



**Problem-Oriented Guides for Police**  
**Problem-Specific Guides Series**  
**No. 42**

# **Witness Intimidation**

by  
Kelly Dedel





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# Witness Intimidation

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[www.cops.usdoj.gov](http://www.cops.usdoj.gov)

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## About the Problem-Specific Guides Series

The *Problem-Specific Guides* summarize knowledge about how police can reduce the harm caused by specific crime and disorder problems. They are guides to prevention and to improving the overall response to incidents, not to investigating offenses or handling specific incidents. Neither do they cover all of the technical details about how to implement specific responses. The guides are written for police—of whatever rank or assignment—who must address the specific problem the guides cover. The guides will be most useful to officers who:

- **Understand basic problem-oriented policing principles and methods.** The guides are not primers in problem-oriented policing. They deal only briefly with the initial decision to focus on a particular problem, methods to analyze the problem, and means to assess the results of a problem-oriented policing project. They are designed to help police decide how best to analyze and address a problem they have already identified. (A companion series of *Problem-Solving Tools* guides has been produced to aid in various aspects of problem analysis and assessment.)
  - **Can look at a problem in depth.** Depending on the complexity of the problem, you should be prepared to spend perhaps weeks, or even months, analyzing and responding to it. Carefully studying a problem before responding helps you design the right strategy, one that is most likely to work in your community. You should not blindly adopt the responses others have used; you must decide whether they are appropriate to your local situation. What is true in one place may not be true elsewhere; what works in one place may not work everywhere.
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- **Are willing to consider new ways of doing police business.** The guides describe responses that other police departments have used or that researchers have tested. While not all of these responses will be appropriate to your particular problem, they should help give a broader view of the kinds of things you could do. You may think you cannot implement some of these responses in your jurisdiction, but perhaps you can. In many places, when police have discovered a more effective response, they have succeeded in having laws and policies changed, improving the response to the problem. (A companion series of *Response Guides* has been produced to help you understand how commonly-used police responses work on a variety of problems.)
  - **Understand the value and the limits of research knowledge.** For some types of problems, a lot of useful research is available to the police; for other problems, little is available. Accordingly, some guides in this series summarize existing research whereas other guides illustrate the need for more research on that particular problem. Regardless, research has not provided definitive answers to all the questions you might have about the problem. The research may help get you started in designing your own responses, but it cannot tell you exactly what to do. This will depend greatly on the particular nature of your local problem. In the interest of keeping the guides readable, not every piece of relevant research has been cited, nor has every point been attributed to its sources. To have done so would have overwhelmed and distracted the reader. The references listed at the end of each guide are those drawn on most heavily; they are not a complete bibliography of research on the subject.
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- **Are willing to work with others to find effective solutions to the problem.** The police alone cannot implement many of the responses discussed in the guides. They must frequently implement them in partnership with other responsible private and public bodies including other government agencies, non-governmental organizations, private businesses, public utilities, community groups, and individual citizens. An effective problem-solver must know how to forge genuine partnerships with others and be prepared to invest considerable effort in making these partnerships work. Each guide identifies particular individuals or groups in the community with whom police might work to improve the overall response to that problem. Thorough analysis of problems often reveals that individuals and groups other than the police are in a stronger position to address problems and that police ought to shift some greater responsibility to them to do so. Response Guide No. 3, *Shifting and Sharing Responsibility for Public Safety Problems*, provides further discussion of this topic.

The COPS Office defines community policing as “a policing philosophy that promotes and supports organizational strategies to address the causes and reduce the fear of crime and social disorder through problem-solving tactics and police-community partnerships.” These guides emphasize problem-solving and police-community partnerships in the context of addressing specific public safety problems. For the most part, the organizational strategies that can facilitate *problem-solving* and *police-community partnerships* vary considerably and discussion of them is beyond the scope of these guides.

These guides have drawn on research findings and police practices in the United States, the United Kingdom, Canada, Australia, New Zealand, the Netherlands, and Scandinavia.

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Even though laws, customs and police practices vary from country to country, it is apparent that the police everywhere experience common problems. In a world that is becoming increasingly interconnected, it is important that police be aware of research and successful practices beyond the borders of their own countries.

Each guide is informed by a thorough review of the research literature and reported police practice and is anonymously peer-reviewed by line police officers, police executives and researchers prior to publication.

The COPS Office and the authors encourage you to provide feedback on this guide and to report on your own agency's experiences dealing with a similar problem. Your agency may have effectively addressed a problem using responses not considered in these guides and your experiences and knowledge could benefit others. This information will be used to update the guides. If you wish to provide feedback and share your experiences it should be sent via e-mail to [cops\\_pubs@usdoj.gov](mailto:cops_pubs@usdoj.gov).

For more information about problem-oriented policing, visit the Center for Problem-Oriented Policing online at [www.popcenter.org](http://www.popcenter.org). This website offers free online access to:

- the Problem-Specific Guides series
  - the companion *Response Guides* and *Problem-Solving Tools series*
  - instructional information about problem-oriented policing and related topics
  - an interactive problem-oriented policing training exercise
  - an interactive *Problem Analysis Module*
  - a manual for crime analysts
  - online access to important police research and practices
  - information about problem-oriented policing conferences and award programs.
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The project team that developed the guide series comprised Herman Goldstein (University of Wisconsin Law School), Ronald V. Clarke (Rutgers University), John E. Eck (University of Cincinnati), Michael S. Scott (University of Wisconsin Law School), Rana Sampson (Police Consultant), and Deborah Lamm Weisel (North Carolina State University.)

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Cynthia E. Pappas oversaw the project for the COPS Office. Research for the guide was conducted at the Criminal Justice Library at Rutgers University under the direction of Phyllis Schultze. Suzanne Fregly edited this guide.

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## **The Problem of Witness Intimidation**

### **What This Guide Does and Does Not Cover**

This guide begins by describing the problem of witness intimidation and reviewing the factors that increase its risks. It then identifies a series of questions that can help analyze local witness intimidation problems. Finally, it reviews responses to the problem of witness intimidation as identified through research and police practice.

Witness intimidation is but one aspect of the larger set of problems related to protecting crime victims and witnesses from further harm. Related problems not directly addressed in this guide, each of which require separate analysis, include:

- domestic violence
- acquaintance rape
- stalking
- exploitation of trafficked women
- gun violence among youthful offenders
- gang-related crime
- bullying in schools
- drug trafficking
- organized crime.

Some of these related crime problems are covered in other guides in this series, all of which are listed at the end of this guide.

Although the problem of witness intimidation has special significance for prosecutors, it also has important implications for police. This guide focuses on the issues and responses that are most relevant to police, although useful resources for prosecutors are highlighted where appropriate.

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§ In this guide, the term “witness” is used to refer both to victims and to bystanders who could provide information to police. The term “victim” is used to denote the victim of the initial crime.

§§ Witnesses refuse to cooperate with police for reasons that are not related to intimidation. For example, a general lack of trust in the police may deter some witnesses from cooperating. In addition, research has shown that a desire for privacy, a desire to protect the offender from criminal prosecution, emotional attachments, economic dependence, or a desire to protect children may also deter victims of domestic violence from cooperating with police (Felson et al. 2002).

