

SECTION II

New Directions for Criminal and Juvenile Justice System Agencies

When a person is harmed by a criminal act, the agencies that make up our criminal and juvenile justice systems have a moral and legal obligation to respond. It is their responsibility not only to seek swift justice for victims, but to ease their suffering in a time of great need. This section focuses on improving how well justice agencies carry out these critical but often neglected responsibilities. It is based on extensive input from the field, including background papers submitted by experts and working groups of leading professionals in each field that separately addressed each element of the justice system.

The discussion is divided into chapters on each component of the justice system—law enforcement, prosecution, the judiciary, and corrections. For professionals working in these disciplines, the field urges action in two crucial areas: more aggressively enforcing victims' rights and making a true commitment to helping victims exercise those rights. Specifically, the field's recommendations urge enhanced training on victims' issues and cultural competency, victim input through advisory boards and committees, development of specific policies, procedures, and programs to institutionalize improved treatment of and responsiveness to victims, dissemination of

information to victims, coordination of efforts across disciplines through team approaches; accountability through requiring victim assistance and sensitivity in employee evaluations; and evaluation of agency victim-witness efforts in accomplishing these tasks. Recommendations also encourage increased use of technology to better serve victims, development of programs on staff victimization, and outreach to underserved crime victims.

CHAPTER 2

Law Enforcement

The significance of law enforcement's role in responding to crime victims cannot be overemphasized. Law enforcement officers interact more often with crime victims than other professionals in the criminal justice system. The way that victims are treated by dispatchers, the first officers arriving at the scene of the crime, and detectives investigating the case shapes their expectations of how they will be treated throughout the justice process. It is therefore critical that every law enforcement professional who interacts with crime victims, either in person or over the telephone, know how to respond in a sensitive and effective manner.

As the first responders to most reported crimes, law enforcement agencies must ensure that victims are treated with sensitivity and provided essential information and emergency assistance in the immediate aftermath of victimization. State and federal laws mandate victims' rights that law enforcement must fulfill. They generally include the right to information about rights and crime victim compensation, and, in some states, to referrals to victim services; the right to protection from intimidation and harm, including aggressive enforcement of anti-stalking and restraining orders; the right to regular updates on the status of the investigation; and the right to notification when the accused is released from custody.

The Department of Justice has long recognized the significant role law enforcement plays in providing information and assistance to victims of crime. Over 20 years ago, law enforcement was one of the first allied professional groups targeted for training and technical assistance by the Law Enforcement Assistance Administration (LEAA) within the Department of Justice. LEAA helped fund innovative programs such as assistance to elderly victims and mobile crisis units with police officers and mental health professionals to respond to crime scenes. During that time, the first police-based victim assistance programs were established in police departments in Ft. Lauderdale, Florida, and Indianapolis, Indiana.

Today, the Office for Victims of Crime supports 113 victim assistance programs in police departments across the country through Victims of Crime Act (VOCA) funding. Many departments are using these funds to serve victims in innovative ways. In Detroit, Michigan, for example, the city's police department uses VOCA funds to fund a rape council, which provides hospital accompaniment, counseling, criminal justice advocacy, and other vital services to victims of sexual assault.

Very often a victim's first view of the criminal justice system is the law enforcement officer who responds to the scene of the crime. It is critical that this officer be well-trained and informed about victims' rights and services. If this officer does not refer the victim to appropriate assistance and compensation programs, that victim may never receive the help needed to heal.

Joe Brann,
Director of
Community Oriented
Policing Services Office,
U.S. Department of Justice

How Law Enforcement Agencies Are Responding to Victims of Crime

In 1982, the President's Task Force identified four important areas for improving law enforcement's treatment of crime victims:¹

- Developing training programs to increase sensitivity and awareness about victims issues.
- Implementing prompt property return procedures.
- Providing periodic information for victims regarding case status and the closing of the investigation.
- Putting a high priority on investigating witnesses' reports of threats or intimidation.

To varying degrees, federal, state, and local agencies have made progress in these areas. There are no comprehensive data on the percentage of law enforcement agencies that provide basic victim assistance services. According to the International Association of Chiefs of Police, while the majority of large city police departments have established victim assistance programs, the majority of law enforcement agencies serving smaller jurisdictions and rural areas have not.² In a 1990 Bureau of Justice Statistics survey of law enforcement agencies with more than 100 sworn personnel, 37 percent of responding agencies reported that they operated special victim assistance units.³

The range of services provided by law enforcement agencies across the nation varies significantly. A growing number of agencies employ full-time advocates to provide comprehensive assistance to victims, and many agencies have adopted policy statements on the basic level of assistance victims should receive. Some departments have designated an individual within the agency for victims to contact—a basic standard of service recommended by the Commission on Law Enforcement Accreditation. Furthermore, many departments aid victims by giving them brochures on community-based victim assistance programs, the legal system, and the needs of specific groups of victims such as those victimized by domestic violence and sexual assault.

- In Austin, Texas, the police department developed a comprehensive counseling and victim assistance program with three specialized units: day service, child abuse, and family violence. The department uses a special on-scene crisis unit with counselors equipped with unmarked police cruisers and radios to respond to victims and aids victims who need to leave abusive situations by paying for hotel stays of up to two nights. The department also operates a unique "Mobo cop" substation out of a van it stations at trouble spots in

high-crime neighborhoods. The substation is staffed by neighborhood beat officers, a counselor from the department's victim services division, and a city services coordinator.

