

Effects of State Victim Rights Legislation
on Local Criminal Justice Systems

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Executive Summary

In the last two decades, state legislatures have greatly expanded the legal rights of crime victims. But criminal justice officials, and prosecutors in particular, worry that they may not have the resources needed to work with victims throughout a case. And victim advocates worry that if prosecutors are not adequately funded, victims will not be able to exercise their new rights. As federal and state legislators consider further expansion of victim rights, what do we know about the real burdens that these laws have placed on prosecutors' offices and other agencies in the criminal justice system? What are the costs and benefits of these laws in practice?

To answer these questions, researchers at the Vera Institute of Justice examined the range of victim rights legislation across the country, and the effects of these laws on the work of local criminal justice agencies. First, we surveyed 396 prosecutor's offices, large and small, including some from every state. Second, we conducted longer interviews with prosecutors, court administrators, public defenders, police and probation officers, and victim advocates in Wisconsin and North Carolina, two states that recently enacted strong victim rights legislation. Finally, we collected and analyzed quantitative data from six hundred case files in these two states, comparing the results before and after the effective date of their new legislation.

We found that most prosecutors believe that victim rights laws have imposed significant costs on their offices and other criminal justice agencies, requiring them to hire new staff and spend more money to mail notices and follow up by phone. A closer look at Wisconsin and North Carolina confirmed that strong legislation often requires substantial new resources, but not always. Some Wisconsin counties were already doing a lot of what the statutes required, so that additional costs were minimal. In Wisconsin, the development of a state oversight agency that functions to aid in implementation has benefited both victims and local criminal justice agencies.

A large majority of prosecutors also believed that the statutes had affected court outcomes—but only in a small percentage of cases. Most commonly, prosecutors believed that legislation had lengthened prison sentences, caused case delays, and increased the number of charges and plea agreements. Our analysis of case files did not reveal any substantial changes in case delays or outcomes resulting from the passage of victim rights legislation, with or without new spending.

We noted that the potential burden of victim rights legislation is greatly reduced because, even when notified, most victims choose not to exercise their rights. We do not know why a surprisingly high proportion of victims (estimated by prosecutors at 50 - 90%) fail to respond to mail invitations to exercise their rights. Similarly, we do not know the significance of this finding: Are those who do not exercise their rights primarily victims of lesser crimes or does this group include as well many victims of major crimes?

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I. Introduction

The last several decades have witnessed a tremendous expansion in the rights of victims, and a significant change in the way criminal justice officials treat victims. All fifty states, as well as the federal government, now have victim rights legislation prescribing how victims should be treated. In many cases, rights to information about court events, bail release decisions, compensation, and restitution are standard.

In spite of great strides that have been made in law, research studies indicate that many victims do not find their new rights honored in practice. Some criminal justice agencies charged with implementing victim rights explain that they have not received additional funding and staff to help them meet their new responsibilities. Prosecutors in particular suggest that victim rights legislation tests the limits of what they and other criminal justice officials can reasonably be expected to do.

Our research investigated these concerns. We systematically examined the extent to which victim rights laws have burdened the resources of prosecutors and other criminal justice agencies and affected the speed with which cases are resolved and certain dispositions reached.

Background on Victim Rights

During the last two decades, the federal and state governments have dramatically expanded the rights of crime victims. Many forces have spurred this change, including activism by crime victims as well as national crime victimization surveys documenting surprisingly high rates of crime, yet low levels of crime reporting by victims.¹ In the early 1980s, President Reagan convened a Presidential Task Force on Victims of Crime to investigate crime trends and the treatment of victims by the criminal justice system. The Task Force's 1982 final report defined an agenda for restoring a balance between the rights of defendants and victims. It called for increased participation by victims throughout criminal justice proceedings, and restitution in all cases in which victims suffer financial loss.²

Even before the Task Force issued its report, however, Congress anticipated many of its recommendations in the 1982 Victim Witness Protection Act. This act authorized victim restitution and the use of victim impact statements at sentencing in federal cases. It also required the attorney general to issue guidelines for the development of further policies regarding victims and witnesses of crimes. Soon after, the 1984 Victims of Crime Act (VOCA) implemented more of the Task Force's recommendations on victim compensation.

¹ Peggy M. Tobolowsky, "Constitutionalizing Crime Victim Rights," *Criminal Law Bulletin* 33, no. 5 (1997): 395-423; Marlene A. Young, "Victim Rights and Services: A Modern Saga," in *Victims of Crime*, 2nd edition, eds. Robert C. Davis, Arthur Lurigio, and Wesley Skogan (Thousand Oaks: Sage Publications, 1999), 195-196.

² Presidential Task Force on Victims of Crime, *Final Report* (Washington, DC: Government Printing Office, 1982).

This second act by Congress redistributed monies levied from federal offenders to states, funding local aid to victims.³

Recommendations by the Reagan Task Force regarding procedural rights for crime victims were at least as influential as those regarding restitution. First, Congress revised the Federal Rules of Criminal Procedure to require pre-sentence reports to include “any harm done to or loss suffered by any victim of the offense” along with “any other information that may aid the court in sentencing.”⁴ Then, in the 1990 Victim Rights and Restitution Act, Congress gave crime victims in federal cases the right to notification of court proceedings and the right to attend them, the right to notice of changes in a defendant’s detention status, the right to consult with prosecutors, and the right to protection against offender aggression. Under President Clinton, the 1994 omnibus Violent Crime Control and Law Enforcement Act gave victims in federal cases the right to speak at sentencing hearings, made restitution mandatory in sexual assault cases, and expanded funding for local victim services.⁵

The Reagan Task Force was similarly influential in building support for constitutional amendments, with its recommendation for a federal constitutional amendment to ensure victim rights. This action helped launch a 1986 Victim Constitutional Amendment Network of crime victim advocacy groups pursuing state-level victim rights and state constitutional amendments.⁶ By 1998, 29 states had amended their constitutions, granting new rights to victims of crime.⁷ More than half of the state amendments mandate notification of victims concerning events in court and the parole or release of offenders, and permit victims to participate in their case through oral or written input at sentencing. Fewer state constitutions extend other rights, such as the right to a speedy trial and the right to participate in parole proceedings or decisions on pretrial release.⁸

Despite this impressive array of rights, few states provide recourse to victims when their rights are not honored. In fact, more than 15 states ban legal challenges to case resolutions or other redress for denial of victim rights.⁹ But even though great variation across victim rights provisions exists, as well as the inclusion of some limits on enforcement, state-level

³ “Constitutionalizing Crime Victim Rights,” 398; Barbara E. Smith and Susan W. Hillenbrand, “Making Victims Whole Again: Restitution, Victim-Offender Reconciliation Programs, and Compensation,” in *Victims of Crime*, 2nd edition, eds. Robert C. Davis, Arthur Lurigio, and Wesley Skogan (Thousand Oaks: Sage Publications, 1999), 247-249.

⁴ Victim Witness Protection Act §3, 96 Stat. at 1249, amending Fed. R. Crim. P. 32.

⁵ Dean G. Kilpatrick, David Beatty, and Susan Smith Howley, *The Rights of Crime Victims: Does Legal Protection Make a Difference?* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 1998), 1; Deborah P. Kelly and Edna Erez, “Victim Participation in the Criminal Justice System,” in *Victims of Crime*, 2nd edition, eds. Robert C. Davis, Arthur Lurigio, and Wesley Skogan (Thousand Oaks: Sage Publications, 1999), 233-234; “Constitutionalizing Crime Victim Rights,” 403.

⁶ “Victim Rights and Services: A Modern Saga,” 198.

⁷ *The Rights of Crime Victims*, at 1; *Victims’ Rights Compliance Efforts: Experiences in Three States* (Washington, D.C.: OVC, 1998).

⁸ “Constitutionalizing Crime Victim Rights,” 417-419; U.S. Department of Justice, Office for Victims of Crime, *New Directions From the Field: Victim Rights and Services for the 21st Century*, 1998, 21.

⁹ “Constitutionalizing Crime Victim Rights,” 417-419.

“constitutionalization” of victim rights clearly represents a significant new commitment to the rights of victims of crime in the United States.¹⁰

The Rights of Victims Under State Laws

State statutes and constitutional amendments most frequently confer rights to notification, participation, and restitution. They usually vary in their eligibility requirements and organizational responsibility for the implementation of these rights.¹¹

Notification. The right to notification is perhaps the most basic. Victims unaware of their rights and available services, or of the proceedings themselves, will be unable to exercise any rights they may have.¹²

Victims themselves place a great deal of weight on the notification of events in their case. In a 1998 study by Dean Kilpatrick and his colleagues, researchers asked over 1,300 victims to rank, in order of importance, 13 different rights. Three rights to notification ranked among the five most important, with the right to notification of a suspect’s arrest seen as “very important” by more than 97 percent of the victims interviewed—the highest rating overall.¹³

The researchers also categorized states as either strong-protection states or weak-protection states on the basis of the specificity, strength, and comprehensiveness of their victim rights to notification, participation, and restitution. The researchers found that victims from strong-protection states were more likely to receive notification throughout criminal justice proceedings, including notice of arrests, trials, and parole hearings. Nonetheless, stronger legislation did not guarantee notification. Even in strong-protection states, 25 to 35 percent of victims did not receive required notifications.¹⁴

Participation and consultation. The best known form of participation by victims is the submission of a victim impact statement at the time of sentencing. Thirty-five states also authorize submission of a victim statement of opinion, a more subjective assessment by victims of the appropriate sentence. By 1997, forty states had mandated that criminal justice officials consult victims prior to making decisions on bond, plea, sentencing, or parole.¹⁵

¹⁰ *Ibid.*, 395-423; Alice Koskela, “Victim Rights Amendments: An Irresistible Political Force Transforms the Criminal Justice System,” *Idaho Law Review* 34, no. 1 (1997): 157-190.

¹¹ Christopher R. Goddu, “Victim Rights or a Fair Trial Wronged?,” *Buffalo Law Review* 41 (1993): 245-272; *The Rights of Crime Victims*, 1; Susan W. Hillenbrand and Barbara E. Smith, *Victims’ Rights Legislation: An Assessment of Its Impact on the Criminal Justice System* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 1989), at 8; “Constitutionalizing Crime Victim Rights,” 416.

¹² *The Rights of Crime Victims*, 1.

¹³ *Ibid.*, 4.

¹⁴ *Ibid.*, 5.

¹⁵ “Victim Participation in the Criminal Justice System,” 234-235.