Witness intimidation plays a role in many types of crime and is related to other problems that police encounter during the course of an investigation. Witness intimidation, however, is not the same as repeat victimization. Although in both cases the same offenders may be responsible for multiple events, their motives are different. In witness intimidation, the intent is to discourage the victim from reporting a crime to police or from cooperating with prosecutors, whereas in repeat victimization, the motive is often acquisitive. However, repeat victims may believe that their subsequent victimization was in retaliation for reporting the initial crime, even where intimidation was not the motive.<sup>1</sup>

## General Description of the Problem

Citizens who witness or are victimized by crime are sometimes reluctant to report incidents to police or to assist in the prosecution of offenders. § Such reluctance may be in response to a perceived or actual threat of retaliation by the offender or his or her associates, or may be the result of more generalized community norms that discourage residents from cooperating with police and prosecutors. §§ In some communities, close ties between witnesses, offenders, and their families and friends may also deter witnesses from cooperating; these relationships can provide a vitally important context for understanding witness intimidation. Particularly in violent and gang-related crime, the same individual may, at different times, be a victim, a witness, and an offender.<sup>2</sup> Historically, witness intimidation is most closely associated with organized crime and domestic violence, but has recently thwarted efforts to investigate and prosecute drug, gang, violent, and other types of crime.



Witness intimidation takes many forms, including:

- implicit threats, looks, or gestures
- explicit threats of violence
- actual physical violence
- property damage
- other threats, such as challenges to child custody or immigration status.

More specifically, offenders may:

- confront witnesses verbally
- send notes and letters
- make nuisance phone calls
- park or loiter outside the homes of witnesses
- damage witnesses' houses or property
- threaten witnesses' children, spouses, parents, or other family members
- assault or even murder witnesses or their family members.

Threats are much more common than actual physical violence and are in fact just as effective in deterring cooperation.<sup>3</sup> Although some witnesses experience a single incident of intimidation, intimidation may also involve an escalating series of threats and actions that become more violent over time.<sup>4</sup> Other witnesses do not experience intimidation directly, but rather believe that retaliation will occur if they cooperate with police. Either way, they are deterred from offering relevant information that might assist police and prosecutors.

Particularly in communities dominated by gang and drug-related crime, residents have seen firsthand that offenders are capable of violence and brutality. Many also believe that offenders will return to the community

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§ Drive-by shootings and other acts of blatant violence promote fear among residents, as do actions specifically warning residents not to cooperate with police. In 2004, gang members from Baltimore, Maryland appeared in a DVD entitled *Stop Snitching*, in which they threaten harm to those who cooperate with police. *Stop Snitching* tee shirts have also appeared in retail outlets nationwide (Butterfield 2005).

§§ In 2004, only 50 percent of violent crimes and 39 percent of property crimes were reported to police; however, only a very small portion of victims surveyed indicated that intimidation was the reason they did not report the crime. Most often, victims did not report crime because they believed that the incident was too trivial to involve police or that the matter was personal (Karmen 2004; Catalano 2005).

after relatively brief periods of incarceration or will be able to arrange for intimidation by others while they themselves are incarcerated. The experience of violence in the community lends credibility to threats and creates a general sense of fear that discourages cooperation with police.

*National Public Radio*



**A fire set at this house in Baltimore killed a family of seven in 2002, drawing national attention to the problem of witness intimidation.**

Witness intimidation commonly takes two mutually-reinforcing forms.<sup>5</sup>

- *Case-specific intimidation* involves threats or violence intended to discourage a particular person from providing information to police or from testifying in a specific case.
- *Community-wide intimidation* involves acts that are intended to create a general sense of fear and an attitude of non-cooperation with police and prosecutors within a particular community.<sup>§</sup>

The prevalence of witness intimidation is difficult to quantify for many reasons. First, crime is underreported based upon a number of factors that have nothing to do with witness intimidation.<sup>§§</sup> Second, where intimidation is





successful, victims and witnesses report neither the initial crime nor the intimidation.<sup>6</sup> Third, although victimization surveys and interviews with witnesses whose cases go to court are helpful, they capture only a subset of the larger population of witnesses. They do not provide information on the experiences of the many witnesses who drop out of the process before a suspect is charged or a case goes to court.<sup>7</sup> Finally, there has been no empirical research on the scope or specific characteristics of community-wide intimidation.

That said, small-scale studies and surveys of police and prosecutors suggest that witness intimidation is pervasive and increasing. For example, a study of witnesses appearing in criminal courts in Bronx County, New York revealed that 36 percent of witnesses had been directly threatened; among those who had not been threatened directly, 57 percent feared reprisals.<sup>8</sup> In the United Kingdom, a survey of witnesses appearing in court revealed that a majority had been affected by intimidation either through direct experience (53 percent) or because they feared intimidation (17 percent). Anecdotes and surveys of police and prosecutors suggest that witness intimidation is even more widespread.<sup>9</sup> Prosecutors estimate that witness intimidation plays a role in 75 to 100 percent of violent crime committed in gang-dominated neighborhoods, although it may play less of a role in communities not dominated by gangs and drugs.<sup>10</sup> The increasing prevalence of witness intimidation is a reflection of the same social and psychological factors that have changed the nature of crime and offenders over the past two decades, including:<sup>11</sup>

- a lack of respect for authority, particularly among juvenile offenders
  - the expectation that life will be brief or will be spent in prison
-



- a sense of powerlessness that leads to gang formation
- the availability of firearms and a willingness to use them
- increased penalties that raise the stakes of prosecution.

Most intimidation is neither violent nor life-threatening, but even a perception that reprisals are likely can be distressing and disruptive to witnesses.<sup>12</sup> Experiencing intimidation reduces the likelihood that citizens will engage with the criminal justice system, both in the instant offense and in the future.<sup>13</sup> Although the public tends to overestimate the actual risk of harm, its fear and the resulting reluctance to cooperate can have serious collateral consequences for the criminal justice system. Witness intimidation deprives investigators and prosecutors of critical evidence, often preventing suspects from being charged or causing cases to be abandoned or lost in court. In addition, witness intimidation lowers public confidence in the criminal justice system and creates the perception that the criminal justice system cannot protect the citizenry. As a result, police expend significant time and energy persuading witnesses to come forward; and when they do, police spend considerable energy reassuring and protecting them.

### **Factors Contributing to Witness Intimidation**

Understanding the factors that contribute to the problem of witness intimidation will help to frame local analysis, to determine good effectiveness measures, to recognize key intervention points, and to select appropriate responses.

#### **Intimidators**

Intimidation is usually perpetrated by those involved in the original offense, although the original offender's friends, family members, and criminal associates may

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also threaten or harm witnesses.<sup>14</sup> In gang-related crimes, friends, family members, and associates may be more likely to threaten and intimidate witnesses.<sup>15</sup> In addition to gang and drug-related crimes, intimidation is particularly prevalent in cases involving domestic violence, bias crime, harassment, and sex offenses.<sup>16</sup> In contrast, cases involving property crime, such as burglary or car theft, are rarely affected by intimidation.<sup>17</sup>

Although intimidation is a key feature of gang and drug-related violence, the offenders are not necessarily aligned with nationally affiliated gangs or large drug operations; members of loosely affiliated gangs and local dealers may also protect their interests through intimidation.<sup>18</sup> Surveys suggest that offenders with a sophisticated understanding of the criminal justice system may be less willing to engage directly in intimidation and will either refrain from attempting to intimidate witnesses or will permit others to intimidate witnesses on their behalf.<sup>19</sup>

## Victims

Victims of intimidation are not a homogeneous group. Although all citizens who agree to serve as witnesses need to be protected from reprisals, their vulnerability depends largely upon circumstance and may therefore change over time. Further, intimidation is not evenly distributed socially or geographically. People in certain locations—inner cities, densely populated areas, and communities where social cooperation is poor—are more likely to suffer intimidation than are others.<sup>20</sup> The characteristics of those likely to be victims of intimidation cluster around several criteria, many of which appear to be interdependent.

