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## EXAMINING CRIMINAL JUSTICE PROFESSIONALS' ATTITUDES AND RESPONSIVENESS TOWARDS INTIMIDATED WITNESSES ON THE LOCAL LEVEL: AN EXPLORATORY ANALYSIS

Moon Michon  
*Virginia Commonwealth University*

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EXAMINING CRIMINAL JUSTICE PROFESSIONALS' ATTITUDES AND  
RESPONSIVENESS TOWARDS INTIMIDATED WITNESSES ON THE LOCAL LEVEL:  
AN EXPLORATORY ANALYSIS

A dissertation proposal submitted in partial fulfillment of the requirements for the degree of  
Doctor of Philosophy at Virginia Commonwealth University

by

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B.S. Virginia Commonwealth University, 1995

M.S. Virginia Commonwealth University, 1997

Director: LAURA J. MORIARTY, PH. D.

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L. DOUGLAS WILDER SCHOOL OF GOVERNMENT AND PUBLIC AFFAIRS

Virginia Commonwealth University  
Richmond, Virginia  
October 21, 2011

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### **Categories of Intimidation**

- Level 1: The small inner core: This consists of the most serious cases where intimidation is life threatening, the witness lives in close geographical proximity to the offender and/or the intimidator, and where high levels of protection are required.
- Level 2: The middle ring: This is where the intimidation is not life threatening.
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FIGURE 2.1

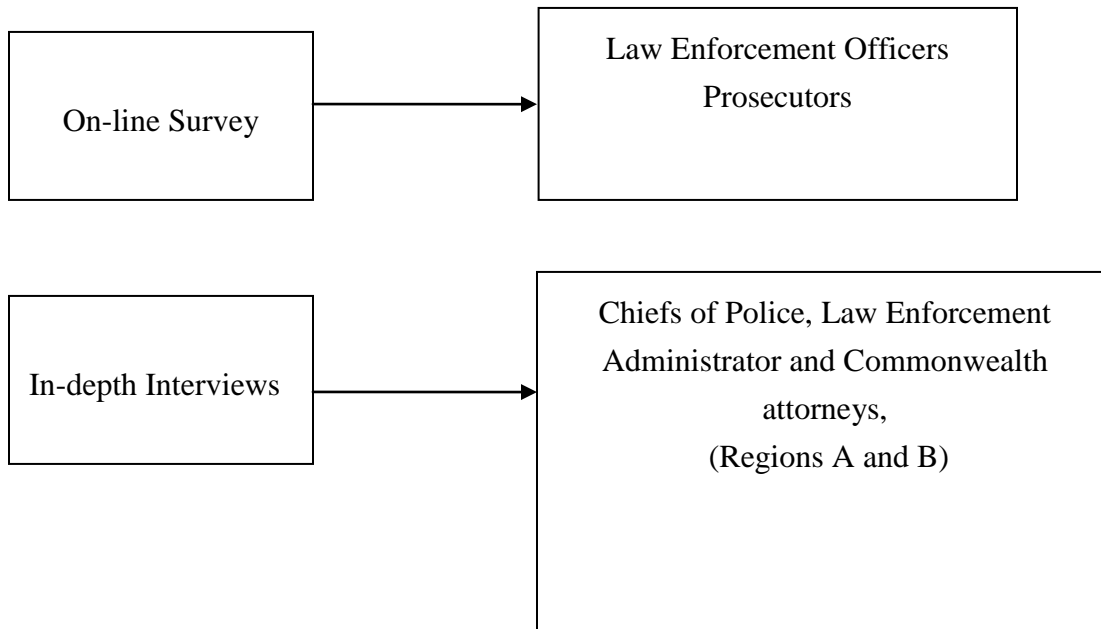


FIGURE 3.1

Abstract

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By Michon J. Moon, Ph.D.

A dissertation submitted in partial fulfillment of the requirements for the degree of  
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Virginia Commonwealth University, 2011

Major Director: Laura J. Moriarty, Ph. D,  
Professor and Vice Provost of Academic and Faculty Affairs  
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The study explored criminal justice professionals' attitudes and responsiveness toward witness intimidation on the local level based on their occupation and region of employment. Intimidated witnesses are vulnerable individuals that have fallen victim to competing social and civic expectations to which neither allow much consideration for the witness' safety. This problem is evident in that too many local criminal justice agencies have yet to formulate substantive plans and dedicated sufficient resources to effectively address the growing problem of witness intimidation. A total of 59 major crime detectives, 52 prosecutors and 5 executive administrators from two regions of Virginia participated in the study. Major crime detectives and prosecutors were administered an online survey to gage their attitudes about intimidated witness issues and the administrators who are responsible for the allocation of resources and policy mandates for their respective agencies participated in interviews. Overall, 39 percent of prosecutors and 45 percent of detectives indicated that intimidation was more likely to occur in cases involving homicide, rape, aggravated assault, drug activity, gang activity, robbery, and domestic violence. On average 38 percent of detectives and 31 percent of prosecutors agreed that

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Appended are details of study, methodology, quantitative and qualitative analyses, as well as, demographic characteristics of study participants.

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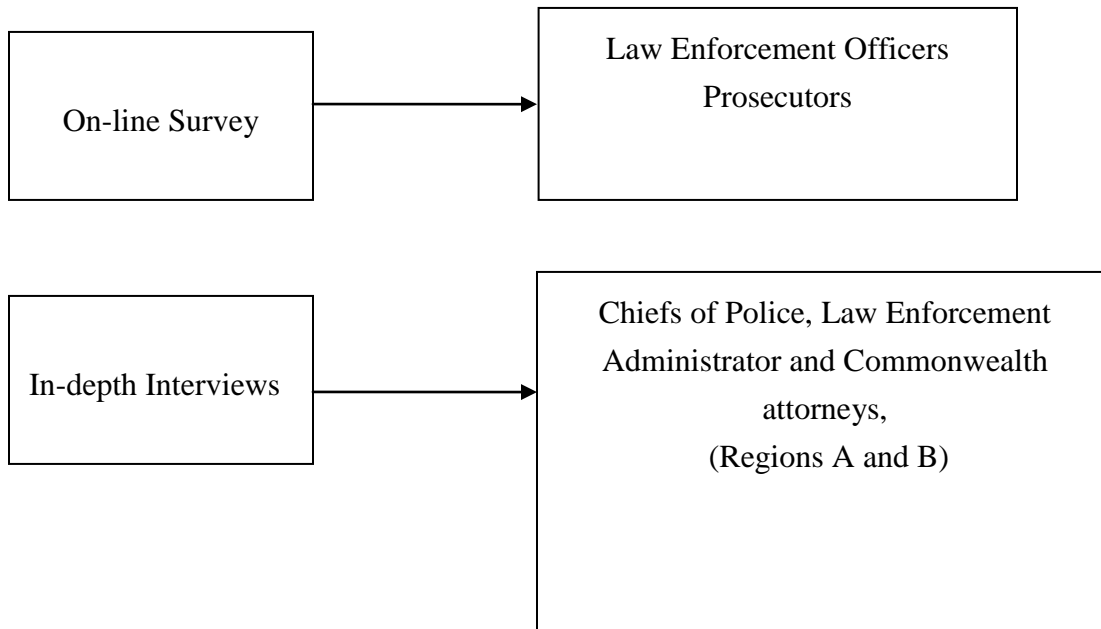


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## Chapter 1

### Introduction

#### Scope and Nature of the Problem

Witness intimidation has become one of the major problems hindering criminal investigations and successful prosecutions in a growing number of criminal cases. This has resulted in many key witnesses reluctance in providing critical evidence or testimony due to fear of retaliation (McCollum, 1997). Most prosecutors would admit that they are less confident in pursuing criminal cases without witnesses to corroborate even the best forensic evidence. Witnesses' refusal to testify at criminal trials has a negative impact by undermining the administration of justice while simultaneously eroding public confidence (Healy, 1995; Elliot, 1998; and Fyfe and McKay, 1999). Witness intimidation is a public safety issue plaguing many urban areas and presents a tremendous challenge to local level criminal justice professionals due to the rampant violence in communities as a consequence of the proliferation of guns, drugs, and gangs.

In local jurisdictions, adequate provisions such as security, financial, and housing assistance for intimidated witnesses, in addition to sufficiently funded, structured, and managed programs are not keeping pace with the imminent problems inherent in protecting witnesses (McCollum, 1997). This explains why many witnesses to violent street crimes do not rely on the criminal justice system for protection (Sigler, Crowley, and Johnson, 2002). Most intimidated witnesses fall into four categories: offenders who are generally engaged in criminal activity when they witness an act, criminal associates who engage in some criminal acts, but are more likely just in the company of offenders, bystanders who witness criminal acts by virtue of their familiar relationship, residence, or other unfortunate circumstances, and victims.

All of these individuals are vulnerable to retaliation and a criminal justice system which is ill-equipped and in most cases unresponsive to their needs (Irish, Magadhla, Qhobosheane, and Newham, 2000).

A victim services agency in New York conducted a survey which revealed that 36 percent of the victims stated that they were threatened with bodily harm and over 57 percent of the remaining victims lived in fear of reprisal (MORI Social Research Institute, 2003). Although this is important information, these statistics only include individuals who were directly victimized by an offender(s). Typically no information is collected, evaluated, or maintained on intimidated witnesses who were not also victimized. This is due in part because of intimidated witnesses' relationship to the crime and/or the offender thus, making it difficult for them to stake a legitimate claim as a victim (Rosenfeld, Jacobs, and Wright, 2003).

Lack of available data about intimidated witnesses suggest that when incidents involving witness intimidation result in injury to or the death of a witness, they are seldom if ever linked to ongoing investigations, previous cases, or trials to which the witness is associated (Fyfe, 2001). An opportunity to initiate proactive measures to protect individuals from becoming possible targets more than likely go untracked. Consequently, this contributes to the point that many crimes going unreported or unresolved because many individuals who are victims of or witnesses to offenses in high crime areas do not want to get involved and jeopardize their safety. The victim survey also reveals that witnesses contribute to roughly 70 percent of crimes being solved and successfully prosecuted (MORI Social Research Institute, 2003). Although this data is very useful it only reflects witnesses who were the direct victim of an offense and not third-party witnesses who are just as likely to be intimidated. The lack of data in this area is a tangible example of how the attitudes of criminal justice professionals

towards intimidated witnesses impact criminal justice professionals' responsiveness.

Organizational policy regarding procedures in terms of when contact is made, under what circumstances (i.e. the type of crime), and to what degree the problem of witness intimidation is effectively addressed has a relationship to the attitudes of criminal justice professionals. Ultimately, these are just a few indicators that reflect the amount of attention and resources given the subject matter. Criminal justice professionals' attitudes can be critically evaluated based upon the mission initiatives of the organization and the level of quality, effectiveness, and efficiency with which those initiatives are met (Feeney, 1987).

Attitude is one of many theoretical constructs used by psychologists to describe thoughts, actions, and behavior (MacCorquodale and Meehl, 1948). Attitudes have one or more of the following components: 1) Affective, defined as liking or feeling for; 2) Behavioral, defined as how one behaves toward the object in question; and 3) Cognition, defined as one's beliefs or thoughts about the object in question. Attitudes have been defined in a variety of ways, but at the core is the concept of evaluation (Petty, Wegener, and Fabrigar, 1997). Evaluation is known to be a fundamental aspect of any concept's connotative meaning (Osgood, Suci, and Tannenbaum, 1957). The term evaluating refers to all classes of evaluative responses, whether overt or covert, cognitive, affective, or behavioral (Eagly and Chaiken, 1993).

Attitudes of criminal justice professionals have a great impact on the development, implementation, and management of criminal justice programs and initiatives. Unanimous agreement exists that fairness, efficiency, and effectiveness are essential components of the justice system (DiIulio, Alpert, Moore, Cole, Petersilia, Logan, and Wilson, 1993). This can be achieved by expanding the traditional objectives of services provided by criminal justice

professionals, promoting professional accountability and responsibility in the delivery of services, developing and implementing best practices, and increasing interagency partnerships and collaboration (Nutley and Loveday, 2005).

Little agreement exists about how best to secure the aforementioned essential qualities or how to measure whether they have been achieved. Apart from the obvious problem of determining the measurement criteria for a particular performance goals, there is a more difficult and subsequent problem of determining what attitudes, values, and beliefs influence outcomes.

In the 1970's, a series of federally funded studies addressed the issue of performance indicators. To varying degrees the studies stressed measures emphasizing process rather than results, efficiency rather than effectiveness, and program outcomes rather than policy outcomes (Goldkamp, Gottfredson, and Moore, 1999). Subsequently, we know a lot about conviction rates, amount of dismissals, percentage of guilty pleas, case processing times, as well as, the use of various sentencing options. Although these are important and meaningful measures, it says little about the quality of service and justice. Quality of the delivery of service is a significant indicator of attitude (Cole, 1992). However, few core criminal justice agencies, outside of law enforcement, have developed and incorporated performance assessments to evaluate the attitudes and behavior of criminal justice professionals as they interact with citizens, be they defendants, victims, witnesses, jurors, or the general public (Kelling,1992).

Rates of crime and recidivism have long served as critical measures for the performance of the criminal justice system. In his paper, "*Rethinking the Criminal Justice System: Toward a New Paradigm*," John DiIulio, Jr (1992), proposes four indicators by which to measure criminal justice professionals' attitudes. The first indicator is *Doing Justice*. He

defines justice as “the quality of treating individuals according to their civil rights and in ways that they deserve to be treated by virtue of relevant conduct. ‘*Doing Justice*’ involves at least the following four components: hold offenders fully accountable for their offenses, protect constitutional and legal rights of all, treat like offenses alike, and distinguish differences among offenders and offenses. The second indicator ‘*promoting secure communities*’ is beyond achieving low crime rates. Rather, it means providing the constitutional right to security to life, liberty, and property that is essential for communities to flourish. Third is ‘*restoring victims*’ which is to uphold the community’s obligation to make victims of crime and strife whole again. Victims' rights organizations, manifestos, and laws that have manifested over the last decade generally reflect and embody this long-overlooked objective. Victims and witnesses of crime have a unique claim upon the criminal justice systems’ personnel and financial resources. A system that dishonors that claim cannot be considered legitimate. Lastly, ‘*promoting non-criminal options*’ means that punishment for criminal behavior should interfere as little as possible with the pursuit of non-criminal behavior. The government should not impose arbitrary restrictions on legitimate activities by offenders except where it is a justifiable form of punishment or where public safety is at risk.

