

**Recommendations to Strengthen the Right to Restitution**

a. **The state of Maryland should make crime victim restitution mandatory.**
   Maryland should make restitution mandatory, requiring courts to enter a restitution judgment in every case where the victim has sustained financial harm, unless the court finds extraordinary and compelling reasons not to order restitution and states those reasons on the record. In Arizona, for example, restitution is mandatory in every criminal case. “The fact that a victim does not request restitution does not change the court’s obligation to order it.”

b. **The state of Maryland, in ordering restitution, should limit consideration of a defendant’s ability to pay to the setting of a payment schedule.**
   Maryland should eliminate consideration of the defendant’s ability to pay restitution when entering the restitution judgment. Instead, the defendant’s
financial status should be made a factor only in establishing a payment schedule.

Several states have amended their restitution laws to require that restitution be ordered regardless of the defendant’s ability to pay. The defendant’s financial status is instead considered when a payment schedule is set. For example, Arizona’s law provides that “[t]he court shall not consider the economic circumstances of the defendant in determining the amount of restitution.” The court is required to consider the economic circumstances of the defendant only in specifying the manner of payment. Similarly, in Florida, the court is charged only with considering the loss sustained by the victim in determining whether to order restitution and the amount of restitution. At the time the restitution order is enforced, the court is to consider the defendant’s financial resources, the present and potential future financial needs, and earning ability of the defendant and his or her dependents, and other appropriate factors. Idaho’s law states that the immediate inability of a defendant to pay is not a reason not to order restitution.

c. The state of Maryland should amend its law to ensure full disclosure of the defendant’s financial status in setting a restitution payment schedule.

Maryland’s restitution law should ensure that courts are presented with more complete information about the defendant’s assets and earning ability, and impose sanctions on defendants who fail to provide information concerning their financial status. Many states have amended their laws to ensure that courts are presented with more complete information about the defendant’s financial status at sentencing, giving courts greater confidence in ordering appropriate restitution. Oklahoma’s law states that “[t]he court shall order the offender to submit . . . such information as the court may direct and finds necessary to be disclosed for the purpose of ascertaining the type and manner of restitution to be ordered . . . The willful failure or refusal of the offender to provide all or part of the requisite information prior to the sentencing, unless disclosure is deferred by the court, shall not deprive the court of the authority to set restitution or set the schedule of payment. The willful failure or refusal . . . shall constitute a waiver of any grounds
to appeal or seek future amendment or alteration of the restitution order predicated on the undisclosed information.”75 Such failure or refusal is also an act of contempt.76

In California, the defendant is required to file a disclosure identifying all assets, income, and liabilities. Failure to disclose this information may be considered an aggravating circumstance in sentencing and “a factor indicating that the interests of justice would not be served by admitting the defendant to probation … conditionally sentencing the defendant . . . [or] imposing less than the maximum fine and sentence. . .”77

Maryland judges may be reluctant to take on the burden of carefully examining the defendant’s ability to pay and setting a payment schedule. Maryland should consider the use of a specially designated official, who has been trained to investigate and determine the defendant’s assets and earning capacity, to set a payment schedule where restitution is ordered by the court. Such an official could also be trained in routine enforcement of restitution orders, such as the garnishment of wages or attachment of assets, to increase the likelihood that victims will in fact receive the restitution ordered. Colorado courts utilize collections investigators. Defendants are sentenced to pay restitution for the harm they have caused. If a defendant claims that he or she is unable to pay the restitution immediately, the defendant is sent to a collections investigator who will examine the defendant’s financial resources and establish a payment schedule. The use of collections investigators eliminates the need for judges and clerks to set up payment plans and act as collection agents. It also has improved the collection of restitution in Colorado, increasing victim restoration and offender accountability.

d. The state of Maryland should amend its law to provide safeguards to ensure that victims are aware of their right to restitution and that courts consider restitution when imposing sentences.
Some states incorporate safeguards into their law by requiring courts at sentencing to ask the prosecutor whether restitution is requested. For example, Wisconsin law states, “The court, before imposing sentence or ordering probation, shall inquire of the district attorney regarding the amount of restitution, if any, that the victim claims.” Maryland should also ensure that victims are notified of their rights by requiring courts to ask prosecutors whether victims were notified of their right to request restitution, and whether restitution is requested.

4. The Right to Victim Protection

Purpose of this Right
The crime victims’ right to protection can take many forms, from no contact and protection orders to provisions that increase victims’ safety during criminal justice proceedings. Legislators and advocates have recognized that failing to provide for victims’ physical safety not only leaves them vulnerable to further harm, but often impedes their willingness to cooperate with criminal justice officials.

Maryland’s Implementation of this Right
Victim protection from intimidation and harm has clearly been made a priority under Maryland law. For example, Maryland law provides that at the pretrial release stage, the court or District Court commissioner is to consider imposing release conditions to protect the safety of the victim. If the victim has requested reasonable protections for safety, the court or commissioner is required to consider entering a no contact order as a condition of release. In addition, when victims submit impact statements to the court for consideration at sentencing they may include a request for a no contact order as a condition of probation, parole, mandatory supervision, work or other release. Victims of mentally ill offenders committed to the Department of Health and Mental Hygiene are also entitled to request a no contact order as a condition of release. Courts with jurisdiction over a criminal matter or delinquency case are authorized, for good cause, to issue any order that is reasonably necessary to stop or prevent the intimidation of a victim.
or witness. Provisions to protect victims are also incorporated into Maryland Rules pertaining to pretrial release procedures.

Maryland also provides for civil protective orders. Domestic violence victims are entitled to seek protective orders, including interim protective orders and temporary protective orders. Domestic violence protective orders may be issued for up to one year, but can be extended for an additional six months. Victims of dating violence, sexual assault, stalking, harassment, and certain other crimes are entitled to seek peace orders, including interim and temporary peace orders. While Maryland’s peace order provisions contain many noteworthy provisions, they can only be issued for periods of up to six months.

Maryland’s statutory guidelines for the treatment of victims and witnesses also include protective provisions. They provide that victims should be told of the protection available to them, and, on request and to the extent reasonable and practicable, be protected from harm or threats of harm arising out of cooperation with the criminal justice system. The guidelines also state that victims and witnesses are to be provided with a separate and secure waiting area during the investigative stage and court proceedings, to the extent practicable.

Most notably, Maryland has a statutorily created Victim and Witness Protection and Relocation Program to protect crime victims and witnesses and their families, and to relocate them for their own protection or to facilitate their participation in court proceedings. The program, funded by penalties on offenders, pays the cost of protection and relocation of victims and witnesses.

**Recommendation to Strengthen the Right to Protection**

*The state of Maryland should extend the time period for which protective orders and peace orders may be issued.*

Under Maryland law, protective orders in domestic violence cases may only be issued for up to one year, although they may be extendable for an additional six
months. Peace orders, which may be issued in cases of sexual assault, dating violence, and stalking, among other crimes, can only be issued for up to six months. In many cases, the danger to the victim continues for a longer period.

Maryland should grant courts authority to set a longer time period for such orders, eliminating the need for every victim who obtains an order for protection to undertake the process of repeated petitioning for such orders. A few states have authorized the issuance of permanent protective orders. In New Jersey, a conviction for stalking operates as an application for a permanent restraining order.\textsuperscript{91} Connecticut judges can issue a standing criminal restraining order in domestic violence cases when they believe that such an order will best serve the interests of the victim and the public. These standing orders remain in effect until they are modified or revoked by the court.\textsuperscript{92} Other states have extended the time during which a protective order is effective. In Ohio, a domestic violence protective order can be issued for up to five years.\textsuperscript{93} A no-contact order issued against a stalker convicted in California remains in effect for ten years.\textsuperscript{94}

6. The Right to Victim Compensation

Purpose of this Right
Victim compensation is financial assistance paid to eligible victims for some of their unreimbursed expenses incurred as a direct result of a violent crime perpetrated against them. In its statement of policy, Maryland’s compensation law reflects a moral duty to address the financial impact of crime on victims:

\textit{The policy of the state is that help, care, and support be provided by the state, as a matter of moral responsibility, for these victims.}\textsuperscript{95}

While no amount of money can fully compensate victims for their trauma and grief, financial assistance can be critical in helping victims recover. For some victims, these funds can help restore the stability and dignity of their lives and the lives of their families by paying medical costs, counseling costs, lost wages, and funeral expenses not otherwise
covered by insurance, restitution, or other programs. A study by the Urban Institute exploring the experience of crime victims with Maryland’s compensation program is currently underway. Results from this study are expected in the Spring of 2003.

**Maryland’s Implementation of this Right**

Maryland’s commitment to crime victim compensation is longstanding. In 1969, Maryland became the fifth state in the country to establish a crime victim compensation program. Today, Maryland’s maximum payment amount of $45,000 is higher than the general maximum limits imposed in 44 other states.

The comparative generosity of Maryland’s maximum compensation award is dampened by certain stringent eligibility requirements that many states have extended or modified in recent years, including the relatively short periods of time victims are given to report crimes to law enforcement and the filing deadlines imposed. Currently, in order for a victim in Maryland to be eligible for compensation benefits, the crime must be reported to law enforcement within 48 hours of the commission of the crime or delinquent act, or the discovery of child abuse, although the compensation board may waive this requirement for good cause. Only six other states impose such a narrow time frame. Unfortunately, many victims may be too traumatized or unable to report the crime within that time.

Similarly, the time allotted Maryland victims to file an application for compensation is limited. Currently, compensation applications in Maryland must be filed within 180 days of the crime or the death of the victim, making Maryland one of only three states that provide such a short window for the filing of applications. While the law does provide that the Criminal Injuries Compensation Board may extend the time for filing by up to two years for good cause, the existence of such a brief statutory period may dissuade victims from applying for compensation benefits.
Maryland imposes categorical maximums on certain compensation benefits. For instance, disability-related and dependency-related claims are limited to $25,000. Psychiatric, psychological, or mental health counseling benefits are limited to $5,000 per claimant in cases of the death of a victim or a psychological injury of a victim, while counseling benefits for family members of victims in cases other than death (for example, counseling of children of domestic violence victims, or parents or siblings of sexual abuse victims) are restricted to $1,000 per claimant and a total of $5,000 per claim. Payments for the repair, replacement, or cleaning or property damaged, soiled, or littered as a result of a crime or law enforcement investigation of a crime is restricted to $250. Payments for medical expenses are not subject to a separate limit, but may be paid up to the maximum available compensation award, $45,000.

In addition, while many of the basic expenses are covered, including medical expenses, mental health counseling, and lost wages, Maryland does not provide relocation expenses. Relocation is often an essential part of a crime victim's recovery. Victims of domestic violence who want to escape their abusers, sexual assault victims who were attacked in their homes and no longer feel safe, and victims who are subject to intimidation by the defendant or others, may need to relocate for their safety or their mental well-being. Maryland also provides no compensation to acknowledge the pain and suffering of crime victims.

Recommendations to Strengthen the Right to Compensation

a. The state of Maryland should amend its crime victim compensation law to lengthen the time period victims are given for reporting offenses to law enforcement.