- **Gender and age.** Children and females may be at greater risk of intimidation than adults and males.<sup>21</sup>
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- **Relationship.** Those with close ties to an offender are at a greater risk of intimidation.<sup>22</sup> These ties can be romantic or familial; or the victim and offender may simply know each other from having mutual acquaintances or from living in the same neighborhood. Victims of domestic violence appear to be at an elevated risk for retaliation, especially where the victim lives with the offender, is economically dependent on the offender, or is compelled to remain in contact with the offender because of shared parenting responsibilities.<sup>23</sup>
  - **Proximity.** Victims and witnesses who live in geographic proximity to offenders are at a greater risk of intimidation than those who live in different neighborhoods or communities.<sup>24</sup> Surveys suggest that it is rare for an offender or his associates to leave their home community to intimidate a witness who lives in another area.<sup>25</sup>
  - **Immigration status.** Recent or illegal immigrants may be at an increased risk of intimidation.<sup>26</sup> In some Asian cultures, for example, intimidation is a key feature of gang-related extortion and gang members have a reputation for ruthlessness. Coupled with a fear of deportation and a lack of understanding of the role of police, such social experiences can lead to a greater susceptibility to threats and warnings not to cooperate with law enforcement.
  - **Criminal involvement.** Victims and witnesses with criminal records, active warrants, or active parole and probation conditions may be particularly hesitant to provide information to police. In addition, witnesses who were also accomplices to the original offense may be choice targets for intimidation. And in inter-gang violence, where the roles of offender, victim, and witness are often interchangeable and revolving,<sup>27</sup> victims and witnesses may not cooperate with police because they intend to retaliate against the original offender or because of peer group norms that discourage cooperation.
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## Locations and Timing

Many witnesses are intimidated long before they are asked to appear in court, most often by a community norm that discourages residents from cooperating with police. Most explicit acts of intimidation take place where police exert little control: at the witness's home, while the witness is at school or at work, or while the witness is running errands or socializing in the neighborhood.<sup>28</sup> However, witnesses also report being intimidated at the scene of the crime, while at the police station making a statement or identifying a suspect, and sometimes while in the courthouse waiting to testify; some even report being intimidated while on the witness stand. The time between a suspect's arrest and trial is the most dangerous; repeated and lengthy trial delays expand the opportunities available to a motivated intimidator.<sup>29</sup>

## Motivations

Offenders attempt to intimidate victims and witnesses for a number of reasons. Gang members use intimidation to subdue challenges to their authority or to reclaim lost gang status.<sup>30</sup> Gang members and other offenders use intimidation to avoid detection by police and to avoid conviction once they are arrested. Compared to the penalties for violent crime, penalties for intimidation are relatively light. As a result, offenders may feel they have little to lose and much to gain by avoiding conviction through intimidation.<sup>31</sup> Finally, the use and increasing sophistication of DNA and other forensic testing mean that deterring witness cooperation may be one of the only ways left available to weaken the prosecution's case.<sup>32</sup>

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## Understanding Your Local Problem

The above information provides only a generalized description of the problem of witness intimidation. To combat witness intimidation effectively, you must combine the basic facts with a more specific understanding of your local problem. Only by carefully analyzing your local problem will you be able to design an effective remedial strategy.

### Stakeholders

The following groups have an interest in the witness intimidation problem and ought to be considered for the contribution they might make to gathering information about the problem and responding to it:

- victim-witness units
- crime victim advocacy groups
- prosecutors
- defense attorneys
- courts
- witnesses' families and friends
- witnesses' employers
- public housing authorities or apartment complex managers.

### Asking the Right Questions

Intimidation can occur at any time, from the point when a criminal incident first occurs to the moment the witness provides evidence in court; hence, it is essential to collaborate with prosecutors, victim advocates, and other stakeholders in analyzing and solving the problem. Because many witnesses drop out of the process before their cases go to court, it is essential to survey witnesses

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§ The Philadelphia District Attorney's Office, Victim Services Division, utilizes a short interview guide to collect relevant facts about intimidation. It includes questions about the intimidator, type of intimidating conduct, and the time and place that the intimidation occurred. A copy of the interview guide is available in Finn and Healey (1996).

and victims at multiple points in the process so that their responses address all the reasons and issues that deter them from cooperating fully. Finally, police cannot respond effectively to a problem if they do not recognize its occurrence. Police awareness can be increased through training, shift briefings, and police newsletters.<sup>33</sup> Guidance should be offered for spotting signs of intimidation; even something as simple as requiring officers taking statements or interviewing witnesses to ask about intimidation directly can be an effective analytical tool.<sup>34</sup> § Unfortunately, training curricula regarding the warning signs and typical behaviors of those who have been intimidated are not well developed.

The following are some critical questions that you should ask in analyzing your local witness intimidation problem. Your answers to these and other questions will help you choose the most appropriate set of responses later on.

### Incidents

- What types of behaviors do victims and witnesses perceive as intimidating or threatening?
  - What do offenders say to witnesses that creates a fear of retribution?
  - How often are acts of intimidation violent? How often do they involve property damage?
  - Are the family members of witnesses threatened or intimidated?
  - What do witnesses believe will happen if they cooperate with police or prosecutors?
  - Is there a general sense among community members that they should not cooperate with police? If so, what contributes to this attitude?
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- In what proportion of reported crime does witness intimidation occur? What do these incidents have in common? Type of offense? Location? Offender profile?
- In what proportion of crimes is intimidation unreported? What accounts for the failure to report incidents of intimidation?

### Intimidators

- Which individuals act or speak in ways that witnesses perceive as threatening? Offenders? Their associates? Friends? Family members?
- After what types of crime does intimidation occur?
- What roles do gangs and drugs play in intimidation?
- Do the friends or family members of witnesses act or speak in ways that lead witnesses to not cooperate?
- Do offenders focus their intimidation efforts within their own communities or do they travel outside their communities to deter witnesses from cooperating?

### Victims

- What are the characteristics of those who are deterred from cooperating with police and prosecutors? Gender? Age? Race? Criminal history? Previous victimization?
  - Why do some witnesses continue to cooperate with police and prosecutors, despite having been threatened?
  - What do witnesses say it would take for them to testify despite any intimidation?
  - Where do the victims of intimidation live and work in relation to the intimidators?
  - What types of relationships do witnesses have with those who intimidate them?
  - What roles do culture and immigration status play in intimidation?
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- Were those who are intimidated involved in the commission of the original offense? Do they have a history of criminal activity with the intimidators?
- Why are those on parole or probation reluctant to cooperate with police and prosecutors? Are there specific violations that they are trying to conceal by not cooperating?

### Locations/Times

- Where do victims and witnesses feel most vulnerable to intimidation? Home? Work? School? Out and about in the community? At the precinct? In court?
- When do incidents of intimidation occur? At the scene? When witnesses provide statements at the precinct? When witnesses are asked to identify suspects? During the trial? After the trial is over?

### Motivations

- What reasons do intimidators give for their behavior?
- What do offenders indicate would deter them from trying to intimidate witnesses?

### Current Responses

- What has been done by police and prosecutors in the past to minimize case-specific intimidation?
  - What has been done in the past by police and prosecutors to address community-wide intimidation?
  - Have police or prosecutors inadvertently validated community perceptions or fears related to intimidation? If so, how? By losing a case where a witness testified? By eroding public trust during a police incident? By assisting in immigration enforcement in an ethnic neighborhood?
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- What are the penalties for witness tampering or intimidation? Are intimidators aware of them? Are they sufficiently harsh?
- Which current responses focus on the victim or witness? Which focus on the offender and his or her family and associates?
- What are the strengths of current responses to the problem of intimidation?
- Are current responses sufficient to resolve the problem? If not, why not?
- What other agencies or organizations can play a role in a comprehensive response to the problem of witness intimidation? Do police and prosecutors have existing relationships with these agencies or organizations?
- What sources of funding are available to support the efforts of police and prosecutors in dealing with the problem of witness intimidation?