These four measures extend beyond the traditional crime and recidivism rate measures and toward more earnest ways of measuring the performance of justice institutions, professionals, initiatives, and practices. Crime rates and recidivism rates remain meaningful overall measures of the criminal justice system's performance in protecting public safety,” (DiIulio, J. Jr., 1992).

Fluctuating crime rates of violent offenses have demanded that local level criminal justice professionals find ways to effectively respond to the rampant deterioration of safety in

cities throughout the United States. Due to the increasing number of localities confronting problems associated with the intimidation of witnesses providing key evidence in criminal cases, it is prudent on the part of criminal justice professionals to start assessing the problem of intimidation in their jurisdictions with the intent of developing comprehensive mechanisms to effectively address the problem (Edwards, 1989). Components of these mechanisms include but are not limited to, developing needs assessments, identifying available resources, allocating sufficient funding, staffing, and training of criminal justice professionals, agency collaborations, program evaluations, improved physical security, and emotional support for witnesses (Bruner, Kunseh, and Knuth, 1992).

Lastly, an overarching aspect of witness intimidation, like many socially proportional, '*not happening in my backyard*' issues such as, drug sales and abuse, domestic violence, child abuse, gang activity, and HIV/AIDS, there exists a lack of public awareness. People generally do not think of the significant impact that these types of issues have on their community until it affects them or someone they know directly (Burisk, 1988). Therefore, public awareness is an essential component in the expectation and support of appropriate program objectives, performance measures, resources, and management of witness protection activities.

### Statement of the Problem

The problem of criminal justice professionals' attitudes and responsiveness towards witness intimidation has multiple layers. First, is the lack of awareness among many criminal justice professionals regarding the extent of witness intimidation occurring in several criminal cases in their own jurisdictions, nor, is there an awareness of the significant problems and obstacles associated with the handling of intimidated witnesses. Another contributing factor is that the criminal justice system is impacted by various system deficiencies inherent of most

large government agencies. Ultimately, these deficiencies can considerably influence individuals' attitudes and contribute to a lack of responsiveness. Some of these deficiencies include, but are not limited to, clearly defined objectives, the lack effective communication, coordination among the key-players, clear and specific directives to personnel and witnesses, oversight, follow-up, and sufficient resources to ensure that local jurisdictions can provide adequate provisions such as, security, financial, and relocation assistance to intimidated witnesses. These and other factors diminish the quality of service in the administration of justice.

There are however a host of other contributing factors that cannot be discounted as to why many criminal justice professionals involved in the investigations, prosecutions, and judgments of violent crime cases have no knowledge of and/or concern about issues regarding of intimidated witnesses. This research is an exploratory inquiry intended to determine if factors such as occupation, the organization for which they work, legal variables, experience, beliefs, and other variables influence the attitudes and behaviors of criminal justice professionals' in regards to their responsiveness towards witness intimidation.

Furthermore, the responsiveness of criminal justice professionals towards intimidated witnesses can be evaluated based on policy initiatives implemented and prioritized by criminal justice professionals. Thus, there are several policy implications regarding this subject matter. Some of these policy implications involve sufficient funding allocations in local jurisdictions to administer witness protection activities, appropriate agency designation to manage witness activities, in addition to developing uniformed guidelines, policies, and procedures used by many local jurisdictions.

Although issues relating to intimidated witnesses on state and local levels are



a prevalent problem in the United States, structured witness protection programs on the local level are virtually non-existent and/or poorly structured. There is little research or data examining criminal justice professionals' performance or the outcomes as they relate to intimidated witnesses. In 1997 only a few states, California, Colorado, Iowa, Maryland, Missouri, New Jersey, New York, Rhode Island, and Virginia that had enacted witness protection mandates by statute. As of 2007, approximately 14 states had implemented witness protection programs, all of which vary in program sophistication and formal structure (McCollum, 1997). Many people familiar with the phrase "witness protection" might consider this is a misnomer, as the programs literally do not provide protection to anyone. Around-the-clock surveillance is non-existent and hotels serve as safe havens, because most local jurisdictions do not have access to safe houses once managed by the U.S. Marshals Service. Typically witnesses are simply moved from the area where the crime occurred to another location in the same city (Shafer, 2007). More and more states are faced with the problem of witness intimidation, thus, they are being forced to respond.

Virginia's witness program was created as a result of the 'Witness Protection and Interstate Relocation Act of 1997'. Virginia's State Police Witness Protection Program was developed to support state and local law enforcement with the protection of threatened witnesses in the Commonwealth of Virginia. The Criminal Intelligence Division (CID) of the State Police administered the program and provided both funding and technical assistance for intimidated witnesses (Virginia State Police, 2001).

In 2001, funding for the Virginia State Police Witness Protection Program was cut. These budgetary cuts relegated the State Police program objectives to technical support such as, the installation of a security system and audio or video equipment. In addition, when

Virginia's State Police program was fully funded, funds were only available to intimidated witnesses involved in homicide cases. The effect of the budget cut meant that localities had to fully fund witness protection activities. The results of this study may reveal the impact, if any, on how the cut in funding affected local jurisdictions surveyed for this study in their ability to provide protective services to intimidated witnesses.

### Purpose of the Study

The purpose of this study is to examine criminal justice professionals' attitudes and responsiveness toward intimidated witnesses in local jurisdictions to determine if there is sufficient awareness of the problem, defined procedures regarding the appropriate responses to the problem, appropriate oversight and management of activities, sufficient resources for this activity, in addition to, effective policy mandates. The main goals of the study are to examine if attitudes of criminal justice professionals towards intimidated witnesses are impacted by: 1) their roles within the criminal justice system; 2) the organization for which they work; 3) the types of crime; 4) the types of threats; 5) the relationship of individuals to the crime; 6) resources; 7) performance evaluation regarding witness activities; and 8) various demographic characteristics.

In addition, the results of the study may also reveal whether or not the localities under study are achieving program objectives in terms of expectations, effectiveness, and efficiency. The prevalence of violent crime throughout the country often leaves individuals who are direct victims of the crime or witnesses to the crime vulnerable to intimidation and/or harm. How and to what degree criminal justice professionals respond to the problem of witness intimidation is fundamental to the community served and reflects the performance of the

criminal justice system as a whole.

There appears to be a lack of understanding or knowledge among many criminal justice professionals throughout the ranks regarding the problem of intimidated victims and witnesses involved in many types of crimes in the community. The lack of understanding or knowledge regarding the need to address and respond appropriately to intimidation can ultimately impact the effectiveness of the criminal justice system.

### Significance for the Study

The research is relevant, given the need to increase the awareness and responsiveness of criminal justice professionals regarding witness intimidation issues which are demanding the attention of local law enforcement agencies, draining resources, and impacting public confidence in criminal justice systems throughout the U.S. In order to successfully prosecute criminals effectively, prosecutors must be able to encourage witnesses to testify (Hicks, 2005). This goal becomes a challenging series of events for criminal justice professionals when the safety of a witness becomes a credible concern. Having the ability to offer protection not only during a trial proceeding, but in the pre-trial and post-trial phases are effective ways to address the fear of retaliatory action by the offender(s) and/or their associates (Davis, Smith, and Henley, 1990).

Fundamental policies to address witness intimidation can be developed and implemented if there is supportive data that cannot be ignored. In addition to policy implications, the comprehensive collection and analysis of the effectiveness of witness protection programs can serve as a tool in decreasing the rate of unreported crime, improving clearance rates, and facilitating the successful prosecution by identifying and evaluating program performance measures. For example, one fraction of the population participating in

this study are major crime detectives who investigate violent crimes and are frontline criminal justice professionals who confront the problem of witness intimidation. Typically, this group is the first to be informed about intimidation from the witness. However, it is questionable if information is investigated, record, or retained regarding intimidated witnesses who are not assisted simply because of the type of crime.

Lastly, yet equally important, is that the findings will be a useful tool for local witness protection programs in developing effective strategies, employing best practices, and implementing sound policies in obtaining program objectives.

### Methodology

The data for the study will come from two hundred criminal justice professionals who have direct contact with or knowledge of intimidated witnesses. The respondents are from two of Virginia's most populous, demographically analogous geographic areas referred to as Region A and Region B. The data was collected by conducting: 1) on-line responses from major crime detectives and prosecutors; and 2) in-depth interviews with chief administrators.

Descriptive analyses, Pearson's Chi-square analyses, and the Mann Whitney U Test will be used to examine relationships among criminal justice professionals and numerous variables of interest, in addition to testing relationships as they relate to how attitudes are impacted by gender, age, education, race, and occupation in the selected jurisdictions. Descriptive statistics, frequency tables and graphs will be used in the examination of the data.

### Limitations

Threats to external and internal validity are inherent in any research design. External validity refers to the generalizability of the research findings and whether those findings can be applied to larger populations and different settings. Frankfort-Nachmias and Nachmias, define

internal validity as “to rule out the possibility that factors other than those being examined are responsible for changes in the dependent variable” (Frankfort-Nachmias and Nachmias, 2000, p. 519).

### *External Validity*

This study focuses on the attitudes and behaviors of criminal justice professionals in the State of Virginia. Due to regional differences, criminal justice professionals in other states may have different attitudes. The aim of this study in using purposive sampling is not to generalize to a wider population, but only to the sampled groups. Thus, the results may not be generalizable to the attitudes and behaviors of all criminal justice professionals, however, the findings will most likely be generalizable to criminal justice professionals tackling the challenges of witness intimidation.

### *Internal Validity*

Neuman (2000) listed 10 common threats to internal validity. One of threats is selection bias, and is relevant to this research because of the purposive selection of respondents. The major difference between respondents may be the result of the different philosophical and attitudinal views of the organizations they represent. There is no control group. In field of exploratory research purposive sampling is most appropriate to use. It maybe possible that the sample does not represent the population, however, according to Neuman (2006) “Purposive sampling is appropriate to select unique cases that are especially informative” (p. 222).

History is a threat to conclusions due to unanticipated events occurring while the study is in progress that might impact the final outcome. History effects refer to the measurement of behavior at different points in time which could result in differences reflecting the impact of the independent variable or extraneous and unwanted effects occurring, over which the

researcher has no control (Huitt, Hummel, and Kaeck, 2001). The short period of time between measurements will minimize the risk of a history effect.

### Dissertation Overview

This dissertation is organized into five chapters. The first chapter addresses the nature and scope of the challenges facing criminal justice professionals dealing with witness intimidation. The second chapter presents a review of the historical background of witness protection programs, aspects of witness intimidation, and determinants that influence the attitudes and behaviors that impact the responsiveness of criminal justice professionals toward intimidated witness issues. The third chapter explains the research and design methods used to conduct this study. The fourth chapter presents a critical analysis of the study results and the fifth chapter provides conclusions and recommendations.

## Chapter 2

### Literature Review

This chapter will consist of a review of the literature pertaining to the history of witness protection programs, the elements of witness intimidation, and the factors that impact criminal justice professionals' attitudes and responsiveness to the problems associated witness protection activities.

#### A Historical View of the U.S. Witness Protection Program

The Federal Witness Security Program commonly referred to as the Witness Protection Program (WPP) was established in 1970 and is headed by the U.S. Marshal Service (Potter, 1986). Until 1970 the protection of government witnesses was left up to each individual law enforcement agency (Lyman and Potter, 2000). Because of limited resources and inconsistent services, the need emerged for a single unified federal program. The Federal Witness Protection Program (WPP) has proven to be one of the most significant prosecution tools in cases involving major organized crime figures. The Witness Protection program is considered a successful program because since the programs' inception, federal prosecutors have reportedly realized a conviction rate of 89 percent (Slate, 1997). The WPP was established as part of Title V of the Organize Crime Control Act of 1970. The intent was to provide for the health, safety, and welfare of witnesses (and their families) who gave valuable testimony in criminal proceedings (Organized Crime Control Act of 1970).

Prior to the creation of the Federal Witness Protection Program, witnesses testifying on behalf of the government were oftentimes harassed, assaulted, and murdered. In 1962, the

need to protect federal witnesses became apparent following hearings before the United States Senate where Joe Valachi gave testimony exposing Mafia activities. An order to kill was placed on Valachi for testifying. As a result, federal authorities provided protection to him. This afforded him the opportunity to live without the day-to-day fear of retribution (Slate, 1997).

Initially, the anticipated number of participants to the program was projected to be 30 to 50 witnesses annually at a cost of less than \$1 million. Currently an estimated 20 to 25 witnesses enter the program a month. By 1974, the government spent over \$3.1 million on more than 600 witnesses admitted to the program that year (Moushey, 1996). The average entrant unit is roughly 2.5 family members per witness. More than 7,500 witnesses and 9,600 family members have been relocated and given new identities since 1970. The average cost of bringing one witness (and immediate family) into the program is \$150,000. The operating budget for the program in 1996 was approximately \$46.3 million (Slate, 1997). In 1997 the operating budget was \$61.8 million. Over \$40 million was targeted for witness expenses and over \$20 million for the salaries and expenses of the Marshal Service employees managing the program (Early and Shur, 2005). The continued and longstanding involvement from witnesses previously enrolled in the program caused costs to soar (Moushey, 1996).

In the U.S. there are over 160 Witness Security Inspectors whose primary duty is to protect and assist witnesses. There are another 150 Deputy U.S. Marshals who provide backup assistance to the Inspectors. In addition, the U.S. Marshal's boast a 97 percent success rate in protecting witnesses under its supervision (Slate, 1997).



### Witness Protection Programs (1980s)

The program gradually changed as it grew. Instead of the customary solitary confinement for safety purposes protected witnesses were locked up in highly secured sections of federal prisons or in remote local jails, safe houses, and hotels. This changed when high-profile Mafia members entered the program. Witnesses were typically kept at mountain retreats or beach houses guarded by deputy U.S. Marshals during their confinement because government officials decided such accommodations were safer than correctional facilities (Montanino, 1990).

