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"THE BROOKLYN VICTIM/WITNESS
ASSISTANCE PROJECT"

- PROJECT DESCRIPTION -

Vera Institute of Justice
30 East 39th Street
New York, N.Y. 10016

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I

INTRODUCTION

1.1 New York City has recently been awarded a \$1,044,000 discretionary grant from the Law Enforcement Assistance Administration to implement a program designed to assist civilian witnesses involved in Criminal Court proceedings and to provide services to victims of crime. The one year demonstration project, which will operate in Brooklyn, will begin in April, 1974 after a three-month planning period. The project will be conducted by the Vera Institute of Justice, which developed the program jointly with the New York City Criminal Justice Coordinating Council, in cooperation with the New York City Criminal Court, the Kings County District Attorney, and the New York City Police Department.

The LEAA grant, which will go to the New York State Division of Criminal Justice Services, will be matched by New York City in the amount of \$116,000 (10% of the first year's operating budget).

II

PROJECT DEVELOPMENT

2.1 The Brooklyn Victim/Witness Assistance Project was first conceptualized during the spring of 1974 when a combined planning effort, involving public and private criminal justice agencies, was initiated under the sponsorship of the New York City Criminal Justice Coordinating Council.

2.2 The objectives of the planning effort were two-fold: (1) to identify the problems encountered by crime victims and civilian witnesses in their dealings with New York City's Criminal Justice system; and (2) to develop programatic means of responding to these problems.

2.3 The planning process focused around three tasks. These were:

- (1) to observe all stages of the criminal justice process from the standpoint of the victim and complainant witness;
- (2) to interview witnesses and crime victims directly involved in various stages of New York City's criminal justice system; and
- (3) to survey available literature on the subject of victimization to gain a clearer understanding of the legal and historical role of the victim/witness and to become acquainted with programatic approaches which have been proposed or implemented in other jurisdictions and which might prove applicable to New York City.

2.4 Two focal points emerged from the planning effort; first, several areas were observed where it was thought that handling of civilian witnesses was ineffectual, and it was hypothesized that these are major contributing factors to the apparent disaffection of growing numbers of civilian witnesses from the entire criminal justice process. These include:

- The necessity of waiting long hours in overcrowded courts which do not provide a secure setting.
- The lack of orientation or information services.
- The absence of procedures whereby witnesses could be informed about the status of cases in which they are involved.
- The absence of an effective notification system which could prevent wasted trips to court for witnesses as well as other parties to criminal proceedings.
- The absence of assistance with appearance related problems such as conflicts with personal, family or employment obligations.
- Bureaucratic delay in the return of witnesses' property.

2.5 Second, it was perceived that existing services for which crime victims and witnesses may be eligible are often fragmented, typically underpublicized, and require arduous applications procedures as well as long periods of delay while applications are processed before benefits can be received. Crisis intervention services specifically designed to make the victimization experience less disruptive, less frightening and less psychologically damaging are virtually non-existent.

2.6 It was therefore felt that as an adjunct to improved law enforcement, an effort should be undertaken to:

- (1) mobilize and expedite existing service resources potentially available to crime victims and civilian witnesses; and
- (2) develop direct services to assist crime victims which could be implemented on an experimental basis and evaluated.

2.7 A program concept was designed to fit the workings of the Brooklyn Criminal Court, which typifies the problems confronting witnesses in large urban criminal courts in that:

- The court processes over 36,000 complainants annually.
- The Complaint Room, housed in the court, where complaints are filed and petitions drawn is severely overcrowded.
- Cases are scheduled in the post arraignment parts by a block system which requires that all appearances be scheduled by 9:30 A.M. Frequently witnesses must wait through the entire calendar call for their cases to come up.
- There is no one to provide direction to the various court parts which are scattered throughout a ten storey structure.
- Individuals present in court when an adjourn date is set receive no written confirmation of the adjourn date, and witnesses not present in court when an adjourn date is set must rely solely on the mails for appearance notification.
- There is no mechanism for feedback from witnesses to facilitate their appearances.

III

APPROACH

3.1 The project will employ four basic strategies to achieve its goals:

- (1) Design and implementation of a coordinated case management system which will utilize improved procedures and high speed technology to coordinate those aspects of case assembly which bear most directly on the treatment of civilian witnesses. These include: (a) civilian and police court appearance notifications, (b) telephone alerts*, (c) timely production in court of necessary essentials such as lab reports and physical evidence.
- (2) Development of an integrated system of direct and indirect services to crime victims and civilian witnesses in conjunction with the case management program, and the provision of modest amenities to witnesses when making court appearances.
- (3) Development of experimental service programs to assist crime victims, and to determine: (a) what services are valuable to crime victims, (b) how much these services cost, and (c) what benefits accrue to victims and to the criminal justice system when such services are provided.
- (4) Development of a reliable management information system to assist project managers and the courts in their efforts to improve the criminal justice system's effectiveness in its dealing with the public.