## Measuring Your Effectiveness

Measurement will allow you to determine the degree to which your efforts have succeeded and may also suggest how your responses can be modified to produce the intended results. In order to determine how serious the problem is, you should measure the extent of your problem before you implement responses; in that way, measuring the problem after responses have been implemented will allow you to determine whether your solutions have been effective. All measures should be implemented in both the target area and surrounding areas. (For more detailed guidance on measuring effectiveness, see the companion guide to this series, *Assessing Responses to Problems: An Introductory Guide for Police Problem-Solvers*.)

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§ The Savannah Police Department established a witness protection program with the goal of reducing the number of intimidation incidents. The number of incidents initially increased because police began to ask all victims and witnesses if they felt afraid or had experienced intimidation, rather than relying on victims and witnesses to initiate the discussion (Goldkamp, Gottfredson and Moore 1999).

The following are potentially useful measures of the effectiveness of responses to witness intimidation:

- reduced number of witnesses who experience threats or intimidation
- increased number of witnesses who provide information to police
- increased number of witnesses who provide statements to police
- increased number of witnesses who agree to testify in court
- increased proportion of convictions.

The following may offer an indirect indication that the situation is improving:

- increased proportion of crimes reported to police
  - increased number of witnesses who are aware of the protections that are available to them
  - increased number of witnesses who report intimidation<sup>§</sup>
  - increased number of offenders who are charged with intimidation
  - increased public confidence in the criminal justice system and its ability to protect the citizenry.
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## Responses to the Problem of Witness Intimidation

Analyzing your local problem will give you a better understanding of the factors that contribute to it. Once you have analyzed your local problem and established a baseline for measuring effectiveness, you can consider possible responses to the problem.

The following response strategies will provide a foundation for addressing your particular intimidation problem. These strategies are drawn from a variety of studies and police reports. Several strategies may apply to your local problem. It is critical that you tailor responses to local circumstances and that you can justify each response based upon reliable analysis. In most cases, an effective strategy will involve several different responses. Because law enforcement alone is seldom effective in reducing or solving the problem, do not limit yourself to considering only what police can do; rather, carefully consider whether others in your community share responsibility for the problem and whether they can help respond to it.

### General Considerations for an Effective Response Strategy

1. **Forming multi-agency partnerships.** The appropriate party to address the threat of witness intimidation may change as a case moves through the criminal justice system. For example, whereas police may be responsible for protecting or supporting witnesses at the outset of a case, the responsibility might shift to the prosecutor when the case goes to trial. And depending upon the type of protection required, other agencies may need to become involved as well. For example, public housing, public benefits, and social services agencies may all
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§ Finn and Healey (1996) offer comprehensive guidance for crafting cooperative agreements and designating functional roles for agency staff.

have a role to play where circumstances dictate that a witness should be relocated. Hence, planning and implementing a comprehensive program to prevent and address witness intimidation requires multiple actors: an organizing committee of administrators who are authorized to commit agency resources; a team to design program operations; a program administrator; case investigators; victim advocates; and police support. § Unfortunately, shared responsibilities can also result in blurred accountability.<sup>35</sup> For this reason, interagency agreements are sometimes needed to outline each agency's responsibilities, the services to be provided, the financial ramifications and obligations, and the parameters for allowable expenses and services.<sup>36</sup> Not only do interagency agreements create accountability, but they also make service delivery more coordinated and efficient. Still, such agreements require significant levels of trust between agencies.

2. **Limiting liability.** Some police agencies are hesitant to implement comprehensive witness security programs because they fear that recognizing witness intimidation will create liability in the event that the intimidation is successful and harm befalls the witness. Liability can be limited by in a number of ways, including:
    - taking reports of intimidation seriously and engaging in the defined process for protecting witnesses
    - promising only those security services that can reasonably be provided
    - documenting all offers of assistance and all efforts to protect witnesses, along with the acceptance or refusal of such assistance
    - making sure that witnesses understand the circumstances under which protections will be withdrawn and documenting all decisions to withdraw security.<sup>37</sup>
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3. **Strengthening ties between police and the community.** Ideally, community residents will be committed to reporting crime and giving evidence in court; and in return, police will be committed to providing support, information, and protection to potential witnesses.<sup>38</sup> Fostering cooperation on the part of reluctant witnesses is a natural extension of community policing and community prosecution, which focus on engaging residents in preventing and responding to crime.<sup>39</sup> For example, mobile precincts can increase police visibility after a high-profile gang-related crime in an area where intimidation is likely to occur. Storefront precincts can increase the level of contact with residents and make it easier to provide encouragement and support. Community prosecutors can have a visible presence at crime scenes and can network with witnesses to build cases. Sensitivity to fear of intimidation can create trust and a sense that police recognize why some residents may be afraid to cooperate.<sup>§</sup>

§ One police department avoids handing out official business cards at the scene. Instead, their cards read “Don’t talk to me here. Call me.” and provide residents with a direct phone number to investigating officers (Finn and Healey 1996).

Efforts to develop trust and to communicate understanding can also be enhanced by outreach efforts designed to educate residents about witness intimidation and to provide information about related services. Outreach efforts should involve multiple agencies including police, prosecutors, housing and other social service agencies, federal law enforcement agencies, the U.S. Attorney, and victim advocacy groups.<sup>40</sup> Because perceptions of the likelihood and severity of intimidation are often exaggerated, outreach is essential to minimize irrational fears and to provide reliable information.<sup>41</sup> Outreach efforts are also one of the only ways to reach witnesses whose fear prevents them from making any contact with the police at all. The most effective message is one that draws a connection between serving as a witness and preventing drug dealers and gang members from terrorizing communities.<sup>42</sup>

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Finally, outreach is particularly essential in Asian communities and in communities with recent or illegal immigrants.<sup>43</sup> These residents may not be familiar with the criminal justice process and may need both information and encouragement to participate in it. Matching the cultural and linguistic skills of police and other outreach personnel to the target community can also encourage cooperation.

4. **Assessing the risk of intimidation.** The level of intimidation experienced by a witness should dictate the type and intensity of services provided by police, prosecutors, and other agencies. Standardized risk assessments will ensure that these decisions are made consistently, objectively, and fairly. In the United Kingdom, classification as a vulnerable or intimidated witness is based upon a number of factors: characteristics of the witness, such as age, gender, and physical and mental condition; the nature of the original offense; the relationship between the witness and the offender; the nature of the evidence the witness is able to provide; the characteristics of the defendant, such as criminal history, access to firearms, and connections to criminal networks; and the nature of any direct threats.<sup>44</sup> Assessments should be conducted periodically to determine whether the level of risk has increased or decreased and whether current protections are sufficient. Sharing the results of risk assessments will provide witnesses with a realistic understanding of potential dangers and allow them to make informed decisions about the types of protections they will commit to using.<sup>45</sup>

While risk assessments are useful for allocating resources, they may inadvertently invalidate the fears and anxieties of witnesses who do not meet the criteria

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for more intensive forms of assistance.<sup>46</sup> Further, most intimidation experiences are too complex for standardized risk assessment instruments to be useful.<sup>47</sup>

5. **Choosing the best strategy.** Criminal prosecutions typically serve several purposes: although they are intended to do justice in a particular crime, they often also serve as a means of addressing an underlying problem, such as drug dealing or gang activity. If there is reason to believe that witness intimidation might stymie criminal prosecutions, police should consider whether prosecutions requiring civilian witnesses are the best approach to dealing with a specific crime problem. Other approaches, such as civil remedies involving nuisance abatement or injunctions, can minimize the need to find individuals who are willing to testify in criminal court.