In the early 1980s, the Justice Department's Office of Enforcement Operations institutionalized the program by building the first of five special prison units in Otisville, N.Y., Sandstone, MN., Phoenix, AZ, Allenwood, PA., and Fairton, N.J. Once out of prison, witnesses usually received new names, new Social Security cards, and trips to their new homes. Witnesses also typically received monthly stipends of as much as \$2,000 for a minimum of 18 months or until the government decided that their lives were stable. Within two years of relocating most witnesses separated from the program and faded into anonymity (Moushey, 1996).

The promise to protect witnesses by keeping their whereabouts secret is the fundamental underpinning of the WPP, thus the program operates without much internal or public scrutiny. Only three complete audits have been conducted in more than 20 years. The congressional committee charged with oversight of the program had its last public hearing in 1982 (Moushey, 1996). In 2005, the current Justice Department Inspector General, Glenn A. Fine, issued only the executive summary of a 139-page report and refused to disclose it in its entirety. Fine's assertion was that the content of the report contained information too sensitive

for the general public (Early and Shur, 2005).

In 1982, in response to the increasing problem of witness intimidation Congress enacted the Victim and Witness Protection Act (VWPA), including sections 1512-1515 of Title 18 of the United States Code, in order to create a broad and exclusive scheme for protecting witnesses. Section 1512 greatly broadened federal protection of witnesses, previously protected under section 1503, the Omnibus clause, or catch-all provision of 18 U.S.C. § 1503, which provides: Whoever . . . corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be guilty of an offense (U. S. Department of Justice, 1997).

The Witness Security Reform Act of 1984 was passed in an effort to resolve several controversies surrounding intimidated witnesses. The Act extended witness protection to individuals providing testimony about other serious offenses in addition to organized criminal activity (Slate, 1997). Stipulated with the Act was the provision that, protection is prohibited where the need for a person's testimony is outweighed by the risk of danger to the public. Along with many other provisions the Act included a victim compensation fund. The fund was established to compensate victims of crime harmed by protected witnesses (Levin, 1985). In 1988, Congress amended section 1512 to fill a gap in the statute. By adding the "corruptly persuades" language to section 1512(b), Congress expanded the scope of section 1512, to cover non-coercive witness tampering situations. Prior to 1988, non-coercive witness tampering was not prohibited by section 1512, and was arguably not prohibited by the section 1503 Omnibus provision. Section 1513 provides similar protection for witnesses against retaliation for having

given testimony or other evidence at an official proceeding (U. S. Department of Justice, 1997).

Prior to many of the 1984 reforms, criminal justice professionals working within the government motivation seemed to rest in pursuing criminals rather than protecting law-abiding citizens (Slate, 1997). A utilitarian commitment to the greatest good for the greatest number was perhaps the catalyst behind the establishment of the WPP. Regardless, Howard Safir, Director of Operations of the U.S. Marshal Service stated, “The witness protection program was designed primarily for those people who were involved in criminal activity and it is not structured for non-criminals” (Early and Shur, 2005, p. 216).

#### Witness Protection Programs 1990s – Present

The Federal Witness Security Program commonly referred to as the Witness Protection Program (WPP) is now known as, the Witness-Security Program (WITSEC). The program is still a well-kept secret within the U.S. Marshals Service. The fundamental services and guidelines provided to witness program participants by the Marshals Service are germane to its origin. Participants are usually provided with new birth certificates and Social Security numbers. The program also assists participants in finding housing, employment, schools for their children, and a host of other services. Currently, witness families are paid an average of \$60,000 a year until they get jobs in their new communities. There still exists a host of rules, foremost among them a ban on contact with outside family, friends, or associates. Typically, after the witness gets established, contact with the government is required only once a year unless there is a change, such as a new address (Early and Shur, 2005). However, current day issues have presented significant changes and challenges to meeting WITSEC program

objectives.

The '80s and '90s were filled with witnesses from major drug-cartels. Gerald Shur, the former program director who retired in 1995 and was credited with establishing the witness program stated that, “The program has had to be extraordinarily flexible” (p.1). Security is being provided to a different kind of participant that the Marshal Service hadn't seen before, says an unnamed former federal prosecutor (MSNBC Associated Press, 2005). The latter escalating operating budget in 1997, in excess of \$60 million, is a reflection in the changing needs of law enforcement and a shift in the focus of WITSEC in four major areas. According to Safir, the former Chief of the Witness Security Division for the U.S. Marshals Service, more than 80 percent of WITSEC cases involve drug related prosecutions compared to approximately 33 percent of cases in the early eighties. This phenomenon resulted in the need to assimilate foreign nationals into the WITSEC who are witnesses involved in drug cases (Early and Shur, 2005).

Terrorism is the second major challenge to WITSEC program objectives. Far from having enough resources to handle current domestic problems, the United States may soon be faced with terrorists seeking protection as federal prosecutors use their testimony to break up al-Qaeda networks. Disturbing is the fact that WITSEC specialists in the program currently are not sufficiently trained in either the culture or language to handle corroborating terrorists entering the program. Serious language deficiencies and cultural barriers surfaced with witnesses who testified in the 1993 World Trade Center bombing that had to be relocated after the attack on September 11<sup>th</sup>. "None of the inspectors speak Arabic," explained an unidentified WITSEC inspector (Maier, 2002, p. 2).

Third is the increasing numbers of younger witnesses to street gang crimes who are also seeking protection. Murder trials involving Mara Salvatrucha, a northern Virginia street gang, also known as MS-13, helped illuminate the secretive world and problems associated with intimidated witnesses and witness-protection programs. This has highlighted some of WITSEC's latest challenges of learning to protect a new generation of witnesses who are younger, less disciplined, and more likely to ignore the rigid program guidelines developed for their safety (Markon and Stockwell, 2003). An example of these challenges can be seen in the following two cases. Brenda Paz was a 17 year-old, MS-13 street gang member, and girlfriend to the gang leader, who in 2002 provided law enforcement with substantial information about the gang's activities and was placed in witness protection. Ms. Paz was relocated to another state, furnished with a new identity and money. She was advised to be inconspicuous and to avoid any contact with gang members. However, Ms. Paz ignored the rules about contacting old friends and inviting some to her new home. In June 2003 she returned to northern Virginia. A few days later, Brenda Paz's bloated body was found on a riverbank. She had been stabbed to death (Briscoe, 2007).

In another case, after witnessing two murders a teenage female joined the program. This young lady chose to return to her old environment despite the danger to her and the rules of the program. Subsequently, she was relocated four times. An unnamed former inspector stated, "She was a fatality waiting to happen" (p.1). The young teen eventually abandoned the program (Briscoe, 2007).

Lastly, lean budgets and a bureaucracy set in decades-old ways have hampered the program's ability to adapt to challenges currently facing the U.S. The Bush administration projected there would be nearly 17,700 people in the program by September 2006 (U.S.

Department of Justice, 2005). Intimidation and violence against witnesses have risen sharply in recent years, increasing the agency's workload (Briscoe, 2007). Yet, in the past eight years federal personnel responsible for protecting witnesses has dropped by nearly 25 percent, while the number of witnesses and their family members has climbed by nearly 12 percent. The Justice Department Inspector General Glenn A. Fine suggests that budget cuts to the Marshals Service affecting WITSEC program staff assigned to the program is one of several problems adversely impacting witness security (Early and Shur, 2005).

Regardless of the challenges synonymous with WITSEC, witness protection is still offered to people who can provide key testimony and whose safety could be jeopardized because of their cooperation with Federal law enforcement. The conviction rate in cases where these witnesses have testified remains high averaging around 90 percent (U. S. Department of Justice, 2005).

### Virginia's Witness Protection Program

Virginia's Witness Protection Program was developed to support state and local law enforcement with the protection of threatened witnesses to homicides in the Commonwealth of Virginia. The Criminal Intelligence Division (CID) of the State Police administers the program and provides both funding and technical assistance for intimidated witnesses (Virginia State Police, 2001). Technical support includes the installation of audio and video equipment in witnesses' homes that are involved with on-going criminal investigations for federal, state, and local law enforcement. The responsibility for reviewing entrant applications for witness protection services is vested in a Witness Protection Program Advisory Board to ensure proper application of program policy and procedures. The advisory board reviews all applications for

service under this program then submits their recommendations to the Superintendent of State Police who will make the final determination in the matter. The advisory board consists of one member of the Virginia Sheriffs' Association, one member of the Virginia Association of Chiefs of Police, one member of the Virginia Commonwealth's Attorneys' Services Council, the Executive Director of the Virginia State Crime Commission, and one member of the Department of State Police who will be appointed by the Superintendent of State Police. Membership on the advisory board changes in accordance with the time frame established by the superintendent (Office of the Attorney General, 1995).

The Code is reproduced here: (19VAC30-180-10 of the Code of Virginia). The established availability of services by the program is mandated under 19VAC30-180-10 of the Code of Virginia and states the following: A]. The Department of State Police will establish and maintain a Witness Protection Program within the Bureau of Criminal Investigation, Criminal Intelligence Division. The program will be administered by the Commander of the Criminal Intelligence Division in compliance with §[52-35](#) of the Code of Virginia. Code 52-35, states that the Superintendent of State Police may establish and maintain within the Department of State Police a witness protection program to temporarily relocate or otherwise protect witnesses and their families who may be in danger because of their cooperation with the investigation and prosecution of serious violent crimes, felony violations of § [18.2-248](#), and violations of §§ [18.2-57.2](#), [18.2-67.5:1](#), [18.2-67.5:2](#), and [18.2-67.5:3](#). The Superintendent may make the services of the program available to law-enforcement and criminal justice agencies of all counties, cities, and towns, and of the Commonwealth, pursuant to regulations promulgated by the Superintendent under the Administrative Process Act (§ [2.2-4000](#) et seq.). The program

was created as a result of the `Witness Protection and Interstate Relocation Act of 1997, which states the following:

*H.R. 2181 addresses the need for safe and effective witness protection programs by directing the Attorney General to survey State and local witness protection programs. The Attorney General is then to make training available to witness protection programs based on the results of the survey. The bill also promotes coordination among jurisdictions when a witness is relocated interstate. The Attorney General is to promote coordination among State and local interstate witness relocation programs, in part, by developing a model Memorandum of Understanding for interstate witness relocation. This model Memorandum of Understanding is to include a requirement that notice be provided to the jurisdiction to which the relocation has been made in certain cases. The bill also authorizes the Attorney General to make grants under the Byrne discretionary grant program to support interstate witness relocation programs.*

In 2001, the Technical Support Unit of the Virginia State Police received 731 requests for assistance with on-going investigations on various levels. The WPP assisted 10 witnesses during 2000 and 4 witnesses during 2001. This assistance was either technical assistance with the installation of a security system in the residence or in the form of a cash allowance for food, lodging, and other relocation expenses. Funding was cut in 2001, thus, the program was relegated to providing only technical assistance and not financial assistance to intimidated witnesses (Austin, 2001).

Identifying the increasing need to assist intimidated witnesses, in 2004 the Gang Reduction and Intervention Program (GRIP) was created aimed at combating gangs and



providing children with healthy alternatives to gang participation. The goal of this collaborative effort among federal, state, and local partners is to systematically dismantle gangs and aggressively prosecute individuals for gang crimes and related criminal activity. GRIP is funded by the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice through a \$2.5 million grant administered by Attorney General McDonnell. Relocation assistance for witnesses to gang-related crimes is a funded component of the program. Four pilot sites were chosen for the program: Richmond, VA; Milwaukee, WI; Los Angeles, CA; and North Miami Beach, FL (Office of the Attorney General, 2006). In 2006, Attorney General Bob McDonnell joined with Richmond's Commonwealth Attorney Michael N. Herring and Richmond Police Chief Rodney Monroe to introduce the Gang Prosecution Strike Force in Richmond. At the time of its implementation, Richmond's Gang Reduction and Intervention Program (GRIP) was comprised of three full-time Richmond prosecutors. "It is believed that this initiative will greatly help law abiding citizens take back their city streets" (Herring, 2006).

### Witness Intimidation

In recent years there has been a growing focus upon the issue of "intimidated witnesses" with emerging responses in a number of localities as they have begun to recognize and address these issues (Healy, 1995). The significance of witness intimidation for the criminal justice system is not difficult to discern. Not only can it discourage some witnesses from reporting crime or coming forward with evidence, but it can also cause cases that go forward to be lost or worse, abandoned. This is a consequence that undermines both the public confidence in the criminal justice system, as well as, its effectiveness (Healy, 1995; Elliot

1998).

It is evident from discussion about the nature of intimidation that this issue is central to social inclusion and the promotion of equality. Yet, there are certain witnesses who do not have equal access to a criminal justice system that addresses their circumstances or needs (Doak, 2000). Hence, it is a system that does not allow full participation and equality in the process (Bala, 1999). The increasing recognition of the need for action, coupled with a growing emphasis on ‘victims’ rights’ has led to a growing focus on ways to protect ‘intimidated witnesses’ while permitting them to exercise their rights alongside those of defendants, without compromising the criminal justice process (Howie, Cashmore, and Bussey, 2002; Healy, 1995).

In addition to these links to the social justice agenda, there are also sound reasons in the purpose of the criminal justice process itself for consideration of these issues. There is a growing recognition that affecting the confidence and willingness of witnesses to participate in the criminal justice process adversely impacts on the level of reporting, clearance rates, and convictions (Bruce, Newham, and Reddy, 1999). Data from a 1992-1994 National Crime Victimization Survey suggest that numerous extralegal factors (e.g., race, gender, wealth, education) affect both the crime victims' decisions to call for police intervention or to report a crime (Davis and Henderson, 2003). When reporting crime, witnesses as opposed to victims have a greater concern with confidentiality and guarantees of anonymity. Over 7 percent of witnesses surveyed mentioned this fact in a study conducted for the Audit Commission in 2003. The report titled, ” *Experiences of the Criminal Justice System-Victims and Witnesses of Crime Report*, ” revealed that, witnesses are twice as likely as victims to say that they do not

report crimes because they do not want to get involved or it is inconvenient (14% compared with 8% among victims). Another differing factor between the two groups is that witnesses are four times more likely to have concerns about reprisals for talking to the police than victims of crime. Conversely, the two groups have a high correlation regarding police being responsive and/or interested (15%), a more effective police force (15%), and believing that something will be done about the incident (14%) (MORI, Social Research Institute, 2003).