The majority of state compensation laws require victims to report the offense to law enforcement within 72 hours, unless there is good cause to extend this period. However, a number of states have legislated a more generous reporting time requirement. For example, at least eight states give victims five days to report the crime to law enforcement. New York and the District of Columbia mandate reporting within seven days, and Rhode Island victims have ten days
Substantially longer time periods for reporting a crime are authorized in Minnesota and New Mexico (30 days), in New Jersey (three months), and in Washington, where victims have an entire year to report the crime. Eligibility for compensation under Hawaii law requires reporting "without undue delay" while Texas’s statute directs that a crime be reported "within a reasonable period of time, but not so late as to interfere with or hamper the investigation and prosecution of the crime after the criminally injurious conduct is committed."

Extending the time that victims have to report a crime is a simple but extremely beneficial way to help ensure that victims are able to receive the financial assistance that may be essential to rebuilding their lives.

b. The state of Maryland should amend its crime victim compensation law to remove or expand the time limit for filing a claim.

Most states give victims at least a year or two to file their compensation applications, far more than the 180 days Maryland provides. Four states permit applications to be filed within three years. Kentucky victims are accorded the longest set filing period, having five years under the law to file their applications, although Utah and Vermont have no set time limit.

If a report has been filed with law enforcement, and the expenses can be documented, the passage of time should not remove the victim’s ability to seek compensation. Maryland should remove or significantly extend the time limit for filing a claim. At a minimum, Maryland should provide a three year time limit, parallel to the statute of limitations for filing a civil action. And no matter what the initial time limit for filing claims, Maryland should retain the “good cause” extension that permits the Board to extend the filing period on a case-by-case basis.
c. **The state of Maryland should eliminate or raise the categorical maximum benefits for claims related to disability, dependency, counseling, and crime scene cleanup.**

If Maryland is committed to helping victims of crime rebuild their lives, it should treat claims for disability, dependency, and counseling-related benefits with the same generosity it affords medical benefits. Maryland may wish to look at the examples of **California** and **Ohio**. On the issue of lost wages, California has no limitation on claims for lost wages or support in the case of permanently disabled victims (up to the overall limit of compensation available), counseling benefits of up to $10,000 for direct victims, homicide survivors, and parents of minor abuse victims, and up to $3,000 for other derivative victims.**108** Ohio provides no separate limitations on lost wage claims or for counseling of direct victims: both losses can be paid up to the state’s compensation maximum of $ 50,000.**109**

Maryland should also consider increasing the benefit for crime scene cleanup or repair, and including a benefit to increase security. For example, California also allows payment of up to $1,000 for crime scene cleanup, and Ohio provides up to $750.**110**

d. **The state of Maryland should expand its coverage of compensable losses for victims to include the costs of relocation when necessary for their safety or well-being.**

Seven states and the **District of Columbia** provide by statute for the payment of violent crime victim expenses related to relocation. The expenses are often defined in the law and may include moving costs, storage fees, first month's rent, security deposits, utility fees, and similar expenses. Relocation benefits are usually capped at somewhere between $1,000 to $3,000, and often have a lifetime cap as well. **Minnesota** will pay certain relocation expenses "if the move is necessary due to reasonable fear of danger related to the crime."**111**  
**California** law authorizes relocation expenses "if the expenses are determined by law enforcement to be necessary for the personal safety of the victim or by a
mental health provider to be necessary to the emotional well being of the victim."\textsuperscript{112}  Tennessee will pay relocation expenses "if the move is a direct result of an assault committed upon [the] victim at the victim’s residence.\textsuperscript{113}  Under Delaware law, crime victims' compensation will pay "any other expenses actually and necessarily incurred as a result of the personal injury or death," which may include temporary housing and moving expenses.\textsuperscript{114}  In addition, Delaware will cover other specified expenses, including a limited amount for the purchase of used furniture for victims of domestic violence who are leaving transitional housing. Maryland should expand its coverage as well. Recent changes in federal law will give states additional funding for crime victim compensation in Fiscal Year 2003, making this a prime time for Maryland to consider loosening restrictions and expanding benefits to cover additional categories of loss.

e.  \textit{The state of Maryland should expand its coverage of compensable losses for victims to include the pain and suffering.}

Maryland, as most states, limits its crime victim compensation to the out-of-pocket expenses of victims of crime. Many victims sustain additional damages, including pain and suffering. A few state compensation programs, including Hawaii (for all crime victims) and Tennessee (for victims of sexual offenses) include pain and suffering in their awards.\textsuperscript{115}  Maryland should do the same and expand its compensation benefits to include pain and suffering for crime victims. Some states provide compensation for pain and suffering with caps on the amount. For example, Hawaii limits its pain and suffering awards to $2,000 per victim, by policy, and Tennessee has a statutory limit on pain and suffering of $3,000 per victim.\textsuperscript{116}  In this way the state is offering a symbolic acknowledgement of pain and suffering without replicating the individualized awards of the civil justice system.
7. The Right to be Treated with Dignity, Respect, and Sensitivity

Purpose of this Right
Maryland’s constitution provides that crime victims “shall be treated by agents of the state with dignity, respect, and sensitivity during all phases of the criminal justice process.” Ensuring the proper treatment of crime victims is perhaps the most fundamental of all rights. If victims of crime feel disrespected or if they are not treated with sensitivity, they are unlikely to come forward to report offenses and participate in the prosecution of their cases. This undermines the entire criminal justice system. In addition, the failure to treat victims with dignity, respect, and sensitivity compounds the trauma victims have sustained from the crime itself.

Maryland’s Implementation of this Right
Maryland has relatively few statutory provisions that promote sensitive treatment of crime victims generally. Maryland does not statutorily require that law enforcement officers receive training on the sensitive treatment of crime victims. During the course of this project, many victims stated that law enforcement officials treated them with disrespect, conveyed disbelief prior to conducting an investigation, or handled interviews or death notifications insensitively. (See pp. 27-28.)

The statutory guidelines for the treatment of victims and witnesses, both at the adult and juvenile levels, do provide that victims “should be treated with dignity, respect, courtesy and sensitivity.”

Maryland has also incorporated victim sensitivity into some of its statutes relating to the use of sexual assault forensic examiners to respond to sexual assault victims. The use of such professionals, specially trained in the sensitive treatment of victims as well as the collection of evidence, can reduce the trauma that would otherwise be likely in the course of such an examination. Such forensic exams are to be performed without charge to the victim, and the health care provider is to be paid by the Department of Health and Mental Hygiene. Maryland regulations also state that victims may not be
billed for such examinations. However, billing procedures set out in the regulations require that the bill contain a police complaint number or similar case identification. In actual practice, reports indicate victims are generally required to report the offense to law enforcement before they can receive the forensic examination necessary to preserve evidence. In many cases, the evidentiary kit is not on hand at the hospital, but must be provided by law enforcement for each case. Requiring victims in hospital emergency rooms to make the sometimes difficult decision whether to report the offense before they can receive the examination that will preserve the evidence is insensitive.

In addition, sexual assault victims can still be subjected to polygraphs. Maryland has created a model law enforcement policy which discourages polygraphing of sexual assault victims, but still allows the use of polygraphing of such victims. As polygraphs are increasingly discredited in the scientific community as an unreliable means to judge the truthfulness of the subject, their continued use serves only to harass and discourage victims without serving any investigatory purpose.

Recommendations to Strengthen the Right to Be Treated with Dignity, Respect and Sensitivity

a. The state of Maryland should adopt a clear statement of legislative intent to support its constitutional mandate that victims be treated with dignity, respect, and sensitivity.

A detailed statement of legislative intent within Maryland’s crime victim laws would help promote the fair treatment of victims. In drafting such a statement, Maryland should examine Vermont’s provision describing the objective of its victim-related provisions:

(i) The fundamental objective underlying this chapter is the protection of victims of crime. This chapter seeks to ensure that crime victims are treated with the dignity and respect they deserve while functioning in a system in which they find themselves through no fault of their own. This chapter seeks to accommodate that
objective and balance crime victims' needs and rights with criminal defendants' rights.

(ii) This chapter also seeks to reduce the financial, emotional and physical consequences of criminal victimization, to prevent victimization by the law enforcement and criminal justice system and to assist victims with problems that result from their victimization.

(iii) Victims of crime shall be treated with courtesy and sensitivity by the court system and the state's attorney's office. Those responsible should ensure that the process of criminal prosecution moves smoothly and expeditiously and, after the conclusion of a prosecution, should cooperate in an appropriate manner with victims who seek to enforce their civil rights and remedies, which cooperation may include preserving and producing evidence, documents and testimony to the victims for use in such efforts.\textsuperscript{124}

By clearly articulating expectations regarding the treatment of victims, criminal justice officials may be better able to respond appropriately and effectively as they carry out their responsibilities.

\textbf{b. The state of Maryland should require training on effective and respectful interactions with crime victims for law enforcement and other criminal justice officials.}

Maryland should mandate training on the sensitive treatment, as well as the rights, of crime victims for law enforcement and other criminal justice officials as part of basic or initial training, and in their continuing education programs. \textbf{Minnesota} provides a good model, requiring that basic training for law enforcement officers include training in “the needs of victims of [crimes of violence] and the most effective and sensitive way to meet those needs or arrange for them to be met” as well as “culturally responsive approaches to dealing with victims and perpetrators.
of violence.” Florida has a similar provision in its law, requiring that basic law enforcement training include four hours of training in victims’ rights and assistance to crime victims. Florida pays special attention to cultural diversity training for law enforcement officers, requiring eight hours of basic training in interpersonal skills relating to diverse populations, with an emphasis on cultural differences, along with eight hours of continued employment training. Many states also require that basic and continuing training for law enforcement officers include the handling of domestic violence, sexual assault, and child abuse cases.

Law enforcement officers as a group have the most interaction with crime victims, and as first responders can set the tone for a victim’s perception of the criminal justice system. Therefore, law enforcement training on the effective response to victims should be a priority. Maryland may also want to ensure that other criminal justice officials receive training to improve their interaction with victims. Kentucky, for example, mandates in-service training for judges and court commissioners on child sexual abuse and domestic violence.

c. The state of Maryland should prohibit the polygraphing of sexual assault victims.

Maryland should discontinue the use of polygraphs for sexual assault victims. In drafting a statute, legislators should look to Michigan’s law, which not only states that sexual assault victims shall not be required to submit to a polygraph examination, but also says that the possibility of such an examination cannot be raised with a sexual assault victim unless the defendant has already submitted to a polygraph and passed that examination.
d. The state of Maryland should amend its regulations to allow sexual assault victims to obtain forensic examinations even when the crime has not been reported to law enforcement.