- In Florida, the State Department of Law Enforcement's Crimes Against Children Program renovated a large trailer confiscated in a drug forfeiture and turned it into the nation's first mobile child abuse investigation unit. The unit is staffed by a multidisciplinary team of investigators who can be called to a location in less than 24 hours anywhere in the state. As a mobile facility, the unit spares victims and witnesses the inconvenience, embarrassment, and intimidation of traveling to a law enforcement facility. Interviews are conducted in a child-friendly atmosphere and trailer is equipped with high-tech audio equipment and color cameras to monitor and record interviews and wireless headphones that allow continuous communication between the monitor team and the interviewer. Since its deployment in 1994, the facility has been used to interview approximately 500 children in 14 judicial circuits.
- In Kentucky, the Lexington Police Department created the nation's first automated system to notify victims of any pretrial/preconviction release of the accused from custody or when there is a change in their status. The system, which is now used throughout the state, calls victims repeatedly until a successful notification is made, giving them time to take possibly life-saving precautions. The system gives the public, including victims, access to critical inmate information 24 hours a day, 7 days a week. Over 300 state and local jurisdictions are in the process of implementing similar notification systems.
- In Waltham, Massachusetts, and Skokie, Illinois, police agencies have installed panic devices in the homes of at-risk victims in response to the growing number of stalking and domestic violence incidents reported in those states. When activated, these devices signal the police department through wireless transmitters. Many law enforcement agencies have taken stalking and domestic violence prevention even further by arranging the free use of cellular phones by victims, giving them greater mobility.

Many crime victims need emergency assistance such as food, gas, utilities, temporary housing, transportation, medical supplies, and clothing. Rather than making crime victims wait for weeks or months to receive victim compensation, some police departments are providing emergency assistance.

- In Monroe, Washington, the police department serves as a central distribution point for emergency victim assistance funds available from community resources. The police department uses short,

simple application forms so victims can apply as quickly as possible for assistance, which is financed by such groups as the United Way, the Salvation Army, and the Safeway Corporation.

Federal law enforcement agencies have taken major steps to enforce victims' rights. Under federal law, they are responsible for identifying victims and witnesses of federal crimes, informing victims of their rights immediately after an incident, and referring them to emergency medical and victim services. These and other important responsibilities are set forth in the *Attorney General Guidelines for Victim and Witness Assistance*, which stress that, whenever possible, law enforcement officials must "assist the victim in contacting the specific person or office which will provide the above services."⁴

More than 70 federal agencies and officials have a law enforcement function, including the Federal Bureau of Investigation (FBI), military agencies, the Bureau of Indian Affairs, U.S. Customs officials, U.S. Postal Inspectors; and the U.S. Park Service. These agencies are reaching out to victims by developing informational brochures in various languages, conducting national and regional training programs for their investigators, and designating victim-witness coordinators in their offices.

Of all federal agencies, the FBI interacts most often with crime victims. In 1996, the Director of the FBI took steps to improve the Bureau's response to victims by increasing FBI victim-witness specialists, enhancing training for FBI victim-witness coordinators, establishing an emergency fund for victim services, and revising the FBI Victim-Witness brochure, which FBI agents distribute to every crime victim they assist. Each of the 56 FBI field offices in the nation now has a designated victim-witness specialist.

Victims want to be kept up to date on case status and need explanations of each step in the process. Victims want to feel 'part of the team' in resolving the problem.

A Law Enforcement Officer

Multidisciplinary Teams and Partnerships

Law enforcement has taken an active and pivotal role in the development of multidisciplinary team approaches, first in response to child abuse in the 1980s, and then in response to sexual assault and domestic violence in the 1990s. Many departments have established special multidisciplinary programs, which have improved law enforcement's response to victims because they utilize the expertise of many disciplines in one setting.

- In Tennessee, the Metropolitan Nashville Police Department created a Victim Intervention Program in 1975. The unit is now staffed by mental health counselors and provides free crisis intervention and ongoing counseling for any victim of a violent or other crime that has affected an individual emotionally. In 1994, the department expanded its assistance to victims by creating a separate Domestic Violence Intervention Division that coordinates its response with the

prosecutor's office. The largest program of its kind in the nation, the division is staffed by more than 32 specially trained professionals who handle thousands of cases each year. The Nashville Police Department credits this unique intervention with helping to reduce domestic violence homicides by over 40 percent in 2 years.

- In Connecticut, the New Haven Department of Police Services and the Child Study Center at Yale University School of Medicine have developed a unique collaborative program to address the psychological impact of chronic exposure to violence on children and families. The initiative, called the Child Development-Community Policing Program, brings together police officers and mental health professionals to provide each other training, consultation, and support, as well as direct interdisciplinary intervention to children who are victims, witnesses, or perpetrators of violent crime.
- In New York City, the New York Police Department and Victim Services, a nonprofit social service agency, launched a joint initiative in 1984 in which police officers and victim counselors work in tandem to respond to domestic violence incidents. The counselors reach out to domestic violence victims—by letter or in person—with the dual message that domestic violence is a crime and that help is available. They also frequently accompany police officers on followup investigations, giving priority to households in which there have been three or more incidents and to clients who appear to be at greater risk. Counselors conduct periodic roll call trainings on a range of domestic violence issues. The program currently is in operation in 21 precincts.
- In Florida, the Largo Police Department collaborates with the state attorney's office and with the local domestic violence shelter to enhance services to victims and to improve the prosecution rate of domestic violence cases. Staff in the department's domestic violence unit receive intensive training on responding to domestic violence incidents more effectively. The unit uses technological advances to help gather evidence, including lapel microphones to record audio arrival at the scene and camcorders to videotape victim and witness statements on the scene. One of the unit's most innovative services is faxing copies of police reports to the local shelter, which then calls victims to offer assistance.

In many communities, law enforcement officers and health care professionals are using a new approach to handling sexual assault and child abuse cases in which victims are treated in specialized settings more hospitable than emergency rooms. In these secure and comfortable environments, trained nurse examiners conduct evidentiary medical exams.