As discussed later in this chapter, it is important to distinguish victims from the witnesses when applicable. A victim can always be a witness, but a witness may not necessarily always be a victim. A witness could be a third party to an incident or a mere bystander (Shotland and Goodstein, 1984).

### Forms of Intimidation

For some witnesses intimidation often begins before they ever reach a court hearing. In communities where they live witnesses may be vulnerable to intimidation aimed at discouraging them from reporting crime or testifying (Maynard, 1994). Prosecutors and police confront two principal types of witness intimidation. The first is overt intimidation. This is when someone, typically the offender or an associate initiates a threatening action toward a witness. Often this type of intimidation is in connection with a single case. The second type is implicit intimidation. This is when there is a real but, unexpressed threat of harm. In this case, a witness' perception of the possibility of intimidation compromises their willingness to come forward (see American Bar Association 1981; Healy 1995; Elliot 1998). Prosecutors report that the mere fact that a crime is gang-related can be sufficient to prevent an entire

neighborhood from cooperating. This type of community-wide intimidation is especially frustrating for prosecutors and law enforcement because there is no actionable threat ever committed, thereby inhibiting traditional responses. Consequently, witnesses and victims are still discouraged from testifying (Finn and Healey, 1996). Increasingly, gangs are actively promoting community-wide, non-cooperation through public humiliation, assaults, and even execution of victims and witnesses, or members of their families (Fyfe and McKay, 1999; Maynard, 1994). However Elliot (1998) notes that, while most intimidation falls into one of these two areas, there is a third type of intimidation. This third type of intimidation is typically linked to organized crime. The numbers of people believed to be at such high risk are significantly small in comparison. To cite an example, more than likely there will be some fallout due to the recent bust in February 2008 of Gambino family members, known to be associated with organized crime. Significant concern and investigations regarding witness intimidation will probably be on the agenda for federal agents and New York criminal justice professionals. However, as in most cases this is an area where scrupulous evaluation is difficult.

Indirect forms of intimidation may involve incidents such as intimidators parking outside victims or witnesses residences, nuisance phone calls, and vague verbal warnings by the defendant or their associates. Over 25 percent of female victims are particularly likely to experience intimidation following a violent offense. Many of these incidents involve domestic violence (Davis and Smith, 1995). The intimidator is the original offender in more than 80 percent of the cases. In others it is likely to be the offender's family or friends. Where the intimidator was the original offender, 41 percent of women who experienced intimidation did

so from a partner or ex-partner. Nearly three-quarters of intimidation involve verbal abuse, 16 percent involves physical assaults, and 9 percent is damage to property (Graham, 1985).

Many incidents of witness intimidation take place in communal areas of courthouses such as, restrooms and hallways during actual court proceedings. When trials adjourn typically victims, defendants, and witnesses all move out of the courtroom into these common areas (Maynard, 1994; Rock, 1991). In some cases, segregation of victims, witnesses, and defendants consist of sitting on opposite sides of the same corridor or waiting room. This scenario is quite common even though the Crime Victims' Act requires separate accommodations for crime victims. Although intimidation by defendants and their families outside the courtroom has emerged as a key concern, packing a court room with gang members has become an effective and increasingly frequently used form of intimidation (MORI, Social Research Institute, 2003). A witness satisfaction survey revealed the 83 percent of witnesses were kept in separate waiting rooms in courthouses; however there is little evidence from this research to suggest that this prevents intimidation from taking place in court building (Whitehead, 2001). In many cases, contact with the defendant or the defendant's family members and friends proved to be very unpleasant and stressful aspects of going to court for victims and witnesses (Irish, et al., 2000).

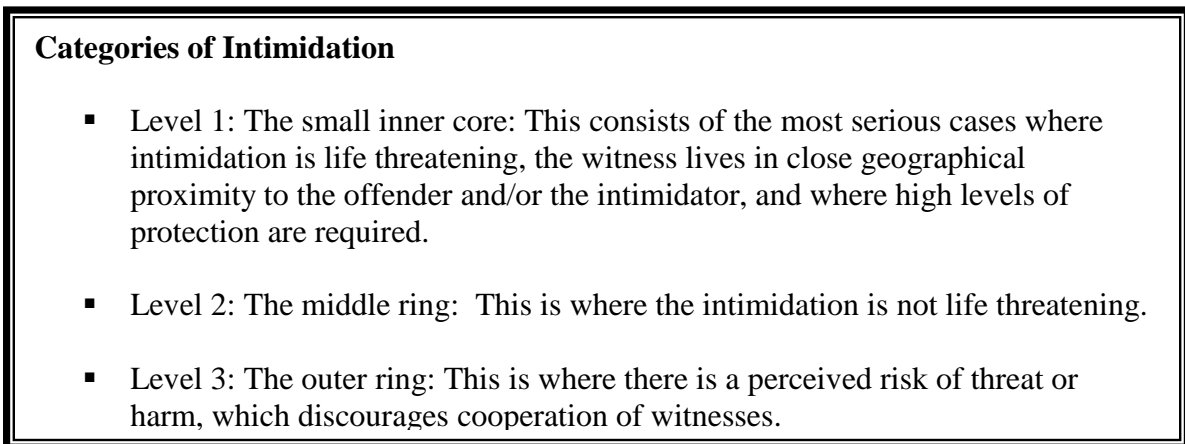
A 1994 survey conducted for the Department of Justice revealed that 192 prosecutors found that intimidation of victims and witnesses was a major problem for 51 percent of prosecutors in large jurisdictions (counties with populations greater than 250,000) and 43 percent of prosecutors in small jurisdictions (counties with populations between 50,000 and 250,000). Several prosecutors interviewed for the 1996 National Institute of Justice Report,

'Preventing Gang- and Drug-Related Witness Intimidation,' estimated that witness intimidation occurs in 75 to 100 percent of the violent crimes committed in neighborhoods with active street gangs (Finn and Healy, 1996). In September 2004, District Attorney Daniel Conley of Suffolk County testified before the State House Public Safety Committee that intimidation occurred in 90 percent of cases involving gangs and gun violence. Conley also went on to conclude that witness intimidation has never received the attention it deserves. Left unaddressed, the impact of witness intimidation has the far reaching potential to negatively impact both the criminal justice system and the intimidated witnesses (Norton, 2004). As a result of this intimidation, fear of reprisal has become a powerful tool in preventing people from providing information about crime. This type of fear resonates and is felt not only by victims and witnesses, it has the power to bind others to continued involvement with criminal elements so that they will not become targets of intimidation (Edwards, 1989). This fear is a powerful deterrent which can inhibit such people from speaking to authorities about their own and fellow criminals' involvement in criminal activities. The more organized the criminal operations, the greater the danger posed in supplying information to law enforcement. The National Institute for Crime and Rehabilitation of Offenders (NICRO) cites the intimidation of witnesses by gang members as a primary challenge in the goal to reduce crime (Newham, 2000). Furthermore, it can be exceedingly difficult to prove intimidation. Threats are usually made in such a way to make it impossible to prove legally. There are reported incidents where witnesses or other citizens have been threatened in front of police officers and no action has been taken (Irish, et al., 2000).

## Evaluating Intimidation

Accurately measuring the problem of witness intimidation is extremely difficult. Intimidation tends to be aimed at preventing the initial crime or intimidation from ever being reported (Irish, et al., 2000). While the before-mentioned forms of intimidation are clearly very frightening in themselves, their full significance reflects their wider social context. There is a heightened probability of intimidation when individuals witness interpersonal crimes, such as murder and serious assaults (Planty, 2002). Crimes such as these are typically embedded in a set of social relationships, where offenders and witnesses are known to each other. Figure 2.1 categorizes the forms of intimidation.

Figure 2.1



Well organized witness protection programs are the foremost strategy for dealing with the small inner core of witnesses who face life-threatening situations. Improving witness management systems is one of the more effective ways to address situations regarding the middle and outer rings (Irish, et al., 2000).

The classification of the witness/offender relationship is a very critical aspect in evaluating witness intimidation. Evaluating relationships between these parties can further legitimize the likelihood of a threat being real and/or neutralize a witness's willingness to cooperate. The relationship between witnesses and offenders has often been characterized as a dichotomy, typically as stranger or non-stranger (Block, 1981; Riedel, 1981). Such classification schemes signify that most violent crimes where intimidation is a factor, the persons involved knew each other or one another prior to the offense. Other approaches using dichotomies examine the distinction between primary and secondary relationships in cases involving homicide. Primary relationships have the greatest intensity and usually involve family members, those who are romantically linked, or friends. Secondary relationships lack the intensity of the former relationship and include acquaintances and strangers (Smith and Parker, 1980, Parker, 1989). The triad of relationships among the victims, witnesses, and offenders has implications for a variety of characteristics in the offense itself, as well as the aftermath (Braga, 2001; Riedel, 1981; Silverman and Kennedy, 1987). In other words, when the participants are known to one another things can easily escalate. Families and friends often find it difficult not to express their suspicions and anger, thus lash out at those they feel are complaisant and unsympathetic to the crime. These types of ill-will feelings go on long after trials conclude, especially when these individuals live in close proximity to each other.

While many witnesses are appreciative of the intent of witness protection programs to ensure their safety, many are concerned with the enormous psychological, social, and economic challenges involved with rebuilding their lives. Longer term problems confronting witnesses are beyond the current scope of many state and local witness protection programs. This apprehension evolves from the concern that they will have little access or support from



family, friends, and the criminal justice system if they are relocated. This in turn raises important questions about long term support available for relocated witnesses.

### Strategic Approaches to Unconventional Events

While many state and local jurisdictions have employed strategies to protect witnesses, they are limited in their scope and resources. Law enforcement may provide witnesses with protection at their homes, including the installation of security alarms, surveillance cameras, and cell phones (Fyfe and McKay, 1999). This provides little solace for a witness faced with intimidation and who knows the violent history of the accused. Home-based target protection strategies are not perceived as sufficient to protect them from serious harm or murder (Decker, 1984). Other approaches employed to protect witnesses include: requesting high bail for the defendant; prosecuting intimidation vigorously; carefully managing witnesses; incarnating witnesses; placing them in protective custody; relocating witnesses; enhancing victim/witness program services; and facilitating Federal witness protection in extreme cases involving organized crime (McCollum, 1997).

The nature and sophistication of witness protection programs varies widely. Some localities have programs, but no funding is allocated towards the program's operating budget to cover expenses such as temporary lodging, relocation, food, and other expenses associated with this activity. Other localities have no witness relocation capability. Those that do have relocation capability appear to vary considerably. Typically, most state and local programs do not relocate witnesses out of state with any frequency. Currently, there are no federal laws directly addressing the interstate relocation of witnesses unless required by State law or other

agreement. Witness protection programs are under no legal obligation to notify local law enforcement officials of witnesses with criminal records or otherwise, who are relocated interstate (Montanino, 1990; McCollum, 1997; Slate, 1997).

### Organizations as Determinants of Criminal Justice Professionals' Attitudes

Attitudes of criminal justice professionals are highly influenced and often defined by organizational objectives and professional roles within those organizations. Criminal justice professionals entering the ranks of organizations offer an opportunity for interaction among practitioners of various professional ideologies and backgrounds referred to as professional orientations (Cullen and Gendreau, 2001). This association may be mutually beneficial, but it may also result in faction-ridden organizations whose interactions often conceal dissatisfaction or disagreement (Aldrich, 1979.).

Attitudes of professionals are often a reflection of the culture of an organization or professional discipline. Organizational culture is the personality of an organization. A generally accepted definition of organizational or corporate culture is a system of knowledge, of standards for perceiving, believing, evaluating, and acting that represent a system of values and beliefs shared by its members (Allaire and Firsirotu, 1984). It explains what are considered important and how things are done in organizations, thereby shaping the perceptions, behaviors, and work attitudes of organizational members (Ajzen, 1991). It may include such elements as management style, organization identity, decision-making methodologies, and approaches to personnel management (Mastrangelo and Popovich, 2002). An organization culture takes years to evolve and extends to business activity. Organizational culture is

somewhat analogous to an individual's attitude and behavior; once formed, it does not usually change rapidly or easily (Weeks and Galunic, 2003).

The environment in which the local legal culture, recruitment and selection processes, socioeconomic, and political structures of the broader community are conceived and operate have an impact on attitudes, decision-making, and actions (Cole, 1992). Law enforcement agencies are a prime example of how organizations serve as determinants of law enforcement practitioner's attitudes and behaviors. Police departments typically adopt one of three basic positions on law enforcement. First, is the service style where the principles of community policing are adopted. Here offenses are typically not ignored, but a high reliance on non-arrest and more informal alternatives to resolve minor infractions of the law are employed. Law enforcement considers both the nature of the offense and mitigating characteristics of the offender. Second, is the watchman style of policing. Here the purpose of policing is to maintain order rather than the enforcement of legal ordinances (Wilson, 1993). Non-enforcement of the law is rather common. Many minor offenses are viewed as private disputes between private citizens. The motivation for non-enforcement is not to rock the boat. Third is the legalistic style. In this instance, arrest is the preferred mode of dealing with crime, of a major or minor nature. Here the seriousness of crime is defined in terms of what crime was committed with little consideration given to who committed the offense (Cook and Moore, 1995; Wilson, 1968).

Likewise, many of the attitudes and concerns of prosecutors are shaped by the organizational policies and procedures of the prosecutor's office and the courts. Decisions are made within the organizational context of the prosecutor's office, the institutional structure of

the court system, and the political context of the community (Gillman, 2001). Quite often plea bargains are negotiated for cases with a low probability of conviction to free up the courts' backlog (Newman, 1978). However, judges show a greater willingness to impose severe sentences after a guilty disposition. The severity of punishment is usually influenced by the gravity of the defendant's offense, their uncooperativeness with the court, resistance to rehabilitative services, or any potential threat to the public. Findings indicate that minorities are more likely to receive severe sentences if convicted (Kramer and Steffensmeier, 1993). In comparison to male offenders, cases against female offenders are more likely to be dismissed during the preliminary and arraignment stages. Females appear to receive lighter sentences if convicted (Chen, 1991).