Maryland should not condition payment of the health care provider conducting a sexual assault forensic exam on the filing of a police report by the victim. Maryland’s law should make it clear that sexual assault forensic examinations are to be performed upon the request of the victim with the evidence held for a certain period of time during which the victim should be referred to a victim service provider for assistance. A Maine law provides that if the victim has not reported the offense to law enforcement at the time of the examination, the kit shall be given a tracking number and stored by law enforcement for at least 90 days. If the victim decides during that time to report the offense and contacts the hospital or health practitioner, the victim is given the tracking number and informed which law enforcement agency is storing the kit. Victims who have not reported the sexual assault to police may have a forensic exam conducted without fear of being billed since billing of the victim or the victim’s insurance company is specifically precluded under the law. The Maine law also requires hospitals and health care practitioners performing forensic examinations to protect the confidentiality of victims’ identities. The necessary evidence is preserved, and the victim is given time to decide how he or she wishes to proceed.

8. Compliance with Victims’ Rights

Importance of Compliance

Rights for crime victims are only as effective and meaningful as a state’s ability to enforce those rights. A state may appear to have a model system for supporting victims of crime, but if laws and policies offer no redress for violations of those laws and policies, public confidence in the system quickly erodes. Compliance with victims’ rights is a universal problem for the states, all 50 of which have integrated legal rights for crime victims into their criminal justice system. Policymakers and victim advocates nationwide are struggling with the issue of the enforcement of crime victims’ rights—
how to ensure that the intent of the law is, in fact, carried out in practice. The challenge is further complicated in that no single enforcement mechanism is appropriate for every situation involving a violation of a crime victim’s rights.

**Maryland’s Implementation of Compliance Measures**

Maryland has taken important steps to foster compliance with victims’ rights laws. For example, violent crime victims in Maryland are empowered by statute to file an application for leave to appeal to the Court of Special Appeals any final order denying their rights to be present at trial and to be heard at sentencing.\(^\text{132}\) This right to appeal is unique to Maryland, and provides victims with a concrete remedy for violations of those rights. However, this right is limited to victims of violent crime and is not available to victims of felony property offenses who also have constitutional rights to be present and heard at sentencing. Other legal rights under Maryland law, such as the victim’s right to restitution, have no such specific remedy available.

In another step to promote compliance, Maryland established the statutory position of Victim Services Coordinator, whose duties include ensuring that the rights of victims are observed.\(^\text{133}\) In addition, within the Governor’s Office of Crime Control & Prevention, there is now a Compliance Coordinator, whose responsibilities include providing information about the criminal justice system, explaining victims’ rights laws, facilitating payment of restitution, and referring victims to other agencies. However, the law provides no detailed authority to conduct investigations, and no penalties where violations are found and not corrected, both of which limit the effectiveness of this office.

Maryland regulations require local rape crisis, domestic violence, and crime victim programs that are funded through the Department of Human Services to establish a grievance procedure for the resolution of complaints about a decision, action or inaction of the program.\(^\text{134}\) There does not appear to be a similar requirement for programs funded by the Maryland Victims of Crime Fund, which is administered by the Governor’s Office of Crime Control & Prevention. The Maryland Victims of Crime Fund is used to carry out the victims’ rights amendment, the statutory guidelines for the fair treatment of
victims and witnesses, and other laws “enacted to benefit victims and witnesses of crimes and delinquent acts.”

In certain instances, Maryland promotes compliance with victims’ rights laws by including an internal checking mechanism in the statute itself. For example, Maryland’s notification statute includes a procedural safeguard whereby prosecutors are required to certify to the court clerk that they have provided victims with a pamphlet describing their rights as well as a notification request form. Similarly, Maryland law prohibits a sentence review panel to change a sentence until the victim has been notified and allowed to attend and address the review panel at the review proceeding.

**Recommendations to Strengthen Compliance**

a.  **The state of Maryland should expand the victims’ right to file a special petition for leave to appeal a denial of rights to apply to all crime victims and additional rights.**

   Maryland’s right for violent crime victims to file a petition for leave to appeal denials of their rights to be present and heard should be expanded to include all crime victims whose cases are processed in the circuit court and to include other denials of rights such as the right to an order of restitution.

b.  **The state of Maryland should have a victims’ rights compliance mechanism with a measure of independence.**

   Any mechanism to enforce crime victims’ rights should reside in an independent agency or inter-agency body. An office with investigative and/or disciplinary authority over other government entities must have a measure of independence to function effectively and to engender public confidence.

   For example, in **Connecticut** the Victim Advocate is appointed by the Governor, and is independent of any state department. The **Minnesota** Office of the Crime Victim Ombudsman is also independent, as is the **Alaska** Office of Victims’ Rights. Maryland has created a number of independent offices to
Strengthening Maryland’s Legal Protection for Crime Victims

protect the rights of citizens, including the Commission on Human Relations and the People’s Counsel. An additional measure of independence could be instilled through long terms of appointment - five or six years. Alaska’s Victim Advocate serves a five-year term, and Maryland currently uses six-year terms of office for the State Prosecutor and members of the Human Relations Commission.

In contrast, Colorado, Utah, and Wisconsin have ensured a measure of independence through the use of committees or boards comprised of representatives of various agencies and organizations to consider victim complaints. Maryland could create a Victims’ Rights Subcommittee of the State Board of Victim Services, modeled after Colorado’s system. Such an entity would meet to consider victim complaints and the responses of agencies or officials, and make findings and recommendations. Decisions of the Subcommittee could be appealed to the full Board. As in Colorado, failure to comply with recommendations could result in a referral of the matter to the Attorney General who could bring an injunctive action against the offending agency or official.

c. The state of Maryland should ensure that any entity charged with enforcing victims’ rights have the authority to conduct investigations.

Whether Maryland creates a new enforcement mechanism or augments the existing system, the state should statutorily vest that system with the clear authority to conduct investigations. In Connecticut, the Office of the Victim Advocate has legal access to any records necessary to carry out the responsibilities of the office, as well as the right to inspect and copy such records. All state, local and private agencies have a duty to cooperate with any investigation by that Office. The Connecticut law also protects the confidentiality of those complaining to the office, and protects the employment of state and local employees who make a good faith complaint to the Office of the Victim Advocate or cooperate in an investigation. Similarly, crime victim ombudsmen in
Minnesota and South Carolina have statutory authority to request and receive information from agencies that are the subject of a complaint.¹⁴⁴

d. The state of Maryland should audit agencies funded to implement crime victims’ rights to ensure that funds are being expended appropriately and effectively.

Agencies and programs that receive funding from the Maryland Victims of Crime Fund to implement the rights of victims should be regularly audited to ensure that they are functioning effectively and that funds are being expended for their intended purposes. While current law provides that the fund itself may be audited by the Office of Legislative Audits, the law should be amended to also provide that the granting agency has authority to conduct performance audits. Arizona uses such an approach. Under Arizona law, any entity that accepts money from the state’s victims’ rights fund must submit an annual report, which by statute shall detail the expenditure of monies, the number of instances in which the entity performed mandated victims’ rights duties or services, and the level of victim satisfaction with the services.¹⁴⁵ The Attorney General, the granting authority in Arizona, is directed by law to review and evaluate entities that receive funding. This provision has formed the statutory framework of a detailed audit system. Under the state’s current scheme, every funded entity is subject to a full audit every three to four years, which entails a review of all forms used by the agency in carrying out victims’ rights responsibilities, sample file checks, a review of office policies and procedures, interviews with staff to assess their knowledge of and skills with day-to-day victims’ rights operations, and a review of the methods used to measure victim satisfaction. This system has identified routine, inadvertent violations of victims’ rights and misunderstandings of duties and responsibilities which can then be corrected.

e. The state of Maryland should amend its law and regulations to provide internal checks to ensure the provision of victims’ rights wherever possible.

Maryland should amend its law wherever possible to incorporate additional internal checks to ensure that victims’ rights are provided. Requiring some type
of verification that a crime victim received his or her rights, or providing an explanation as to why those rights could not be afforded, is a significant measure to ensure compliance. Just as the law requires prosecutors to certify that notice of their rights has been mailed to identified crime victims, the law also could require courts to ask at sentencing whether a victim is present and wishes to be heard, or to ask the prosecutor whether the victim was informed of the sentencing hearing and of his/her right to be present and make a statement. Similarly, the law could require the court at sentencing to ask the prosecutor whether restitution is being requested. Such provisions can prevent violations of rights, which is preferable to attempting to redress violations after they occur. Similar safeguards should be incorporated into the Code of Maryland Regulations (COMAR).

 Definitions of “Victim”
A variety of definitions of “victim” can be found throughout Maryland law. Some rights apply to all felony victims, others to victims of violent crime, and still others to all victims of crime.

Some definitions of a “victim” entitled to a given right are inconsistent under Maryland law. For instance, a “victim of a crime or delinquent act” has a right to be present at the trial after he or she has initially testified under Maryland’s Code of Criminal Procedure. However, under the Maryland Rules of Evidence, the right is restricted to “a victim of a crime of violence.”

A victim who has suffered psychological injury due to a felony offense or a fourth degree sexual offense (or a delinquent act equivalent to such offenses) may be entitled to crime victim compensation from the state under that program’s definition of victim. However, that same victim may not be entitled to restitution from the convicted offender because the right to restitution is restricted to “(1) a person who suffers personal injury or property damage or loss as a direct result of a crime or delinquent act; or (2) if the person is deceased, the personal representative of the estate of the person.”
In addition, while many rights, including the right to attend the trial, the right to be heard at sentencing, and the right to restitution, are not limited to victims of felony offenses, prosecutors are only required to notify victims of these legal rights in cases arising in circuit court, which are largely restricted to felonies. And the only victims entitled to petition for leave to appeal a denial of the rights to attend trial or make a statement at sentencing are victims of violent crime.

Similarly, the definition of “victim’s representative” is inconsistent. For purposes of crime victim notification, “victim’s representative” includes “a family member or guardian of a victim who is: (i) a minor, (ii) deceased, or (iii) disabled.” For purposes of the right to attend the trial, the statutes define a representative as “(i) a person who is designated by: the next of kin or guardian of a victim who is deceased or disabled; or (ii) the court in a dispute over who will be the representative.” There is no limitation on the type of crime. However, the court rules regarding the right to be present apply to the representative of a deceased or disabled victim of a crime of violence.

For purposes of the right to have input at sentencing, “victim’s representative” is defined more broadly to include “(1) a member of the victim’s immediate family; or (2) another family member, the personal representative, or guardian of the victim if the victim is: (i) deceased; (ii) under a mental, physical or legal disability; or (iii) otherwise unable to provide the required information.” However, rights at post-sentencing proceedings apply to a “victim’s representative” defined as “(1) a family member of a victim who is a minor, an incompetent, or a victim of homicide; or (2) a guardian of a minor or an incompetent.”

Victims’ rights at the parole level are limited to: “(1) an individual who suffers personal physical injury or death as a direct result of a crime; (2) a victim of child abuse under § 3-601 or § 3-602 of the Criminal Law Article; (3) a victim of a violent crime; or (4) if the victim is deceased, disabled, or a minor, a designated family member or other representative of the victim.” This excludes many victims of stalking, as well as victims of serious economic crimes.
Inconsistent and limited definitions of the term “crime victim” significantly impede understanding, accessing, and implementing the rights and services to which crime victims are entitled. Using so many different definitions is confusing both for victims and the criminal justice professionals tasked with providing victims their rights.