*It is about the law keeping
its promise.*

Sergeant Mark Wynn,
Domestic Violence Division,
Nashville Metropolitan
Police Department

- In Tulsa, Oklahoma, one such program, which has been recognized by the Ford Foundation and Kennedy School of Government as an important public sector innovation, was initiated through the efforts of local police and medical professionals. Sexual assault victims are treated in a quiet section of the hospital decorated in a warm way to provide a welcoming and supportive environment for victims. After conducting more than 500 rape examinations in this special setting, Tulsa police officials reported substantial improvement in the quality of forensic evidence and a higher rate of convictions due to victims' greater willingness to undergo examinations. Local officials also reported that all of the cases prosecuted with nurses providing testimony resulted in convictions.

To respond to the needs of elderly crime victims, more than 525 Triad programs have been started in communities nationwide.⁵ These innovative community policing programs are partnerships among the county sheriff, police chief, and elder representatives in each community. Developed by the American Association of Retired Persons, the International Association of Chiefs of Police, and the National Sheriffs' Association, Triads work to reduce crimes against the elderly, improve public awareness, and improve law enforcement's response to the elderly.⁶ Victim services offered through Triad programs include crime prevention, crisis intervention, repairs to damaged residences, transportation to medical services and criminal justice proceedings, and courtroom escort.⁷ Each Triad is governed by a SALT Council (Seniors and Law Enforcement Officers Together) that develops programs and services to meet the individual needs of the community.⁸

*Triad partnerships
benefit not only our
nation's seniors, but law
enforcement as well.*

Terri Hicks,
Triad Program,
National Sheriffs Association

- In Bridgeport, Connecticut, the sheriff hired a bus to take seniors to the market once a week after they complained that they felt unsafe while shopping for food. Many of these seniors crochet outfits for teddy bears, which are given to sexually abused children.

Federal law enforcement is also responding to crime victims through multidisciplinary initiatives. In 1995, the Attorney General established the Federal Agency Task Force for Missing and Exploited Children composed of representatives from 14 federal agencies and the National Center for Missing and Exploited Children, a nonprofit agency in partnership with the Office of Juvenile Justice and Delinquency Prevention. The Task Force seeks to identify gaps and duplications in service delivery to missing and exploited children and their families. The Task Force focuses on coordination and policy issues and has compiled a directory, *Federal Resources on Missing and Exploited Children: A Directory for Law Enforcement and Other Public and Private Agencies*, that provides information on access points to the broad array of federal services for parents and law enforcement.⁹

Death Notification

One of the most difficult aspects of a law enforcement officer's job is notifying surviving family members of the death of a loved one. Realizing the psychological toll of death notifications on officers and the lasting negative impact that improperly conducted notifications have on victims, law enforcement agencies are now developing protocols for appropriate death notification practices.

- In Howard County, Maryland, and other jurisdictions, police officers give a checklist to survivors that helps them obtain death certificates, apply for financial assistance and other benefits, choose a funeral home, and consider other important services. This information helps survivors who have no idea what to do after a loved one has died by giving them a tool to navigate a legal system they may find confusing and overwhelming when overcome with grief.
- In Texas, the Arlington Police Department allows survivors to spend as much time as they want with the victim, to view and touch the body, regardless of its condition.

Recognizing the importance of ensuring that all law enforcement personnel respond to survivors of homicide appropriately and with compassion, the Office for Victims of Crime (OVC) supported the development of a training curriculum and accompanying videotape for law enforcement professionals by Mothers Against Drunk Driving. Entitled *Death Notification: Breaking the Bad News with Concern for the Professional and Compassion for the Survivor*, this training is available to law enforcement officers across the country through the OVC Trainers Bureau.¹⁰

Community Policing

The concept of community policing has emerged within this decade, and its principles are transforming the criminal justice system. It is a philosophy of problem solving at the local level whereby "police officers and private citizens working together in creative ways can help solve contemporary community problems related to crime, fear of crime, social and physical disorder, and neighborhood decay."¹¹ Community policing is based on the belief that police departments must develop new relationships with the people in their community, allowing community members to have a voice in setting local law enforcement priorities and involving them in efforts to improve the quality of life in their neighborhoods.¹² Rather than spend the bulk of their time responding to random calls, police work proactively with the community to solve problems.¹³

Let us get the law enforcement officers throughout America . . . to the streets of America where the violence is, to the communities and the neighborhoods. Let us make sure that we use our police in the most effective manner possible, forming partnerships to avoid duplication, and developing community policing operations where police officers are on the cutting edge of building confidence and credibility in government.

Attorney General Janet Reno,
New York City
Candlelight Vigil for National
Crime Victims Rights Week,
April 1993

The following letter was sent by a mother whose son was killed in a drunk driving crash to the officer who was with her when she learned her child was dead. She wrote it on the first year anniversary of her son's death. It illustrates the profound impact law enforcement officers can have on a crime victims' ability to cope in the immediate aftermath of what may be the most devastating type of victimization—the death of a child.

Dear Officer,

A year ago today, you stood in a snowy field as you informed me that my son, Jim, was dead. I will never forget that day and I'm sure you won't either. I have never thanked you for the care and the compassion you showed me that day. I will never forget the look on your face as you struggled to tell me that Jim was dead. I realized then that you too were a victim of someone's irresponsibility.

I remember that when my legs wouldn't hold me any more and I collapsed in the snow, you sat down next to me and never left my side. I think often (a scene I relive over and over) about how kind that was of you. I also know how difficult it must have been for you as I argued that Jim wasn't really dead. You had to keep telling me that he was. I wouldn't have your job for anything.

I could tell by the look in your eyes that you were hurting. I would not recognize you on the street today, but if I looked into your eyes I would remember them. The pain I saw reflected there is something I will never forget. I'm sorry that I haven't written you before now. I have been waiting for the trial, which has been postponed six times, and it has been difficult for me to write. I hope to meet you in person some day and thank you for being such a caring and compassionate human being. I know how much negative feedback law enforcement officers get. But officers like you, who in my opinion go beyond the call of duty, need to know that they are appreciated.