#### The Role of Law Enforcement as a Determinant of Attitudes

On a day-to-day basis the most visible member among criminal justice professionals is the police officer. Most law-abiding citizens seldom come into contact with the courts or prosecutors, however, they more than likely see a police officer almost every day (Kappeler, 1999). Police responsibilities range from providing civic assistance, investigating crime, apprehending criminals, appearing as prosecution witnesses, in addition to other law enforcement activities. Unlike most professions, the police are called in when there is tragedy, strife, or to intercede in a variety of other difficult interpersonal problems. It stands to reason that, police officers' attitudes, behavior, and perceptions about their role within the criminal justice system, as well as, society as a whole impacts their responsiveness in many ways (Stenross and Kleinman, 1989). Obviously what police think about their power and authority, image, standing with courts, and the public has an impact on their attitude and behavior that

impacts their day-to-day encounters with the public (Novak, Alarid, and Lucas, 2003).

Police officer attitudes have been the subject of research regarding a variety of issues in law enforcement. Riksheim and Chermak (1993) suggest that, in general, individual characteristics such as officer attitudes can be weak and inconsistent predictors of behavior. Yet, it appears that there are several demographic characteristics that impact their attitudes and behavior (Sherman, 1980).

Most available studies regarding the attitude and behaviors of police and citizens generally focus on the public's attitudes toward police or police issues such as: use of force, order maintenance, high speed pursuits, and adversarial encounters (Chaiken, Greenwood, and Petersilia, 1991). There is also significant literature examining work related attitudes of police in the context of discretion, careers, and shifts into alternative law enforcement orientations such as Community Policing (COPS, 2005).

In recent years many law enforcement agencies have actively promoted the concepts of community policing and police professionalism. In an attempt to change the police culture higher entry standards and better training has been implemented to enhance these initiatives (Fielding, 1988). There is significant literature examining the implicit assumptions about police personalities in relation to police discretion. Discretion is an expression of liberalism, whereas the strict application of the law is a sign of authoritarianism. Research in various areas of the criminal justice system revealed complex relationships between the personality, the attitude of the decision maker, and the decision preferences (Bray & Noble, 1978; Carroll, Perkowitz, Lurigio & Weaver, 1987, Ellison & Buckhout, 1981).

Despite the scope of analysis and importance of police discretion, there has been limited direct psychological examination of police decision making processes. One strategy used in analyzing police decision making has been to directly examine police attitudes towards the utilization of discretion (Belknap, 1995). The exercise of individual police discretion is not necessarily an indication of a liberal mindset by the officer. For example, when discussing the use of police discretion, a decision not to make an arrest might equally reflect an arbitrary or discriminatory approach to law enforcement by the individual officer (Wortley, 2003). An officer's decision could be based upon their belief in the cause of the crime, the demeanor, race or gender of the individuals involved, or a host of other reasons. There are two views on police discretion. First, discretion has been described as a flexible and open-minded way to deal with various social dilemmas (De Lint, 1998; Gallagher, 1979; Kinsey, Lea, and Young, 1986). It has been argued, that only the illegality of the violation determines the culpability of a suspect. Thus, it is not necessary to consider the contextual and mitigating factors surrounding the incident or the individuals involved. This legalistic approach is counter to the use of discretion because it interferes with the officer's duty to enforce the law equitably (Wortley, 2003).

Next is the concern with the risks of leaving police with unrestricted responsibility (i.e., discretion) in deciding who is arrested (Egger & Findlay, 1988; Goldsmith, 1990; Gottfredson & Gottfredson, 1998; Walker, 1993). For example, an officer's use of discretion to not arrest a suspect might be exercised by that officer because of philosophical beliefs that this is the best resolution. On the other hand, the same arrest decision might be made for very different reasons by other officers with very different attitudes, beliefs, and personalities. Selectivity in the enforcement of the law permits police to redefine justice in terms of their personal

priorities, attitudes, and beliefs which might or might not be in-line with the priorities of the broader community (Wortley, 2003).

### The Role of Prosecutor as a Determinant of Attitude

The role of prosecutors is to control crime at its source and in its environment, by using the full range of available resources in the legal and regulatory communities to accomplish these tasks (Allen, Simonsen, Coles, Kelling, and Moore, 2001). In the criminal justice system, the prosecutor bears responsibility for determining what crimes will be prosecuted. Unlike other positions in the criminal justice system, the prosecutor's role is not neutral. As an advocate of the state the prosecutor's job is to pursue and seek punishment for violators of the law. Prosecutors are usually elected officials and have tremendous power placed in their hands (Thompson, 2003).

The legal system has traditionally permitted wide discretion to criminal prosecutors in the enforcement process, (Marshall v. Jerric, Inc., 446 U.S. 238, 248, 1980). As long as the prosecutor has probable cause to believe that the accused individual committed an offense as defined by statute, the decision whether or not to prosecute and what charge to file and bring before a grand jury generally rests entirely within the prosecutor's discretion (Bordnkircher v. Hayes, 434 U.S. 357, 364, 1978).

Prosecutorial discretion has historic support by means of both constitutional separation of powers doctrines and public policy (Alschuler, 1978). During the last half of the twentieth century, U.S. prosecutors have become exceedingly powerful in the justice system and political arenas. The primary attributing factor is the prosecutor's discretion over the decision to charge, referred to as the single most important decision made in an individual case (Remington 1993;

American Bar Association 1970:93, 1980). Prosecutorial attitudes toward certain offenses may influence actions on the part of a prosecutor. A good example and an offense that has received much attention in recent years is that of domestic violence. There are indications that some prosecutors have negative attitudes towards domestic abuse cases and often decline to prosecute these cases. Many prosecutors believe that domestic violence victims are resistant to participate in the prosecution process, thus hinder the legal process, thereby achieving some type of self-fulfilling prophecy (Cahn, 1992; Cannavale & Falcon, 1976; Cretney & Davis, 1997; Davis & Smith, 1995; Ellis, 1984; Ford D. A. & Regoli, 1993; Parnas, 1967; Pastoor, 1984; Schmidt & Steury, 1989; Sigler, Crowley & Johnson, 2002). The assumption of reluctant or uncooperative victims and/or witnesses often guides a prosecutor's decision to prosecute (Goldstein, 1982; Erez & Belknap, 1998; and Hartman and Belknap, 2003).

Prosecutors sometimes distinguish groups with different cultures who live in geographically separate areas by attributing stereotypical characteristics to specific victims, witnesses, defendants, and jurors from certain communities. They also construct different schemes through which these individuals interpret the everyday world and experiences (Frohmann, 1997). These characteristics exemplify how some prosecutors use austere localities to justify case rejection. Demographic characteristics such as race, class, and gender imagery are also used to contrast discordant local categorizations. This imagery allows them to categorize and construct a variety of normative standards of the moral character of people, places, and things. Through this type of categorizations as discordant locales, prosecutors may unintentionally reproduce race, class, and gender ideologies in their legal decisions (Frohmann, 1997).

Categorization involves the combination of description and evaluation (Matoesian



1993; Holstein, 1993; Loseke 1992; Miller & Holstein 1991; Jayyusi 1984). Judgments by prosecutors are made through a series of challenges and debates over whether descriptions correspond with normative standards of categorical incumbency (Matoesian 1993). In other words, did the woman's actions prior to the event give her any moral authority? Did her behavior correspond with the typical behavior of the cautious woman? Or, does the woman's behavior qualify her as a battered woman (Frohmann, 1991, Loseke 1992; Matoesian, 1993)? Research has demonstrated how Specific practices have been used in legal processing and decision-making. To constitute moral character personal descriptions have been used to negotiate reduced sentences and plea bargains (Maynard, 1994).

When looking at the disparity in the prosecution and conviction rates of minorities, specifically poor African-American males, there are significant indicators that prosecutorial actions maybe closely linked to prosecutors' attitudes towards this group (Mauer and Huling, 1997). In addition, promotions, job assignment, transfers, prosecutor's reputations, as well as, the reputation of their organization have implications for prosecutors' attitudes and actions (Neubauer 1997; Frohmann 1997; Martin & Powell 1994).

### The Role of the Judiciary as a Determinant of Attitude

The role of the judge in a democracy is to resolve the legal disputes that arise between citizens and governments (McLachlin, 2004). However, describing how judges actually go about discharging their duties can be more difficult. Judges act as gatekeepers of the courts and exert critical influence over procedures, court management, adjudication, decision-making, dispositional priorities, and protocols. Moreover, judges are best positioned to exert leadership on behalf of crime victims and witnesses participating in the justice system (Edwards, 1992).

Judges have the power to enhance court capacity and influence administrative attitudes in improving staff willingness to provide professional and sensitive treatment to victims and witnesses of crime (Bazemore, 1998). An example of judicial attitude with regard to more sensitive treatment of victims and witnesses is observed in their recognition of how crucial it is that victims are informed about court processes, hearings, restitution, and safety concerns (Jacob, 1997). Also noted, are the not-so positive attitudes that judges have been known to exhibit, such as reservations about victims' capacity to understanding court processes and their ability to participate with logical reasoning and respect for the court (Bazemore, 1998). Some judges' resistance to increase the level of victim involvement appears to rest more on concerns about a loss of power in the process or about potential challenges from crime victims (Smith, 1991).

Although limited research has addressed judges' attitudes and behaviors, one study did offer evidence that judicial attitudes about case assignment matters. Ford and colleagues (1995) reported that trial outcome was significantly related to judicial assignment of the case. Mandatory sentencing guidelines are another subject matter which impacts judges' attitudes. These mandatory guidelines have stripped judges of discretionary authority that has historically resided in their position and is now handed over to prosecutors ( Ford, Rompf, Faragher, and Weisenfluh, 1995).

Data from in-depth, oral interviews published in a study by Wortley (2003) revealed, judicial attitudes of a different sort. Almost all of the attorneys interviewed expressed that judges routinely punished people who went to trial. Many felt that judges automatically gave maximum penalties to anyone who went to trial and lost. Some of the attorneys interviewed stated that they have been pressured by judges to plea bargain cases.

There are several factors that can influence judges' attitudes about cases going to trial, which are too broad a subject matter for the focus of this study. However, it is important to note that these types of judicial attitudes can and do influence a host of attitudinal and behavioral responses among judges and other criminal justice professionals that have a profound impact on the criminal justice system.

The following is the statement of "*Principles and Recommended Judicial Practices To Assure Fair Treatment of Crime Victims and Witnesses*," adopted by the Judicial Council of Virginia at a Judicial Conference of Virginia on June 23, 1986:

***PREAMBLE***

*We, as members of the Virginia judiciary, consistent with and mindful of our neutral role as judges, believe that we should play a leadership role in ensuring that all persons coming before the courts--victims, all witnesses and defendants--are treated with courtesy, respect and fairness. The principles and recommended practices hereinafter set out represent the judiciary's commitment to exercising that leadership role and to providing fair, dignified and respectful treatment for all persons and parties appearing in and before the courts of this Commonwealth. In adopting and espousing these principles and practices, we have been guided by the policy of the General Assembly of Virginia as set forth in House Joint Resolution 105, adopted in the 1984 Session, and by the Statement of Recommended Judicial Practices adopted in December, 1983, by the National Conference of the Judiciary on the Rights of Victims of Crime.*

The law sometimes has unanticipated and even ironic results. The legal variables that come into play during the adjudication process are often the catalyst for these surprising results. Bishop, Frazier, Lanza-Kaduce, and Winner (1996) suggest that, differential outcomes are radically impacted by legal variables used in the decision-making process. In other words, the legal characteristics of a case and application of the law demand specific actions on the part of the courts and criminal justice professionals in general. These legal characteristic and judicial processes are seen at times to take priority over justice (U. S. Sentencing Commission, 1995).

Regardless of the numerous legal variables, unquestionably at the core of the criminal justice system are concerns regarding constitutional rights (Kmiec and Presser, 1998). Because this subject area is so vast this section will limit the examination to legal variables regarding constitutional rights and the challenges presented when balancing those rights with the attitudes and actions of criminal justice professionals.

There exist a plethora of legal variables to consider when looking at the impact they have on the criminal justice processes such as due process, constitutional rights, defendants' right to a speedy trial, the right of the defendant to face his or her accuser, mandatory sentencing guidelines, as well as, the interaction among individuals in the criminal justice system. In the real day-to-day world of jurisprudence all of these mitigating factors, extra-legal variables, and most importantly the criminal justice professionals responsible for the administration of processes and practices significantly impact how the criminal justice system operates (Feeney, 1987).

Some of these legal variables can be polarizing. An example of this is the federal legislation enacted in the 1980's to enhance equity in sentencing. This was achieved by

implementing presumptive sentencing guidelines for all serious criminal offenses and mandatory sentences for some specific crimes (Provine, 1998). Where these reforms were successful in reducing judicial discretion in sentencing, they consequently increased racial disparities (Tyler, 2001).

It was the Omnibus Crime Bill of 1984 that escalated the drug war with mandatory minimum sentences for drug crimes. Laws passed by Congress and many state legislatures that followed suit, forced judges to hand out fixed sentences, without parole to people convicted of drug and gun-related crimes. As a result, trial judges were placed in the difficult position of being legally bound to impose what they believed to be racially discriminatory penalties (Wallace, 1993). Many judges have written extensively criticizing sentencing guidelines. Though rare, judicial resistance to a law on moral grounds is significant because it represents a break in the ranks of officialdom that lends moral credibility to critics of the current law (Jacob, 1997). In other words, this reveals that judges do not necessarily agree with all laws that they are required to enforce. Casa (1999) reports that, Sacramento Superior Court Judge Barry Loncke in an interview with NCR about the Three-Strikes legislation said that, "laws that send people away for between 25 years to life for a third felony conviction, because of the state's sentencing criteria are so warped these days because of the political need to satisfy a public that seems unaware of the consequences of these mandatory-sentencing schemes." He also went on to state that, "Our laws are having the effect of genocide" (referring to African-American males), (p.5). Also, in a 1991 Gallup Poll conducted by a national advocates group, Families Against Mandatory Minimums (FAMM) found that 90 percent of 350 state and 49 federal judges surveyed were opposed to federal mandatory minimum sentencing specifically for drug offenses. Herbert Jacob (1997) theorizes that judges were initially more concerned by

the weakening of their authority than by the emerging increases in minority incarceration resulting from mandatory sentencing.