Recommendations to Clarify the Definition of “Victim”

a. The state of Maryland should standardize the statutory definition of victim to the extent possible.

Maryland should use consistent definitions of “victim” entitled to rights and services to eliminate confusion and promote the consistent implementation of rights and provision of services. In the absence of a strong reason for using a different definition for a particular victim-related provision, a standard definition for the term should be adopted and used consistently.

b. The state of Maryland should expand the statutory definition of victims entitled to rights to include all victims of crime.

The definition of “victim” should be expanded to include all victims of crime. Forty states provide rights to victims of violent misdemeanors, and nineteen states provide extensive rights to all crime victims. For example, Wisconsin’s victims’ rights provisions apply to “A person against whom a crime has been committed.”\(^{158}\) Where the victim is a child, the rights apply to the parent, guardian or legal custodian of a child victim. Where the victim “is physically or emotionally unable to exercise the rights” then they apply to a person designated by the victim or a family member of the victim. In the case of a deceased victim, the rights apply to a family member or a person who resided with the deceased victim. Where the victim has been determined to be incompetent, the rights apply to that person’s guardian. “Crime” is defined as any act which, if committed by a competent adult, would be “prohibited by state law and is punishable by fine or imprisonment or both. Conduct punishable only by a forfeiture is not a crime.”\(^{159}\)
Funding for Crime Victims’ Services

1. State Funding for Crime Victims’ Services

Maryland has implemented a variety of funding mechanisms to support crime victim compensation and services. In addition to appropriations for specific programs and agencies, Maryland has created special funding streams.

Like a majority of states, Maryland pays for crime victim compensation, and for many victim services, by penalties imposed on offenders. Maryland also collects restitution from convicted offenders to reimburse the crime victim compensation program; permits counties to impose an additional marriage license fee to fund domestic violence programs; and imposes an additional fee on commemorative birth certificates to fund programs to combat child abuse and neglect through the Children’s Trust Fund.

Recommendations to Increase State Funding for Crime Victims’ Services

a. The state of Maryland should regularly audit all state funding streams for crime victims’ services.

Maryland’s principle source of crime victim funding, penalties imposed on offenders, can be made more effective if greater attention is paid to the collection of court fines. Reports from the Office of Legislative Audits have found that several courts could improve their collection of fines. Court fines comprise a significant source of funding for Maryland crime victims, and there should be routine follow-up on such audits.

The restitution collection, marriage license fees, and commemorative birth certificate funding streams should all be audited periodically as well.

b. The state of Maryland should create additional funding streams for victim assistance and compensation.

While Maryland employs a variety of mechanisms to fund crime victim assistance and compensation, the state should create additional sources of funding. As examples:
• Any unclaimed restitution paid by a convicted offender (for instance, where a victim declines to accept the money or cannot be located with due diligence) could be deposited into the Maryland Victims of Crime Fund or the Compensation Fund. Such funds are currently treated as abandoned property. Many other states, including Colorado, Florida, and Nevada, capture such funds for victim compensation or assistance.

• Maryland could impose an additional fee on divorce actions to fund domestic violence programs, as is the practice in several other states.

• A portion of civil punitive damage awards could be designated to support victim programs. Oregon uses this method. Under that state’s law, 60 percent of a punitive damages award must be paid to the crime victims’ compensation account, unless the prevailing party is a government entity. In 2000, Oregon garnered $8 million for victim compensation through punitive damages.

• Maryland could facilitate private giving to victim services or compensation. One method would be to create a new income tax check-off, like that which currently exists for the Chesapeake Bay and Endangered Species Fund. Such a mechanism is commonly used in other states to fund Children’s Trust Funds, but is also used in several states (e.g., Colorado and Iowa) to fund programs that serve domestic violence or sexual assault victims.

• Maryland could also facilitate private donations by instituting a program that enables jurors to easily donate their fees to programs for victims, as Texas does. Maryland law currently doesn’t address this option at the state level, though in Howard County the Department of Human Resources has set up a Generous Juror’s Fund, under which jurors can donate their fees to the Howard County Foster Care program.
2. Federal Funding for Crime Victims’ Services

Along with state sources of funding for crime victim programs, Maryland currently takes advantage of a number of federal funding sources to support victim services. These include funding streams through the U.S. Department of Justice such as: Victims of Crime Act (VOCA) funding; Edward Byrne Memorial State and Local Law Enforcement Assistance (Byrne) Grants; S*T*O*P (Services*Training *Officers*Prosecutors) Violence Against Women Formula Grants Program (STOP Program); and funds to combat juvenile delinquency. In addition, Maryland receives federal funding through the U.S. Department of Health and Human Services that can be used to serve crime victims.

a. U.S. Department of Justice funding

i. Victims of Crime Act Assistance Grants

Victims of Crime Act (VOCA) assistance funding is a principle source of funding for crime victim assistance programs. Proposed new guidelines for federal VOCA assistance grants (VOCA), if enacted, would provide Maryland with additional flexibility to meet some of the needs identified in the course of this review. These proposed changes were published for public comment on September 3, 2002. Comments are currently being reviewed by the Department of Justice before the final changes are released. Such changes are likely to be enacted in the next several months, and Maryland should be alert to the possibilities they provide.

For example, among the proposed changes to the VOCA Guidelines is the extension of funding to pay the expenses of victim service programs to coordinate and collaborate with other public and private organizations to serve crime victims.\(^{169}\) This change would allow more service providers to participate in multidisciplinary teams, task forces, working groups, etc.

Another significant change would allow case management activities to be funded by VOCA assistance grants. It has become increasingly evident that there is a need for case managers for many victims of crime, who
suddenly find they need access to social services such as housing, public assistance, day care, food stamps, etc., as well as legal assistance, health care, and more. Because they have been victimized, crime victims are frequently in a state of trauma, making it difficult for them to focus on day-to-day living, and nearly impossible for them to handle learning how to navigate multiple new systems of assistance. This can be especially true for domestic violence or adult abuse victims who find themselves homeless and without financial support, for homicide survivors who have lost a breadwinner, or other victims who are displaced because of the crime. Allowing VOCA funds to be used for case management will significantly expand the ability of victim assistance programs to help victims rebuild their lives.\textsuperscript{170}

Victim service providers consistently cited the need for additional training for community-based as well as criminal justice system-based victim assistants, as well as for criminal justice officials and allied professionals. Proposed changes to VOCA assistance funding also permit greater uses of funds for training purposes. Under the proposed changes to VOCA assistance grants guidelines, VOCA funds could be used to train non-VOCA-funded service providers and criminal justice officials when the training promotes a multi-system, multidisciplinary response to victims. As the victims’ services field works to reach the many underserved crime victim populations, including victims with limited English proficiency, developmentally disabled victims, teen victims, and elderly victims, it has become clear that cross-training with professionals who regularly work with those populations is essential if we are to effectively extend services to such victims.\textsuperscript{171}

There is also a need to increase training opportunities for victims’ services staff and volunteers, due in part to advances in victims’ rights and services.
The proposed changes would allow up to five percent of a state’s VOCA grant to be set aside for statewide training. (Section VII) Lack of available training hampers the ability of victim service providers to help victims, as untrained service providers unknowingly communicate misinformation or provide poor services. In addition, this lack of training may contribute to the high turnover rate of victim service providers in some programs. The proposed guidelines would also permit the use of VOCA funds for training in administration and management. (Section IX.B.4.)

**ii. Edward Byrne Memorial State and Local Law Enforcement Assistance Grants**

In addition to new flexibility for VOCA assistance funding, other Department of Justice funding is available to help improve the criminal justice system’s response to victims of crime. For example, Edward Byrne Memorial State and Local Law Enforcement Assistance Program (Byrne) grants can be used to fund improvements to the criminal justice system. Maryland has used over $1 million in Byrne grant funds in the past two years for victim-related projects. Byrne funds should be tapped to fund improvements in the collection of court fines and fees - strengthening funding for victims’ rights implementation - as well as the collection of crime victim restitution. They should also be used to increase access to information about victims’ rights and the criminal justice system for non-English speaking victims and witnesses.

**iii. S*T*O*P (Services*Training *Officers*Prosecutors) Violence Against Women Formula Grants Program (STOP Program).**

STOP grant funding is also provided to Maryland for the purpose of promoting effective criminal justice system responses to domestic violence, sexual assault, and stalking. In Maryland, as elsewhere, the majority of this funding has been focused on domestic violence.
should direct additional STOP grant funding to address sexual violence and stalking.

**iv. Funds to Combat Juvenile Delinquency**

Certain funding streams for youth programs, such as the Juvenile Accountability Incentive Block Grant (JAIBG) program and the Safe and Drug Free Schools and Communities (SDFSCA) grant program, should be also be used to support victims of crime through community- and school-based programs.

The federal JAIBG program lists sixteen purpose areas that can be funded with such grants. These include restorative justice programs, defined as programs that emphasize “moral accountability of an offender toward the victim and the affected community and may include community reparations boards, restitution . . . and mediation between victim and offender.”

The focus of the SDFSCA grant program is to address the consequences of violence and illegal use of drugs, and drug and violence prevention activities. This can include programs that encourage students to seek advice from and confide in a trusted adult regarding concerns about violence; counseling and other student assistance programs (include targeting students at risk of violent behavior and illegal use of drugs); and programs that respond to the needs of students who are faced with domestic violence or child abuse. Because children victimized or exposed to violence are more likely to engage in illegal drug use, reaching out and providing services to victimized children and children exposed to violence is an effective approach to reducing substance abuse. This funding should also support programs in schools to prevent dating and sexual violence and provide youth affected by such violence with recovery services.
Maryland currently combines the JAIBG and SADFSC grant programs with several other federal funding streams to address juvenile delinquency and drug abuse into a Youth Strategies Consolidated Grant program. This program requires local entities to develop strategic five-year plans to address such problems utilizing the funding. To take advantage of such funding to serve victims of crime, Maryland should take one of two approaches. The grants could be separated out from the Youth Strategies Initiative Consolidated Grant program, allowing victim services to compete for that funding. Prior to the consolidation of such funding streams, Maryland had used nearly $300,000 in JAIBG funds for victim-focused grants. Alternatively, the purpose areas of the Youth Strategies Consolidated Grant program could be expanded, and local entities applying for such consolidated grants could be encouraged to partner with victim service providers and incorporate allowable victim-related programs.

b. U.S. Department of Health and Human Services funding

In addition to federal funding streams from the U. S. Department of Justice, Maryland receives funding through programs administered by the Department of Health and Human Services that can be used to fund victim services. Some of these are dedicated to crime victim-related purposes, including the Family Violence Prevention and Services Act, which is used primarily to fund shelters for domestic violence victims. Maryland also receives Rape Prevention and Education Funding, which can be used to support outreach, training, and hotlines at sexual assault programs. In addition to these programs, other funding streams should be tapped to provide services to crime victims.