I have been trained in crisis counseling. This made me aware that you were doing everything just right. I needed to get into the car and hold Jim's broken body in my arms and kiss him goodbye, and you didn't deny me that right. I thank God that you allowed me to spend time with Jim while his spirit was still there. I thank God for caring people like you who are forced to witness tragedies like this everyday. My hope is to someday keep intoxicated drivers off the road, not only for the families of the victims but also the forgotten victims such as you.

Thanks and God Bless,

Jeri H.

The ultimate goal of community policing is to reduce crime by using community-police partnerships to develop crime prevention strategies that work. As police officers develop trust with residents in neighborhoods, community policing may encourage victims who traditionally do not report crimes to participate in the system and seek assistance for their financial, physical, and emotional injuries.

The Violent Crime Control and Law Enforcement Act of 1994¹⁴ authorized funds to promote community policing and to add 100,000 community policing officers to the streets over 6 years.¹⁵ The Office of Community Oriented Policing Services (COPS) within the U.S. Department of Justice, is responsible for carrying out this mission¹⁶ and, as of February 1997, the agency had awarded grants for the hiring or redeployment of more than 54,000 police officers and sheriff's deputies.¹⁷ The COPS Youth Firearms Violence program supports innovative community policing approaches to fight firearm violence among young people, and the COPS Community Policing to Combat Domestic Violence program provides grants to local communities to fight domestic violence.

According to research sponsored by the National Institute of Justice, community policing has been adopted in many jurisdictions across the nation. In a 1993 survey of 2,314 municipal and county police and sheriff's departments, nearly 20 percent of the respondents had implemented a community policing approach and 28 percent were in the process of doing so. The same study showed that community policing is producing benefits nationwide. Among agencies that had implemented community policing for at least a year, 99 percent reported improved cooperation between citizens and police, 80 percent reported reduced fear of crime in the community, and 62 percent reported fewer crimes against persons.¹⁸

- In San Diego, California, the police department, in partnership with the YWCA of San Diego County, created a Community Domestic Violence Resource Network. With support from a \$200,000 COPS grant, a toll-free telephone clearinghouse provides access to information on all domestic violence service providers in the county. The network has been a particularly valuable resource for community police officers. Using a computerized database, specially trained information specialists can now tell law enforcement officers in an instant which shelters have space available, which accept children, and other relevant information.¹⁹
- In Provo, Utah, the sheriff's office reports that they have dramatically increased the human resources available to solve crime problems by involving victims in "victim-assisted" investigations. When appropriate, officers enlist the participation of crime victims by explaining the type of information needed to make an arrest and guiding them on the role they can play in the department's investigation.

I am writing this letter about abuse. Abuse hurts people. I want you to have police go on the streets and check the house once a week for people who hurt people and children.

A letter to President Clinton
from a child abuse victim

- In Lowell, Massachusetts, police report that for the first time in 25 years, a year passed without a single murder. This extraordinary event, police believe, is a product of intensive community policing. With support from a COPS grant, the city hired 65 new officers, created bicycle patrols, and implemented a gang unit. The department also created neighborhood police storefront substations that serve as a base of operations for community police officers assigned to neighborhood foot patrols. Overall, crime has declined in all but one category: an increase in reported assaults. But the department attributes this increase to community policing efforts that have helped women feel more comfortable about reporting domestic violence.²⁰
- In Caldwell, Idaho, officers are building bridges with community members through a variety of community policing strategies. Seniors are volunteering to help take nonemergency reports of minor crimes, and citizens are helping officers monitor hard-to-patrol rural areas. With the help of police, residents started GANG (Group Against Neighborhood Graffiti) to paint over graffiti using the labor of volunteers and juveniles ordered to complete community service for petty crimes. Since the community policing initiative began, crime rates have dropped consistently each year and citizen complaints about officers have been reduced by two-thirds.²¹

Another innovative practice implemented by police departments are programs offering a full range of services and multilingual, multicultural support to victims and survivors of gang violence. Much like domestic violence victims, victims and witnesses of gang violence generally live with or among the perpetrators of the crimes and are especially reluctant to participate in the system, fearing retaliation.

- In Orange County, California, five victim advocates based in a private non-profit victim assistance program, work collaboratively with police and prosecutors to ensure that they provide comprehensive services for victims of gang violence. The program provides emergency crisis response, sensitive death notification, accompaniment of survivors to emergency rooms, orientation to coroner procedures and policies, assistance with burials and funerals, crime scene cleanup, intervention with employers and the media, assistance in obtaining victim compensation, referrals for counseling services, orientation to posttrial services such as obtaining notification of the offender's status and parole hearings, and training for emergency medical and hospital personnel on responding to gang victims more effectively and sensitively.

Standards for Victim and Witness Assistance

Law enforcement was the first profession within the criminal justice system to develop standards of service for assisting crime victims. In

1979, the Commission on Accreditation for Law Enforcement Agencies was formed by four major law enforcement membership agencies: the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National Sheriffs Association, and the Police Executive Research Forum.²² The Commission was created to establish a body of standards for law enforcement agencies and to oversee an accreditation process that provides these agencies with an opportunity to demonstrate voluntarily that they meet an established set of professional standards.²³ The Commission's first set of standards for responding to victims and witnesses was developed in the late 1980s and added as a special chapter, "Victim Witness Assistance" to the compilation *Standards for Law Enforcement* in 1990.²⁴ In that publication, the Commission describes the importance of adopting victim/witness standards for law enforcement:

The principle justification for the standards in this chapter is that they are integral to sound law enforcement. . . . If victims and other witnesses are subjected to what they consider poor treatment, they can be expected to offer something less than wholehearted cooperation with law enforcement agencies, which can have a devastating effect on investigations and subsequent prosecutions. . . . In its own best interests, law enforcement has a role to play in victim/witness assistance.²⁵