Laws are the direct source of a judge's powers and the acceptance of judicial decisions requires their legitimacy. Judicial power rests on trust in the process and the people responsible with managing the process (Shuman, 1971). New appointees to the Supreme Court always generate curiosity and speculation about how that member will affect the Court's balance in decision outcomes and societal policies based on his or her judicial interpretation of constitutional law and federal statutes (Baum, 1997). It is widely recognized and probably axiomatic, that the Supreme Court's decision-making patterns are determined by the Court's membership at any given point (Smith, 1991). It takes five or more justices to produce a decision that shapes constitutional law and judicial policy making by supporting a specific outcome in a case. When one or more members of the majority retires or dies, the potential exists for the Court's decisions to move in a new direction on issues. This is a probability when new appointees to the bench possess different attitudes, values, or judicial philosophies (Moraski and Shipan, 1999). The attitudes and values of justices shape their voting behavior, case outcomes, and the judicial policies produced (Link, 1995). As the combination of justices changes, so too can the constitutional rules that shape policy. These rules and policies set precedence, affect law enforcement practices, conditions of confinement in jails and prisons, and other aspects of the criminal justice system (Gillman, 2001). These outcomes then become additional legal variables that filter down through the criminal justice system in state and local level courts throughout the country.

#### Demographic Characteristics as Determinants

Attitudes vary between a variety of demographic characteristics such as gender, age groups, socio-economic classes, race, etc. These differences can be significant determinants of attitudes expressed by individuals in various occupations within the criminal justice system. An example of gender differences is found in research conducted by Knut Halvorsen (2002), which indicates that female professionals are less work-oriented than their male colleagues towards what they do. However, other research points out that these gender differences are small and vary to their workplace.

### Age Factors

Most law enforcement, court personnel, and correctional positions require applicants to be 21 years of age. The youngest and least experienced criminal justice professionals explored in this study are assistant prosecutors. Many of these individuals are recent graduates now working in the field of criminal justice. Executive level law enforcement officials, career prosecutors, and judges are typically older, not necessarily old, but older. This usually has a relationship to their length of employment and experience in the field (Bureau of Labor Statistics, 2004a).

### Police and Age

Civil service regulations govern the appointment of police and detectives in practically all states, large municipalities, and special police agencies, as well as in many smaller ones. Applicants must be U.S. citizens, usually at least 21 years of age, and must meet rigorous physical and personal qualifications. In the federal government, candidates must be at least 21 years of age, but less than 37 years of age at the time of appointment. Physical examinations

for entrance into law enforcement often include tests of vision, hearing, strength, and agility (Bureau of Labor Statistics, 2004b).

### Prosecutors and Age

Many local prosecutorial offices across the country hire new graduates right out of law school. The average age of the student body of most law schools varies enormously. Since some prosecutors are hired right out to school they can be as young as 25 years old. However, statistics indicate that 38.18 is the mean age of most prosecutors. Reports show that higher U.S. attorney salaries lead to older individuals becoming U.S. attorneys (Bureau of Labor Statistics 2004a). The age serves as a proxy for the amount of legal experience of an individual (Boylan, 2005).

### Judges and Age

The typical judge has been 49 years old at the time of appointment. On the federal level, age variations from one presidency to another have been small, with no discernible trend over the years from one administration to another (Info USA, 2005). Older and more experienced judges appear to be less receptive to the array of defense strategies than are younger and less experienced judges. An example of this strategy is seen in the use of a self-defense argument. This lies at the intersection of two trends in the evolution of law and practice in the courts: the trend to extend traditional defenses such as, necessity, duress arguments, and trends in law related to domestic assault (Sigler and Shook, 1997).

### Gender Factors

Gender inequities deeply rooted in the workplace are typically based on societal



expectations and attitudes. Women have had to face many obstacles in male-dominated areas in criminal justice such as law enforcement, corrections, and the courts. Even so, many women have maintained an interest in the criminal justice field and have developed successful careers (LEAA- Task Force on Women, 1975). When considering the various dependent variables from a gender perspective, studies show that men and women have different attitudes towards work. However, there is one group for which the gender differences deviate from the general patterns and that is for those in the professional arena. No matter which dependent variable is introduced, the research consistently indicates that professionally trained men are more work-oriented than professional women. One possible explanation could be that professional women often work in male-dominated environments. Gender differences may also be explained by the fact that men and women have differing views and priorities regarding what they consider important in the scheme of life (Eriksson, 1998).

### Police and Gender

Several studies have shown that female officers perform their jobs just as well as their male counterparts, however, it appears that the behaviors of male and female officers do differ (Langworthy and Travis, 2003). Female officers tend to make fewer arrests and initiate fewer citizen encounters than male officers (Sherman, 1980). Findings indicated that many female officers are acculturated into the behavioral and attitudinal characteristics of male police officers. Specifically, they express increased cynicism and distrust of the public and their behavior can be abrupt and unsympathetic. However, conventional wisdom holds that females are more service oriented and better at calming disputes. It has been difficult to test this hypothesis due to the smaller population of female officers to males (Remington, 1983).

Some studies have revealed that females use less force than males, especially deadly force (Balkin, 1988). Female recruits are negatively correlated with the proportion of males already employed in the department. Furthermore, male-dominated departments are more likely to implement stringent fitness exams for recruits (a potential barrier to women) than are more integrated departments (Sass and Troyer, 1999).

### Prosecutors and Gender

Despite the influx of women in the profession by 1990, women reported greater dissatisfaction at all levels of private practice. In 1995 women were still more likely than men to leave employers for reasons of race and gender bias, in addition to time pressures. Prosecutors are typically grouped with lawyers in private practice which limits information pertaining to gender issues in their chosen profession. Approximately 8 percent of law school graduates choose a career as prosecutors (Byers, 1996). Gender differences in mobility rates appear to reflect a mix of factors including family and geographic constraints, social capital, employment origins, and the structure of opportunity within the secondary labor market (Fossum 1983; Tobias 1990; Zenoff & Lorio 1984).

### Judges and Gender

In 1985, 72 out of 1,042 or 7 percent of the justices serving on state appellate courts were women. By 2001, the number of women serving increased to 287 of 1,262 or 23 percent. Of the 110 Justices appointed to the Supreme Court 108 or 98 percent have been men. Although the U.S. female population is about 51 percent, judgeships have been almost exclusively male. Prior to the presidency of Jimmy Carter (1977-81), less than 2 percent of

district judges were female, and even though he made a conscious attempt to change this phenomenon, only 14.4 percent of Carter's appointments to district judgeships were women (U.S. Department of State's Bureau of International Information Programs, 2002).

Steffensmeier and Hebert (1991) conducted a three year case study to analyze the differences among female and male judges. The study involved 39 white female judges and 231 white counterparts. There were a variety of similarities and some differences between female and male judges in their sentencing practices. Women judges demonstrate a more contextualized style in weighing the effects of defendant characteristics and criminal history sentencing outcomes. Notably, they were particularly harsh toward repeat black offenders. One or more females sitting on the bench or serving on panels tend to increase the probability that their male colleagues will also support the conservative position in criminal procedure cases and the liberal position in civil rights and liberties cases (Songer and Crews-Meyer, 2000).

### Racial Factors

Organizations can be described as microcosms of the society in which they exist, which means that they too inherit societal challenges and struggles. Unfortunately, in an attempt to simplify a complex world there is tendency to rely on stereotypes to inform us about where we stand in the world in relation to others (Pizarro-Eckert, 2006). Regardless of the numerous identifiers, race continues to be a primary identifier and central issue to the United States' political, social, and economic history and future (Margo, 1990).

Race however is but one variable. Rosabeth Moss-Kanter (1977) hypothesizes that, belonging to a minority or a majority segment in a certain situation is of great importance and

determinant for how a person acts. In her view, individuals identifying with certain groups are subjected to structural mechanisms that force them to act in certain ways. Commissions and task forces throughout the country are developing and implementing policies on an ongoing basis in response to these issues.

### Police and Race

A study by the Center for Applied Urban Research on the Employment of Black and Hispanic Officers show efforts aimed at minorities recruiting other minorities have produced inconsistent results. Almost one-half of the large urban police departments made significant progress in hiring black officers; yet, 17 percent have reported a decline. Approximately, 42 percent of the departments made gains in hiring Hispanics, but almost 11 percent reported a decline (Walker, 1989). Affirmative action strategies have had a significant impact on these results. Overall, a 1989 study by the Police Executive Research Forum (PERF) found that in cities with a population of 50,000 or more, the number of black and Hispanic police officers was generally proportionate to the population (Carter, Sapp, & Darrel Stephens, 1989; Trojanowicz and Banas, 1985).

In Sherman's (1980) review of the literature, several studies showed differences between black and white officers. Black officers were found to be more proactive and aggressive. However, studies from the 1980s contradict differences in detection and arrest between black and white officers (Riksheim and Chermak 1993). Some studies found that black officers use more force, however, this finding is seen as spurious since black officers were more likely to get assigned to higher-crime areas (Fyfe and McKay, 1999).



### Prosecutors and Race

Findings reveal that 70 percent of prosecutors are usually white males. Representation by minorities in the legal field lags behind other influential professions. African-Americans and Hispanics make up less than 10 percent of attorneys, compared to 14.9 percent of accountants, 10.2 percent of professors, and 10.2 percent of physicians. "The statistics are shocking" says Elizabeth Chambliss, a law professor at New York Law School (Iwata, 2004, p.1). The nation's 1,000 African-American prosecutors represent just 3.3 percent of all prosecutors, according to the National Black Prosecutors Association. Some find themselves trying to serve both the government and their black communities, which have often been at odds. Historically, race is a significant factor in the criminal justice system (Kopp, 2001).

### Judges and Race

The criminal justice system is not immune to the types of issues that plague contemporary society such as race and gender. In many ways, the criminal justice system is a reflection of many racial morays (Walker and Barrow, 1985). Minorities have been underrepresented on the trial bench, not only in absolute numbers but also in comparison with numbers for the overall population (U.S. Department of State's Bureau of International Information Programs, 2002). In 1997, there were 2,789 minority judges serving in Federal and State Courts. In 2001 that number increased to 3,281 (Herman, 2002). That equates to less than 4 percent in comparison to white judges and the percentages are lower for Hispanics and Asian Americans (Banks, 2003).

A remarkable change took place during the administration of President Bill Clinton (1993-2001). During his first six years in office, 49 percent of his judicial appointees were

either women or minorities (U.S. Department of State's Bureau of International Information Programs, 2002).

### Educational Factors

Today's criminal justice professional is faced with many complex challenges within the field of criminal justice. In meeting those challenges today's working criminal justice professional must possess an applied base of knowledge and be trained to respond effectively. Career opportunities in the criminal justice field have and will continue to increase educational requirements. The expanding need for additional trained professionals in agencies such as Homeland Security, the demand for highly trained individuals will only increase. People entering the field of criminal justice are more and more expected to have a bachelor's degree in criminal justice or maybe even a master's degree. Regardless of the specific occupation within the field today, most jobs require some college experience (U.S. Dept of Education, 2000).

A study by Katz, (2006) reveals that, since 1979 women have outnumbered men on college campuses and on graduate school campuses since 1984. Since 1982, more women than men have received bachelor's degrees. Undergraduate levels rose from 41 percent to 56 percent between 1969 and 2000 (U.S. Census Bureau, 2004). The rates of women who plan to attend college and/or enroll in college have increased and now surpass men (U.S. Dept of Education, 2000). Even so, men with professional degrees may expect to cumulatively earn almost \$2 million more than their female counterparts over their career (U.S. Bureau of Labor, 2004a).

### Police and Education

In larger departments the majority of law enforcement applicants usually must have at least a high school education. Federal and state agencies typically require a college degree (Bureau of Labor Statistics, 2004b). The evidence regarding education as a predictor of police attitudes, behavior, and performance continue to be mixed. Although many believe that college-educated officers make better police officers (e.g. Smith, Locke, Fenster 1970; Cascio 1977; Walker 1993), others feel differently (Sterling 1974). College educated officers had fewer complaints filed against them, as well as, fewer injuries (Cascio, 1977). Sterling (1974) found that college-educated officers were less aggressive and more fearful of some situations than high-school educated officers. Berg (1971) reveals that employees with more education tended to be less satisfied with the job, less productive, and have higher rates of turnover. Riksheim and Chermak (1993) note that studies are inconsistent about how officer education affects arrests; some research found a positive relationship, while others found a negative relationship. However, Worden's (1989) analysis of data found no relationship. Conclusions on the effects of education are mixed.

### Prosecutors and Education

Formal educational requirements for lawyers include a 4-year college degree, graduation from a law school accredited by the American Bar Association (ABA) or the proper State authorities, and passing a written bar examination. Law school graduates receive the degree of *juris doctor* (J.D.) as the first professional degree. Currently, 40 States and jurisdictions mandate continuing legal education (U.S. Dept of Education, 2000). The ABA currently accredits over 188 law schools and other schools are approved by State authorities.



Admission to law schools is very competitive. All law schools approved by the ABA require LSAT entrance exams. To practice law in any State or other jurisdiction, a person must be licensed, or admitted to the bar under rules established by the jurisdiction's highest court. All States require that applicants for admission to the bar pass a written bar examination and some jurisdictions require applicants to also pass a separate written ethics examination. On rare occasions lawyers who have been admitted to the bar in one jurisdiction occasionally may be admitted to the bar in another without taking an examination if they meet the jurisdiction's standards. These standards include being of good moral character and legal experience for a specific length of time. Federal courts and agencies set their own qualifications for those practicing before or in them (Bureau of Labor Statistics, U.S. Department of Labor, 2004-05).

### Judges and Education

The minimum requirements for a judgeship are a bachelor's degree and work experience. However, most hold a law degree and have experience as lawyers. Federal and State judges are usually required to be lawyers. In approximately 40 States non lawyers are allowed hold limited-jurisdiction judgeships, but opportunities are greater for those with legal experience. Federal judges must be lawyers and pass a competitive examination administered by the U.S. Office of Personnel Management (Bureau of Labor Statistics, 2006).