According to the Kilpatrick study, victim impact statements are the most frequent form of victim participation, submitted by more than ninety percent of people informed of their right to do so. In strong-protection states, the survey found that participation frequently went beyond these statements, with victims significantly more likely than those within weak-protection states to have input during bond hearings, provide testimony in court, and submit victim impact statements at parole hearings.¹⁶

One fear voiced by opponents of expanded victim rights has been that more participation by victims would lead to harsher sentencing by judges. Injecting personal statements into the sentencing decision would reduce uniformity in sentencing, introduce a greater degree of arbitrariness, and result in harsher treatment of convicted offenders across the board.¹⁷ There is little research on this question, and the few studies that have examined it have produced inconsistent results. This inconsistency may be the product of weak commitment to the use of these statements and other input from victims. One study, for example, found that while prosecutors and judges endorsed victim impact statements in theory, many resisted integrating them into their established routines.¹⁸

Compensation and restitution. Crime victims can incur medical costs associated with physical or emotional trauma, repair and replacement costs associated with property crime, and opportunity costs of time they lose, measured in lost income. In theory, victims can recover these costs either from offenders required to pay restitution or through public compensation.

By 1988, almost all states had authorized corrections officials to require restitution from offenders as a condition of parole. In addition, officials in a majority of states had the authority to order offenders to pay restitution as part of a suspended sentence or work release.¹⁹

Public compensation, on the other hand, draws on taxpayers, not the individual offenders who caused the harm. Since 1984, the federal VOCA legislation has encouraged states to institute victim compensation programs, and in 1988, VOCA was amended to ensure that victims of domestic violence and drunk driving were not excluded from compensation. States whose programs meet VOCA requirements can draw on federal subsidies that cover up to forty percent of their payments to victims. All states limit eligibility to victims who report crime to the police and help prosecute offenders.²⁰

¹⁶ *The Rights of Crime Victims*, 5-6.

¹⁷ See A. Abramovsky, "Crime Victim Rights," *New York Law Journal* 3 (1986):1-3; Phillip A. Talbert, "Relevance of Victim Impact Statements to the Criminal Sentencing Decision," *UCLA Law Review* 36, no. 1 (1988): 199.

¹⁸ See Robert C. Davis and Barbara E. Smith, "The Effects of Victim Impact Statements on Sentencing: A Test in an Urban Setting," *Justice Quarterly* 11, no. 3 (1994): 453-469; Edna Erez and Pamela Tontodonato, "The Effects of Victim Participation on Sentencing Outcome," *Criminology* 28, no. 3 (1990): 451-474.

¹⁹ "Making Victims Whole Again," 248.

²⁰ *Ibid.*, 254.

In practice, few victims appear to receive compensation or restitution. A 1991 study found that less than a third of victims of violent crime were encouraged by a criminal justice official to file for compensation.²¹ Kilpatrick's 1998 survey found that fewer than twenty percent of people eligible for restitution received it. Moreover, contrary to expectations, judges in states with stronger victim protections were significantly less likely to order victim restitution for economic losses than were judges from states with weaker victim rights protections.²²

The Challenge of Implementing Victim Rights Legislation

One of the most frequent conclusions from empirical research on victim rights is that, despite the scope of federal and state legislation, criminal justice systems do not honor these rights. Consequently, some states have begun to develop state-level victim services offices that serve as both oversight agencies monitoring compliance and centers for referrals and linkages to victim services organizations. In the early 1990's, policymakers in Wisconsin created the Wisconsin Victim Resource Center, a body that functions to enforce the new victims' rights laws.²³ Still, as Kilpatrick and his colleagues observed after their survey, even within states with strong victim rights legislation, "many victims were not notified about key hearings and proceedings, many were not given the opportunity to be heard, and few received restitution." Although victims in these states generally fared better than those in states with weak victim rights legislation, as many as one-third of victims in strong-protection states were not afforded the opportunity to exercise certain rights.

Officials in criminal justice agencies responsible for victims explain that state legislatures often do not provide funding to implement victim rights statutes. Criminal justice officials surveyed by the American Bar Association in 1989 were quite happy with their state's victim rights legislation, believing that it increased victims' satisfaction with officials and the criminal justice system, increased victims' willingness to cooperate, increased information for making case decisions, and improved their job satisfaction. But a major source of dissatisfaction was with the lack of resources provided to implement the legislation.²⁴ These complaints were echoed in the Kilpatrick study, in which state and local officials indicated that inadequate funding, training, and enforcement of rights still present problems. According to this study, only 39 percent of local officials from strong-protection states and 27 percent of those from weak-protection states felt that funding for victim rights implementation was sufficient.²⁵

²¹ R. McCormack, "Compensating Victims of Violent Crime," *Justice Quarterly* 8 (1991): 329-346.

²² *The Rights of Crime Victims*, 5.

²³ *Victims' Rights Compliance Efforts: Experiences in Three States* (Washington, D.C.: OVC, 1998), 9.

²⁴ *Victims' Rights Legislation: An Assessment of Its Impact on the Criminal Justice System*, 51.

²⁵ *The Rights of Crime Victims*, 8-10.

II. Description of the Study

While previous research on victim rights legislation has focused on the results for victims, we set out to examine the results for criminal justice officials. State laws in this area routinely mandate that prosecutors, in particular, contact victims or collect victim impact statements. But an expanded role for victims is likely to affect all aspects of the criminal justice system. One of our research goals, therefore, was to gauge the extent to which these laws have strained the resources of criminal justice agencies. The second issue we examined was the effect of victim rights statutes on the criminal court dispositional process. Have these laws slowed case processing? Have they affected outcomes?

Our work began with a legislative analysis that compared and contrasted victim rights legislation from all fifty states.²⁶ We compiled relevant legislation from every state and then coded it using a standardized evaluation form. The form measured 215 components of legislation in the general categories of notification, consultation, participation, restitution, compensation, and victim services. The result was a detailed analysis of rights in each state as of 1998. It showed that rights to notification and the right to submit a victim impact statement prior to sentencing are now provided in all states, at least for some victims. Other rights were prevalent as well. In every state victims have access to compensation, although broad differences exist in the extent of those rights. In 44 states, some categories of victims have the right to attend sentencing hearings; in 26 states, officials must consult with victims prior to offering pleas or releasing defendants from custody. Twelve states provide some remedy for victims whose rights are not honored by criminal justice officials.

The second component of our work was to conduct a national survey of prosecutors, the officials who bear the greatest responsibility for implementing victim rights legislation. We asked prosecutors in which areas (such as notification and consultation) victim rights have expanded recently. Do victims have the chance to exercise their rights? If not, why? Did the legislation unduly burden the offices charged with its implementation? Did the offices receive additional resources to help with the implementation? Have victim rights affected the speed with which cases are disposed or the way in which they are disposed? We examined these questions by region of the country, size of jurisdiction, and strength of state victim rights laws.

Next, we conducted in-depth telephone interviews with officials from prosecution, police, court, victim service, probation, and public defender organizations in six jurisdictions. We chose six jurisdictions in two states that had recently undergone major changes in victim rights legislation. Wisconsin and North Carolina had both passed victim rights statutes in 1998, substantially expanding the rights of victims. We asked the state victim coordinators to help us select a large, medium, and small jurisdiction in which they

²⁶ Perry Deess, *Victims' Rights: Notification, Consultation, Participation, Services, Compensation, and Remedies in the Criminal Justice Process* (New York: Vera Institute of Justice, 1999).

believed prosecutors and other officials had made good faith efforts to comply with the new legislation. These interviews yielded more detailed information than the national survey.

The mail and telephone surveys contributed considerably to our knowledge about how criminal justice officials feel about the effects of victim rights legislation on workloads, agency costs, and case dispositions. But these interviews could not yield a meaningful quantitative assessment of the impact of the legislation. With that purpose in mind, we visited one jurisdiction in Wisconsin and one in North Carolina. In each location we held face-to-face interviews with criminal justice officials to obtain detailed information on staffing changes, as well as other expenses associated with the new victim rights legislation, such as telephone, postage, and printing costs. We also collected samples of 150 cases from prosecutor files before the legislative change, and 150 cases following the change. We used the case files to analyze whether any changes in dispositional or sentence patterns, or changes in case processing time, coincided with the expansion of victim rights.

Together, these methods allowed us to put together a comprehensive picture of how the passage of victim rights legislation affects prosecutors and other criminal justice agencies. The report that follows presents our findings from each of the study's components. We then synthesize the results and draw conclusions about the kinds of accommodations that criminal justice agencies have had to make in order to comply with legislative mandates.

III. Prosecutors' Responses to the Survey

The national mail survey gathered information about how prosecutors viewed the implementation and impact of victim rights legislation. We sent the survey to thirty prosecutor offices in each state, using the 1999 National Directory of Prosecuting Attorneys published by the National District Attorney's Association. We selected all district attorneys in states with thirty offices or less. In states with more than thirty district attorneys, we mailed to all offices in counties with populations above 75,000 and then sampled randomly from the remainder. We excluded counties with less than 5,000 inhabitants unless it was necessary in order to reach the desired number of offices.

Based on this procedure, we mailed surveys to slightly more than 1,300 offices. We mailed a copy of the survey to each selected office, a follow-up postcard if we received no response after several weeks, and a second survey to offices that failed to respond to the postcard. This process yielded 396 completed surveys.

The survey began with a series of questions about the characteristics of the office, including number of staff members, annual budget, funding sources, and amount of resources dedicated to providing various types of victim rights. Next, we asked prosecutors about the effects of victim rights legislation on the criminal justice system and on the workload of criminal justice officials. A number of questions probed notification and consultation of victims, including how often victims are notified or consulted; reasons why victims entitled to notification or consultation are not contacted; how victims are notified or consulted; and whether the number of victims who are notified or consulted has increased, decreased, or remained the same over the past two years.

We asked several questions about victim impact statements to uncover the extent to which prosecutors actively help victims with these statements. Questions about the use of victim services focused on services provided by the prosecutor. We also addressed restitution and compensation. At the end of the survey, we asked respondents what position they hold in the office, their familiarity with victim rights issues, and demographic information.

In addition to examining frequency distributions of variables in the survey, we also attempted to explain differences among jurisdictions. Our key measures of the impact of victim rights legislation included prosecutors' assessments of the effects of victim rights laws on their staffing needs, workload, attention to victim rights, and criminal justice outcomes. We correlated these measures with three factors: extensiveness of victim rights legislation, size of jurisdiction, and region of the country. (We determined the extensiveness of victim rights legislation by scoring each state's legislation in the areas of consultation, participation, services, compensation, and enforcement, and then adding up the categories.)