## Specific Responses to Reduce Witness Intimidation

### Protecting Witnesses

6. **Minimizing the risk of identification witnesses face when reporting crime or offering statements.** Particularly in neighborhoods where community-wide intimidation is a factor, residents may hesitate to cooperate with police at the scene of a crime because they fear being labeled as an informant or a “rat.” As a result, methods for reporting crime or offering witness statements that do not make cooperation obvious to observers are sometimes needed.<sup>48</sup> For example, police can refrain from interviewing witnesses at the scene, choosing instead to visit them at their homes in plainclothes after activity on the street has diminished. House-to-house calls that disguise which residents are cooperating can also be helpful, although these additional
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§ Crime prevention officers should be routinely involved in these activities. In addition, the Fresno District Attorney's Witness Intervention Team partnered with ADT Security Services to protect witnesses who chose not to relocate after experiencing intimidation. ADT provided free panic alarm technology in the witnesses' homes to afford a greater sense of security (Goldkamp, Gottfredson and Moore 1999).

visits increase police workloads. Some witnesses may be more comfortable meeting at the precinct or in a neutral place, such as a church or a school.

7. **Protecting the anonymity of witnesses.** Given the risk of threats and intimidation, many witnesses do not want offenders to learn their identities or addresses. Practices such as broadcasting witness names and addresses over the police radio, asking witnesses to identify suspects out in the open, and revealing a witness's identity to a suspect can all jeopardize witness safety. Limiting the information that is available about witnesses and taking other protective measures can effectively combat these issues.

Protecting the anonymity of witnesses once a case goes to trial can be more problematic. Recent court cases have debated the balance between witness safety and a defendant's Sixth Amendment right to cross-examination. To date, court opinions have emphasized the rights granted to defendants by the Sixth Amendment of the Constitution.<sup>49</sup> However, numerous measures have been used effectively to limit opportunities for intimidation to occur in the courtroom. These include allowing the witness to give evidence via a closed circuit television link and using screens that allow the judge, jury, and attorneys to see the witness while at the same time shielding the witness from the defendant and members of the public.<sup>50</sup> In some cases, the witness's name and address are not read aloud in court, making it more difficult for a defendant's fellow gang-members or criminal associates to target the witness.<sup>51</sup>

8. **Using alarms and other crime prevention devices.** Intruder alarms, motion detectors, cameras, and outdoor lighting can be used to deter intimidators from targeting witnesses at home. § Target hardening devices, such as
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deadbolt locks, window locks, window bars, grates, and pin locks on sliding doors can also make unauthorized entry more difficult. All of these measures can give intimidated witnesses a greater sense of security in their homes.

When not at home, intimidated witnesses can be equipped with portable personal alarms.<sup>§</sup> These pendant alarms can be linked to cellular networks so that they work in any location.<sup>52</sup> Some models open a voice channel upon activation so that police can hear what is happening and can reassure the witness that assistance is on the way. Alarms are effective because they assure witnesses that intimidation efforts will receive a rapid response. And because they do not require a constant police presence, personal alarms are less costly than bodyguards, while still providing the same around the clock protection.<sup>53</sup>

<sup>§</sup> The use of portable personal alarms has been shown to reduce victims' levels of anxiety in domestic violence situations (Lloyd, Farrell and Pease 1999).

9. **Reducing the likelihood of contact between witnesses and offenders.** Most often, acts of intimidation are committed at a witness's home, workplace, or school, or during the normal course of the witness's daily activities. Minimizing the opportunities and avenues by which witnesses come into contact with offenders can reduce the incidence of intimidation. For example, witnesses can alter their normal routines by varying the routes taken to work or school and making their schedules irregular and unpredictable. Because many witnesses receive nuisance calls or are contacted by telephone, obtaining an unlisted telephone number and using caller identification and call blocking can provide additional insulation from unwanted contact.<sup>54</sup>

10. **Transporting witnesses to and from work and school.** Many witnesses feel vulnerable when traveling to and from work or school, or while attending to their business

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§ See U.S. Department of Justice, Office of the Attorney General (2000) for a complete discussion of victim and witness assistance programs.

§§ The Suffolk County, Massachusetts victim assistance program targets victims and witnesses in gang-related cases. Intensive personal contact was required; notices sent through the mail and occasional phone calls were not sufficient to allay fears or to sustain engagement (Johnson, Webster and Connors 1995).

in the community. Police escorts during these times can deter offenders from making contact. However, such protection schemes consume significant police resources and may not be feasible for broad application. In addition, the presence of an escort may draw unwanted attention to the witness. Such intensive protection should be reserved for only those witnesses who are at a high risk of serious injury.

**11. Supporting witnesses.** Over the past two decades, federal legislation has established a list of victims' rights and defined a group of services that federal agencies must provide to crime victims.<sup>§</sup> Most state and county prosecutors afford crime victims these same rights and services. Such programs can also be implemented by police departments. Departments that offer victim assistance services have found that witnesses are more willing to report crimes and to cooperate with prosecutors; in addition, such witnesses offer more effective testimony and also demonstrate improved recall.<sup>55</sup>

In general, such assistance programs encourage victims to cooperate in the criminal justice process and provide counseling and other services designed to address the emotional impact of victimization. Most offer emergency services, counseling, advocacy and support, claims assistance, and court-related services.<sup>56</sup> Of particular benefit to police in cases involving intimidation, victim advocates typically provide:

- general information about the criminal justice system and what the witness can expect
  - specific information regarding the suspect's arrest status, bail, pretrial release, and court dates
  - engagement with victims early in the case and ongoing contact throughout the case.<sup>§§</sup>
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Some assistance programs provide 24-hour hotlines with staff trained to counsel victims and to refer emergency situations to police where appropriate.<sup>57</sup> Some police hesitate to work closely with victim advocates, fearing that they will interfere with police procedures, create more work or stress, or will ask inappropriate questions that might compromise the integrity of an investigation.<sup>58</sup> In the past two decades, however, research has shown that victim assistance programs produce a number of benefits to police, including reduced stress, faster return to patrol after responding to a crime scene, and additional and higher-quality evidence.<sup>59</sup> In addition, victim advocates commonly handle all referrals for assistance and services, freeing police from this responsibility. Finally, advocates can calm victims and witnesses and address their emotional needs so that they are better prepared to provide accurate information.

However, overloading victim advocates is a key concern.<sup>60</sup> Their services should be seen as a complement to, not a replacement for, support offered by police. In particular, police should offer reassurance, provide witnesses with cell phones or other direct contact numbers, and maintain ongoing contact to reassess the level of threat and to assuage any other concerns witnesses may have.