For example, the state receives significant Title XX money, commonly referred to as Social Services Block Grant, which could be used to help victims of crime with complex needs such as homeless victims, substance abusing victims, and mentally ill victims. Under Title XX, states have the flexibility to determine which services to fund, including: protective services for children and adults; transportation
services; training and related services; and combinations of services designed to meet the needs of children, the aged, the developmentally disabled, the blind, the emotionally disturbed, the physically handicapped, and alcoholics and drug addicts. Maryland should assess the extent to which it is capturing such funding to effectively serve victims of crime with complex needs.

In addition, Substance Abuse and Mental Health Services Administration (SAMHSA) formula and discretionary grants are a good source of flexible cross-system funding, which can be used to serve victims with complex needs. For example, SAMHSA funds have been used to study the effect of a comprehensive, integrated, service system for women with alcohol, drug abuse and mental health disorders who have been the victims of violence.\textsuperscript{174} SAMHSA also provides youth violence prevention grants for community-based collaborations. Some of this funding can be used to support services to victims.

**Recommendation to Strengthen Federal Funding**

*The state of Maryland should reexamine its use of federal funding to augment the resources that are available to serve victims of crime.*

While Maryland currently taps a number of federal funding streams to support services for victims of crime, it may be able to increase the resource pool even more. For example, Maryland could promote partnerships by grantees which include cross-system or inter-disciplinary initiatives, to make greater use of federal funding streams to build its response to crime victims.
CONCLUSION

Crime is felt acutely by individual victims, families, friends, and communities, leaving tremendous emotional, physical, and financial consequences in its wake. We all pay a heavy price when victims of crime do not get the help they need. In many respects, the State of Maryland has developed excellent resources and services to help victims of crime. So it is particularly commendable that the Governor’s Office of Crime Control & Prevention sought an independent review of Maryland’s response to victims of crime to identify ways to further strengthen Maryland’s response to crime victims.

Our review found that Maryland has a very strong foundation of services and resources and, in many cases, victims of crime in Maryland are treated with the dignity, respect, and sensitivity the Maryland State Constitution mandates. It is also true that the quality of services is uneven. Many categories of crime victims in Maryland know nothing about or cannot access the help and support they need, and state crime victim-related laws could be strengthened.

Project Roadmap has produced 42 recommendations to chart a course for crime victims in Maryland. Our hope is that they provide a path forward for Maryland’s leaders to create an even more compassionate, effective, and comprehensive response to all victims of crime in the state. These recommendations are addressed solely to Maryland’s government. We recognize that helping victims rebuild their lives in the aftermath of crime must involve families, friends, neighbors, and local communities as well. The clergy, civic institutions, and the private sector must all be deeply committed to getting victims reintegrated back into healthy, productive communal life. Maryland’s government leaders, however, have both a unique opportunity and a singular responsibility to lead the way through clear vision, strategic funding, and the highest standards of excellence in the services and legal protection the state provides.
Endnotes


5 A list of 58 initial invitees was created. In developing the list of initial invitees, we considered the published directories of victim services in Maryland, along with our own database of victim service providers in Maryland. We also sought advice from advocates and providers with whom we had had prior contact, and asked GOCCP for input as well. We made an effort to invite as broad a cross-section of stakeholders as possible, from different geographic regions of the state, different types of agencies, and organizations serving diverse victim populations. The invitation list included the 21 members of the Victim Services Board, 10 additional government/criminal justice representatives, 4 sexual assault service providers, 6 domestic violence service providers, 4 service providers from joint sexual assault/domestic violence programs, 7 other victim service providers, and 6 others who work with victims of crime regularly but are not traditional victim service providers.


7 Executive Order 01.01.1996.05(B)(1), Cabinet Council on Criminal and Juvenile Justice, Md. REGS. CODE tit. 01, § 01.1996 (2002).

8 See Executive Order 01.01.1996.05(B)(2)(c) for similar language.


15 Demographics, Maryland Department of Aging, www.mdoa.state.md.us/demographicsn.html.

16 Id.

17 U.S. Census Bureau, Table DP-1, Profile of General Demographic Characteristics: 2000 Geographic area: Maryland.


20 In addition to the 32 states that have enshrined rights for crime victims in their constitution, Montana amended its constitution to broaden the purposes of the criminal justice system to include restitution to crime victims. MONT. CONST., Art. II, Sec. 28.
Endnotes

21 MD. CONST. art. 47.
23 Id.
25 Id.
27 Id.
28 UTAH CODE ANN. § 77-38-3 (2002).
29 CONN. GEN. STAT. § 01-35 (2001); FLA. STAT. ch. 960.0021 (2002).
35 ALASKA STAT. § 12.61.010 (Michie 2002).
36 ALASKA R. EVID. § 615 (Michie 2002).
37 FLA. STAT. CH. § 960.001 (2002).
38 ARK. CODE ANN. § 16-90-1103 (Michie 2002).
40 MD. CODE ANN., CRIM. PROC. § 11-104 (2002); MD. RULE 4-243 (2002).
43 MD. CODE ANN., CRIM. PROC. § 5-201 (2002).
45 Id.
46 Id.
48 Id.
51 MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-06 (2002).
56 S.D. CODIFIED LAWS §§ 23A-28C-1, 23A-7-8 (Michie 2002).
57 MD. CONST. Art. 47.
64 Id.
66 Id.
69 ARIZ. REV. STAT. § 13-603(c) (2002).
72 Id.
73 FLA. STAT. ch. 775.089(6) (2002). See also Martinez v. State, 974 P. 2d 133 (Nev. 1999) (no requirement that court consider defendant’s ability to pay in determining amount of restitution).
Endnotes

74  IDAHO CODE § 19-5304 (Michie 2002).
75  OKLA. STAT. tit., 22 § 991f (2003 Supp.).
76  Id.
78  WIS. STAT. § 973.20(13) (2002).
79  MD. CODE ANN., CRIM. PROC. § 5-201 (2002).
80  Id.
82  MD. CODE ANN., CRIM. PROC. § 3-123 (2002).
84  MD. RULE 4-216 (2002).
85  MD. CODE ANN., FAM. LAW §§ 4-501, 4-504 through 4-506 (2002).
86  MD. CODE ANN., FAM. LAW § 4-506 and 507 (2002).
87  MD. CODE ANN.,CTS. & JUD. PROC. §§ 3-1501 et seq. (2002).
88  MD. CODE ANN.,CTS. & JUD. PROC. § 3-1505 (2002).
90  MD CODE ANN., CRIM. PROC. § 11-901 et seq. (2002).
92  CONN. GEN. STAT. § 53a-40c (2002).
93  OHIO REV. CODE ANN. § 3113;31 (Anderson 2002).
94  CAL. PENAL CODE § 646.9 (2002).
101  Id.
102  D.C. CODE ANN. § 4-506 (2002); NY EXEC. LAW § 631(Consol. 2002).
104  MINN. STAT. § 611A.53 (2002); N.M. STAT. ANN. § 31-22-14 (Michie 2002).
106  HAW. REV. STAT. ANN. § 351-31 (Michie 2002); TEX. CODE CRIM. PROC. ANN. art. 56.46 (Vernon 2002).
108  CALIF. GOV’T CODE §§ 13957, 13957.3 (2002).
110  CALIF. GOV’T CODE §§ 13957, 13957.3 (2002); OHIO REV. CODE § 2742.51 (2002).
111  MINN. STAT. § 611A.52 (2002).
114  DEL. CODE ANN. tit. 11, § 9002 (2002).
117  MD. CONST. ART. 47.
121  MD REGS. CODE tit. 10, § 12.02.05 (2002).
Maryland Police and Correctional Training Commissions, Model Policies for Law Enforcement in Maryland, Sexual Assault Investigations (Rev. 12/22/00).


MINN. STAT. § 626.8451 (2002).

FLA. STAT. ch. 943.172 (2002).

FLA. STAT. ch. 943.1715 and ch. 943.1716 (2002).

See as examples CONN. GEN. STAT. §§7-294f and 7-294g (2002); TEX. OCC. CODE ANN. §1701.253 and 1701.352 (2002).

KY. REV. STAT. ANN. § 21A.170 (Michie 2002). See also MINN. STAT. § 480.30 (2002).

MICH. COMP. LAWS § 776.21 (2002).


CONN. GEN. STAT. §§ 46a – 13b (2002).

MINN. STAT. 611A.74 (2002); ALASKA STAT. 24.65.010 (2002).


COLO. REV. STAT. § 24-4.1-303(17) and §24-4.1-117.5 (2002); UTAH CODE § 77-37-5 (2002); and WIS. STAT. § 15.225(2)(2002).

COLO. REV. STAT. § 24-4.1-303(17) and § 24-4.1-117.5 (2002).

CONN. GEN. STAT. §§ 46a – 13a through 13g (2002).

MINN. STAT. § 611A.74 (2002); S.C. CODE ANN. § 16-3-1630 (Law. Co-op. 2002).

ARIZ. REV. STAT. § 41-191.08 (2002).


The prosecutor’s responsibility to provide notice is limited to cases in Circuit Court. MD. CODE ANN., CRIM. PROC. § 11-104 (2002).


WIS. STAT. § 950.02 (2002).


Audit Report of Judiciary, generally, April 2001; Audit of the Office of the Clerk of Circuit Court, Prince George’s County April 2002; Audit of the Office of the Clerk of Circuit Court, Somerset County August 2001; Audit of the Office of the Clerk of Circuit Court, Carroll County March 2000.


COLO. REV. STAT. § 16-18.5-109 (2002); FLA. STAT. CH. § 960.0025 (2002); NEV. REV. STAT. ANN. § 4.3755 (Michie 2002).

For example, see IDAHO CODE § 39-5213 (Michie 2002).


COLO. REV. STAT. §§ 39-22-801 and 802 (2002); IOWA CODE § 236.15b (2002).
167 See TEX. GOV’T. CODE ANN. § 61.003 (2002). The Texas law provides that donations be made to the crime victim compensation program, but excess funds are available for grants to victim assistance programs. See also TEX. CODE CRIM. PROC. ANN. art. 56.541 (Vernon 2002).
168 See http://www.dhr.state.md.us/howard.htm
170 Id. at Section IX.A.2.
171 Id. at Section IX.B.4.
174 See SAMHSA list of discretionary grants in California, grantee ETR Associates, at http://www.samhsa.gov/funding/content/states01/ca.htm
Appendix A

Consolidated list of recommendations for the state of Maryland

IMPROVING MARYLAND’S SERVICE RESPONSE TO CRIME VICTIMS

1. The Governor of the state of Maryland should establish a Crime Victim Cabinet Council consisting of high-level representatives of every cabinet agency that serves crime victims.

2. The state of Maryland should administer a statewide victimization survey, including a youth victimization survey, on a biennial basis.

3. The state of Maryland should conduct a biennial survey of the broad range of victim-serving agencies, with an assessment of shortfalls and geographic imbalances in the delivery of services to victims.

4. The state of Maryland should adopt a minimum level of support the state provides every victim of crime. This support should include:
   - intervention to help victims deal with the immediate crisis of victimization;
   - compensation for victims’ losses;
   - opportunities to participate in critical aspects of the criminal justice system; and
   - victim advocate case managers who can assist victims in obtaining rights and services.