The standards address both administration and operations within law enforcement agencies and specify whether compliance is mandatory or optional, depending on the size of the agency. Mandatory standards for all law enforcement agencies include: appropriate assistance to victims and witnesses who have been threatened or who, in the judgment of the agency, express specific, credible reasons for fearing intimidation or further victimization; assistance to victims and witnesses during the preliminary and followup stages of an investigation, including referrals to appropriate agencies; death notification procedures; and assistance to agency personnel and their families following line-of-duty deaths.²⁶

Training

With support from the Department of Justice, the nation's leading national law enforcement organizations, including the National Sheriffs Association, the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Officers, and the Police Executive Research Forum, have undertaken extensive training initiatives on domestic violence, child abuse, sexual assault, elder abuse, crisis response, and other critical victim issues. Currently, OVC is working with the International Association of Chiefs of Police and the National Organization for Victim Assistance to develop a training curriculum to integrate victim assistance into community policing. In

addition, the Office of Juvenile Justice and Delinquency Prevention provides funding to organizations including the National Council of Juvenile and Family Court Judges, the National Center for Missing and Exploited Children, and the American Bar Association to provide child abuse prevention and intervention training to law enforcement.

Since the mid-1980s, the Federal Law Enforcement Training Center (FLETC) has provided basic victim assistance training each year to approximately 3,000 federal law enforcement officers and agents. Moreover, FLETC has incorporated victim assistance into several of its advanced courses. The Federal Bureau of Investigation's training academy in Quantico, Virginia has also integrated training programs on victim assistance into its curricula and has sponsored numerous special education programs on victim issues over the years, beginning in 1983 when it hosted an interdisciplinary National Seminar on Sexual Assault.

At the Federal Law Enforcement Training Center, we stress the direct relationship between victim assistance and making good cases. Law enforcement training academies should continually strive to integrate victim assistance into as many areas of training as possible.

Robert Wells,
Federal Law Enforcement
Training Center

Most states now mandate training on domestic violence for law enforcement, and the majority of state law enforcement academies offer training on domestic violence and sexual assault as part of the basic curriculum for recruits. In addition, the Commission on the Accreditation of Law Enforcement Agencies has developed in-service, roll-call, and advanced training standards for its 500 member law enforcement agencies.²⁷

The impact of training on officers' response to crime victims is well-documented. In 1995, the National Institute of Justice published the following summary of how training has affected law enforcement response to domestic violence:

From 1986 to 1992, 23 law enforcement training projects throughout the country received funding through the Office for Victims of Crime to train 16,000 police officers and other justice system staff (such as prosecutors and judges), and community service providers to improve responsiveness to victims of family violence. An NIJ-sponsored study found that the training programs . . . brought more uniform and progressive domestic violence policies in participating jurisdictions, improved training participants' attitudes and services to victims, and enhanced working relationships among agencies.²⁸

The law enforcement community has made great strides in the past 15 years to respond more appropriately to the needs of crime victims. Many law enforcement agencies and officials are responding to crime and victimization with an unprecedented level of comprehensiveness and compassion. They have made a serious commitment to our society's most vulnerable victims through special units devoted to investigating domestic violence, sexual assault, and child abuse; unique partnerships with elderly citizens; and victim advocacy in community

policing efforts. Despite this record of progress, however, law enforcement's response to victims of crime remains inadequate in some communities around the country. Crime victims still report that law enforcement officers sometimes fail to be sensitive or provide critical information, particularly when assisting multilingual and multicultural victims.

Recommendations from the Field for Law Enforcement

LAW ENFORCEMENT RECOMMENDATION FROM THE FIELD #1

Law enforcement agencies should adopt a community policing philosophy that is both victim and crime prevention oriented.

A major part of any community policing initiative should be a comprehensive response to the needs of crime victims. If implemented properly, community policing has the potential to dramatically improve law enforcement's response to victims. When officers are accessible to residents in their neighborhoods, victims of crime are more likely to report crime and seek assistance because they develop trusting relationships with those officers. Equally important, victim services can be delivered much more swiftly when police officers and community organizations work together. Community policing initiatives will not be effective, however, if they do not reflect the lingual and cultural characteristics of the victims and witnesses they serve.

Law enforcement agencies need to recognize that crime victims can be important resources in solving crimes. As community policing becomes the dominant approach to policing, law enforcement agencies should develop ways to incorporate victims of crime into their community partnerships because victims are often the individuals most dedicated to solving cases in which they or their families have been injured. Victims can organize other community members to join problemsolving efforts, and to provide information to help with investigations.

LAW ENFORCEMENT RECOMMENDATION FROM THE FIELD #2

Law enforcement agencies should provide a basic level of support to crime victims through establishing victim assistance programs within their agencies and through community partnerships to ensure

Victims are the principle 'customers' of our justice system—and police officers are the first on the scene to respond to them. We need to continually reassess the quality of services we provide to these victims. Since the publication of the original victims report in 1982, the IACP has been actively addressing this issue, teaming with the Office for Victims of Crime, the National Organization for Victim Assistance, and the Violence Against Women Grants Office to develop innovative policies, protocols, and training curricula for police-based services to victims.

Dan Rosenblatt, Executive Director, International Association of Chiefs of Police

that victims have access to emergency services, counseling, financial assistance, information and referrals, and community programs.

Law enforcement agencies should be prepared to provide crime victims with immediate referrals, verbally and in writing, to private and public community agencies that offer victims emergency treatment, financial assistance, 24-hour crisis intervention, shelter, and transportation. All information should include current contact names and telephone numbers and be provided in appropriate languages. Victims suffering psychological trauma should be given onsite crisis intervention, assistance, and support, either by a trained law enforcement officer or a victim services professional. If victims are injured, law enforcement should transport and accompany them to emergency medical services, and ensure that victims do not have to pay for the cost of collecting medical evidence. Federal, state, and local law enforcement should distribute brochures in appropriate languages on emergency and crisis services, common victim reactions to specific crimes, and crime victim compensation.