- 12. Keeping witnesses and defendants separated at the courthouse.** Other than at home, witnesses are most often intimidated in the courthouse, both while waiting to testify and while in the courtroom giving testimony. Not only must witnesses endure a face-to-face encounter with the defendant, but they may also be apprehensive about contact with the defendant's family and friends. Key danger areas include courthouse entrances, hallways, waiting areas, refreshment areas, and restrooms. Separate waiting rooms and entrances for witnesses and defendants



can be useful. Some jurisdictions use an on-call system, in which witnesses are provided with pagers that summon them to the courthouse when they are needed to testify. This practice eliminates the need for witnesses to remain in the courthouse throughout the day, thereby reducing opportunities for intimidation to occur.<sup>61</sup>

Many victim assistance programs provide escort services to and from court; in addition, advocates often remain with witnesses throughout the day and accompany them into public areas of the courthouse. This can be especially effective in gang-related cases, where fellow gang members may attend the trial in large numbers in order to show their solidarity with the defendant and to intimidate witnesses into withholding or changing their testimony. The use of video cameras at courtroom entrances can discourage such practices, as gang members on probation or parole may not want to risk being seen associating with other gang members, lest they violate the conditions of their supervision.<sup>62</sup> Studies in the United Kingdom have found that courthouse-based efforts have effectively reduced the negative effects of intimidation.<sup>63</sup>

13. **Relocating witnesses.** Because it is unusual for offenders to travel outside of their neighborhoods to intimidate witnesses, simply moving a witness to another location can effectively protect him or her from harm. Of course, the key to this strategy is to ensure that the new location remains confidential. Out of boredom, or because they are reluctant to sever ties with friends and family, the witnesses themselves may compromise the secrecy of their new locations. Further, many witnesses require support from numerous agencies, such as public housing and social services. The confidentiality of transactions made on their behalf should be assured in formal interagency agreements.
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Police and prosecutors consider relocation to be the most reliable method of protecting witnesses.<sup>64</sup> However, it is costly, time consuming, and requires a significant level of cooperation, from both public agencies and witnesses themselves. Originally, the only type of relocation available was through the Federal Witness Security Program, which involved permanent relocation and complete identity changes for witnesses and their families. Since the inception of the federal program in 1970, less extravagant models have been established by state and local jurisdictions, requiring a less significant commitment of public resources and a less extreme commitment from witnesses. These three types are discussed below.

§ A witness security program in Savannah, Georgia used housing at a nearby military base to provide a safe living environment for witnesses who had been threatened. Baltimore, Maryland established safe houses to provide emergency shelter to intimidated witnesses. However, when witnesses returned to their home communities, they often revealed the location of the safe house, compromising its security (Goldkamp, Gottfredson and Moore 1999).

- a. **Emergency relocation.** When danger is imminent, witnesses can be quickly moved to a shelter, hotel, motel, or other facility.<sup>§</sup> Witnesses are registered using false names and payment is made through an intermediary, not by the police or prosecutor.<sup>65</sup> Witnesses can also be placed with family or friends in other communities or even out-of-state, usually for airfare or the price of a bus ticket. These placements usually only last for a few days or weeks, until the threat has passed or a more permanent solution is found.
  
- b. **Temporary or short-term relocation.** It may be necessary to provide for extended periods of relocation when witnesses remain at risk for longer periods of time. Such short-term programs may be appropriate in jurisdictions where gangs are loosely organized, small, or poorly established.<sup>66</sup> Witnesses can either be placed in rental units or with out-of-state friends or family until the trial is over. Housing witnesses with others can be cost-effective and also offers a source of emotional support that advocates and police cannot provide. These arrangements are most successful when police confirm



§ The Illinois Gang Crime Witness Protection Program struggled to gain speedy approval for the outlay of funds. These delays contributed to the underutilization of the program, as local police and prosecutors could not take action without a commitment for reimbursement from the state. This situation improved once the process for distributing funds was streamlined (Bauer et al. 1997).

§§ It is important to understand the difference between the types of publicly assisted housing. “Public housing” refers to publicly-owned residential properties for eligible families at assisted rents that reflect the ability to pay. “Section 8 housing” refers to certificates and vouchers for federal rent subsidies that can be used to pay for a privately-owned house or apartment. Section 8 certificates are particularly useful because they allow for placement in a number of neighborhoods (Finn and Healey 1996).

§§§ Finn and Healey (1996) offer extensive guidance for working with public housing authorities, including HUD eligibility requirements, tips for overcoming waiting list barriers, using floating vouchers, and advocating with landlords.

§§§§ In the late 1990s, Scotland-Strathclyde established a witness protection program modeled after the Federal Witness Security Program. Effective elements of the program included collaborating with housing, social services, and health agencies; establishing direct links between administrators and those responsible for day-to-day operations; and hiring officers capable of working with a wide cross section of people with a range of domestic, financial, and welfare issues. For more information see Fyfe and McKay (1999) and Fyfe and McKay (2000a).

that the sponsoring family is willing to house the witness, when the witness stays with someone unknown to the offender, when police in the receiving jurisdiction are notified, and when the witness is monitored regularly to ensure that she remains willing to testify.<sup>67</sup>

Most short-term relocation programs cover the cost of relocating, such as rent, security deposit, and moving expenses, and also provide monthly subsidies for utilities, food, clothing, and other living expenses.<sup>§</sup> Due to the expense involved, financial support is always time-limited, although a witness is usually free to stay in the new location if she so desires. The U.S. Attorney has access to the federal Emergency Witness Assistance Program, in which assistance is limited to only one month.<sup>68</sup>

Short-term relocation strategies are greatly enhanced by partnerships with federal and local public housing authorities.<sup>§§</sup> When a witness already resides in a public housing development, a rapid shift of residence can be made with few complications.<sup>§§§</sup> It may also be beneficial to determine whether the witness is eligible for public housing or other forms of public assistance. The transfer of benefits to the new location can be cumbersome and time-consuming without proper interagency agreements.

- c. **Permanent relocation.** The Federal Witness Security Program provides secret and permanent relocation of witnesses and their families to places of safety.<sup>§§§§</sup> Witnesses must change their identities, sever all contacts with friends and family, and agree to not return to their home communities. In exchange, the program provides safety and security, as well as start-up funding for housing and subsistence until the witness becomes self-supporting. State and local prosecutors can refer witnesses to the program and reimburse the federal government for the





cost. Although the program reports high conviction rates and a good safety record, some significant issues must be considered. First, the psychological impact of severing ties and taking on a new identity should not be ignored; participants report high levels of stress, anxiety, and depression.<sup>69</sup> Second, the program only accepts those who provide significant testimony in major cases. Third, because these witnesses often have extensive criminal records themselves, they may pose a danger to the community of relocation.<sup>70</sup> Finally, secret relocation creates obvious difficulties for child custody arrangements and debtors seeking repayment.<sup>71</sup>

## Deterring Intimidators

The responses discussed above address the symptoms of intimidation (i.e., protecting the intimidated) rather than the causes of intimidation (i.e., deterring the intimidators). By implementing responses that address a culture that tolerates intimidation, police and prosecutors can demonstrate their determination to hold intimidators accountable for their actions.<sup>72</sup> The following responses focus on actions that can be taken in criminal court proceedings.

14. **Admonishing intimidators.** When witnesses or victims tell police they are afraid or have experienced direct intimidation, police can visit the offender and his or her family and friends to caution them regarding their behavior and to explain the laws concerning witness intimidation and obstruction of justice. In court, judges should be vigilant about threatening gestures or actions and should admonish defendants or spectators who display such behaviors. Some jurisdictions educate judges about the types of courtroom intimidation that are exhibited by gang members, such as courtroom packing



or wearing black.<sup>73</sup> Although admonishments by police and judges are associated with a reduction in intimidation reported by witnesses, judicial warnings not to contact witnesses may have limited effectiveness in gang and drug-related cases.<sup>74</sup>

**15. Requesting high bail and no contact orders.** In cases where the risk of intimidation is significant, prosecutors can seek high bail to keep defendants in jail and away from witnesses. Where this strategy is used, bond hearings cannot be a mere formality; witness statements and risk assessments should be prepared in advance and presented in court. Prosecutors should seek release conditions that forbid contact with witnesses and victims and make sure that the consequences for violating such conditions are clearly articulated. In some jurisdictions, prosecutors file multiple charges and request a separate bond for each; prosecutors may also file federal charges where appropriate.<sup>75</sup> The effectiveness of this strategy is limited by several factors.<sup>76</sup>