Respondent and Office Characteristics

Six out of ten surveys were completed by a district attorney or an assistant district attorney, about a third by the victim rights coordinator, and the remainder by support staff (Table 1). Those who completed the survey generally had been in their position for more than four years. The group of people responding to the survey contained slightly more men than women; the mean age was 45.

The offices varied considerably in size. The number of people prosecuted each month ranged from a low of three to more than 5,000, with a mean of 540. More than two-fifths of the offices were small operations with five or fewer full-time prosecutors; in fact, one was the most frequent response. At the other end of the spectrum, 11 percent of the offices had 21 to fifty prosecutors, and nine percent had more than fifty prosecutors (Table 2).

Forty percent of the offices received grants from the Violence Against Women Act (VAWA), ranging from \$4,800 to \$540,000, with a median of \$45,669 (Table 3). Even more offices, nearly four-fifths, received Victims of Crime Act (VOCA) funding. VOCA grants ranged from \$3,436 to \$436,459, with a median of \$42,000.

Despite federal assistance through VAWA and VOCA, the majority of respondents believed that funding levels for their office were inadequate. One in four reported that funding was adequate, and the remainder felt that it was slightly or very much inadequate (Table 4).

More than two-thirds of respondents reported an increase in the number of people prosecuted by their office in the past two years. But staff and resources did not keep up with increased caseloads, according to our respondents. Slightly more than half of respondents reported increased funding for their offices over the past two years, and just one in three reported an increase in the number of prosecutors.

Victim Rights Legislation and Dedication of Resources

The survey showed that many states have moved to increase the rights of victims. Slightly more than half of prosecutors reported that legislation had extended victim rights in the past two years. We asked prosecutors to rank how they allocated their resources for seven different types of victim rights: notification, consultation, preparation of victim impact statements, attendance at trial and sentencing, victim services, restitution, and compensation. The most money and staff time went toward notifying victims about their rights (for example, notice of trial dates and offender's custody status). The next greatest expense was consultation with victims. The remaining items were ranked much lower than notification and consultation (Table 5).

Impact of Victims' Rights on the Criminal Justice System

We sought to learn what effect, if any, victim rights legislation had on the criminal justice system. We began by asking the impact on case outcome and case processing time in 11 areas. Respondents could say the legislation had (1) no impact; or that it resulted in an

increase in activity of (2) less than ten percent, (3) ten to twenty percent, (4) more than twenty percent; or that it resulted in a decrease in activity of (5) less than ten percent, (6) ten to twenty percent, or (7) more than twenty percent.

Four out of five prosecutors in our sample felt that their state's legislation affected at least one criminal justice outcome. The largest perceived effects were in the number and length of prison sentences (Table 6). Forty-two percent reported that victim rights legislation increased the number of prison sentences, and the same proportion of people reported that sentence lengths had increased. Thirty-six percent thought that their state's legislation had increased the number of charges filed, 34 percent noted that the legislation had increased the number of plea agreements, and 32 percent believed that victim rights statutes had increased case processing time. At least one-fifth of respondents believed legislation had affected the number of trials held, trial delay, number of charge reductions, number of prison terms, and number of paroles. The only area that few respondents felt was affected by victim rights legislation was the number of pardons.

For any individual item, however, only a minority of prosecutors believed that there had been a legislative effect. Moreover, most of those citing an effect of legislation on outcomes felt that less than ten percent of cases had been affected.

We conducted a series of analyses of covariance to determine whether the effects of victim rights on key criminal justice outcomes were associated with the strength of state victim rights laws, office size, or region of the country. Only the length of prison terms and trial delay revealed significant differences (Table 7). Victim rights legislation was most likely to be perceived as delaying trials in larger prosecutors' offices, which typically are most concerned about delay as an issue. Victim rights were seen as having the greatest effect on sentences by respondents in the northeast, and the least effect by respondents in the south. Prosecutors' views of the effects of victim rights upon criminal justice outcomes were not related to the strength of state victim rights legislation.

The Impact of Victims' Rights Legislation on Resources and Workload

The brunt of responsibilities under victim rights statutes falls upon prosecutors. They are responsible for most rights to notification, consultation, and participation. Not surprisingly, therefore, prosecutors responding to the survey reported that their office was strongly affected by their state statutes. About eight in ten prosecutors surveyed said that victim rights legislation had resulted in increased workloads in their office. Seventy-one percent said that their state statutes had caused an increase of overall office costs. About fifty percent reported that their staffing had increased because of victim rights laws (Table 8).

Seven in ten prosecutors also reported that the workloads of probation officers had increased. In many states, probation officers are responsible for interviewing victims as part of the pre-sentence report and for making collateral contact with victims in some cases

Table 6.
Impact of Victim Rights Legislation on the Criminal Justice System
(n=378)

	Increased			Decreased			No Impact
	Under 10%	10 to 20%	Over 20%	Under 10%	10 to 20%	Over 20%	
Trials	18%	9%	1%	2%	1%	—	68%
Convictions	15%	7%	2%	1%	1%	—	74%
Prison terms	30%	10%	2%	1%	—	—	56%
Plea agreements	18%	12%	4%	7%	1%	—	60%
Charge reductions	10%	1%	1%	12%	2%	—	74%
Pardons	2%	—	—	3%	2%	1%	91%
Paroles	4%	4%	1%	10%	3%	1%	76%
Number of charges filed	21%	11%	4%	—	—	—	63%
Processing time	21%	8%	3%	3%	1%	—	64%
Length of sentence	30%	11%	2%	—	—	—	57%
Delays in trial	14%	5%	2%	7%	2%	—	71%

(especially domestic violence cases) to determine if the offender is following conditions of probation. Most prosecutors also believed that their state's rights laws had increased workloads for corrections officials and judges. A third of respondents thought that the workload of public defenders was greater.

We conducted another analysis of covariance to determine whether increases in prosecutor workloads and resources for victim rights were influenced by the strength of state victim rights laws, office size, or region of the country. The analyses showed that, according to prosecutors surveyed, the largest increases in staff and resources involved in implementing victim rights occurred in larger prosecutor offices and in states with the strongest victim rights legislation. The biggest increases in workloads attributable to victim rights laws also occurred in larger prosecutor offices (Table 9).

Victim Notification

Four out of five survey respondents said that victims in their jurisdiction were entitled to notification, most commonly for trial dates (99 percent responded affirmatively) and least commonly for post-trial hearings (65 percent responded affirmatively). Victims are usually notified of their rights through a combination of letters and phone calls (41 percent), letters only (26 percent), or phone calls only (17 percent). A small proportion (14 percent) reported that victims were notified in person (Table 10).

Computers can dramatically reduce the effort involved in contacting victims. Few of our respondents, however, work in high-tech offices. A full quarter said they had no computerized system, and just eight percent said that their office was "entirely" computerized (Table 10). The majority of respondents had computer-assisted notification systems, in which letter templates were stored in computer files and customized with names and addresses of particular victims. Staff still had to keep track of who should get letters when.

When asked how many victims actually receive notification, on average, prosecutors said that about eighty percent do. From a list of seven items, prosecutors checked off the most common reasons why victims might not be notified (they were allowed to give multiple answers). The most frequently named reason was that victims are not easily contacted (38 percent), followed by victims not requesting notification or declining to be notified (21 percent). Seventeen percent of respondents said the most frequent reason for not notifying people was that "victims are uncooperative" and, therefore, hard to reach. Other responses were less popular, but suggested that some problems exist: 16 percent reported that the most common reasons that victims were not notified were due to either administrative errors or inadequate funding.

Vera's 1999 legislative analysis found that there has been movement in the past two years to extend victims' rights, especially notification. Almost eighty percent of prosecutors surveyed confirmed that the number of notifications had increased (Table 10).

Rights to Consultation

Many states require that prosecutors meet with victims to solicit their opinions about plea offers or sentences. Almost seventy percent of respondents said that victims in their jurisdiction have a right to consultation, while about sixty percent said that victims actually were consulted. The consultation is usually accomplished through a combination of mail and telephone contacts (37 percent), in person (28 percent), by telephone alone (19 percent), or by mail alone (14 percent) (Table 11). As shown in Figure 2, prosecutors said that victims most frequently have rights to consultation for sentencing hearings (91 percent). The least common answer was post-trial hearings (45 percent).

Respondents named many reasons why prosecutors may not confer with victims who have a right to consultation. Prosecutors may lack good contact information (47 percent) or victims may fail to request consultation (45 percent). Sometimes victims are uncooperative (37 percent) or decline to be consulted (thirty percent). More troubling reasons for failing to consult are no staff for consultation (23 percent), administrative oversight (23 percent), and no system in place for consultation (three percent). Together, these three reasons combined made up more than a third of responses (Figure 3).

Prosecutors are not only notifying victims of events more often, they are consulting them more often as well. According to three-quarters of prosecutors, the number of victims consulted over the past two years has increased. More than three in four respondents reported that time spent on consultation increased significantly or slightly (Table 12). Two in three prosecutors also reported that they were taking victims' opinions more seriously than in the past.

Victim Impact Statements

All states allow some victims to make a statement about how they were affected by crime either orally or in writing at the time of sentencing. In some states, victims may also express which type of punishment they believe would be fair. Judges are not bound to consider victims' wishes in imposing a sentence, but at least their voices are heard. Written impact statements seem to be the rule: only 19 percent of respondents said that victims usually or always make oral statements at sentencing (Table 13).

We asked how many victims needed help preparing their statement. The average answer was about one in four victims. How routinely does the prosecutor's staff prepare the statement for victims who need help? Not very often: 39 percent said "never," 36 percent "rarely," 19 percent "sometimes," four percent "usually," and two percent "always." When prosecutors do prepare impact statements for victims, they generally do not give victims the chance to review them: only 27 percent said that they usually or always clear the prepared impact statement with the victim before submitting it to the court.

Victim Services

Victim rights legislation may bestow rights to receive particular services, such as counseling, employer intervention to explain absences from work due to court appearances, or assistance with childcare during court appearances. Survey respondents estimated that 42 percent of victims use services provided by their offices. Seven in ten prosecutors offered translation services, counseling, advocacy, and childcare. Testing for AIDS was the most common form of assistance, offered by nine in ten respondents. Least common were crisis response services, offered by only eight percent of respondents.

More victims are using services today than two years ago. Nearly seven in ten respondents reported an increase in the number of victims who use services provided by their offices (Table 14).