*A procedure whereby witnesses are summoned to court by telephone on an hours notice, after it has been determined that their presence is required. Currently, alert status is utilized primarily for the convenience of police personnel. There is, however, potential to expand its use in the civilian witness area.

IV

PROGRAM DESCRIPTION

4.1 The project will have the following operational components:

- (1) A complaint room unit where identifying information will be collected from complainants.
- (2) A computerized case management system for prosecution witnesses whereby such witnesses will be advised of the scheduling or rescheduling of their cases, and where possible, placed on alert rather than be required to come to court when there is a substantial chance their case will be adjourned or their presence not required.
- (3) A witness courtesy center where witness will check-in and from where they will be escorted to proper courtrooms. Amenities will be provided.
- (4) An experimental unit to operate in selected geographical areas which will provide (a) emergency services to victims immediately after a crime and (b) transportation for victims to and from court.

4.2 Complaint Room Unit

Because the Complaint Room provides the prosecutor with the first contact he or she has with the witness, and because there is an average wait of three hours before a complaint is fully processed, the Complaint Room presents an opportunity both to assist witnesses and to gather information from them which will help in assuring future efficiency.

The Complaint Room unit will have a bilingual staff operating seven days a week and covering all hours when the Complaint Room is in operation. Staff will interview both civilian witnesses and police officers (in cases where witnesses are not available). In order to build up reliable information on essential witnesses not present in the Complaint Room, a network of community representatives will be established to complete such interviews, which will take place outside existing court facilities.

The purpose of the Complaint Room Unit is two-fold:

- (a) to gather information essential to future contact with witnesses;
- (b) to familiarize witnesses with what will be expected of them during court proceedings.

4.3 Case Management/Computerized Notification and Alerts

The project will assume responsibility for all court appearance notifications for all prosecution witnesses. The project will also manage police and civilian alerts (cases where adjournments are probable and witnesses are available by telephone so that they may appear at court within an hour and need not be unnecessarily present).

A data base will be developed which will consist of court, police, and prosecutor witness information. This information will be used to (1) provide witnesses with accurate information on appearance dates, courtroom locations,

changes in schedules or dispositions, and property claims; (2) coordinate, for the prosecution, various aspects of its case, such as scheduling of translators, evidence, lab tests, etc.; and (3) develop a management information system to assist court administrators and prosecutors in gaining access to information relevant to improved functioning.

4.4 Police Notifications

Police notifications will be greatly improved by the use of a computer. At present, police notifications are made by a teletype machine with outlets in all precincts. Daily notifications are put into the system by the prosecutor's office and are printed out in the precincts. Since the information is not broken down by precinct, all the notifications must be reviewed manually to select the appearance information which concerns any given precinct. The new computerized system will produce a precinct-by-precinct tape. In addition, a procedure will be developed to confirm police "availability to attend" through a daily telephone call to the duty officer of each precinct.

4.5 Civilian Notifications

Civilian notifications will be made as follows: a telephone call will be made to each civilian witness having a "short adjournment date" (i.e., within 10 days). The purpose of the call be to confirm the witness's knowledge of the appearance requirement and of his or her intent to appear. Written notifications will be generated automatically.

by the computer for all appearances more than 10 days away. These will contain an explanation of the appearance requirement, directions to the court and/or witness check-in area, and telephone number to call to confirm intent to appear or to indicate non-appearance due to unavoidable circumstances. In all instances where a confirmation of intent to appear cannot be obtained either by phone or in response to written notifications, a network of community representatives will be activated to attempt a personal contact at the person's home. Community representatives will also contact individuals who, for one reason or another, are needed by the prosecution to provide additional information relevant to the cases in which they are involved. Community representatives will also assist witnesses with appearance-related problems, and will serve as a referral source to social welfare agencies which might be of help to the witness. These representatives will be essential in collecting basic witness information in cases where the complainant or other essential witness does not appear at arraignment.

4.6 Witness Courtesy Center

A courtesy center will be set up at a location convenient to the Criminal Court and will provide witnesses with a comfortable and secure place to await appearance.

Witnesses will meet at a central check-in point in the Courtesy Center. A listing of the day's calendar indicating which witnesses are expected in each court part will have been supplied by the notification section: this list will also be broken down in such a way that staff in the check-in area will have knowledge of who is and is not expected to appear based on that information. Such information will also be useful in maintaining a continuous check on the effectiveness of procedures so that future recommendations can be made to the court and prosecutor in areas such as calendar call priorities, case assembly, advance adjournment, etc.

Once registered at the check-in area, witnesses will be able to relax in the waiting area and will be escorted to their respective court parts either en masse or as individual calendars dictate. The waiting area would provide a comfortable, secure place for witnesses to relax, talk to others, read etc. A social worker, experienced in community service referrals, will be present to assist the witnesses.

Project staff will be available to orient, direct, answer questions, and otherwise assist witnesses. In addition, a day care worker will be on staff and a drop-off day care area provided in the courtesy center so that a witness who has been unable to make arrangements for child care might be assured of his or her child's safety during the court appearance.