- The time between the original offense and arrest leaves ample opportunity for intimidation to occur.
  - Even if the defendant is incarcerated, his or her friends and family can still intimidate witnesses.
  - Defendants may be able to contact witnesses by telephone, even while incarcerated.
  - Bond schedules are usually strict and intimidation charges usually only require a small amount to be posted.
  - Incarcerating intimidators might not be possible in jurisdictions where jail crowding is a concern or where witness intimidation does not constitute an exception to population caps.
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16. **Increasing penalties for intimidation.** In many jurisdictions, witness intimidation is a misdemeanor that results in sentences concurrent with those for the original offense. Thus, offenders who are charged with a violent offense that carries a long sentence may feel they have little to lose by trying to deter witnesses from providing evidence. Making witness intimidation a felony-level offense, increasing maximum sentences, and requiring such sentences to be served consecutively might deter offenders from tampering with witnesses.<sup>77</sup>
17. **Prosecuting intimidators.** The frequency with which offenders are charged with intimidation varies widely from jurisdiction to jurisdiction.<sup>78</sup> Prosecutors can demonstrate their intolerance of witness intimidation and their commitment to resident safety by vigorously prosecuting offenders who harass, threaten, injure, or otherwise intimidate or retaliate against witnesses. Witness intimidation may also be cause to revoke probation or parole.

## Responses With Limited Effectiveness

18. **Increasing patrols in a target area.** If police are made aware of the addresses of witnesses who have experienced intimidation, they can increase the frequency of patrol in the surrounding neighborhood. Although the increased visibility may relieve anxiety, the chances of actually intervening in an incident are slim unless police are posted near the witnesses around the clock. Limited resources are better deployed using one of the more targeted measures discussed above.
19. **Compelling witnesses to testify.** Most states have material witness laws that permit the arrest and detention of any person with knowledge of a crime who refuses
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to provide information in court.<sup>79</sup> Witnesses who refuse to testify are subject to contempt actions and may be prosecuted for obstruction of justice.<sup>80</sup> In theory, compelling witnesses to testify shifts the responsibility from the witness to the prosecutor and may therefore reduce the risk of intimidation and the level of anxiety experienced by the witness. However, others are still likely to believe that the witness has chosen to cooperate.<sup>81</sup> Although efforts to compel a witness to testify may provide him or her with needed confidence, threatening a witness with a contempt citation can also backfire, causing an already reluctant witness to develop a sudden and mysterious loss of memory. Because of concerns for the rights of victims and the lack of proof that compelling witnesses to testify is effective, this should be the option of last resort.



## Appendix: Summary of Responses to Witness Intimidation

The table below summarizes the responses to witness intimidation, the mechanisms by which they are intended to work, the conditions under which they should work best, and some factors that should be considered before a particular response is implemented. It is critical that responses are tailored to local circumstances and that each response can be justified based upon reliable analysis. In most cases, an effective strategy will involve implementing several different responses, because law enforcement alone is seldom effective in reducing or solving the problem.

Response No.	Page No.	Response	How It Works	Works Best If...	Considerations
<i>General Considerations for an Effective Response Strategy</i>					
1.	17	Forming multi-agency partnerships	Ensures that witnesses are protected throughout the process of reporting crime and testifying at trial	... specific interagency agreements detail the roles and responsibilities of each agency	Crafting formalized agreements takes time; agency staff must ensure the confidentiality of witnesses; shared responsibilities can result in blurred accountability for delivery of services
2.	18	Limiting liability	Document all measures taken on behalf of witnesses in case of legal challenges	... reports of intimidation are taken seriously; absolute protection is not guaranteed; witnesses are involved in decisions about protective measures	Despite the best efforts of police, witnesses may still be harmed, which can adversely affect future cooperation



Response No.	Page No.	Response	How It Works	Works Best If...	Considerations
3.	19	Strengthening ties between police and the community	Encourages cooperation in criminal cases; increases police visibility, which can instill a greater sense of security in community residents	... a connection is made between cooperation and a reduction in gang and drug-related violence; outreach efforts are specially tailored for Asian and other immigrant communities	Outreach efforts require time and patience; rate of reported intimidation is likely to increase and will require additional resources; could inspire increased efforts from intimidators
4.	20	Assessing the risk of intimidation	Ensures that decisions about protective measures are consistent, fair, and objective	... assessments are conducted periodically to determine if protective measures are sufficient; results of assessments are shared with witnesses	Could marginalize witnesses who do not meet the criteria for more intensive modes of protection; standardized assessments may not capture case-specific nuances
5.	21	Choosing the best strategy	Limits the situations in which witnesses need to appear in court	... an array of options are available, including criminal prosecution and civil remedies	Civil penalties may be too lenient, particularly when used in response to violent crime
<i>Protecting Witnesses</i>					
6.	21	Minimizing the risk of identification witnesses face when reporting crime or offering statements	Provides safe and confidential avenues for communication between residents and police	... witnesses are provided with a choice of methods to report crime or to make statements	Follow-up visits require additional police time; plainclothes officers may still be identifiable; some information may be lost if witnesses decide not to follow up with police
7.	22	Protecting the identity of witnesses	Prevents offenders from learning the names and addresses of witnesses	... new procedures are developed that limit the types of information that are broadcast over police radios; balance is found between witness safety and the right of defendants to cross-examine witnesses	Witnesses cannot be guaranteed full anonymity



<b>Response No.</b>	<b>Page No.</b>	<b>Response</b>	<b>How It Works</b>	<b>Works Best If...</b>	<b>Considerations</b>
8.	22	Using alarms and other crime prevention devices	Makes unauthorized entry into witnesses' homes more difficult and gives witnesses a greater sense of security; ensures that instances of intimidation will receive a rapid response	... witnesses are trained to use devices properly; witnesses use the devices continuously	Security devices can be costly; improper use may increase the rate of false alarms
9.	23	Reducing the likelihood of contact between witnesses and offenders	Minimizes opportunities for intimidation	... routines are varied; witnesses are committed to using avoidance tactics	May be inconvenient for witnesses, resulting in lower compliance
10.	23	Transporting witnesses to and from work, school, etc.	Deters intimidators from making contact with witnesses because of the risk of observation or intervention by escort	... escort services are reserved for those at high risk of injury	Escort schemes consume significant police resources and may not be feasible for broad application; presence of an escort may draw unwanted attention to the witness
11.	24	Supporting witnesses	Addresses the emotional impact of victimization to make cooperation less daunting and to better prepare witnesses to provide accurate information	... victim advocates have access to a wide range of services to address the constellation of witness needs; advocates are properly trained so that their actions do not compromise the integrity of the case	Victim advocates cannot be solely responsible for supporting all witnesses, lest they become overburdened



<b>Response No.</b>	<b>Page No.</b>	<b>Response</b>	<b>How It Works</b>	<b>Works Best If...</b>	<b>Considerations</b>
12.	25	Keeping witnesses and defendants separated at the courthouse	Reduces the opportunities for intimidation; deters criminal associates from attending trial and behaving in an intimidating fashion	... witnesses are accompanied by an advocate or volunteer while they are on-call at the courthouse	May be difficult to accomplish depending on the layout of the courthouse; one-to-one assistance can be difficult to implement if multiple witnesses require services on the same day
13.	26	Relocating witnesses	Removes witnesses from the danger area	... costs are minimized by placing witnesses with friends or relatives; witnesses obey all rules regarding contact with their home communities; additional services are available to address witnesses' emotional, financial, and domestic needs	Witnesses may not be willing to obey program rules; location of new housing may be compromised; witnesses with criminal backgrounds may present a risk to public safety in their new communities; child custody and other legal issues must be managed; the emotional impact on witnesses can be severe
<i>Detering Intimidators</i>					
14.	29	Admonishing intimidators	Deters intimidators by making them aware of the penalties for their actions	... police confront intimidators and their families and associates; judges are informed of typical courtroom-based intimidation tactics	May have limited effectiveness in gang and drug-related cases