Restitution

Restitution from the defendant compensates victims for their losses and holds defendants accountable for their crime. Restitution may cover stolen or broken valuables, medical or counseling expenses, lost wages, crime scene clean up, and more. Ninety-eight percent of respondents indicated that at least some victims had a right to restitution in their jurisdiction. The vast majority of prosecutors in our sample (94 percent) said they actively seek restitution “whenever feasible,” but we do not know what proportion of eligible cases that represents.

Judging from their responses, prosecutors seem to be very effective in obtaining orders of restitution. Nearly nine in ten said they usually or always win restitution orders when they seek them. Prosecutors report being active in helping victims gather the documentation they sometimes need to collect monetary awards. Eight in ten respondents said that they assisted victims with documentation at least sometimes (Table 15).

Compensation

All states operate a compensation program for victims of crime, funded by the state and supplemented by the federal government through the Victims of Crime Act. The application for compensation can be more or less difficult, depending on the state and the victim’s ability to read and understand the instructions. Prosecutor’s staff can be enormously helpful to victims. We asked our respondents to what extent they are involved in the compensation process. Nearly nine in ten said that their office was involved (Table 16). Seven in ten survey respondents have seen an increase in the number of victims who apply for compensation over the last two years.

Main Findings

More than half of prosecutors responding to our national survey said that their states had expanded the scope of victim rights within the past two years, and four in ten reported increases in staff and dollars devoted to implementing victim rights. Prosecutors reported the largest increases in time devoted to victim rights in the area of notification: eighty percent reported an increase in the number of victims receiving notifications. In fact, respondents believe they spend the most money and staff time on notification. One in two prosecutors surveyed also reported increases in the number of people receiving victim assistance.

Prosecutors believe that victim rights legislation substantially affected their own offices and had a small but noticeable impact on the decisions of the criminal justice system. Seven in ten said that their workload, staffing needs, and overall office costs had increased. Four in five prosecutors believed that victim rights legislation had affected at least one criminal justice outcome, most commonly longer prison sentences, longer case processing times, and increased the pleas. Most who saw an effect did not think the legislation made a difference in more than ten percent of cases.

The biggest impact of victim rights upon workloads and criminal justice outcomes was felt by large prosecutor offices. Respondents in states with strong victim rights laws tended to report greater increases in staff and resources devoted to implementing rights than respondents from states with weak legislation.

Notification and consultation are the two victim rights that prosecutors say take up the most staff time and resources. While prosecutors believed that most victims who were entitled to these rights received them, it was also clear that not all victims are receiving required notifications, and even fewer are receiving required consultations. The biggest obstacle to providing rights is an inability to contact the victim. This is compounded by the fact that few prosecutors have a fully automated notification system, so the vast majority of contacts must be made manually.

The survey's results suggest that victim rights are expanding both in law and in practice. Not surprisingly, these rights significantly increase prosecutors' costs. Where prosecutors do see impact on criminal justice outcomes, they report that victim rights legislation leads them to file more charges, obtain more convictions and prison terms, earn lengthier prison sentences, and permit the parole of fewer offenders. If the perceptions of these prosecutors are accurate, victim rights are not the neutral provisions that some advocates have argued they are.

IV. Interviews with Criminal Justice Officials in Wisconsin and North Carolina

While the national survey paints a broad picture of the effects of victim rights legislation as seen by prosecutors, it was not designed to provide objective or detailed information about specific effects of the legislation on staffing requirements, postage, telephone bills, or other costs. Moreover, the prosecutor survey provided the perspective of only one criminal justice organization.

To supplement the survey, we conducted telephone interviews with officials in prosecution, defense, probation, police, victim service, and court organizations in six sites in North Carolina and Wisconsin, two states that had recently passed legislation expanding the scope of victim rights. By choosing states that had just experienced legislative changes, we hoped officials would be in a good position to compare the current situation with conditions under weaker statutes.

We chose the sites based on conversations with the state VOCA coordinator, who nominated jurisdictions most appropriate for our work. We reasoned that we could best evaluate the costs of the legislation in places where officials had been conscientious about complying with the law, since in places where compliance was poor, costs should be minimal. Therefore, we asked the coordinators for sites that had been most scrupulous about implementing the recent legislation. We also asked that the coordinators nominate one large, one medium, and one small site. In Wisconsin, the coordinator named Milwaukee (large), Waukesha (medium), and Calumet (small) counties; North Carolina nominees were Wake/Raleigh (large), Pitt/Greenville (medium), and Union (small) counties.

The legislation in Wisconsin took effect in December 1998. For the first time, it mandates that district attorneys notify victims of the charging decision—that is, did the prosecutor file charges or decline to file? At the same time, victims in both misdemeanor and felony cases must be informed about their rights. These include the right to notification of court dates and final dispositions, the right to have their schedules considered in the setting of court dates, the right to confer with the prosecutor, the right to file a victim impact statement, and the right to restitution. In order to exercise these rights, victims have to reply to a notification from the prosecutor's office.

The Wisconsin statute also contains an enforcement mechanism: victims who feel they have been denied their rights can file a complaint. Sanctions against public officials for violation of victim rights include private reprimands, public reprimands, and fines of up to \$1,000. Of the handful of victim complaints filed by August 2000, one had been decided against a district attorney, who had been reprimanded.

The North Carolina legislation was passed in July 1998. It requires that police provide victims' names and contact information to prosecutors. Prosecutors are required, within 21 days, to provide victims with packets of information informing them of their rights and giving them the opportunity to "opt in" and take advantage of rights to notification, consultation, and participation that are similar to those provided by the Wisconsin statute.

The North Carolina legislation applies to victims of felonies and six categories of domestic assault misdemeanors. It does not provide a remedy for victims denied their rights.

Both states prepared for the new legislation. The state government of North Carolina provided district attorneys with additional staff to help them cope with demands of the legislation. It is also in the process of creating a statewide computer database and victim notification system that will automatically generate notification calls and letters. In Wisconsin, the state government did not provide new staff as part of the legislation, preferring to add positions on a case-by-case basis. District attorneys from across the state convened to discuss the likely impact of the statute and to plan for a smooth transition.

We conducted site interviews with criminal justice system practitioners (district attorneys, public defenders, police officers and sheriffs, and probation officers), court administrators, and victim services advocates. We conducted a total of thirty interviews, an average of five for each of the six sites. We present our findings site by site before summarizing overall patterns and their implications.

As respondents discussed the significance of their state's victim rights legislation, certain themes recurred. For example, many people spoke of new staffing and other costs necessary to comply with the legislation. Most also recognized that, while their victim rights legislation has encouraged the involvement of victims in the criminal justice system, practical barriers to full participation still exist.

Wisconsin

Milwaukee County, Wisconsin. Wisconsin's victim rights legislation required notifying victims of the charging decision, and extended rights to victims in some 16,000 annual misdemeanor cases in Milwaukee County. The district attorney's office prepared for the legislation's repercussions by setting up a task force that conducted a dry run, putting into practice the new procedures needed to meet the state's requirements. A computer program that generates templates for letters of notification is being upgraded to a fully automated notification system. Nonetheless, a deputy district attorney called the legislation "a lot to swallow in one gulp." Both he and the prosecutor's victim coordinator said that the statute had resulted in a lot of new paperwork and an increase in annual postage costs from \$39,000 to \$56,000. In order to help the office meet its additional mandated duties eventually, the state was convinced to fund one new clerical position, and another advocate with VOCA dollars.

The victim coordinator believed that any effect on case processing had been positive. She thought that there might be a higher rate of guilty pleas because more victims were participating in the dispositional process, voicing their opinions and putting judges "on the hot seat." In contrast, the deputy district attorney believed that the new legislation "definitely slowed down misdemeanor court cases." He said that judges interpreted the new statute to mean that separate sentencing dates had to be set up after misdemeanor pleas were

accepted in order to contact victims and ask if they want to be present at sentencing. But despite the practical and financial costs of the new legislation, both prosecutors we interviewed agreed that the reforms were “a good thing.”

A public defender provided a different perspective. While he believed that the rights of most victims were honored, he also believed that victims of serious crimes were likely to receive more attention. Like the prosecutor, the public defender thought that provisions for victim notification had slowed case processing, although not enough to impede a defendant’s right to due process or a speedy trial. Overall, however, he thought that the effects of his state’s victim rights legislation had been negative, describing what he saw as inappropriate legal and psychological goals within victim rights legislation itself:

The misunderstanding is that the victim should have the standing of a party to a criminal case.... [In addition,] victims are encouraged to think that their participation in the case is a valuable therapeutic experience.... [A] criminal case is not a proper therapeutic setting in many cases.

Probation and police agencies share some responsibility under the new state legislation. Police officers are responsible for initial victim notifications and for linking victims to service organizations. Probation officers are responsible for notifying victims of parole releases and revocations. Respondents from the two agencies described their state’s victim rights legislation in relatively positive terms, although they seemed to share the public defender’s sense that the law had both legal and therapeutic ambitions. The probation officer observed that increased victim notification and participation was beneficial for victims: “To be whole, they need to feel that sense of control.” Increasing the role of victims within the criminal justice system proceedings restored a needed balance between victim and defendant interests:

The system can’t work without the cooperation of victims and witnesses.... [T]he legislation restores the balance that had been lost as a result of all of the court decisions enhancing the rights of crime suspects.

Waukesha County, Wisconsin. In Waukesha we interviewed a chief deputy district attorney and the prosecutor’s lead victim advocate. As in Milwaukee, they reported that their office had already been following most of the procedures required by the new statute. The biggest change they noted was having to notify all victims of the charging decision. As the deputy district attorney stated, the new laws “scared the few holdouts in the office who wouldn’t talk to victims.” Before passage of the statute, the office had notified victims of sexual assault and other serious crimes when charges had been filed or prosecution declined. But the new statute greatly enlarged the volume of such notifications. The legislation also resulted in the production of a brochure informing victims of their rights (estimated cost \$6,000) and increase in postage and telephone use (estimated cost \$3,000 to \$5,000 annually). Finally, they began to document all efforts to

notify victims, including the use of new computer software to track notification attempts.

The district attorney representatives believed that the 1998 legislation may have initially slowed case processing. Like their counterparts in Milwaukee, they noted that since the legislation went into effect, some judges insist on an additional sentencing date in misdemeanor cases so that victims have the opportunity to be present. (The victim advocate noted that less than one in three victims insisted on being present at sentencing.)