Police officers are gaining a renewed understanding of their role as victim advocates. As victim advocates, police officers are an integral part of community efforts to prevent crime, reduce fear, and support victims.

Chief (ret.) Drew Diamond,
Senior Research Associate,
Police Executive
Research Forum

LAW ENFORCEMENT RECOMMENDATION FROM THE FIELD #3

Law enforcement agencies should establish policies for the provision of fundamental victims' rights and services and procedures for their implementation. These policies and procedures should be disseminated in writing throughout the agency.

Law enforcement agencies' policies on victim assistance should reflect an agencywide, comprehensive response to victims and must apply to every professional who interacts with victims, including dispatchers, patrol officers, investigators, and all supervisory personnel. At a minimum, the victim/witness standards for law enforcement agencies developed by the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National Sheriffs' Association, and the Police Executive Research Forum, and issued by the Commission on Accreditation for Law Enforcement Agencies in chapter 55 of *Standards for Law Enforcement Agencies*, should be adopted by all law enforcement agencies in the country.²⁹

LAW ENFORCEMENT RECOMMENDATION FROM THE FIELD #4**Compliance with victims' rights policies and procedures should be included as a standard in officers' performance appraisals.**

Including compliance with victims' rights policies and procedures in performance reviews emphasizes to officers that providing victims with information about rights and services is a critical part of their job. Background checks of incoming recruits should determine any history of arrests or convictions for domestic violence or other crimes. Moreover, as part of the hiring process for police chiefs, victim-oriented questions should be included in the interview process and candidates should be evaluated on their knowledge about and support of victim-oriented initiatives.

The *Attorney General Guidelines for Victim and Witness Assistance* require that performance appraisals for law enforcement professionals within the U.S. Department of Justice include implementation of and adherence to victim-witness laws.³⁰

LAW ENFORCEMENT RECOMMENDATION FROM THE FIELD #5**During their initial contact with law enforcement officers, victims of crime should receive verbal and written information about victims' rights and services. Law enforcement personnel should be required to follow up with victims because many individuals are unable to comprehend assistance and compensation information in the immediate aftermath of being severely traumatized.**

Because many victims have trouble focusing on important information regarding rights and services immediately after their victimization due to trauma, law enforcement should provide this information to victims in writing as well as verbally. All information should be provided in an easy-to-understand format, taking into account victims' recent trauma, language, culture, age, and cognitive development. The information should include the names and telephone numbers of officers and investigators they can contact for updates on the case investigation. Some jurisdictions give victims a card, often referred to as a "Reverse Miranda" card, that specifies their rights in accordance with

As a first responder, I know that victims feel further anguish when they think they need to restrain their feelings because they will be judged or thought of as crazy. I have seen fellow officers who were not sensitive to the crisis. Why can't they say 'I'm sorry,' that's what crime victims need to hear.

A Law Enforcement Officer

state or federal law. Other agencies, including the Rochester Police Department, give victims a tear-off copy of the incident report that contains victims' rights and services printed on the back. Victims are asked to review and sign the report. Furthermore, all law enforcement reports should include a mandatory victims' rights and services checkoff list to record whether victims received information on rights and services. It is imperative that victims be given information in a manner that is understandable to them.

Agencies should consider developing automated case tracking systems to analyze information related to law enforcement's response to both crimes and crime victims. In agencies in which such programs have been implemented, they have enhanced both compliance and management efficiency.³¹

LAW ENFORCEMENT RECOMMENDATION FROM THE FIELD #6

All law enforcement agencies should adopt written policies and procedures and implement training programs for conducting sensitive and culturally appropriate death notification.

Death notifications should be made in person and with a supportive counselor when possible. In cases involving death, law enforcement agencies should show restraint in releasing information about the incident until appropriate notification can be made to surviving family members. Those who have survived the homicide of a loved one say that the most traumatic moment in their life was the death notification. Likewise, most people who are required to deliver notifications say it is the most difficult part of their job. In one study, 67 percent of police detectives reported that death notifications were "very or extremely stressful" and cited lack of preparation as among the top reasons for their apprehension.³² It is critical that law enforcement officers be trained on the proper procedures for conducting sensitive death notification to reduce psychological harm to victims and the negative impact on officers faced with this difficult job. This training should include awareness of cultural differences in appropriate death notifications.

While law enforcement agencies need to do their utmost to provide death notification in person, emergency circumstances may require conducting notification by telephone. Agencies should train officers to make the call with professionalism and compassion. Telephone notification should be used only when there is a risk that surviving family members may hear of the death in an insensitive manner from another source such as the media.

LAW ENFORCEMENT RECOMMENDATION FROM THE FIELD #7

State, federal, military and tribal law enforcement agencies must implement victims' rights laws and ensure that victims are regularly notified of the status of the investigation, including arrests, pretrial release of suspects, and case closings.

It is important that law enforcement officers give victims a verbal and written orientation to the investigation process to let them know in advance how the investigation will proceed. Victims should also be given the name, badge number, and telephone number of the investigating officer, as well as the police report number and any other identifying case information. In addition, law enforcement agencies should establish procedures that allow victims to select a support person to accompany them to interviews. Victims should never be charged for a copy of the police report, and procedures should be developed for giving victims a copy of the police report in a timely manner.

If an arrest is made, victims should be notified immediately and given the date, time, and location of the defendant's initial appearance. At this time, victims should receive information about their rights within the criminal or juvenile justice process, including their right to be present at court proceedings and the right to be heard, orally or in writing, at various stages of the case. When a defendant is released, victims should be notified of the date, time, and location of his or her next court appearance. If there is no arrest within 7 days, victims should be contacted and assured that they will be notified of an arrest, provided they maintain a current address, regardless of the length of time between the commission of the crime and the date of arrest. For particular classes of crimes in which bail release is routine, victims should be informed of the time and place of such hearings at the scene of the crime or when the victim is subsequently notified of the arrest. When a case is submitted to a prosecuting attorney's office, victims should be notified of the name, address, and telephone number of the prosecuting attorney or victim/witness liaison. All notifications should be made in appropriate languages.