5. The state of Maryland should make extra efforts to provide equal access to services for crime victims who experience barriers to service due to poverty, language and culture, age, disability or geography.

6. The state of Maryland should use its oversight and grant-making authority to ensure effective and high quality service delivery by government agencies and grantees who serve victims of crime.

7. The state of Maryland should conduct a systematic review of the complaint procedures of victim-serving agencies and take steps to institute accountability systems in those organizations so that victims can lodge complaints when they believe they have been poorly served. The state of Maryland should also publicize state level complaint processes so that victims can lodge complaints there as well.

8. The state of Maryland should embark upon a multi-year training initiative to create the highest level of professionalism within the ranks of government officials and service providers who interact with victims of crime.

9. The state of Maryland should launch a sustained, multi-pronged public education campaign designed to inform crime victims throughout the state of their rights and the services available to meet their needs.

STRENGTHENING MARYLAND’S LEGAL PROTECTIONS FOR CRIME VICTIMS

10. The state of Maryland should conduct an audit of court files to ensure prosecutorial compliance with victim notification provisions.

11. The state of Maryland should expand its current notification law to encompass district court cases and all juvenile cases.

12. The state of Maryland should expand its victim notification laws to allow notification via electronic mail at the victim’s option.
13. The state of Maryland should require judges to read a list of victims’ rights in court at the beginning of each judicial day.

14. The state of Maryland should exempt all crime victims from sequestration during trial.

15. The state of Maryland should guarantee victims the right to have a support person present during criminal proceedings.

16. The state of Maryland should require prosecutors to consult with victims regarding the terms of any negotiated plea agreement and obtain their views prior to the entry of the plea.

17. The state of Maryland should grant victims a specific right to be heard when a plea agreement is presented to the court for consideration, and if the victim is not present, require the prosecutor to inform the court of the victim’s views.

18. The state of Maryland should incorporate certification of compliance provisions in its laws regarding prosecutors’ efforts to confer with victims and obtain victims’ views regarding negotiated plea agreements.

19. The state of Maryland should make crime victim restitution mandatory.

20. The state of Maryland, in ordering restitution, should limit consideration of a defendant’s ability to pay to the setting of a payment schedule.

21. The state of Maryland should amend its law to ensure full disclosure of the defendant’s financial status in setting a restitution payment schedule.

22. The state of Maryland should amend the law to provide safeguards to ensure that victims are aware of their right to restitution and that courts consider restitution when imposing sentences.

23. The state of Maryland should extend the time period for which protective orders and peace orders may be issued.

24. The state of Maryland should amend its crime victim compensation law to lengthen the time period victims are given for reporting offenses to law enforcement.

25. The state of Maryland should amend its crime victim compensation law to remove or expand the time limit for filing a claim.

26. The state of Maryland should eliminate or raise the categorical maximum benefits for claims relating to disability, dependency, counseling, and crime scene cleanup.

27. The state of Maryland should expand its coverage of compensable losses for victims to include the costs of relocation when necessary for their safety or well-being.

28. The state of Maryland should expand its coverage of compensable losses for victims to include an acknowledgement of pain and suffering.

29. The state of Maryland should adopt a clear statement of legislative intent to support its constitutional mandate that victims be treated with dignity, respect, and sensitivity.

30. The state of Maryland should require training on effective and respectful interactions with crime victims for law enforcement and other criminal justice officials.

31. The state of Maryland should prohibit the polygraphing of sexual assault victims.
32. The state of Maryland should amend its regulations to allow sexual assault victims to obtain forensic examinations even when the crime has not been reported to law enforcement.

33. The state of Maryland should expand the victims’ right to file a special petition for leave to appeal a denial of rights to apply to all crime victims and additional rights.

34. The state of Maryland should have a victims’ rights compliance mechanism with a measure of independence.

35. The state of Maryland should ensure that any entity charged with enforcing victims’ rights have the authority to conduct investigations.

36. The state of Maryland should audit agencies funded to implement crime victims’ rights to ensure that funds are being expended appropriately and effectively.

37. The state of Maryland should amend its law and regulations to provide internal checks to ensure compliance with victims’ rights provisions wherever possible.

38. The state of Maryland should standardize the statutory definition of victim to the extent possible.

39. The state of Maryland should expand the statutory definition of victims entitled to rights to include all victims of crime.

40. The state of Maryland should regularly audit all state funding streams for crime victim services.

41. The state of Maryland should create additional funding streams for victim assistance and compensation.

42. The state of Maryland should reexamine its use of federal funding to augment the resources that are available to serve victims of crime.
Appendix B

The following document contains a compilation of quotes from our interviews with victims and those who serve them.

ARTICULATING A VISION FOR VICTIM SERVICES

The state mustn’t just dump dollars - it needs to decide what it wants the system to look like. (Service provider)

There’s a tendency to lose sight of ultimate goals and the purpose of providing victim services. (Service provider)

We need to ask whether the pattern of services we have would be the same if we’d planned instead of letting programs evolve. (Service provider)

The victim movement is based largely on anger. This is very unhelpful to victims. We’ve gone past that point and must be willing to look at the issues differently and examine how money is spent and ask the hard questions. It needs brave decisions - courage on the part of the state to face this, but we need to look at ways to do things differently. We shouldn’t be saying “we must fund all programs.” (Service provider)

The task for the state can be about asset-building and accountability and building incentives based on programs that have demonstrated successful outcomes. Funding can be centralized but the problem at present is that free standing programs are starving themselves - they should be joining with others but are scared to jump out of the pool. (Service provider)

If you want a system of seamless services, there must be a clear expectation of what this means. The state needs to say, “We’ll give you the pattern, but you can choose the cloth and cut it to make it fit.” Communities have never been given the pattern. (Service provider)

The state is constantly reinventing the wheel because of territorial and funding issues in the service provider community and the lack of communication and collaboration. (Service provider)

Different bits of the system do their own thing because they can get funds - this is ineffective. (Service provider)

Data collection
At present we fail to use the data that exists to guide decision-making. (Service provider)

We don’t know who we are funding and where the gaps are - funding streams overlap. (Service provider)

There are half a dozen state agencies awarding money for programs and they don’t know who is getting what. (Service provider)

*Program evaluation*

We have to confront the question of evaluation and service quality and ask how we can measure success, how many lives we’ve changed, whether we’ve been effective, how many families we’ve made safe. (Service provider)

We need more accountability - rewards and punishments to encourage the creation of better services and collaborations to meet needs. (Service provider)

The high costs of certain services challenge everyone to say what we are achieving or trying to do with whom. Should we be serving a few, as we do, or aim to get help to thousands who at present get nothing? Should we help those at greatest risk or those who can best be helped? (Service provider)

I welcome evaluation - there has to be program evaluation. Everyone needs to agree the criteria - the standards of performance - there should be a manual to guide providers- then programs should be evaluated according to those standards. (Service provider)

I believe the system would work best if all programs had to produce outcome results and there was a statewide database showing how services are affecting the clients served. There is ignorance and misunderstanding of what outcome measures mean - but we need to know what works - what contributes to program success. At present we can’t even say how many victims are served. (Service provider)

I believe in accountability and outcome measures. I feel some funds are misused and we need to refocus. All organizations working with people must think about this. There are ways of judging the impact of programs. (Service provider)

The costs of [shelter] services are very high, but shelters serve very few women. These high costs challenge everyone to say what we are achieving and trying to do with whom - should we be serving a few, as we do, or get some help to thousands who are getting nothing? (Service provider)

The vast majority of DV victims are getting no services and shelters are overloaded. Many services are offered but they are not necessarily the services that the victims perceive that they need. (Service provider)
We do face a crisis: what should we opt for given our scarce resources? We should be asking the women concerned what would help them take advantage of services that exist. (Service provider)

At present programs stand by how overwhelmed they are, but we don’t know much about the priority needs of the victims (they may not know either), why women don’t use services that are available, and the relationships between complex problems such as mental health, substance abuse, dysfunctional relationships, and problems stemming from child abuse and poverty. (Service provider)

**Funding**

There’s a problem because funders don’t talk to each other- we need a system that encourages sound decision-making on grants. Service providers cannot simply be concerned with their own self interest. (Service provider)

We need to simplify the grant-writing process - the present system is intimidating - Byrne grants, VOCA, VAWA - the funds are there, but it’s hard to access them. We need a list of “creative uses” stating what the funding is currently being used for. We need funders to share information about promising programs - people don’t always connect their own needs to the different funding streams - there’s so much victim services provision you stumble across accidentally. (Service provider)

**Leadership**

There must be more leadership and a “marketing strategy” to get community buy-in - people have got to feel that the services are important - we have to make people aware of the impact of victimization and create a climate of intolerance of victimization - we talk of zero tolerance, but there is a huge tolerance of violence and an attitude that “it’s not my problem.” (Service provider)

**IMPROVING COLLABORATION AMONG VICTIM SERVICE AGENCIES**

The biggest positive change as far as domestic violence victims are concerned has come from law enforcement. We have our best working relationships with them - resulting from regular contacts and the leadership shown from within the state police and local sheriff’s office - the introduction of dedicated officers to deal with domestic violence cases. Many police officers come to see that our work isn’t in conflict. (Service provider)

It’s essential to foster a culture of collaboration generally if we are to provide an effective response to victims. Whenever there is confrontation, there is a risk of translation into ugly bias issues, leaving victims
as the real losers. The Black community is afraid of the police; the police say they cannot serve the community effectively if no one talks to them. But the police are simply not trusted. (Service provider)

We are all community players but I don’t think anybody works enough together. (Service provider)

There’s a need to get away from the territorial “survivor mentality” and work together. (Service provider)

There’s still too much competition for small pots of money - this militates against collegial relationships and collaboration essential to effective service delivery. We have to focus on partnerships. (Service provider)

It has to be a gradual process of learning and persuasion. You cannot mandate someone to think a certain way. You ask people for their views: is this an item we should all tackle? You identify the common ground through a process of meeting and talking and getting to know each other. (Service provider)

All state services need more coordination, collaboration, and better professional working relationships. Domestic violence, sexual assault, and homicide survivor programs all need to be able to connect better with the police, states’ attorneys, department of social services, department of health - they all see the same victims who are bounced from service to service. There’s not enough coordination between service providers at the county level - most meetings are at the state level. (Service provider)

Collaboration does benefit everyone when it works properly. It is essential in these cases that we work as a team in order to address needs and prevent tragedies. We have helped mental health providers get funds to improve their services and improve access for these victims. Again, they have realized that by working with us, they benefit. (Service provider)

It’s essential that boundaries are maintained - like keeping prosecutors distinct from victim advocates. Everyone has their own job to do, their own goals. (Service provider)

The hospital staff were caring, but there was no communication between the different responders. My wife was killed and I was in hospital in critical condition. While I was still in shock, I was asked by the doctor to decide whether to undergo a particular operation. When my children got to the hospital, the social worker asked them where their mother was -they had not been told she had been killed. Three days later, the hospital decided I was depressed and called in a psychiatrist. When he came in and started to question me, it was clear that he had no idea my wife had been killed. (Crime victim)
There’s an attitude that politically certain people “own” or “control” certain issues and areas. There are real barriers for newcomers. They can’t break in - so the same old ideas and pet issues predominate. It’s essential to foster a culture of collaboration generally if we are to provide an effective response to victims. (Service provider)