The researcher has identified specific variables to investigate correlations, if any, between criminal justice professionals' attitudes and responsiveness when dealing with intimidated witnesses. In an effort to link the literature review the following variables were selected for analysis:

- Dependent Variables: Attitudes (opinions) and Responsiveness (action).

- Independent Variables: offender, witness, type of crime, form of intimidation, role of the criminal justice professional, resources, the organization, evaluation, and training.
- Control Variables: occupation, gender, race, education, and experience.

### Summary

There is always an array of salacious stories depicting intimidated witnesses and witness protection. Even though many urban areas throughout the U.S. are experiencing problems in this area, there has been little to no comprehensive data collected or in-depth analysis regarding the severity of the problem or the effectiveness of efforts to address the problem at the local level. Despite the importance of witnesses to the criminal justice process and the persistent problems associated with the intimidation, response to the problem by criminal justice professionals has been inconsistent, at best. The researcher proposes that the attitudes of criminal justice professionals have a relationship to their responsiveness which is influenced by several factors. As the literature review in Chapter 2 revealed, several reasons for these inconsistency can be linked to specific influential factors such as: 1) the mission and mandates of the organization for whom criminal justice professionals work; 2) their occupational or professional roles; 3) the type of crime; and/or 4) demographic variables that can impact every aspect of who we are and how we view things. It is of critical importance that more is done to examine the problem of witness intimidation and the criminal justice systems' response to the problem on the local level.

The issue of accountability to the citizenry is one of the most essential elements of the criminal justice system. Thus, we must have effective mechanisms available to successfully address public safety challenges such as protecting intimidated witnesses. With the growing

number of states and localities confronting this issue, it is prudent on the part of criminal justice professionals to start assessing their attitudes and evaluating their actions as they relate to outcomes with respect to intimidated witnesses.

Finally, the aforementioned body of research is twofold in suggesting that criminal justice professionals must establish appropriate performance measures to address witness intimidation and evaluate the effectiveness of their responsiveness. First, criminal justice professionals must develop evaluative measures to gauge if and how they themselves, their organizations, their professional roles, and the governing laws impact their attitudes and responsiveness to the problem of intimidation. Second, they must develop and implement system processes which allow them to effectively identify the problem of intimidation, retain measurable data, evaluate the effectiveness and efficiency of their programs and initiatives, identify and obtain sufficient resources to carry of program objectives, and establish clearly defined policies and guidelines (Goldkamp, Gottfredson, and Moore, 1999). Inadequate attention to these factors can cause a backlash and negatively impact the criminal justice systems. The number of reported crimes, arrests, clearance rates, and convictions, as well as, the publics' willingness to participate in criminal trials and confidence in the systems' ability to protect their communities is essential to the mission of the criminal justice system as a whole.

The next chapter addresses the methodology of the research. This chapter focuses on the population, research design, procedure, instrumentation, variables, and data analysis. Law enforcement and prosecutorial professionals from two urban cities in Virginia will be the population studied. A cross-sectional method of analysis will be employed in the research to collect both quantitative and qualitative data. Responses will be collected through the use of

an on-line survey, phone, and in-person interviews. The quantitative portion of the research will be collected using the on-line survey. A Likert scale will be developed and used to measure responses. The qualitative information will be conducted using an in-depth interview format with chief administrators of the agencies in the study. Finally, a statistical software package will be used to analyze the data collected to examine any relationships between criminal justice professionals and numerous variables of interest.

## Chapter 3

### Methodology

#### Introduction

This chapter detailed the methods and procedures used to examine criminal justice professionals' attitudes toward witness intimidation. The purpose of this study was to examine criminal justice professionals' attitudes and responsiveness to intimidated witnesses. Specifically explored were four research questions: 1) Is there a difference among criminal justice professionals' attitudes about intimidated witnesses issues based on their occupational role? 2) Is there a role for the criminal justice system in assisting intimidated witnesses in local jurisdictions? 3) Do allocated resources limit the types of crimes that are eligible for witness protection assistance? and 4) Are there evaluative processes of policies and procedures regarding the effectiveness of witness protection programs? The data for the study was conducted by collecting: 1) self report, on-line responses from criminal justice professionals having direct contact with or knowledge of intimidated witnesses and 2) in-depth interviews with chief law enforcement administrators. This chapter focuses on the research setting, research design, population, instrumentation, variables, and data analysis.

#### Research Setting

In an effort to generalize the research findings of the study, the researcher selected two of Virginia's most populous, demographically analogous geographic areas. To ensure anonymity the localities was referred to as Region A and Region B. The two localities selected for this research have an overall population of approximately 200,000. The criminal justice

professionals' from these localities are confronted with a variety of violent crimes impacted by economic disparity, unemployment, and racial diversity as are most cities in the United States. The impact of these external issues, as well as, the diversity in ideology, available resources, and responsibilities among criminal justice professionals within the criminal justice system, parallel and present additional challenges for most urban areas throughout the country.

### Research Design

A cross-sectional research design was utilized to collect both quantitative and qualitative data. Random selection was not employed for this study as research participants are pre-determined based upon respondents' professional occupation within the agencies selected. The data for the study was derived from three primary sources, major crime detectives, prosecutors, and chief law enforcement administrators. The data was collected by conducting: 1) in-depth interviews chief law enforcement administrators and 2) self report, on-line survey of major crime detectives and prosecutors.

The chief law enforcement administrators were interviewed for this study to provide a broad managerial perspective regarding: 1) the organizational structure of their respective agencies; 2) formal policy and procedures; 3) legal requirements; and 4) current and anticipated resources.

Major crime detectives and prosecutors were selected because of their interaction with intimidated witnesses. For the purposes of this study, major crimes include homicide, violent crimes, narcotics trafficking, illegal guns, and gangs. This group was selected for the on-line survey because of the large number of respondents and the convenience of being able to access the survey given the varying work schedules of most law enforcement and prosecutorial

personnel.

Sudman and Bradburn (1974) suggest that, the self-report technique is less threatening than personal or telephone interviews for the collection of information about personal attitudes and behaviors (Hartman, 2000). Since no official data sources yield information on criminal justice professionals' assessment of witness intimidation or issues surrounding the problem, the self-report is ideal for the purposes of this study.

Some have been critical of the self-report approach for both the over and under-reporting of participants, potentially biasing findings and distorting the nature and strength of relationships. Yet, comparative self-reports of contact with police and courts have found high levels of agreement (Hindelang, Hirschi, and Weiss, 1981). This design is appropriate given the exploratory nature of the study.

### Data Collection

The on-line service provider, Question Pro was used to collect the data. The use of this technology allowed unrestricted access to the respondents; it was user friendly, in addition to being cost and time efficient. Email address lists were uploaded into Question Pro and were mailed in the aggregate. When the emails were received and opened by the participant they were first greeted with an invitation that included a short overview of the survey and instructions on how to proceed by clicking the survey link. After clicking the survey link the Letter of Consent appeared with a more extensive overview of the purpose of the study. The option to consent was accessed by clicking the I Agree box at the bottom of the page. At that point the survey appears for the participants to start. A "Stop and Continue Later" feature was activated to accommodate the respondents' schedules and to increase response rates.

The on-line survey consisted of 17 topic questions and 6 demographic questions. Thirteen questions examined specific variables relevant to attitudes toward witness intimidation. Four questions focused on agency responsiveness in terms of policies and practices. The remaining six questions related to demographic variables including gender, race, education, age, occupation and experience. The questions were in a string format, which resulted in a total of 62 questions (See Appendix F).

A questionnaire was used to collect in-depth interview responses from the chief law enforcement administrators and the commonwealth attorneys for the qualitative phase of the research. Three interview options were extended to accommodate the chief law enforcement administrators' schedules - face-to-face interview, a telephone interview or a written questionnaire.

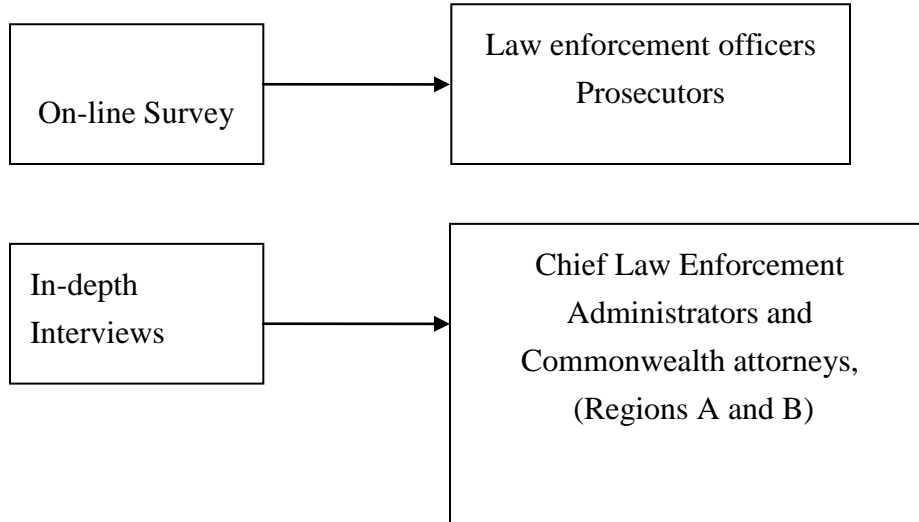
The collected responses were store in a password protected computer and generated reports and notes were kept in a locked file cabinet in a locked office in the researcher's home.

### Population

The population consists of approximately 200 criminal justice professionals who were employed as major crimes detectives, prosecutors of major crimes, and individuals who served in the capacity of high-ranking law enforcement administrators or Commonwealth Attorney in the above referenced jurisdictions.



Figure 3.1 Data Collection Process



The unit of analysis included approximately 150 crime detectives, 50 criminal prosecutors, two Police Chiefs, one law enforcement administrator with state-wide authority, and two Commonwealth Attorneys. Due to the selective occupations of the respondents, purposive sampling was used. Thus, the aim of this study was not to generalize to a wider population, but only to the sampled groups. Subsequently, the use of a sampling technique is not necessary. However, the findings will more than likely be generalizable to criminal justice professionals tackling the challenges of witness intimidation.

The researcher has included a synopsis describing four broad questions that reiterate the purpose of the study, the selected population, and the method of data collection (See Appendix E).

### Instrumentation

A five point Likert Scale was the assessment tool used to collect information from the on-line survey respondents, which included major crime detectives and prosecutors. The Likert scale measures the extent to which a person agrees or disagrees with the question. Likert-scales are one of the most popular measurement instruments used to investigate how respondents rate a series of statements regarding respondents' feelings, opinions, attitudes, etc. Attitude is one of many hypothetical constructs used to describe thoughts, actions and behavior (MacCorquodale and Meehl, 1948). Attitudes have one or more of the following components: 1) Affective [liking or feeling for]; 2) Behavioral [how one behaves toward the object in question]; and 3) Cognition [one's beliefs or thoughts about the object in question]. Likert scales help get at the emotional and preferential responses of respondents (Fitz-Gibbon, Henerson, Morris, 1987). For each question there were five response choices. The responses ranged from: 5=Strongly Agree, 4= Agree, 3= No Opinion, 2 = Disagree, 1= Strongly Disagree. These responses were transformed and collapsed to correspond to the hypotheses format, "X is more likely to agree than Y" or X is more likely to disagree than Y." No opinion responses are reported in the descriptive analyses.

The researcher used the on-line service provider, QuestionPro to collect the data. The use of this technology allowed the respondents to enter their answers via the Internet and the database that captured the data was then imported it into a downloadable Microsoft Excel spreadsheet. All participants indicated informed consent through an on-line agreement indicator. To ensure confidentiality no individual personal data was solicited or collected. All data collected, analyzed, and presented is reported in the aggregate.

A questionnaire was used to collect in-depth interview responses from the chief law enforcement administrators and the commonwealth attorneys for the qualitative phase of the research. These in-depth interviews were face-to-face, over telephone and one administrator completed questionnaire in writing.

### Operationalization of Variables

The operationalization of the variables is detailed in this section. When phenomenon cannot be observed operational definitions are needed. Operational definitions “describe a set of procedures a researcher can follow in order to establish the existence of the phenomenon described by a concept” (Nachmias and Nachmias, 2000).

### Independent Variables

Occupation: This variable will be measured so that “1” equals prosecutor, “2” equals police officer.

Region: The locality where the respondents are employed.

### Dependent Variables

Assistance: A favorable opinion or an action taken to aid an intimidated witness such as providing security, financial, or relocation assistance.

Witness: An individual who observes or has knowledge about a crime.

Intimidated Witness: An individual who observes or has knowledge about a crime who is threaten by others due to this knowledge about the crime.

Offender: As individual who commits a crime.

Type of Crime: Homicide, Rape, Domestic Violence, Robbery, Gang Violence, Aggravated Assault, and Narcotics Trafficking.

Type of Threat: Perceived harm, harassing actions (i.e. calls or messages), threatening acts (i.e. vandalism or stalking) and violent acts committed against the witness or family members of the witness.

Resources: Sufficient personnel and funding to support the activities as they relate to witness protection activities (i.e. personnel, financial assistance, short and long term housing, and training).

Policy: The organization's clearly defined guidelines addressing intimidated witness issues.

Organization: The employer of criminal justice professionals whose responsiveness are tangible signs that can be measured by the action of its members.

Evaluation: Processes to determine if program objectives are being met.

Local Witness Protection Programs: A local agency that assists witnesses/victims who are at risk due to intimidation.

Type of Assistance: temporary lodging, transportation, medical/mental health treatment, permanent relocation, expense money, facilitate transfer or establishment of new residency in public housing, find private housing, employer intervention, education intervention.

Public Safety: The prevention of and protection from events that could endanger the physical and psychological well-being of the general public.

Trial Phase: Assistance provided to intimidated witnesses before, during, and after the adjudication of a criminal case.

Relocation: Moving an intimidated witness out of harm's way temporarily or permanently.

#### Demographic Variables

For the purposes of this study the chief demographic characteristics used are age, gender, education, experience, occupation, and race. Sample question: What category best describes

your job? Sample response: Police Officer.

Age: This variable will be measured at the interval level. The data will reflect the actual age of the study participant.

Gender: This variable will be measured so that “1” equals male and “2” equals female.