The people we interviewed believed that the idea behind the victim rights legislation was good. The victim advocate pointed out that the legislation had increased the security of funding for victim advocates, who are now essential to provide the large-scale notifications required by law. But the victim advocate also argued that the statute removed flexibility and control from district attorney staff in their dealings with victims. She believed that the fact that staff must now make multiple notifications in all cases means that they no longer have the flexibility to spend large amounts of time on cases in which they feel victims need extensive help.

More than the Waukesha district attorney respondents, the public defender representative believed that the legislation had significantly lengthened case processing. The public defender believed that many cases took longer to resolve because victims must now be notified prior to pleas and sentencing. Overall, he had a mixed assessment of his state's victim rights legislation. He recognized that the law's provisions had given victims a forum in which they could describe how the crime affected them. But he also noted that injecting victims' voices into plea, sentencing, and parole decisions detracted from reliance on impersonal procedures and technical expertise, diminishing the likelihood of equitable outcomes:

It gives an unfair weight to their position. They appear not as a party and not as a lawyer, and it interrupts what would otherwise be the prompt or fair settlement of cases. It almost gives them a *de facto* power over settlements.

The public defender representative was concerned that the wishes of individual victims had replaced more abstract conceptions of a public, or community, interest. He pointed to a sexual misconduct case involving a juvenile offender and victim. Seeing the victim's anger, the prosecutor had decided to pursue the case. In doing so he revoked an earlier agreement with the public defender, social workers, and other professionals to defer prosecution as a more appropriate resolution to the case:

The victim was outraged by the incident...and the DA felt that he could not confront the victim.... Things become seriously out of balance when the DA stands in place of a private lawyer for the victim.

Interviews with representatives from the Waukesha police and probation departments and court administration revealed that each office had been able to carry out their limited responsibilities under the new statute within existing budgets and staffing levels. All three believed that their state's victim rights legislation had positive consequences overall,

although the Waukesha court clerk thought scheduling delays may have increased as a result of requirements for victim participation.

The Waukesha police and court representatives both thought the system honored the rights of most victims in their region. But the probation supervisor was skeptical that most victims received notifications for which his office was responsible or notices from other agencies. He attributed occasional lapses to human error. He hypothesized that victims most likely to receive notifications and exercise their rights were “the educated, the verbal, and those just generally aware of the existence of the rights.”

Calumet County, Wisconsin. The district attorney for Calumet County helped draft the 1998 legislation and currently serves as head of the state crime victim board. He reported that the impact of the legislation on his relatively small district (with around 100 felonies and 300 misdemeanors annually) has been manageable, and has “not caused his staff to reduce time spent on serious cases,” even though all notifications are done manually. In part this is because his office was already notifying victims and consulting with them in misdemeanor as well as felony cases. He has not received nor felt the need for new staff to cope with demands of the new statute. The main impact of the legislation on his office is that his staff now document their notifications, in case victims later file complaints alleging that their rights were not honored.

But the district attorney said he knows of other prosecutors whose offices have been hard hit by the new requirements. He reported that the committee drafting the legislation recognized a need to provide for funds for district attorneys to hire additional staff, but that the full legislature did not follow the committee’s recommendation.

The district attorney had a favorable assessment of the legislation’s impact on case processing. Unlike prosecutors in the other two Wisconsin counties, he did not think that the legislation had delayed sentencing in misdemeanor cases. Because victims were notified of their rights (including the right to appear at sentencing) before the first appearance, he thought that the only circumstance that posed a problem under the new legislation was when defendants held in custody pled at their initial appearance shortly after arrest. He also thought that the Wisconsin statute had had a positive effect on sentencing. He argued that involvement by victims gave judges a better basis for determining an appropriate sentence.

The public defender confirmed that the rights of victims in Calumet County are routinely honored under the new statute. “I think the DA’s office does a pretty good job.... They’ve got procedures in writing.... Every victim gets a notice, and since the judge also has to inquire, they are all receiving notice of their rights.”

Unlike the district attorney, however, the public defender thought that the state’s victim rights legislation slowed case processing, especially after the statute first took effect. The Calumet County sheriff and court clerk similarly expressed concern that criminal case processing had been slowed as a result of the legislation. The sheriff considered the impact

on case processing time to have been a minor problem, while the court clerk thought that delay was relatively frequent product of Wisconsin's victim rights legislation:

I know there's many times when...if the plea is taken immediately, the defendant cannot be sentenced, because the victim has the right to be present at the sentencing.... So two days in court are taken up instead of just one.... It has definitely prolonged a case from beginning to end.

The public defender was also concerned that victims' wishes for either harsher or more benign sentences had an impact on sentences, particularly those in plea-bargained cases. This point was reinforced by other officials. The victim advocate reported observing longer sentences following the implementation of the legislation. The probation respondent put a positive spin on victims' effects on sentencing: "We deal with crime every day. By contacting the victim, it puts a face on crime. It makes it more personal, and that has to be reflected in [the judge's] decision." But the likelihood that victims' impact on sentencing is significant in the aggregate was undermined by the district attorney's estimate that less than ten percent of victims availed themselves of the right to be involved and to confer.

The probation and victim advocate respondents were less confident than the district attorney and public defender that victims were able to exercise rights to which they were entitled. The probation respondent thought it likely that many victims did not exercise their rights, "because people are not aware of them." The victim advocate thought that victims were "probably told the bare minimum" about rights and services, and that *pro forma* notification was insufficient to protect rights to restitution, which require initiative on the part of victims.

North Carolina

Wake County (Raleigh), North Carolina. North Carolina passed its new victim rights legislation in July 1998, ushering in a number of significant changes. The laws required district attorneys to provide victims with a notification packet offering the chance to "opt in" for notification of court events, prosecutorial conferences, and victim impact statements. Unlike in the three Wisconsin jurisdictions, for the sites in North Carolina efforts to comply with the new legislation represented a substantial departure from earlier practice. The victim/witness coordinator said that the state provided her office with six new victim advocates and three new assistant district attorneys. Still, she said, the new staff could not keep up with making the initial contact with victims and dealing with the roughly forty percent of victims who decided to opt in to rights to notification and consultation. She estimated that postage costs had "at least doubled."

The victim/witness coordinator went on to say that she was not aware of any effects on plea rates or sentencing. Rather than slowing case processing, she believed that the statute might have sped things up by imposing a greater degree of organization on the district

attorney's office. In spite of the apparent increase in work brought on by the victim rights statute, she believed that the effect had been positive: "Victims have a right to know. They shouldn't be treated like second-class citizens."

Among the three Raleigh respondents interviewed from probation, law enforcement, and court organizations, the financial and practical costs of victim rights were the most salient themes. (We did not interview any public defenders since Raleigh uses court-appointed attorneys in lieu of public defenders.) The court administrator noted considerable costs to the office arising from obligations to provide victim/witness staffing and a computerized notification system:

We are the only state [in which the administrative office of the courts]...has budgetary responsibilities for district attorneys across the state. We are responsible for their budget; their materials, supplies, and technology costs are paid with state funds... To implement the victim rights act, we had to basically lobby for victim/witness advocates in every district.... [Significant expenses included] developing software, training personnel, [creating new] forms.... [The legislation had a] significant impact on our office.

Under the new legislation, the sheriff is responsible for notifying victims that an arrest has been made and for providing the district attorney with contact information for subsequent notifications. The sheriff hired two victim services staff members, initially funded through a federal victim services grant from the Department of Justice. The costs were subsequently picked up by the county.

Despite the significant organizational and procedural changes required to implement North Carolina's new victim rights statutes, Raleigh respondents tended to assess the new law positively. Three of the four respondents thought the rights of most victims were honored, with the only stipulation an observation by the court administrator that more assertive victims were likely to speak up for their rights. The sheriff and probation representative indicated that they thought the new legislation had not affected case processing time at all, while the court administrator agreed with the district attorney's victim/witness coordinator that the legislation had probably lessened case processing time. Both the sheriff and probation officer agreed with the victim/witness coordinator that the impact of the legislation had been positive, crediting it with fostering victims' "right to know" about proceedings, and increasing participation and support.

Pitt County (Greenville), North Carolina. In Greenville, as in Raleigh, the district attorney's victim/witness coordinator indicated that the North Carolina victim rights bill had substantially increased her workload. She said that the law had generated "a lot of new paperwork," due to the initial contact allowing all felony and domestic violence victims to opt in. She estimated that thirty percent of victims choose to exercise their rights to notification, consultation, and submission of a victim impact statement.

As in Raleigh, the new statute produced major changes in staffing. State funding allowed the victim/witness coordinator to hire two victim advocates to manage notifications, and two advocates to present victim impact statements in court, increasing the number of victim advocates from two to six. Where the preparation of victim impact statements had previously been at the discretion of the prosecutor, it is now routine for victims who opt in. With the additional staff, the coordinator expressed confidence that victims “pretty much across the board” are able to exercise their rights.

She thought that the impact of the legislation had been positive. She has found that, even when given the opportunity, many victims do not want to be involved in the dispositional process. But those that do get involved make the office function better by holding staff to a high degree of accountability. She felt that the largest effect of the legislation had been on victims of property crime, who now routinely have a chance to make a victim impact statement. She found that victims of property crime are even more likely than victims of violent crime to take advantage of the chance to make a statement. She also noted that impact statements from property crime victims are particularly useful because they aided prosecutors seeking restitution.

Both the district attorney’s victim/witness coordinator and a community-based victim advocate stated that victim rights provisions had improved case processing efficiency within the criminal justice system. While a representative of the public defender’s office thought that case processing time had increased due to victim notification provisions, he did not believe that the increase was substantial. No respondents thought that victim rights legislation impeded defendants’ rights to due process or a speedy trial.

Some officials questioned compliance with the new legislation. The public defender and a probation officer doubted whether all victims were sufficiently aware of their rights. Both the probation officer and a police sergeant questioned the degree to which criminal justice system officials consistently met their obligations under the statute. The probation officer noted that court officials may neglect to ask for victim compensation or notify victims of court dates, while the police sergeant expressed concern that victims were not always notified of the release of defendants:

I think there are certain elements in the criminal justice system that may fail victims.... I can think of instances in which [a crime victim did not get a mandated] phone call from jail, telling them that [an offender] had been released.

Both the public defender and police sergeant cited domestic violence cases, particularly difficult to prosecute, as examples of those likely to receive the most attention. According to the public defender:

Domestic violence cases receive a high level of attention in this jurisdiction, so these victims are more completely explained their rights.

All respondents, with the exception of the public defender, thought that the recent victim rights legislation had positive consequences either in terms of benefits for victims themselves, or because increased participation of victims improved criminal justice proceedings.