4.7 Victim Services

As previously noted, crime victims have never been recognized as a group in need of service from society other than for the prosecution of the accused criminal offender. Some recently developed service programs have sought to assist crime victims by providing information and referral to other services which are available in the community (i.e., housing public assistance, hospitals, counseling, etc.). State programs offering monetary compensation to victims have emerged in a few states. New York State was one of the first to act in this area. The New York State Crime Victims Compensation Board provides limited compensation to victims of crime for unreimbursed medical expenses and lost wages resulting from victimization. Monetary compensation has also been under consideration in Congress and it is possible that a federal program of crime victim compensation will come about in the future. However, over and above monetary compensation there are no direct services available for crime victims. The purpose of the Victim Services component of this project is to provide certain direct services to crime victims on a demonstration basis and to evaluate their utility. Projects to be undertaken on a limited geographic basis by the Victim Services Component are as follows:

(1) Transportation

Two areas where it would seem helpful and reasonable to provide transportation services are (a) late evening transportation home from the complaint room and arraignment parts; and (b) transportation to and from court for elderly and disabled individuals.

(a) Late Evening Transportation: At present, the complaint room in Brooklyn is open until midnight. Witnesses whose presence is required at late night arraignments may be at the courthouse anywhere from three to eleven hours that day. If arraignment is not completed they may be expected to return the next morning. Because of the need to arraign defendants quickly after arrest, witnesses must wait while the complaint is being processed until the defendant is arraigned. This period represents the witnesses' first impression of what future experiences can be expected to be like. During late night hours, transportation can assist the witnesses during a time of need, and also go a long way toward creating the impression that the system cares.

(b) Transportation for the Elderly and Disabled: This service would be provided in areas where there is a high crime rate and a heavy concentration of elderly and disabled people.

Transportation will be provided by rented vehicles. The same vehicles used to pick up the elderly and disabled witnesses in the morning would be utilized for late evening service home from the courts. Small van-type vehicles, similar to those used by private companies for transporting the elderly, with a seating capacity of 12 to 15, will be leased by the Project for these services.

(2) Residential Burglary Services

This experiment will include a mobile unit to respond by radio call from a central dispatcher to residential burglaries where a security problem remains unrepaired in a victim's residence. Such problems might include a broken lock, broken window, door, etc., or any other security problem which can be quickly and inexpensively repaired so that the victim can remain securely at home. This service should be especially helpful during the early evening hours and weekends when people returning home from work find that they have been burglarized and private repair services are unavailable. It is expected that peak demand will be early in the morning and in the evening, thus 24 hour service is not planned. Police officers responding to a crime would alert the victim to the service and the police or the victim would telephone the Project to request assistance.

The mobile unit will be staffed by a two-person crew skilled in repair and fix-it techniques. The central dispatch section will be located in the main project office, and will be coordinated with the telephone reassurance and referral services discussed below. The feasibility of expanding this service to commercial burglary victims will be evaluated.

(3) The Telephone Reassurance and Referral Service

Crime victims who feel they need assistance, but are unable to define precisely what assistance they need,

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will be given an information bulletin by the responding police officer. This bulletin will specify services available immediately or by referral. Services will include: burglary security, referrals to hospitals, counseling services, public assistance, and other city support services. Telephone reassurance, "just someone to talk to," will be available on a 24 hour basis. During daylight hours, calls on the "hot line" will be monitored by staff. A professional social service worker will also be on hand. In the evening, a skeleton staff will remain on duty at the project offices to handle telephone requests. The dispatcher from the mobile burglary service unit will be part of this staff.

(4) Psychological First Aid

Recently, psychiatric professionals have expressed increased concern over the degree to which police interrogation can exacerbate the trauma experienced by crime victims. Concerns of this kind balanced against the need to elicit information from victims which could be used to identify, apprehend, and convict criminals has led to innovations such as the Rape Analysis Unit in New York City.

Such programs provide interrogation by professionals with experience in the kind of evidence needed who are, at the same time, sensitive to the victim's experience. To date, these programs have been limited to specific crimes, such as rape.

Some practitioners now believe that police attitudes can be crucial in reducing the immediate and long-term psychological impact experienced by many victims, and that police can be a source of psychological first aid. The project will include a training program for police officers under which they will be instructed in the best way to deal with victims. An attempt will be made to offer such training to police officers in a selected precinct and to evaluate whether such training and response to victims' problems can make a difference.

(5) Property

Property belonging to crime victims is a subject of tremendous institutional abuse. Much of the property recovered by police from thefts is auctioned rather than returned to its owners. Property held as evidence is often retained arbitrarily and when release is authorized, its actual return is further hampered by bureaucratic delay.

The purpose of this project is to develop a plan to improve the handling of victim property by all criminal justice agencies, since the actual return of property is frequently a matter involving several agencies. A project planner will

initiate discussions among all agencies concerned for expediting the return of property. This planning will include legal analysis of when property may be released and examination of technological mechanisms for satisfying court needs for evidence (e.g., photographs) while returning evidence to the crime victim. The planning will particularly concentrate on bureaucratic delays in the return of property.

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