The death of a person is like a chain reaction. So many people left behind are affected.

The mother of a
homicide victim

LAW ENFORCEMENT RECOMMENDATION FROM THE FIELD #8

Law enforcement should place a high priority on protecting victims and witnesses from intimidation and physical harm after they report a crime. Law enforcement

agencies that operate jails or any temporary custody facilities should, upon request of the victim, immediately notify the victim of a defendant's pretrial release.

All agencies within the justice system, beginning with law enforcement, need to protect victims from intimidation, threats, and actual harm. At the scene of the crime, law enforcement officers should inform victims and witnesses, orally and in writing, about the procedures and resources available for their protection. This information should include an explanation of anti-stalking rights, the availability of emergency protection orders, and other advice on victim safety. Victims should be given advance notice of defendants' pretrial release so that they can take appropriate actions to protect themselves.

In the aftermath of sexual violence, victims must deal with a range of persons and systems, from medical examiners to the police to prosecutors and many others. It is essential that training be provided to every person within this multi-disciplinary framework, so that in every encounter the victim has with all these systems, she or he is treated with sensitivity and respect.

Beverly Harris Elliott,
Executive Director,
National Coalition
Against Sexual Assault

LAW ENFORCEMENT RECOMMENDATION FROM THE FIELD #9

All law enforcement personnel, from dispatchers through management, should receive initial and ongoing training about the impact of crime and how to respond sensitively and effectively to victims.

Training law enforcement personnel to be sensitive to the needs of crime victims must start at the beginning, with recruits at police academies. Continuing education on victim issues for law enforcement officers should occur annually. The Commission on Accreditation for Law Enforcement Agencies has established in-service, roll-call, and advanced training standards that require mandatory training on victim/witness rights, policies, and procedures as part of annual retraining programs for law enforcement agencies. These standards should be expanded to recruit training as well. All training should incorporate instruction on multicultural issues.

Police training programs should include presentations by individual victims or victim impact panels and should address the trauma of victimization, law enforcement's role in responding to crime victims, and mandated duties to implement victims' rights laws. Cases in which these issues are important include sexual assault, child abuse, domestic violence, elderly victimization, homicide, death notification, hate and bias crimes, and drunk driving, as well as robbery, burglary, and white collar victimization. In addition, undergraduate and graduate criminal justice and police science programs should develop courses and concentrations in victims issues.

Training should include instruction for police on interviewing crime victims and incorporate ventilation and validation techniques used by crisis counselors. Officers who use modern interviewing methods such as cognitive interviewing obtain a more complete narrative of victims' experiences and give victims tools to overcome their feelings of trauma.

LAW ENFORCEMENT RECOMMENDATION FROM THE FIELD #10

Police departments should develop specialized responses for family members of officers killed in the line of duty and protocols for responding to injured officers.

When an officer is killed, law enforcement agencies should provide individual and group crisis intervention and ongoing mental health services for surviving family members and other law enforcement agency personnel who may need intervention services. These critical psychological support services can be provided through contracts with local mental health or victim service providers or, in larger departments, by inhouse psychological support personnel. Some officers prefer to receive counseling outside of their police agency because of concerns for confidentiality.

While it is assumed that public safety agencies pride themselves in "taking care of their own" and respond immediately to assist a fallen officer's survivors, research conducted with surviving family members tells a different story. A study sponsored by the National Institute of Justice in 1990 found that 67 percent of law enforcement agencies surveyed lacked formal policies on responding to the survivors of an officer killed in the line of duty.³³ In addition, the survey found that departments lacked guidelines for providing survivors emotional support beyond the funeral, leaving them feeling abandoned.³⁴

In 1984, Concerns of Police Survivors (C.O.P.S.) was founded as a national networking organization to provide peer support to police survivors and to help law enforcement agencies develop workable plans for handling survivors in the immediate, short-term, and long-term aftermath of an officer's death. C.O.P.S. has developed guidelines that address procedural issues as well as emotional support and counseling. The guidelines, which have been distributed to public safety agencies nationwide with the support of the Department of Justice, should be followed by law enforcement agencies working with surviving family members in the aftermath of an officer's death.³⁵

The Department of Justice also supports important programs for survivors of officers killed in the line of duty. The Public Safety Officers' Benefits Program, administered by the Bureau of Justice

When law enforcement officers are murdered, not only does the family lose their loved one, too often they lose their connection with the agency. Law enforcement agencies need to know how to emotionally support their surviving families. This educational process has only just begun.

Suzie Sawyer,
Executive Director,
Concerns of Police Survivors

Assistance, provides financial benefits to eligible spouses, children, and parents of federal, state, and local law enforcement officers, firefighters, and emergency medical technicians killed or permanently and totally disabled in the line of duty.

LAW ENFORCEMENT RECOMMENDATION FROM THE FIELD #11

Law enforcement agencies should establish special protocols to ensure victim participation and confidence in the system when an officer is accused of a criminal offense.

Many law enforcement agencies have had to confront the issue of criminal conduct by their own officers, including allegations of domestic violence, sexual assault, hate and bias crimes, assault and battery, child abuse, stalking, and drunk driving. The Los Angeles Police Department, for example, according to a *Los Angeles Times* article, investigated 62 officers over a 5-year period ending in 1992 for domestic violence allegations but never arrested a single officer.³⁶ Recently, the department settled a lawsuit by paying over \$1 million to surviving family members of a woman who was killed in a domestic dispute by a police officer after she had reported previous domestic violence abuse to the police. The practice of not holding law enforcement officers who batter accountable must change.