Union County, North Carolina. The responses of the district attorney's victim/witness coordinator in rural Union County echoed those of coordinators in Raleigh and Greenville. She saw the legislation as "a major burden" that "has changed everything we do here." The coordinator said the office is scrupulous about sending out initial letters informing victims of their rights, and follows up with phone calls in felony cases. She reported major increases in mailing and phone costs. Even though the district attorney's office received three new positions from the state, the coordinator reported that they still were seriously challenged. Part of the problem was that law enforcement agencies often did not notify the district attorney's office of victims' names and addresses. Consequently, her staff was spending large amounts of time going through law enforcement files themselves.

The coordinator was unaware of any effects of the legislation upon case processing speed or upon sentencing decisions. She concluded that while the statute had made positive changes for victims, the effect on her own office had not been positive.

In contrast to the district attorney's representative, the assistant police chief did not think the state statute had imposed a major burden on his department. He also doubted that the legislation had much effect on sentences, as North Carolina uses structured sentencing guidelines that leave little discretion subject to participation by victims.

The probation department's victim coordinator, unlike the other Union County respondents, believed that victim participation was likely to impede defendants' rights to a speedy trial in some cases, particularly in "explosive cases" such as domestic violence.

In assessing the overall effects of victim rights legislation, the police and probation respondents were pleased. Probation's victim coordinator noted a positive side to the time-consuming provisions of participation by victims: they humanized an otherwise confusing system.

I think it's been positive...it is something that ties all the players together. [It] gives the victim an opportunity to ask where a person stands.... It also gives the person an opportunity to ask questions.... The criminal justice system is very large. People unfamiliar with [it] can become very frustrated.

Main Findings

Our interviews with criminal justice officials in Wisconsin and North Carolina provide insight into the variable impact of expansive victim rights legislation on criminal justice agencies. Prosecutors and other officials in both states organized themselves to provide almost universal notification to victims and to expand the number of victims participating in proceedings, especially at sentencing. That effort was perceived as relatively successful by those working in the system. But the impact on agencies in the two states was quite different.

Victim rights legislation in both states added to the workloads of district attorney offices and, to a lesser extent, those of probation and law enforcement agencies. The increased burdens in Wisconsin were less severe because the legislation did not represent as radical a departure from past practices. In North Carolina, district attorneys' offices had to go farther to comply with the new statute, but the state provided substantial resources to help local criminal justice agencies cope with the additional work.

The burden in both states would have been far worse if all victims exercised their rights. In both states, officials report that most victims do not elect to exercise their rights to be notified, to appear in court, to prepare victim impact statements, and to be consulted. In the three sites in North Carolina, estimates of the proportion of victims who opt in ranged from thirty to fifty percent. In Waukesha, Wisconsin, the district attorney's victim/witness coordinator estimated that thirty percent of victims choose to be present at sentencing. And in Calumet County, Wisconsin, the district attorney estimated that just ten percent of victims availed themselves of the right to confer with prosecutors.

In spite of the work imposed by the Wisconsin and North Carolina statutes, most officials felt that their state's legislation had produced a positive effect. Officials saw benefits for victims, and sometimes for the efficiency of case processing as well. While there was substantial concern in all three Wisconsin sites that the statute had added an extra sentencing date for misdemeanors, several officials in Raleigh and Greenville, North Carolina, explained how the new legislation increased efficiency in their offices and the courts. Several officials described an increase in accountability for prosecutors and court officials.

Public defenders were most likely to express concern about their state's legislation. They worried that victim rights slowed the dispositional process, although not necessarily to the point of denying defendants a speedy trial. Some public defenders also believed that allowing victims a personal role in sentencing proceedings introduced an inappropriate therapeutic goal into the legal process.

Perhaps the most astute observation came from the district attorney's victim/witness coordinator in Waukesha, who saw her state's recent victim rights statute as a legislative guarantee that funding for victim advocates was now secure. Victim advocates have always worried about cuts in funding when state legislatures or local county boards are faced with tough budgetary choices. By mandating extensive and time-consuming procedures to secure

victim rights, state legislatures are also securing victim advocate positions in district attorney, police, and probation organizations.

V. Analysis of Case Files from Waukesha, Wisconsin and Greenville, North Carolina

Prosecutors in our national survey disagreed among themselves about the impact of victim rights legislation on case processing time, sentencing, and other decisions. This might reflect the experiences of different jurisdictions, or the perceptions of these prosecutors might be skewed by their experiences in particular cases. Similarly, even within the six jurisdictions where we conducted multiple interviews, officials disputed the impact of the laws on the speed of case processing.

Because this is such an important issue in the implementation of victim rights legislation, we decided to collect empirical evidence documenting any substantial effects of victim rights statutes on aggregate court outcomes. We gathered data from case files in Wisconsin and North Carolina, the two states that had recently passed major victim rights bills. In each state, we compared court outcomes in 1997, before the legislative change, and in 1999, after the change.

For this part of the research, we used the two medium-sized jurisdictions: Waukesha County, Wisconsin, and Pitt County (Greenville), North Carolina. In each site, we drew representative samples of 150 cases prior to the 1998 legislation and 150 cases after the legislation.²⁷ Because we had reason to suspect from our interviews that the legislation might affect misdemeanors differently than felonies, we drew our samples at each site to include representative numbers of each. The Waukesha sample was drawn from all misdemeanors as well as felonies, while the Greenville sample contained only domestic violence misdemeanors covered by the 1999 statute. From each case sampled, we recorded the charge, time from case filing to disposition and sentence, case disposition, and sentence. We had also intended to record the number of telephone and mail contacts with victims so that we could assess the increase in contacts from 1997 to 1999. This plan proved unworkable. In Greenville, written records of contact with victims were not reliably found in prosecutors' files; the same was true in Waukesha. But victim advocates in Waukesha kept their own files containing records of contact with victims. As a result, in that site we took an additional sample of cases from victim advocate files in 1997 and 1998 to compare the number of contacts.

Findings from the Case Files

Waukesha County, Wisconsin. In Waukesha, we observed a significant decline in case processing time, from 269 days in 1997 to 200 days in 1999.²⁸ The decline applied equally to felony and misdemeanor cases. The Waukesha prosecutor believed that the decline was due to the implementation of fast-track programs for some crimes.

²⁷ These sample sizes generate enough statistical power to detect as significant percentage differences of 12 to 15 percent between samples.

²⁸ $F[1,302] = 10.04, p < .001$

No significant changes in convictions were observed (89 percent in 1997; 92 percent in 1999). Nor did we see significant changes in rates of incarceration (41 percent in 1997 and 33 percent in 1999) or restitution (17 percent and 18 percent) for convicted offenders. But data revealed a marginally significant increase in the use of probation, from fifty percent of convicted offenders in 1997 to 63 percent in 1999.²⁹ The increased use of probation was concentrated among misdemeanor cases (47 percent in 1997, compared to 62 percent in 1999). The proportion of felony offenders sentenced to probation remained nearly constant.

In Waukesha, we sampled additional records from the files of victim advocates in the district attorney's office. We recorded the number of telephone and letter contacts noted in a sample of fifty advocate files from 1997, and 51 from 1999. We found a significant difference in letters sent to victims between the two years. In 1999, an average of 4.40 letters were mailed per case, compared to 1.86 letters in 1997.³⁰ Surprisingly, however, the number of telephone contacts recorded fell from 1.86 in 1997, to 1.08 in 1999. This difference was marginally significant.³¹

Pitt County (Greenville), North Carolina. As in Waukesha, we saw a decline in case processing time, from 210 days in 1997 to 141 days in 1999.³² The drop in processing time was especially apparent among felony cases. Domestic violence misdemeanors took somewhat (but not significantly) longer to dispose in 1999 than in 1997. Convictions in Greenville declined significantly from 51 percent in 1997 to 39 percent in 1999.³³ This trend was exclusively the result of a decline in convictions in domestic violence cases (from 53 percent in 1997 to 26 percent in 1999). The conviction rate in felony cases remained virtually constant (51 percent in 1997 compared to 49 percent in 1999).

We observed no differences between 1997 and 1999 in types of sentences among defendants who were convicted. Incarceration was ordered for 93 percent of offenders in 1997, and for 91 percent in 1999. Probation was ordered for 72 percent of offenders in 1997, and for 69 percent in 1999. Restitution was ordered in 16 percent of cases in both years.

²⁹ Chi-square (1) = 3.63, p = .06

⁷ F = 22.81, p < .001

⁸ F = 3.18, p = .07

³² F[1,262] = 10.41, p < .01

³³ Chi-square (1) = 3.86, p < .05

Main Findings

Our analysis of case files did not uncover evidence that the passage of these two state victim rights statutes coincided with an increase in case processing time, conviction rates, or sentence lengths. In fact, we found that case processing time had *declined* in both sites after the states passed their victim rights legislation. It is likely that the substantial reductions in case processing time in these sites was unrelated to the victim rights legislation, but due instead to a myriad of other recent changes in the two jurisdictions.

The only other significant changes that we observed were a decline in domestic violence convictions in Greenville and an increase in the use of probation in misdemeanor cases in Waukesha. We are unsure of the reasons for these trends, but again, it is unlikely they are related to victim rights laws.

VI. Conclusions

Our study confirmed that victim rights laws have expanded in breadth and scope. More than half of prosecutors who responded to the mail survey stated that rights for victims had been extended in their states just during the past two years. Constitutional amendments are becoming commonplace. And at least one state, Wisconsin, provides recourse for victims who are denied their rights by criminal justice officials. This is very significant in light of the words of psychologist Dean Kilpatrick and his associates, who concluded in their investigation of victim rights, "Providing rights without remedies would result in the worst of consequences, such as feelings of helplessness, lack of control, and further victimization."³⁴

We found that the most recent victim rights laws have substantial effects on local criminal justice systems. Rapid expansion of rights to notification, in particular, can create needs for increased staff, particularly if the new rights greatly expand on existing practice.

Prosecutors who responded to the mail survey overwhelmingly indicated that victim rights legislation had increased their workloads, and therefore increased staffing and other costs such as postage, printing, and telephone. These effects were exacerbated by the fact that few prosecutors' offices had automated victim notifications, although several were in the process of implementing them. Some states, like Wisconsin, have not provided additional funding for local criminal justice agencies to implement victim rights statutes, at least not right away—Wisconsin did provide additional staff to some district attorneys who requested it after it became clear that they could not cope on their own.