I have sat through meetings and discussions where victims were not mentioned at all. People have to be continually reminded why services are there. Lack of collaboration between advocates can hamper progress and undermine good initiatives. (Service provider)

The front line people may be willing to work collaboratively, but high level people fear loss of control. It’s all an uphill battle. The multi-disciplinary approach is a new concept - there are location issues and personalities come into it quite a lot. There are too many people with “control” issues and we - the victim services providers - get labeled as trouble-makers. (Service provider)

The challenge is for agencies working together to find the common ground - if they are going to work collaboratively, they must talk and get to understand each other’s perspective and viewpoints. (Service provider)

Collaboration does benefit everyone when it works properly. It is essential in these cases that we work as a team in order to address needs and prevent tragedies. We have helped mental health providers get funds to improve their services and improve access for these victims. Again, they have realized that by working with us, they benefit. (Service provider)

Collaboration at the local level is the key. We need to get rid of turf issues, confidentiality issues, and program boundaries and all work together. (Service provider)

**ENHANCING THE SKILLS OF SERVICE PROVIDERS**

Here, we have on-going, in-service training about who the victims are, what are the dynamics. We also do clinical training for case managers. So, there are different levels of training for different staff. With some, we do quite a lot around trauma, but not much around how to do the intervention. Overall, I’m not sure we do a good job. Nationally, certification is a way of life, but Maryland has no certification. In some cases, it would provide more credibility, but it wouldn’t on its own, help or guarantee the quality of services. (Service provider)

We view attention we pay to staff training as one of our special strengths. We raise grants so we can send staff to the best national trainings – we allow them a stipend of $800 a year for training out of state and
they can bank it for two years if they want to and then go to one of the major conferences where leading questions are examined, trends identified, and mistakes reviewed." (Service provider)

We see gross errors in terms of failure to give victims information - ignorance of the law, failure to understand the law - decisions made on the basis of ignorance and inadequate training. (Service provider)

We need money to hire staff and pay decent wages. (Service provider)

It’s no system if there’s no training and certification. We need trained advocates who understand the impact of victimization on the family and the community. (Service provider)

Lack of training and standards undermines the credibility of victim advocates. There is a clear need for certification - accreditation will boost their credibility. There are no barriers to achieving this except working out how to do it and who will initiate it. (Service provider)

We’ve had good working relationships with the police, but there are a lot of bad officers - there’s a lack of training, especially on cultural issues and adolescent development. We’d like to be involved in the training of police officers. (Service provider)

I wish there was more judicial training - there’s a need to get judges education about domestic violence and other matters. But, they argue that to do so may introduce bias and spoil their impartiality. The local domestic violence coordinating councils which have representatives from sheriffs, victim services programs, department of social services etc aim to get regular, active participation by judges - but it’s impossible, so nothing changes. (Service provider)

ENSURING COMPASSIONATE TREATMENT OF CRIME VICTIMS

I have nothing good to say about the police. They were not easy to get hold of and if I did reach them, they made me feel I was bothering them and were evasive in their answers. The case got reassigned several times. I tried to get a supervisor but I could never reach him on the phone. (Crime victim)

The attitude towards marginalized victim populations is that they don’t count -immigrants, minorities, disabled people, teens, gay people, the elderly. (Service provider)

Victims of property crime, general theft, robbery, elder abuse, fraud and non-English speakers are least well served. In serious cases, victim notification and education are the aims - explaining the process plus court accompaniment. But we don’t have the resources to deal with less serious cases. (Service provider)
I have never seen a police officer provide victims with the information they are meant to give them about their rights, services, and compensation. But this is by no means an attitude unique to the police department. Court officials who hand out paperwork won’t tell victims about services - won’t automatically volunteer the information, even when there’s a victim advocate three doors down the hall. If you criticize this behavior, the response is, “She didn’t ask me.” (Service provider)

What was really traumatic for me was the Department of Social Services who immediately sent me to the “jobs” person. She ran over me like a freight train. It was her body language as well as the fact that she said very unhelpful things like, “You should be grateful. It could be worse. People in Ethiopia don’t get food stamps!” (Crime victim)

There’s a distinct contrast between the way Annapolis citizens are treated compared to those in Baltimore - more deference and respect, less paternalistic - victims are given more information and better explanations when they are perceived to be better educated, have more income. (Service provider)

It’s a cold system. I didn’t get help from the prosecutor. I called the DA but he did not call me back. I thought the system was there to help me, but I will never believe in it again. No advocate ever called me. (Crime victim)

It took the police hours to respond. They need to respond faster. I think it’s because of bad training- and they are men. I could have been dead. Everyone on the block called them. What took them so long? I think they hear “domestic violence” and they don’t want to deal with it. They think it’s petty and we’ll work it out anyway. (Crime victim)

I want to tell you what the judge said. He told the prosecution at the start of the case, “I want to wrap this up quickly because I have vacation plans.” He would not wait for witnesses the prosecution was having trouble locating. (Crime victim)

I called the police a few days later to complain about their response: “I don’t know what to expect and I got no help from the police. All I need is a little assistance.” The sergeant apologized and sent the detective back to see me. He stayed three minutes and never looked me in the eye. He said “I can’t tell you how many files and files we have on assaults. He did absolutely nothing for me. It took my hope away. (Crime victim)
The detective wasn’t nice. She acted like it was my fault. She said she didn’t want to talk to me anymore because she thought I was lying to her. She told the state’s attorney that “I’m not going to have her testify - she’ll make me look stupid.” (Crime victim)

In sexual assault cases, there’s still a lot of victim-blaming by the police - they will ask about whether the victim has been drinking, taking drugs, if she’s a prostitute - all kinds of other issues besides the crime. They don’t do this with crimes like robbery. (Service provider)

There’s still bias among some law enforcement officers and prosecutors, especially in relation to rape and sexual assault cases. For example, if it’s known the victim has an active sex life. Because these attitudes amount to re-victimization, we don’t always see a prosecution as the right answer for victims. (Service provider)

The shelters - homeless or domestic violence shelters - often won’t accept victims with mental health issues or those where there is a warrant out for their arrest - for example, for shoplifting or FTA (“failure to appear”), drug charges, or disorderly conduct. It’s as if some providers have developed “tunnel vision” and lost sight of their true mission. (Service provider)

Assumptions are made that less educated, poorer people “don’t care about their rights.” There may be a race factor, but the wider point is that victims who are perceived as less educated are therefore seen as not needing to understand their rights like other victims. (Service provider)

Alcohol-facilitated rape is very common, but there’s a culture of blame that means it isn’t treated as a crime. We’ve failed in terms of the educational effort. (Service provider)

**Teens**

There’s a strong bias among investigators against teens and younger adults and victims of acquaintance rape. Victims are often talked out of pursuing perpetrators by prosecutors or the police - or persuaded that lesser charges are appropriate. (Service provider)

One girl from my school was raped by boys from another school. No charges were pressed because she had been drinking. He got transferred to another school. Now he brags about it. (Crime victim)

There as a new boy at school I became friends with. We got into a fight and he threatened to bring a gun to school to “solve the problem.” I was afraid to go to school but the principal didn’t want to call the police. The school was afraid that it would affect its reputation. Lots of it was put on me. People thought I could have avoided it and saw me as a troublemaker. They didn’t take me or the threat seriously. (Crime victim)
We had left a party and went out to get food. Some kids from the party came down the street and beat us with their fists and bats. It was in the middle of the road and no one stopped it. When the police got there, they didn’t help me at all. I was the only girl. I was really angry at first. (Crime victim)

Praise for providers/programs
The help I got was “top shelf.” All our questions were answered. It was so important that we got an explanation of the procedures and were given information - even if it wasn’t what we wanted to hear. We were prepared for what happened in court. It was the most helpful thing in the world. (Crime victim)

This group is like a reality check, a touchstone. To see how far we’ve come. It’s built into our lives now. Every few months, some of the older participants who have moved on, come back. They give hope for the “new ones” because they’ve made it. (Crime victim)

We do some great things. We have domestic violence shelters that are “state of the art” offering a wide range of services including counseling, legal services and even “wellness” clinics. These are bold initiatives. (Service provider)

This place has been life changing. It’s taken a weight off my shoulders. I can call my therapist any time, and I do. I’m really impressed with the quality of counseling. It’s better than Ph D’s I’ve talked to. (Crime victim)

It makes me feel refreshed, empowered, and in control. We are like a family here. I get no support from my family. There’s no judge or jury here. (Crime victim)

Domestic violence victims have access to a diverse and complete range of services - a range covering the bases from A to Z. (Service provider)

The different staff members are so helpful. Everyone listens. If your counselor is not here, anyone will listen to you. They pick up where the other left off. You don’t have to start all over. They understand. (Crime victim)

Here, no one judges. You can be yourself here. And bring your kids here. All of us were a problem to our kids. They help kids talk. Any situation I got, they open doors for me. They push people out of the way for me, they go to court with me. (Crime victim)
It’s very healing. When you are down and emotional, the people here are focused and positive. (Crime victim)

There are wonderful examples of good individual programs. Here we have 24-hour crisis intervention and outreach, so whenever a crime is committed, we get called in. From the outset, we try to create links between victims and the support services they need. We try to build the system. (Service provider)

The greatest thing was the ability to talk to people who knew how I felt. This place has given me back my life. (Crime victim)

I think it was the publicness of the group - the power of the “non-secret” - that was most helpful. The power of certain kinds of victimization lies in their secrecy. For me, seeing other women who were blameless meant I had to see myself as blameless. Sharing my experiences feels like “vomiting” on people - but here I can do it and not feel I’m making people uncomfortable. (Crime victim)

Our philosophy and practice is, “we’re here to help you if you have a problem - you must meet the clients where they are. This means developing trust and meeting immediate needs. (Service provider)

Trauma needs to be addressed whether the crime involves a family member or a stranger - here, we give assistance to everyone. Trauma is significant and we tend to underestimate the trauma of criminal victimization and think we can just give people money and phone numbers. (Service provider)

I’m against the “boxing” of crime and victimization issues - of counting individual victims - there are lots of other victims, secondary victims - in fact, everyone in the community is a victim. Our services are more seamless because they are about helping people in crisis. (Service provider)

*Praise for Police*

I called the police about a year ago and they were very compassionate and helped get my kids to my mom’s house. They gave them stuffed animals to calm them down! (Crime victim)

The detective was very kind. I remember he said, “I recommend that you...” but he gave me the choice. He was so wonderful, so gentle - calm and soft spoken. He stayed with me through everything. When asked, at the hospital, if I wanted a victim advocate, I felt I didn’t need one. (Crime victim)