Measures to encourage victim reporting should be instituted in every law enforcement agency in the nation to deal with cases in which law enforcement officers are accused of criminal acts. A promising approach has been taken by the Chicago Police Department, which has established an Office of Domestic Violence Advocate to encourage abused wives, husbands, and partners of police officers to report domestic violence incidents so that appropriate action can be taken. The advocate works one-on-one with battered victims, and training of police officers and spouses of new recruits complements the advocate's work.

Additionally, law enforcement agencies should screen all employees to be certain that they are not prohibited from possessing a firearm under federal law. Under the Lautenberg Amendment to the Federal Gun Control Act, it is a federal crime for law enforcement officers to possess a firearm or ammunition, including service weapons, if they have been convicted of a state misdemeanor charge of domestic violence.³⁷ The law applies to convictions before and after its effective date, September 30, 1996. Although other provisions of the federal gun laws (for example, provisions prohibiting possession of firearms by individuals with a prior felony conviction³⁸ and those under a valid civil restraining order³⁹) specifically exempt law enforcement, law

enforcement agencies should proactively find ways to keep service weapons out of the hands of those with a history of violence. Agencies should temporarily transfer officers subject to civil protection orders to desk jobs or otherwise relieve them of duties which require use of a firearm. Officers subject to civil protection orders should not be permitted to respond to calls for help from victims of domestic abuse, and their ability to respond to other victims should be assessed carefully.

LAW ENFORCEMENT RECOMMENDATION FROM THE FIELD #12

Procedures for the swift return of property to victims and witnesses should be developed at the federal, state, and local levels to serve as models for law enforcement agencies nationwide. Emergency funds should be made available to victims to replace essential items. Laws providing victims the right to have their property returned within a reasonable period of time should be enacted in all states and on the federal level.

Law enforcement agencies should place high priority on the speedy return of victims' property. They should augment their property identification procedures by providing written instructions to victims to help them assist in the description and retrieval of property held as evidence. When it is not possible to release property held as evidence, an emergency fund should be available in every community to cover the cost of replacing essential property such as a warm winter coat. Victims should never be charged for the storage of their property, and they should be reimbursed for property that is lost, sold, or damaged while held as evidence.⁴⁰

The recommendations in this chapter were based upon input from participants at public hearings and reaction and working groups, as well as papers submitted by experts in the field, identified in Appendix A. The recommendations do not necessarily reflect all of the views of the contributors, nor do they necessarily represent the official views of the Department of Justice.

Policies, Protocols, and Procedures for a Comprehensive Law Enforcement Response to Victims of Crime

This chart provides an overview of a comprehensive law enforcement response to crime victims. Law enforcement agencies should establish policies and procedures to clearly define the role of the agency, and various law enforcement personnel in responding to crime victims as outlined below. When law enforcement agencies are unable to provide this type of comprehensive response, it should be the responsibility of the law enforcement agency to take a leadership role in the development of community partnerships to ensure that crime victims have access to the following emergency and on-going victim assistance.

Upon first contact with law enforcement, the responding officer should give victims verbal and written notification of their rights according to state or federal law.

- This can be accomplished by giving the victim a card that specifies their rights in accordance with state or federal law, often referred to as a “Reverse Miranda” card.
- It is imperative that such information be language and age appropriate. Brochures on emergency and crisis services, and crime victims compensation should be developed in different languages—as well as for victims with physical and/or mental disabilities—and distributed appropriately.

Law enforcement agencies should utilize community partnerships to ensure that victims have access to the following emergency services, financial assistance, information and community programs:

- On-site crisis intervention, assistance and support, either by a trained law enforcement officer or through on-site support from a victim services professional.
- Immediate referrals, verbally and in writing, to community agencies that offer emergency services, emergency financial assistance, 24 hour crisis intervention, shelter and transportation. Proper referrals should include current names and telephone numbers of private and public victim assistance programs that provide counseling, treatment and other support services.
- Transportation and accompaniment to emergency medical services if they are injured.
- A brochure or other written resources that explain the expected reactions victims have to specific crimes.
- Written information about crime victim compensation and how to apply for it.
- Victims should not be charged for certain medical procedures or for costs arising out of the need to collect and secure evidence.

Protection from Intimidation and Harm:

- Verbal and written notification about the procedures and resources available for the victim’s protection.

- An explanation of anti-stalking rights, availability of emergency protection orders, other protection from intimidation and harassment measures, as well as information on victim safety and security.
- Victim notification of the release of the accused and inclusion of no contact with the victim orders as conditions of the release.

Investigation:

- A verbal and written orientation to the investigation process.
- Procedures allowing a victim to choose an individual to accompany them to interviews.
- The name and telephone number of the law enforcement officer investigating the offense and the arrest, and the police report number or any other identifying case information.
- A free copy of the incident and arrest report.

If an arrest has been made, victims should be notified of:

- The arrest of the defendant.
- Of the next regularly scheduled date, time, and place for initial appearance.
- Any pretrial release of the defendant.
- Their rights within the criminal and juvenile justice processes, including the right to be present at all justice proceedings that the accused, defendant and/or prisoner has the right to attend, and the right to be heard, both orally and/or in writing, at various stages of the case.
- Upon release of a suspected offender, notification of the date, time and place of the next court appearance, and how to obtain additional information about the subsequent criminal proceedings.

If there is no arrest within 7 days:

- Information about the right to notification of arrest, providing the victim maintains a current address, regardless of the length of time between the commission of the crime and the date of arrest.

If the case has been submitted to a prosecuting attorney's office:

- Notification of the name, address and telephone number of the prosecuting attorney assigned to the case.

Prompt property return:

- Speedy return of property held by law enforcement with victims provided with verbal and written information on how to obtain their property.
- Free storage of the victims' property.
- Reimbursement for the actual replacement costs of any property that is lost, sold or damaged while being held as evidence.

Endnotes

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