In the mail survey, prosecutors in states with the strongest victim rights statutes were most likely to note that they had suffered significant impact on staff and other costs. We observed this firsthand in Wisconsin and North Carolina, two states with the strongest victim rights laws on the books. In both states, offices that were not already providing the rights contained in the new legislation experienced major increases in work to conduct initial notification of victims, to notify them of significant events in their cases, to consult with victims, and to produce victim impact statements.

The relationship we found between strength of victim rights legislation and implementation of victim rights is encouraging. During the last decade, researchers who have studied victim rights tended to be pessimistic about the extent to which statutes were followed in practice by local criminal justice officials. For example, a 1989 study found that, while South Carolina judges estimated that they received a victim impact statement in most of the cases over which they presided, few victims surveyed reported having been asked to

³⁴ D.G. Kilpatrick and R. Otto, "Constitutionally Guaranteed Participation in Clinical Proceedings for Victims: Potential Effects on Psychological Functioning," *The Wayne Review* 34 (1987): 17.

make a statement.³⁵ The researchers found impact statements to be present in less than 15 percent of court files. Similarly, two other studies found that only a minority of victims surveyed said that they had been given an opportunity to make an impact statement, even though the statements were mandated by state laws.³⁶

We found that strong victim rights laws such as were passed in North Carolina and Wisconsin make a major difference in how officials believe that victims are treated. Statutes may not be perfectly followed; there are undoubtedly cases in which victims are not given an opportunity to exercise their rights due to oversight or overwork of prosecutor, police, or probation staff. In the sites we visited, however, we are confident that, overall, people are making a serious effort to implement the state statutes. Nonetheless, states should be aware that they should provide additional resources for implementing victim rights.

Contrary to our expectations, four out of five prosecutors who responded to the mail survey also believed that victim rights laws had a noticeable effect upon some aspect of case processing. A substantial minority of prosecutors thought they saw effects in a small number of sentencing decisions, pleas, charging decisions, and times-to-disposition.

Any substantial impact would have been surprising because earlier research on victim impact statements has not shown any consistent effects. Indeed, the samples of case files drawn in Greenville, North Carolina, and Waukesha, Wisconsin, before and after legislative changes reinforced the conclusion that victim rights legislation does not affect aggregate case outcomes or lengthen aggregate case processing times in any significant way.

Taken together, these results suggest that victim rights legislation creates meaningful effects at the individual level, but not in the aggregate. Prosecutors, defenders, victim advocates, and other officials can describe real changes in individual case outcomes, but these effects are buried by the stronger forces shaping aggregate results.

According to officials in the six sites we studied in North Carolina and Wisconsin, a large majority of victims do not choose to opt in to their notification, attendance, and consultation rights. Estimates ranged from fifty percent to ninety percent of victims who did not respond to mail invitations to exercise their rights.

In earlier years, advocates would blame these results on the failure to engage victims in the process. Indeed, even here, some victims may not have received letters from their district attorney notifying them of their rights. Our own experience has been that contact information gathered by arresting police officers is frequently wrong. Most of the district attorney staff we spoke to said that they usually followed up with victims who failed to respond to the initial letter with a phone call, but phone numbers are also frequently wrong.

³⁵ D.G. Kilpatrick, R.P. Tidwell, E. Walker, H.S. Resnick, B.E. Saunders, J. Paduhovich, and J.A. Lipovsky, *Victims' Rights and Victim Services in South Carolina: The Dream, the Law, and the Reality* (South Carolina: South Carolina Public Safety Programs Office, 1989).

³⁶ See E. Villmoare and V.V. Neto, *Victim Appearances at Sentencing Hearings Under the California Victims' Bill of Rights* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 1987); *Victims' Rights Legislation: An Assessment of Its Impact on the Criminal Justice System*.

It is, in a way, good news for court officials that most victims do not exercise their rights. It certainly cuts down on the later requirements for notification, consultation, and preparation of victim statements. If most victims in the sites we studied had chosen to exercise their rights, the systems in place would likely have broken down.

The finding that so many victims do not respond to invitations to exercise their rights raises additional questions, such as:

- **Which types of victims are most likely to opt in?** Are victims of serious violence the most likely to participate? Or, as one respondent told us, are victims of violent crime less willing to participate because they do not wish to reopen old wounds?
- **Why do victims not participate?** Is it because they never receive the initial notification? Because they cannot take time off work? Because they fear the defendant? Or because they do not feel that the likely outcome is worth the investment of their time?

Answers to these questions would have significant implications for deciding whether greater outreach efforts, or attempts to make the exercise of rights more convenient, would increase victim participation.

It is clear that in the future, if more victims exercise their rights, the need for additional advocates and greater resources will be even more apparent and necessary. In addition to funding and staff, state-level programs that assist in the implementation of new victim rights laws appear to be useful for enforcing compliance and in delivering services to victims in collaboration with local prosecutors' offices.³⁷

A final observation is that the increasing institutionalization of victim rights ensures that state legislators will provide continuing support for victim advocates in criminal justice agencies. Victim advocates no longer have to worry that they are providing a luxury or expendable service. In the increasing number of places where victims have enforceable rights, these positions are now an essential component of the criminal justice system. The security comes with a price, however. Victim advocates now have less discretion in deciding how to allocate their time. They may no longer have the option of spending the bulk of their time with victims of serious violent crimes, whom advocates see as having greater needs than other victims. They must now provide a minimum level of service to all victims (or at least to all those covered under the state statute), and then allocate any remaining time to those they perceive as having the greatest need.

Perhaps the most powerful effect of twenty years of victim rights legislation has been on the consciousness of prosecutors and other criminal justice officials. Despite the disruptions and burdens that these laws have brought, most officials we surveyed and interviewed

³⁷ *Victims' Rights Compliance Efforts: Experiences in Three States* (Washington, D.C.: OVC, 1998).

believed that the participation of victims improved the quality of justice. They were making conscientious efforts to implement the new laws effectively. Victim rights laws were widely seen not only as benefiting victims, but also as organizing and humanizing the criminal justice process.

VI. Appendix of Tables

Table 1.
Characteristics of Respondents to the National Mail Survey

Position in Office	n=395
District attorney	49%
Assistant prosecutor	10%
Victim rights coordinator	33%
Secretary	1%
Other	8%

Tenure at Current Position in Office	n=394
Less than 1 year	5%
1 to 2 years	11%
2 to 3 years	5%
3 to 4 years	8%
More than 4 years	71%

Age	n=373
Mean	45
Mode	50
Range	23 to 70 years

Sex	n=390
Male	56%
Female	44%

Table 2.
Office Characteristics

Number of People Prosecuted Each Month	n=391
100 or less	43%
101 to 300	24%
301 to 500	11%
500 or more	22%
Range = 3,000 to 5,000	
Mean = 540	

Number of Full-Time Prosecutors	n=383
5 or less	43%
6 to 10	21%
11 to 20	16%
21 to 50	11%
More than 50	9%
Range = 1 to 275	
Mean = 18	

**Table 3.
Budget**

Funding Received Through Violence Against Women Act	n=338
None	60%
\$10,000 or less	8%
\$10,001 to \$50,000	2%
\$50,001 to \$100,000	2%
More than \$100,000	28%
Range = \$4,800 to \$540,000	
Median = \$45,669	

Funding Received Through Victims of Crime Act	n=375
None	18%
\$10,000 or less	49%
\$10,001 to \$50,000	18%
\$50,001 to \$100,000	9%
More than \$100,000	6%
Range = \$3,436 to \$436,459	
Median = \$42,000	

**Table 4.
Staffing and Funding**

Change in Number of New Prosecutions During the Past Two Years	n=375
No change	23%
Increased less than 10%	25%
Increased 10 to 20%	33%
Increased more than 20%	10%
Decreased less than 10%	6%
Decreased 10 to 20%	2%
Decreased more than 20%	1%

Change in Funding for the Prosecutor's Office During the Past Two Years	n=377
No change	39%
Increased less than 10%	37%
Increased 10 to 20%	14%
Increased more than 20%	3%
Decreased less than 10%	4%
Decreased 10 to 20%	2%
Decreased more than 20%	1%

Current Funding Level for the Prosecutor's Office	n=385
More than adequate	1%
Adequate	26%
Slightly inadequate	40%
Inadequate	33%

Table 4. (continued)

Change in Number of Deputy Prosecutors	n=377
No change	61%
Increased less than 10%	22%
Increased 10 to 20%	10%
Increased more than 20%	3%
Decreased less than 10%	2%
Decreased 10 to 20%	—
Decreased more than 20%	2%

Table 5.
Victim Rights Legislation and Staffing for Victim Rights

Impact of State Legislation on Victim Rights	n=383
Restricted rights	1%
Maintained rights	47%
Extended rights	52%

Areas in Which the Most Money and Staff Time Are Dedicated to Victim Rights¹	Most (1)	Least (7)	Mean	
Notifying victims	53%	6%	2.34	n=389
Consulting with victims	25%	3%	2.70	n=389
Preparing victim impact statements	10%	20%	4.62	n=388
Ensuring that victims attend trials and hearings	18%	4%	3.30	n=389
Providing services to victims	15%	14%	4.11	n=387
Attempting to gain restitution for victims	12%	12%	3.80	n=389
Assisting with compensation for victims	9%	29%	4.78	n=388

¹ Respondents were asked to respond on a scale of 1 to 7; with 1 representing the most resources spent, and 7 the least resources spent.