I was surprised at the police response rate - it was about five minutes. They were very helpful and gave me a pamphlet about victim rights. Their demeanor (they were both male officers) was appropriate and they
were concerned and followed up. They took photos of the bruises later - when they knew they would show. They handled it very well. I had to show them some of my private areas - that’s where some of the worst bruises were - and they were very well-mannered and considerate of my distress. (Crime victim)

**PROVIDING SERVICES TO ALL VICTIMS OF CRIME**

We make victim pamphlets available through the officers. In these pamphlets we provide phone numbers and indicate available resources. I don’t see how we can encourage victims to utilize resources any more than we already do. (Service provider)

Elder abuse is a highly under-reported crime but I think domestic violence among seniors is even worse. Only eight per cent to ten per cent of our cases get into the criminal justice system. This largely reflects attitudes among seniors. They don't want to bother the police. These populations are among the worst served. They are probably at a point where domestic violence involving younger adults was twelve or fifteen years ago - way behind. (Service provider)

Many immigrant groups hesitate to see the court system as the answer in domestic violence or other criminal cases. If they do get into the system, they don’t necessarily get properly advised by states’ attorneys and don’t understand what is going on. Prosecutors don’t have time to explain the case to them. Victim/witness advocates aren’t always available. Expectations of the court system may be unrealistic because they aren’t properly informed - then they get upset, because the case gets dismissed on a technicality. (Service provider)

Most domestic violence and rape programs don’t have the capacity to serve non English speakers - but twenty per cent of our clients are non-English speakers. (Service provider)

The best served victims are those who are most articulate, who present best, who are better educated, more middle class, easier to serve, and who know what questions to ask. (Service provider)

A county may have good domestic violence and sexual assault programs yet serve few disabled victims - even where it is known that there is a high percentage of disabled persons in the community and they are known to be especially vulnerable. (Service provider)

Someone needs to tell us, as citizens, where we can go for help. We shouldn’t have to become detectives. We are in crisis. 800 numbers should be everywhere, in every bathroom, church, library, etc. (Crime victim)
Traditional interventions - protection orders, shelter - are “the American way.” Getting foreign born
domestic violence victims to embrace these solutions is very hard because of deep-seated family traditions
and the fact that in some cultures it is shameful to discuss any personal problems with outsiders. (Service
provider)

Elder abuse is a highly under-reported crime but I think domestic violence among seniors is even worse.
Only eight per cent to ten per cent of cases get into the criminal justice system. This largely reflects
attitudes among seniors. They don’t want to bother the police. These populations are among the worst
served. They are probably at a point where domestic violence involving younger adults was twelve or
fifteen years ago - way behind. (Service provider)

The scenario as far as elders and disabled victims is concerned is very complicated - often the abuser is the
caretaker - the victim is dependent on the abuser is a critical way. You can’t send an elder to a domestic
violence shelter. Shelters are geared to American women aged 18 to 29. (Service provider)

We have Spanish, Korean and Chinese populations in this county, but only one organization has any
interpreters. Multi-lingual private practitioners are rare. This means it is very hard to make the whole
process work. We not only need linguists but linguists who are willing to deal with issues like sexual
assault and who understand about privacy and confidentiality. Another non-English-speaking population
we fail to deal with is the deaf community. Across the board, it’s easier to deal with someone who speaks
your language rather than through interpreters. (Service provider)

For drunk drivers the system says,“ You can kill four or five people and go home and have dinner with
your family.” Her death would have been less violent if she had been shot with a gun. This is still
considered just “an accident.” Most perpetrators are not arrested. But if you steal something in K-Mart you
go to jail. (Crime victim)

The attitude among many players in the criminal justice community is that if the perpetrator isn’t
apprehended, they just aren’t interested. (Service provider)

A CENTRAL OFFICE FOR VICTIMS

An independent office for victim services- a centralized place dealing with information, referrals, training,
certification of providers and compliance with victim rights legislation is vital to guarantee the basic quality
of victim services. (Service provider)
I dislike the idea of a central office since so many of the problems we have are associated with badly functioning bureaucracies. (Service provider)

You can’t get consistency in services simply by centralizing. Centralization or decentralization isn’t really the issue. Both approaches might work. The question is accountability. (Service provider)

Local people need to figure out their own solutions. Solutions must be effective - programmatically and cost-wise and they system must encourage creativity. (Service provider)

Our main concern is that while there are commonalities between all victims, there are real differences, too - and we concluded that our clients’ interests will get submerged if there is a central office for all victims - the dynamics and issues are different and the structure needs to ensure sufficient attention is given to the special needs of DV and SA victims. (Service provider)

Key issue for us is what will the orientation and purpose of the Central Office be? We are also concerned about putting all our eggs in one basket. (Service provider)
Appendix C

Guidelines and Topic Areas for Interviews with Service Providers

Interview Ground Rules

- Privacy/Confidentiality
  The privacy of the individuals interviewed and the organizations they represent will be protected. No names or identifiers will be used in any reports.

- Analysis of Data
  Qualitative analysis will focus primarily on common themes. Direct quotes from participants and/or case scenarios may be used for illustrative purposes, but no actual names/identifiers will be included - except with express permission.

- Interview Focus
  Our focus will be Maryland’s current response to all victims of crime in general and the priorities, in terms of action by the state, for the future. We are not asking anyone to criticize their own organizations or any other specific organizations. The aim is to get a provider perspective that will help us analyze the key issues and formulate a set of recommendations.

Examples of the main question areas we want to explore

1. Which victim populations/types of victims are best served and least well served in Maryland? Which victim needs are best addressed and worst addressed?

2. How do you think under-served victim populations can best be reached? What are the main problems in terms of service delivery to different victim populations and how can these problems be solved?

3. What are the main gaps in service provision? Which geographical areas of the state are best served and least well served and what changes might improve geographical distribution of services?

4. To what extent does the criminal injuries compensation scheme ensure that victims get the payments to which they are entitled in a timely fashion? What changes are needed to improve access to benefits, remove barriers, and ensure all applicants get their benefits without undue delays?

5. What changes in the legislative or policy framework of victim services in Maryland would make most difference in addressing victim needs? What are the priorities?

6. What changes in the way services are funded would help create a more effective response to the needs of all victims of crime?

7. What administrative or organizational changes would make the overall system work more effectively?

8. What are your priorities in terms of action the state could take to improve Maryland’s overall response to all victims of crime?
Appendix D

Guidelines for Focus Groups and Interviews with Victims

This document was sent to service providers who helped convene victim focus groups and arrange victim interviews.

We propose to follow the guidelines set out below in relation to the focus groups and interviews with victims.

Arrangements for recruiting and convening the focus groups/interviews

- Our aim is to recruit a maximum of 6 to 8 participants for each focus group. A small number of victims who want to participate in the project but are unable to join any of the focus groups may be interviewed individually.
- All victim participants will be individuals who have been victimized by crime within the last year to 18 months [since the beginning of the year 2001].
- We plan to convene the focus groups between mid-July and mid-September at venues and times as convenient as possible for the participants.
- The National Center will recruit focus group participants through victim service providers and organizations such as churches and campuses.
- Victims who decline to participate will not be penalized in any way.
- Procedures designed to ensure the privacy, dignity and respect of all victim participants will include the following:
  - Participation will be entirely voluntary and based on informed consent following a full explanation of the purpose of the interviews and focus groups.
  - Victims will receive payments of $50 each as an incentive and a token of appreciation for their participation.
  - All identifying information will be kept separate and secure to ensure the privacy and security of potential participants.
  - Focus group venues will be chosen for maximize victim safety and comfort.
  - At least two experienced National Center staff members will conduct the focus groups and interviews.
  - Focus group facilitators and interviewers will confirm to participants at the outset that all information they disclose will be kept confidential.
  - National Center staff involved in the focus groups and interviews will sign a confidentiality pledge.

Conduct of the focus groups and interviews

Ground rules

- Maximum duration of each focus group will be 1.5 to 2 hours. The maximum duration of the interviews is expected to be 1.5 hours.
- Participation will be entirely voluntary and based on informed consent.
- First names only will be used and participants can choose aliases if they prefer this to using their own first names.
- Focus group facilitators will ensure that all participants have a chance to talk.
- Interviewers and facilitators will be sensitive to any signs of distress on the part of victim participants. Where necessary, proceedings will be halted to allow participants to take breaks.
Victims in need of additional resources will be offered the National Organization for Victim Assistance's 24/7 toll-free hotline number.

- Participants will be instructed at the outset that they must respect each other's privacy and not repeat what they hear during the group
- Interviews and focus groups will follow a specific question format and adopt neutral and non-directive methods to elicit responses from the participants. Facilitators/interviews will allow sufficient time for the participants to respond to questions.
- Victim responses will be recorded in contemporaneous written notes taken by the National Center Staff members. If prior informed written consent is given by all participants in the focus groups or victims interviewed individually, tape-recorders will be used as a backup to assist accurate data collation and analysis

**Focus group topics and questions**

- Focus groups are intended to be interactive, drawing upon the unique experiences of each participant. Consequently, there will be no structured questionnaire but participants will be asked to address certain specific topic areas. These include

  - **Nature of the help needed and received** (Questions likely to focus on what the subjects most needed initially and subsequently, what actual help they received, the types of information and referrals needed and made, what help they needed but did not get, whether they currently have unmet needs arising from their victimization)

  - **Manner in which help was provided** (Questions are likely to focus on whether primary sources of help were informal support systems such as family, friends, neighbors, and faith communities or assistance from victim service providers; whether the services provided were accessible and "user friendly;" whether the subjects were treated with respect and kindness.

  - **Adequacy of the system response/overall satisfaction rating** (Questions are likely to focus on whether the subjects were generally satisfied or dissatisfied with the response they received; whether they got the help they most needed, whether there was any help they needed but did not receive; how they would rank the help they received from different sources; what was most helpful and least helpful to them in overcoming the impact of their victimization.)

  - **Specific barriers that prevented some/all needs being met** (Questions are likely to focus on whether particular barriers - such as lack of information, inconvenient location of service providers, lack of transport, lack of childcare, language problems - prevented the subjects getting the help they needed.)

  - **Ideal system response** (Questions will include what help, in an ideal world, the subjects believe should be provided to victims of crime like themselves; where should victim services be located; how can the state help to break down the barriers that stop some victims from getting the help they need; what are the most effective ways to ensure that the needs of crime victims are met.)

**Analyzing the Focus Group Data**

- No actual names or participant identifiers will be used in written summaries of the focus group discussions,
- Qualitative analysis will, as far as possible, concentrate on common themes emerging from the discussions.
- Direct quotes from participants and/or case scenarios may be used for illustrative purposes, but no actual names or participant identifiers will be included.
Maintaining Confidential Records

Steps will be taken to protect all the information collected in the focus groups. These will include the following safeguards:

- An original and back-up signed informed consent/payment receipt form will be kept on paper only. They will be stored in secured containers (such as locked desk drawers or file cabinets) in two separate locations.
- Only key project staff who have signed confidentiality pledges will have access to signed forms and meeting notes.
- Pseudonyms will be used for the purpose of creating and maintaining the notes.
- Neither the written summaries of the focus group discussions nor the project reports will include the names or identifying information of any of the participants.