Response No.	Page No.	Response	How It Works	Works Best If...	Considerations
15.	30	Requesting high bail and no contact orders	Reduces the opportunities for intimidators to confront witnesses in the community	... victim impact statements are presented at bond hearing; release conditions and the consequences for their violation are clearly articulated	Time between offense and arrest leaves ample time for intimidation to occur; friends and family may still intimidate witness; defendants may be able to contact witnesses by phone, even while incarcerated; bail for intimidation is typically low; jail crowding may prevent the incarceration of potential intimidators
16.	31	Increasing penalties for intimidation	Deters offenders by increasing risk	... intimidation is a felony-level offense; sentences must be served consecutively	Cases of intimidation are difficult to prove; no general deterrent effect
17.	31	Prosecuting intimidators	Deters offenders by increasing risk	... intimidation is a consideration in revoking parole or probation	Cases of intimidation can be difficult to prove
<i>Responses With Limited Effectiveness</i>					
18.	31	Increasing patrol in target area	Increases surveillance of danger area		Consumes considerable resources; chances of actually intervening in an incident are slim
19.	31	Compelling witnesses to testify	Transfers responsibility for the decision to testify from the witness to the prosecutor		May backfire and cause witnesses to claim they do not remember the events in question; may not eradicate the perception that witnesses are cooperating voluntarily





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## About the Author

### Kelly Dedel

Kelly Dedel is the director of One in 37 Research, Inc., a criminal justice consulting firm based in Portland, Oregon. As a consultant to federal, state, and local agencies, she contributes to research on the juvenile and criminal justice systems by 1) developing written tools to enhance practice or inform public policy; 2) conducting investigations of confinement conditions in juvenile correctional facilities; and 3) undertaking rigorous evaluations of various juvenile and criminal justice programs to assess their effectiveness. She has provided evaluation-related technical assistance to more than 60 jurisdictions nationwide for the Bureau of Justice Assistance. In this capacity, she has worked with a broad range of criminal justice programs implemented by police, prosecutors, public defenders, juvenile detention and confinement facilities, local jails, community corrections, and prisons. She consults with the Justice Department as a monitor/investigator of civil rights violations in juvenile correctional facilities, most often in the areas of education and protection from harm. Among her other research interests are prisoner reentry, risk assessment and offender classification, and juveniles in adult correctional facilities. Before working as a consultant, she was a founder and senior research scientist at The Institute on Crime, Justice, and Corrections at The George Washington University, and a senior research associate at the National Council on Crime and Delinquency. Dedel received bachelor's degrees in psychology and criminal justice from the University of Richmond and a doctorate in clinical psychology from the Center for Psychological Studies, in Berkeley, California.

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## Recommended Readings

- **A Police Guide to Surveying Citizens and Their Environments**, Bureau of Justice Assistance, 1993. This guide offers a practical introduction for police practitioners to two types of surveys that police find useful: surveying public opinion and surveying the physical environment. It provides guidance on whether and how to conduct cost-effective surveys.
- **Assessing Responses to Problems: An Introductory Guide for Police Problem-Solvers**, by John E. Eck (U.S. Department of Justice, Office of Community Oriented Policing Services, 2001). This guide is a companion to the *Problem-Oriented Guides for Police* series. It provides basic guidance to measuring and assessing problem-oriented policing efforts.
- **Conducting Community Surveys**, by Deborah Weisel (Bureau of Justice Statistics and Office of Community Oriented Policing Services, 1999). This guide, along with accompanying computer software, provides practical, basic pointers for police in conducting community surveys. The document is also available at [www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs).
- **Crime Prevention Studies**, edited by Ronald V. Clarke (Criminal Justice Press, 1993, et seq.). This is a series of volumes of applied and theoretical research on reducing opportunities for crime. Many chapters are evaluations of initiatives to reduce specific crime and disorder problems.



- **Excellence in Problem-Oriented Policing: The 1999 Herman Goldstein Award Winners.** This document produced by the National Institute of Justice in collaboration with the Office of Community Oriented Policing Services and the Police Executive Research Forum provides detailed reports of the best submissions to the annual award program that recognizes exemplary problem-oriented responses to various community problems. A similar publication is available for the award winners from subsequent years. The documents are also available at [www.ojp.usdoj.gov/nij](http://www.ojp.usdoj.gov/nij).
  - **Not Rocket Science? Problem-Solving and Crime Reduction,** by Tim Read and Nick Tilley (Home Office Crime Reduction Research Series, 2000). Identifies and describes the factors that make problem-solving effective or ineffective as it is being practiced in police forces in England and Wales.
  - **Opportunity Makes the Thief: Practical Theory for Crime Prevention,** by Marcus Felson and Ronald V. Clarke (Home Office Police Research Series, Paper No. 98, 1998). Explains how crime theories such as routine activity theory, rational choice theory and crime pattern theory have practical implications for the police in their efforts to prevent crime.
  - **Problem Analysis in Policing,** by Rachel Boba (Police Foundation, 2003). Introduces and defines problem analysis and provides guidance on how problem analysis can be integrated and institutionalized into modern policing practices.
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- **Problem-Oriented Policing**, by Herman Goldstein (McGraw-Hill, 1990, and Temple University Press, 1990). Explains the principles and methods of problem-oriented policing, provides examples of it in practice, and discusses how a police agency can implement the concept.
  - **Problem-Oriented Policing and Crime Prevention**, by Anthony A. Braga (Criminal Justice Press, 2003). Provides a thorough review of significant policing research about problem places, high-activity offenders, and repeat victims, with a focus on the applicability of those findings to problem-oriented policing. Explains how police departments can facilitate problem-oriented policing by improving crime analysis, measuring performance, and securing productive partnerships.
  - **Problem-Oriented Policing: Reflections on the First 20 Years**, by Michael S. Scott (U.S. Department of Justice, Office of Community Oriented Policing Services, 2000). Describes how the most critical elements of Herman Goldstein's problem-oriented policing model have developed in practice over its 20-year history, and proposes future directions for problem-oriented policing. The report is also available at [www.cops.usdoj.gov](http://www.cops.usdoj.gov).
  - **Problem-Solving: Problem-Oriented Policing in Newport News**, by John E. Eck and William Spelman (Police Executive Research Forum, 1987). Explains the rationale behind problem-oriented policing and the problem-solving process, and provides examples of effective problem-solving in one agency.
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- **Problem-Solving Tips: A Guide to Reducing Crime and Disorder Through Problem-Solving Partnerships** by Karin Schmerler, Matt Perkins, Scott Phillips, Tammy Rinehart and Meg Townsend. (U.S. Department of Justice, Office of Community Oriented Policing Services, 1998) (also available at [www.cops.usdoj.gov](http://www.cops.usdoj.gov)). Provides a brief introduction to problem-solving, basic information on the SARA model and detailed suggestions about the problem-solving process.
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  - **Using Analysis for Problem-Solving: A Guidebook for Law Enforcement**, by Timothy S. Bynum (U.S. Department of Justice, Office of Community Oriented Policing Services, 2001). Provides an introduction for police to analyzing problems within the context of problem-oriented policing.
  - **Using Research: A Primer for Law Enforcement Managers**, Second Edition, by John E. Eck and Nancy G. LaVigne (Police Executive Research Forum, 1994). Explains many of the basics of research as it applies to police management and problem-solving.
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