Table 6.
Impact of Victim Rights Legislation on the Criminal Justice System
(n=378)

	Increased			Decreased			No Impact
	Less than 10%	10 to 20%	More than 20%	Less than 10%	10 to 20%	More than 20%	
Trials	18%	9%	1%	2%	1%	—	68%
Convictions	15%	7%	2%	1%	1%	—	74%
Prison terms	30%	10%	2%	1%	—	—	56%
Plea agreements	18%	12%	4%	7%	1%	—	60%
Charge reductions	10%	1%	1%	12%	2%	—	74%
Pardons	2%	—	—	3%	2%	1%	91%
Paroles	4%	4%	1%	10%	3%	1%	76%
Number of charges filed	21%	11%	4%	—	—	—	63%
Processing time	21%	8%	3%	3%	1%	—	64%
Length of sentence	30%	11%	2%	—	—	—	57%
Delays in trial	14%	5%	2%	7%	2%	—	71%

Table 7.
Effects of Office Size, Region, and Strength of Victim Rights Legislation
on Criminal Justice Outcomes¹

	Length of Prison Terms	Trial Delay
Strength of Victim Rights Laws		
Strong	0.61	0.26
Weak	0.54	0.13
Size of Prosecutor Office		
1 to 5 prosecutors	0.57	0.21**
6 to 10 prosecutors	0.61	0.20
11 to 20 prosecutors	0.71	0.17
21 to 50 prosecutors	0.54	0.10
More than 50 prosecutors	0.56	0.06
Region		
South	0.37**	0.23
West/Southwest	0.63	0.19
Central	0.50	0.16
North/Northwest	0.77	0.13

¹ Larger numbers indicate greater effects

* p < .10

** p < .05

Table 8.
Impact of Victim Rights' Legislation on Costs and Workloads
(n=383)

	Increased			Decreased			No Impact
	Less than 10%	10 to 20%	More than 20%	Less than 10%	10 to 20%	More than 20%	
Prosecutor's costs	34%	24%	13%	—	—	—	29%
Prosecutor's staffing	30%	15%	7%	—	1%	—	46%
Judge's workload	40%	11%	4%	—	—	—	45%
Public defender's workload	23%	9%	4%	—	—	—	64%
Prosecutor's workload	36%	29%	17%	—	1%	—	17%
Correction official's workload	32%	20%	7%	—	1%	—	40%
Probation official's workload	37%	24%	10%	—	1%	—	29%

Table 9.
Effects of Office Size, Region, and Strength of Victim Rights Legislation on
Prosecutor Costs And Workloads¹

	Staff Workload	Increase in Staff, Money for Victim Rights
Strength of Victim Rights Laws		
Strong	0.88	1.48**
Weak	0.76	1.32
Size of Prosecutor Office		
1-5 prosecutors	0.64**	1.30**
6-10 prosecutors	0.83	1.33
11-20 prosecutors	0.97	1.45
21-50 prosecutors	1.13	1.61
More than 50 prosecutors	0.94	1.63
Region		
South	0.83	1.48
West/Northwest	0.63	1.30
Central	0.87	1.34
North/Northeast	1.02	1.49

¹ Larger numbers indicate greater effects

* p < .10

** p < .05

Table 10.
Victim Notification Rights

How are victims notified of their rights?	n=394
By mail	26%
By phone	17%
By mail and phone	41%
In person	14%
Other	2%

Is the notification system computerized?	n=389
Not at all	25%
A little	19%
Somewhat	27%
Mostly	21%
Entirely	8%

Who handles victim notification?	n=391
Contracted nongovernmental organization	1%
Prosecutor's office	74%
Victim assistance office	20%
Other	5%

Table 10. (continued)

The number of victims receiving notifications has...	n=390
Decreased significantly	—
Decreased slightly	2%
Remained the same	20%
Increased slightly	41%
Increased significantly	37%

Table 11.
Consultation Rights

How are victims consulted?	n=363
By mail	14%
By phone	19%
By mail and phone	37%
In person	28%
Other	2%

Table 12.
Consultation Time and Impact

The number of victims who prosecutors consult with has...	n=363
Decreased significantly	—
Decreased slightly	2%
Remained the same	23%
Increased slightly	54%
Increased significantly	21%

The amount of time prosecutors spend consulting with victims has...	n=365
Decreased significantly	—
Decreased slightly	3%
Remained the same	20%
Increased slightly	53%
Increased significantly	25%

The likelihood that prosecutors will take victims' opinions seriously has...	n=365
Decreased significantly	—
Decreased slightly	1%
Remained the same	32%
Increased slightly	44%
Increased significantly	23%

Table 13.
Victim Impact Statements

How routinely does the victim give an oral victim impact statement?	n=389
Never	2%
Rarely	24%
Sometimes	55%
Usually	18%
Always	1%

How routinely do prosecutor's staff prepare the victim impact statement?	n=374
Never	39%
Rarely	36%
Sometimes	19%
Usually	4%
Always	2%

How routinely do prosecutors clear victim impact statements they prepare with victims?	n=336
Never	33%
Rarely	25%
Sometimes	15%
Usually	16%
Always	11%

Table 13. (continued)

The number of victims who prepare their own victim impact statements has...	n=370
Decreased significantly	1%
Decreased slightly	1%
Remained the same	60%
Increased slightly	27%
Increased significantly	11%

Table 14.
Victim Services

The number of victims who use services arranged by the prosecutor's office has...	n=373
Decreased significantly	1%
Decreased slightly	1%
Remained the same	30%
Increased slightly	49%
Increased significantly	20%

**Table 15.
Restitution**

How often do prosecutors seek restitution for victims?	n=386
Never	—
In exceptional cases	1%
Sometimes, when feasible	5%
Whenever feasible	94%

How often do victims win restitution?	n=386
Never	—
Rarely	—
Sometimes	11%
Usually	76%
Always	13%

How often do prosecutor's staff help victims document their losses from crime?	n=389
Never	1%
Rarely	7%
Sometimes	33%
Usually	43%
Always	16%

Table 16.
Compensation

To what extent is the prosecutor's office involved in compensation process for victims?	n=387
Not at all	12%
Somewhat	50%
Extensively	38%

The number of victims who apply for compensation has...	n=371
Decreased significantly	—
Decreased slightly	2%
Remained the same	28%
Increased slightly	51%
Increased significantly	19%

Figure 1.
Events for Which Victims Have a Right to Notification

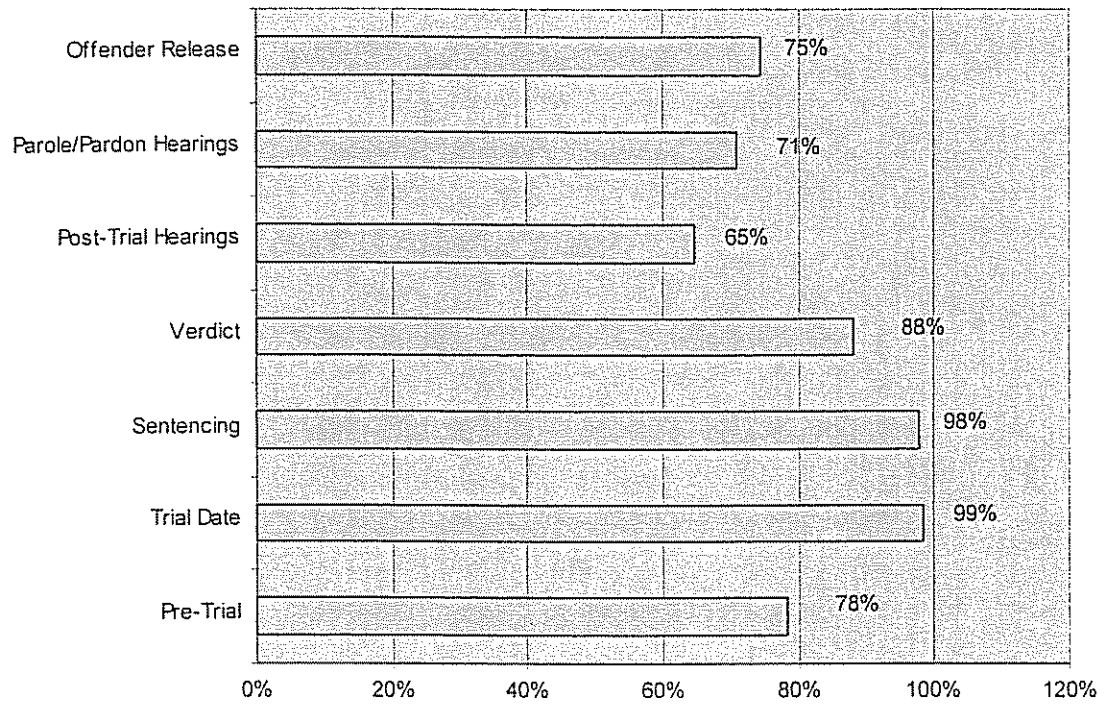


Figure 2.
Events for Which Victims Have a Right to Consultation

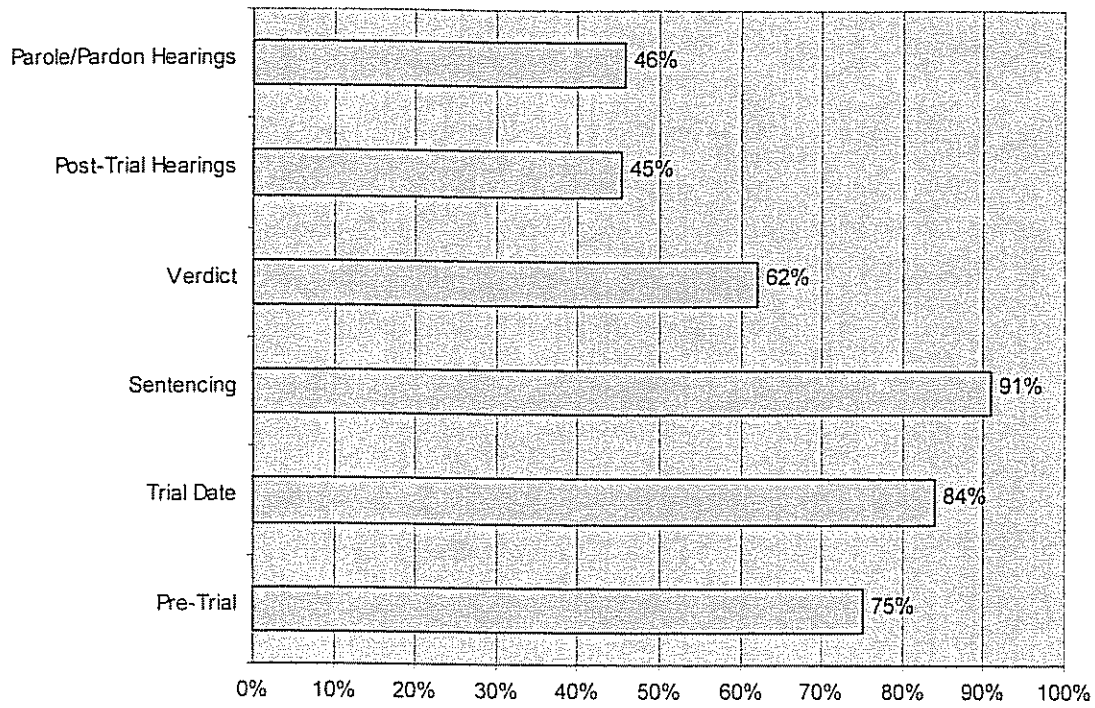


Figure 3.
Reasons Victims Are Not Consulted

