

LAW ENFORCEMENT MANAGEMENT INSTITUTE

A FEASIBILITY STUDY FOR A VOLUNTEER VICTIM-WITNESS PROGRAM:
IS THERE A NEED?

A LEARNING CONTRACT
SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENT FOR
MODULE I

BY
CORA BROWN

106TH JUDICIAL DISTRICT ATTORNEY'S OFFICE
LAMESA, TEXAS
DECEMBER, 1989

#21

TABLE OF CONTENTS

	page
Introduction.....	1
Need for Volunteers.....	2
Goal.....	3
Objectives.....	3
Recruiting of Volunteers.....	4
Why citizens volunteer.....	5
Skills of volunteers.....	6
Agency networking.....	7
Summary.....	8
End notes.....	9
Bibliography.....	10

INTRODUCTION

We are engaged in a massive war on crime. As with any war, substantially all of our resources are committed to the battle lines. We have precious few dollars for the casualties of this war, the VICTIM. A viable solution is a volunteer victim-witness program.

"Experience has shown that the only way of insuring that the needs of (crime) victims are met is to have a separate unit solely dedicated to their assistance. The efforts of those [existing] units ... shine brightly in the otherwise dim landscape of general institutional neglect of victims of the criminal justice system." 1

Americans are concerned about the increased level of violent crimes. We are frightened and vulnerable. We are angry. We now accept the fact that we are all potential victims. Certainly, a system that cannot shield its citizens against crime should not be so insensitive and nonresponsive as to further traumatize the victim after the crime. The amount of emotional trauma that a victim experiences is usually based on the amount of personal violation he or she encounters. 2 Property crimes cause us some stress because our homes and possessions are symbolic extensions of ourselves. Assaults, especially sexual assaults, are usually the most psychologically damaging. 3 We would never accept our health care facilities inflicting more pain upon an injured individual than that experienced by the victim of

some violent act or accident, yet, we have allowed the criminal justice system to do this very thing.

To address this neglect, the victim-witness program was developed from recommendations made by the 1982 President's Task Force. 4

The Victim-Witness Program is a combination of many years of experience and knowledge with prosecutors, police, parole, probation-based victim-witness programs, rape crisis centers, domestic violence programs, and other independent grassroots programs.

NEED FOR VOLUNTEERS

In Victim-Witness Programs, volunteers are the backbone of the programs. There are many individuals with varied skills and talents who may be used in the volunteer Victim-Witness Program. In order to gain support, commitment is the heart of the program. 5 Volunteers assist each person in the Victim-Witness Program. They assist in answering questions that a victim may have about the criminal justice system and any other questions he or she may have about his or her case. Helping a victim complete applications for aid and helping get professional help for a victim are but two ways that volunteers may help a victim. The volunteer aids the witness, who will testify in court. Witness services include helping get the witness to court, locating day care centers for witness' children, working with the witness' employer on behalf of the witness, providing separate waiting rooms

for witnesses free from contact with adverse parties, and helping complete witness expense vouchers. The Volunteers will advise victims of the method that the Court has ordered the defendant to pay for their financial loss. The restitution will be paid in full or, it will be collected monthly by the probation department as directed by the Court.

In developing a Volunteer Victim-Witness Program, there are areas that must be taken into consideration: Is there a need for a victim-witness program? How will volunteers be recruited? What services will be offered and who will be served? 6 What type of training will be required?

GOAL

The goal of the Volunteer Victim-Witness Program is to recruit and train volunteers to manage the program and to increase the services available to victims and witnesses, making sure that the victim/witness receives fair treatment by the criminal justice system.

OBJECTIVES

The program's objectives are to gain the commitment and support of volunteers, locate and increase availability of services for victims-witnesses of crime, permit the victim to have input in decision making with respect to the case, increase the quality of assistance received by crime victims by organizing a networking program of all agencies in the district, and meet the needs of victims and witnesses in the district. 7

RECRUITING OF VOLUNTEERS

With so much competition for shrinking tax dollars, volunteers are the essential element of a Victim-Witness Program. This is especially true today when service agencies in this area are experiencing budget cutbacks and employee layoffs, and at the same time are experiencing an increase in the number of crime victims. It is an unfortunate reality that existing employees in Victim-Witness programs are needed to assist in other departments that are deemed more vital to the criminal justice system.

In a recent study by the National Institute, it was found that victims and witnesses play a key role in the ability of law enforcement and courts to bring criminals to justice. Victims and Witnesses are more eager to assist the prosecutor's office if they feel their needs are being met. 8 So that the benefits of existing victim/witness programs are not lost, volunteers must be used to meet the needs of victims/witnesses.

An aggressive volunteer recruiting program is essential and although recruiting volunteers can be a time consuming job, this is not the place for shortcuts. An undependable or unprofessional volunteer is a hindrance to the program. These individuals must be eliminated by screening, training, and supervision. The recruitment program must identify the volunteer that possesses skills that are parallel to the services that are to be provided

by the program. Psychological testing, interviewing and background checks must be used to locate the volunteer who is able to show compassion and concern for the victim and have a positive feeling for the criminal justice system. It is paramount that the recruiter possess good recruiting techniques.

WHY CITIZENS VOLUNTEER

The Volunteer Program will be managed by an appointee appointed the District Attorney. The Victim-Witness Assistance Officer may be appointed from existing personnel or may be employed for that particular position.

There are several sources from which volunteers may be recruited. The local chapter of Retired Citizens, the local chapter of Retired School Teachers, service clubs, and college students majoring in sociology and counseling are potential gold mines. The key here is an inspired recruiter who is able to sell the program.

The personal needs that motivate volunteers vary greatly in each individual. Some may volunteer for lack of activity in their lives. Others may help to relieve some personal problem or gain social status. On-the-job training could provide employment in this area or the beginning of a lucrative career in a field where there is concern for the people they are assisting. The recruiter must be able to identify the motivating factors in each potential volunteer in order to make a decision about accepting or rejecting that individual.

SKILLS OF VOLUNTEERS

The volunteer has to possess the ability to deal with individuals under the most unpleasant of situations. Victims are sometimes hostile. A victim may initially reject any assistance. The victim may believe that he or she is to be violated twice, by the perpetrator and by the criminal justice system. The victim may be a reluctant or uncooperative witness. A trained volunteer with adequate skills is essential for satisfactory resolution of these problems. The volunteer must possess the following skills:

1. The ability to be sensitive to the needs of others.
2. The ability to think rapidly and make quick decisions.
3. The ability to interact with individuals of all socio-economic levels, race and ethnic groups, cultures, religious beliefs, and morals.
4. The ability to listen and counsel with an individual without passing judgment.
5. The ability to work with all agencies that are involved within the program.
6. The ability to hold and preside over meetings.
7. The ability to represent the program in all areas.
8. The ability to supervise and manage other individuals.

9. The ability to solicit funds from the public.
10. The ability to comprehend and explain to others what the program is about, and
11. The ability to assist in the development of policy.

AGENCY NETWORKING

In developing a Volunteer Victim-Witness Program, the first and foremost decision is to decide what services will be offered and who will be served. The needs of the victims and witnesses in the district, and what funds are available to meet needs, are a determining factor.

The successful program should "give highest priority to crisis intervention, follow-up counseling, helping victims secure their rights, and court-related services. Beyond this core of essential services, planners and administrators must decide for themselves which additional services are most needed." 9

It is essential that networking among agencies is coordinated and implemented to make sure the victim receives the best possible service. In agency networking, different services can be provided by different agencies. For instance, the law enforcement agencies can advise victims of the Victim Bill of Rights and provide protection to victims and witnesses who are threatened. Rape Crisis Centers can provide counseling to victims of sexual assaults.

The Department of Human Services can provide

counseling and services to victims of child abuse, neglect, and sexual assaults. Mental Health/Mental Retardation can provide counseling to all victims. The Shelter for Battered Women can provide counseling and shelter to victims of domestic violence. The Prosecutor's office can provide the victim or witness with information about his or her case and explain how the criminal justice system works. It is through networking that the volunteer system works.

SUMMARY

In choosing who will be served, it is important that all victims of crime will be helped.

The Texas Constitution was recently amended as a result of a landslide vote of Texas citizens. The amendment, Article 1, Section 30 of the Texas Constitution, brought victims' rights to a constitutional level. Our citizens want victims treated fairly. Therefore, there is a legal obligation to provide victim assistance. Moreover, there is a moral obligation to help our fellow citizens deal with the trauma and loss that they suffer at the hands of criminals. Providing volunteer victim-witness training and programs, meets this need and is a legal obligation of the criminal justice system. It is the purpose of this paper to explain the volunteer victim-witness program, and how it can be a great benefit to the victims of crimes.

NOTES

1. Finn, Peter and Beverly N. W. Lee. "Establishing and Expanding Victim-Witness Assistance Programs." National Institute of Justice August 1988.
2. Berglas, Steven. "Why Did This Happen to Me?" Psychology Today February 1989.
3. Berglas, Steven. "Why Did This Happen to Me?" Psychology Today February 1989.
4. National Organization for Victim Assistance. Model Victim Assistance Program Brief Confidential Draft Washington, D.C., 1986.
5. Hodgins, Amy. "The Implementation of H.B. 235. The Victim's Bill of Rights." Austin, Texas: Texas District and County Attorney's Association, 1985.
6. National Organization for Victim Assistance. "Volunteers In Victim-Service." Special Edition Newsletter August-December, 1981.
7. National Organization for Victim Assistance. Model Victim Assistance Program Brief Confidential Draft Washington, D.C., 1986.
8. Davis, Robert C. "Crime Victims: Learning How to Help Them." National Institute of Justice May/June 1987.
9. Finn, Peter and Beverly N. W. Lee. "Establishing and Expanding Victim-Witness Assistance Programs." National Institute of Justice August 1988.

BIBLIOGRAPHY

- Berglas, Steven. "Why Did this Happen to Me?" Psychology Today February 1989.
- Davis, Robert C. "Crime Victims: Learning How to Help Them." National Institute of Justice May/June 1987.
- Finn, Peter and Beverly N. W. Lee. "Establishing and Expanding Victim-Witness Assistance Programs." National Institute of Justice August 1988.
- Hodgins, Amy. "the Implementation of H.B. 235. The Victim's Bill of Rights." Austin, Texas: Texas and District and County Attorney's Association, 1985.
- National Organization for Victim Assistance. Model Victim Assistance Program Brief Confidential Draft Washington, D.C., 1986.
- National Organization For Victim Assistance. "Volunteers In Victim Service." Special Edition Newsletter August-December, 1981