Length of Experience: This variable will be measured so that the current length employment with the current employer is “1” equals less than 5 years with current employer, “2” equals 5 years, but less than 10 years, “3” equals 10 years, but less than 15 years, and “4” equals more than 15 years.

Level of Education: This variable will be measured so that “1” equals high school/GED graduate, “2” equals some college, “3” equals college graduate, “4” post-graduate.

Race: This variable will be measured so that “1” equals Caucasian, “2” equals African American/Black, “3” equals Hispanic and “4” equals “other ethnicities” (such as Asian or Native American).

### Data Analysis

The researcher selected three statistical tests to analysis the findings of this research, 1) Descriptive statistics, 2) Chi-square Exact, and 3) Mann-Whitney U test. Descriptive statistics were used to determine the level of agreement or disagreement that existed among respondents and chi-square tests were performed to analyze the degree of independent significance of each response. Due to the limited statistical test options for ordinal data (i.e. Likert Scale) the researcher selected a second statistical test, which was one of the few nonparametric tests that were appropriate for this mode of the data. The researcher selected the Mann-Whitney U test, which is the nonparametric alternative to the independent t-test. The goal of the test is to test for differences of the media that are caused by the independent variable. Another

interpretation of the test is to test if one sample dominates the other sample. The Mann-Whitney U tests were used to evaluate whether the medians on a test variable differ significantly between two groups. The scores on the test variables are converted to ranks, then the Mann-Whitney U test evaluates whether the mean ranks for the groups differ significantly from each other. To conduct the Mann-Whitney U test, each case must have scores on two variables, the grouping variable (independent or numeric variable) and the test variable (dependent or ordinal variable). The grouping variable divides cases into two groups or categories, and the test variable assesses individuals on a variable with at least an ordinal scale (Green and Salkind, 2008). The researcher selected this nonparametric alternative due to the very small sample size and the categorical format of the Likert scale. The advantages of this test are: 1) there is small population under study and a sample size of at least 40 should be sufficiently large enough to yield accurate *p*-values, 2) the test is designed to calculate ordinal data collected using the Likert scale format, and 3) responses do not need to be normally distributed. The level of significance for both the Descriptive and Mann-Whitney U analyses will be based on *p*-values of 5% or ( $p < 0.05$ ).

In the qualitative phase of the study, the researcher used an exploratory, inductive approach. The qualitative data was collected by conducting in-depth interviews of the commonwealth attorneys and the chief law enforcement administrators from two demographically analogous geographic areas in Virginia. The researcher used the grounded theory approach to condense, organize, and categorize the information.

The researcher used data collected from interview notes to estimate the frequency of a term or statement. The qualitative data was coded and assigned numerical values. Often listing replication of terms or statements provides evidence for categories created or to

determine if observations were contaminated (LeCompte and Preissel, 1993).

In the Chapter 4, the researcher will discuss the findings of the quantitative and qualitative data analysis described in this chapter.

## **Chapter 4 Findings**

### Quantitative Data Analysis

The purpose of this study was to explore criminal justice professionals' attitudes and responsiveness towards intimidated witness. The research design has two phases quantitative and qualitative. Participants in the quantitative phase of the study represent two diverse regions in Virginia. All of the participants in this study were purposefully selected from two demographically, analogous geographic jurisdictions in Commonwealth of Virginia which are referred to as Region A and Region B to maintain anonymity. Specifically explored were four research questions: 1) Is there a difference among criminal justice professionals' attitudes about intimidated witnesses issues based on their occupational role? 2) Is there a role for the criminal justice system in assisting intimidated witnesses in local jurisdictions? 3) Do allocated resources limit the types of crimes that are eligible for witness protection assistance? and 4) Are there evaluative processes of policies and procedures regarding the effectiveness of witness protection programs?

The chapter is divided into two sections that describe the findings – quantitative and qualitative. The first phase of this chapter details the quantitative analysis of the survey results sent to 196 criminal justice professionals whose occupation was that of a major crime detective or prosecutor. Of the 196 who received the survey invitation, 120 participants started the survey and 111 participants completed the survey. To determine their level of agreement or disagreement the researcher utilized a 5-point Likert scale ranging from 1 to 5 (1= strongly disagree - 5= strongly agree). To correspond with the format of the survey questions, the 5-



point Likert scale was the collapsed into three categories (0 = disagree, 1= no opinion, and 2 = agree). To maintain the consistency of the results, all tests were conducted using the 3-point scale. Additional demographic information collected allowed the researcher to consider the impact of other variables on the research such as gender, age, race, level of education and length of employment. Significant demographic findings are reported in the summary section for each of the four research questions.

The four research questions were divided into eight subcategories to examine the attitudes of the major crime detectives and prosecutors, as well as the responsiveness of their respective agencies. To examine the attitudes of the survey respondents the following subcategories questions were asked: 1) the types of crimes where witness intimidation was most likely to occur? 2) the types of threats that warranted assistance? 3) the types of assistance witnesses in protective custody should receive?, and 4) the impact of witness intimidation on the criminal justice system?

To examine the responsiveness of the respective agencies the respondents were asked, 1) what types of crimes their agencies were most likely to provide intimidated witnesses relocation assistance? 2) the impact of resources on witness programs? 3) what type of record maintenance was retained to determine the effectiveness of assisting intimidate witnesses and evaluating program objectives?, and 4) what outside collaborative relationships had been pursued in the past 12 months?

### Descriptive Demographic Information

One hundred and ninety-six surveys were distributed and 111 were completed, which yielded a 56 percent response rate. Of those respondents 72 were from Region A and 39 from

Region B. In addition, other demographic characteristics were captured: occupation, gender, race, and age, level of education, and length of employment (see Table 4.1).

In regards to occupation 53 percent were detectives and 47 percent were prosecutors, the majority were males (66%), and 59 percent were Caucasian. As well, the majority of the respondents were between the ages of 31 to 50 years old (83%), 80 percent had a college degree or graduate degree, and 63 percent had 10 or more years of employment with their agency.

Table 4.1 Descriptive Statistics

Variable	n	%
<i>Location</i>		
Region A	72	65%
Region B	39	35%
<i>Occupation</i>		
Detective	59	53%
Prosecutor	52	47%
<i>Gender</i>		
Female	45	40%
Male	66	60%
<i>Race</i>		
Caucasian/White	65	59%
African-American/Black	41	37%
Asian/Pacific Inlanders/Indian	5	5%
<i>Age</i>		
30 yrs or younger	5	5%
31 - 40	47	42%
41 - 50	46	41%
51 - 60	11	10%
61 or older	2	2%
<i>Education</i>		
H.S./GED	1	9%
Some College	21	19%
4 yr degree	26	23%
Graduate/Post Grad	63	57%
<i>Employment Length</i>		
Less than 5 yrs.	15	14%
5 yrs but less than 10	26	23%
10 yrs but less than 15	34	31%
15 yrs or more	36	32%

One of the primary goals of this study was to determine if there were differences in the criminal justice professionals' attitudes and responsiveness towards intimidated witnesses based primarily on respondents' occupation. Cross-tabulation was used to assess the level of agreement/disagreement and Chi-square Exact tests were performed to determine the independent significance of the survey participants' responses. Significance will be indicated by p-values at the 0.05 level (Exact-2 tailed) to determine if the issues under study and the occupation of the participants are associated. The questions were structured in a "more likely to agree" or "more likely to disagree" format. The tabular data indicates which category of respondents had the greater percentage of agree or disagree responses to each of the questions.

The researcher also conducted Mann Whitney test to evaluate whether the medians on a test variable differed significantly between two groups researched. In the case of this study the groups include the occupation of the participants and their region of employment. The groups include detectives and prosecutors from Region A or Region B. The Mann Whitney U tests produces mean rank scores and p-values. The Mann-Whitney test relies on scores being ranked from lowest to highest, therefore, the group with the lowest mean rank is the group with the greatest number of lower scores within it or the group with the highest mean rank is the group with the greater number of high scores. P-values at the 0.05 level of significances were used to determine if any significant differences existed among the participants based on their occupation and the regions where they were employed.

The instrument has a total of 62 questions that are divided into the following 8 subcategories to gauge responses to the previously mentioned research questions: 1) Witness intimidation is most likely to occur in the following cases, 2) Threats against an intimidated

witness should be responded to with witness relocation activities if the following types of intimidation occur, 3) While in protective custody intimidated witnesses should be provided the following assistance, 4) The result of witness intimidation, 5) Your agency is most likely to provide assistance in what type of case, 6) The role of the criminal justice system and witnesses, 7) Your agency maintains its own written or computerized records with the following information to evaluate the effectiveness of witness program objectives, and 8) During the past 12 month period you or your agency evaluated the collaborations with other agencies.

**Research Question 1: Is there a difference among criminal justice professionals' opinions about intimidated witnesses issues based on their occupational role?**

The findings indicated that overall detectives agreed that witness intimidation is most likely to occur in all offenses except domestic violence (see Table 4.2). With that said, drug trafficking was the only variable in this category that provided significant evidence of a relationship related to occupation ( $p = .008$ ). No opinion responses accounted for 20 percent of the responses. Notable is the fact that none of the respondents (0%) disagreed that intimidation was likely to occur in cases involving homicide or aggravated assault. Overall, the respondents' attitudes revealed a high level of belief that the occurrence of witness intimidation in all of these crimes is more likely to happen.

Table 4.2

Witness intimidation is most likely to occur in:

Variable	Occupation	N	Agree (%)	Disagree (%)	p<
Homicide	Prosecutors	52	45.0%	0.0%	.217
	Detectives	59	53.2%	0.0%	
Rape	Prosecutors	52	35.5%	4.5%	.320
	Detectives	58	41.8%	7.3%	
Aggravated Assault	Prosecutors	52	43.2%	0.0%	.184
	Detectives	59	52.3%	0.0%	
Gang Activity	Prosecutors	52	45.0%	0.9%	1.00
	Detectives	59	50.5%	1.8%	
Drug Trafficking	Prosecutors	52	27.0%	7.2%	.008*
	Detectives	59	44.1%	1.8%	
Robbery	Prosecutors	52	26.1%	12.6%	.688
	Detectives	59	33.3%	13.5%	
Domestic Violence	Prosecutors	52	42.3%	2.7%	.235
	Detectives	59	41.4%	6.3%	

Note: \* Pearson chi-square exact test is significant at the .05 level (2-tailed).  
No responses not reported in table.

In the second subcategory (Table 4. 3) regarding threats against a witness revealed that assault on a family member and occupation were found to be significant ( $p = .045$ ). It should also be noted that both groups disagreed equally at .9 percent. Although the p-value statistics did not indicate an association between occupation and assault on a witness or drive-by shootings, a sizable percentage of respondents agreed that these threats warranted a response of possible relocation. Likewise, respondents indicated that vandalism, stalking, and domestic violence cases warranted support for possible relocation whereas, the perception of a threat and

threatening phone calls showed less grounds for relocation assistance.

Table 4.3

The following types of threats against an intimidated witness should be responded to with witness relocation activities if the following types of intimidation occur?

Variable	Occupation	N	Agree (%)	Disagree (%)	p<
Perceived Threat	Prosecutors	51	10.0%	29.1%	.142
	Detectives	59	20.9%	24.5%	
Threatening Calls	Prosecutors	52	12.6%	24.3%	.074
	Detectives	58	25.2%	18.0%	
Assault on Witness	Prosecutors	52	42.3%	.9%	.706
	Detectives	59	50.5%	.9%	
Assault on Family	Prosecutors	52	34.2%	.9%	.045*
	Detectives	59	46.8%	.9%	
Drive-by Shooting	Prosecutors	52	45.0%	.9%	1.00
	Detectives	59	50.5%	.9%	
Vandalism	Prosecutors	52	27.3%	8.2%	.364
	Detectives	58	26.4%	15.5%	
Stalking	Prosecutors	52	37.8%	3.6%	.270
	Detectives	59	40.5%	9.0%	
Domestic Violence	Prosecutors	52	37.8%	1.8%	.174
	Detectives	59	40.5%	7.2%	

Note: \* Pearson chi-square exact test is significant at the .05 level (2-tailed).  
No responses not reported in table.

Table 4.4 details responses to the subcategory regarding what types of assistance criminal justice professionals think should be provided to intimidated witness while in protective custody. The findings revealed evidence that food expenses, ( $p = .031$ ), personal expenses, ( $p = .011$ ), safety at all costs, ( $p = .007$ ), and judges are informed, ( $p = .041$ ) were significantly associated with occupation. In particular, when considering whether judges are informed a sizable percentage believe that this is not necessarily the case, especially prosecutors. While not significant, it should also be noted that prosecutors (36.9%) and detectives (42.3%) disagree that witnesses should be put in a position to utilize their own resources. These findings suggest that the majority of respondents had positive attitudes affirming that while in protective custody intimidated witnesses should receive assistance regardless of the costs.



Table 4.4

While in protective custody intimidated witnesses should be provided assistance with?

Variable	Occupation	N	Agree (%)	Disagree (%)	p<
Temporary Lodging	Prosecutors	52	46.8%	0.0%	.497
	Detectives	59	50.5%	1.8%	
Food Expenses	Prosecutors	52	35.5%	9.1%	.031*
	Detectives	58	48.2%	1.8%	
Personal Expenses	Prosecutors	52	18.0%	9.9%	.011*
	Detectives	59	34.2%	9.9%	
Transport	Prosecutors	52	36.9%	3.60%	.237
	Detectives	59	37.8%	1.8%	
Healthcare	Prosecutors	52	21.6%	13.5%	.258
	Detectives	59	32.4%	12.6%	
Relocation Expenses	Prosecutors	52	25.5%	1.8%	.587
	Detectives	59	44.5%	1.8%	
Home Search	Prosecutors	52	30.6%	7.2%	.532
	Detectives	59	38.7%	4.5%	
Employer Intervention	Prosecutors	52	34.2%	3.6%	.904
	Detectives	59	38.7%	5.4%	
Academic Intervention	Prosecutors	52	29.7%	6.3%	.891
	Detectives	59	31.5%	8.1%	
Use own resources	Prosecutors	52	4.5%	36.9%	1.00
	Detectives	59	5.4%	42.3%	
Safety at all cost	Prosecutors	52	25.2%	14.4%	.007*
	Detectives	59	43.2%	7.2%	
Judges are informed	Prosecutors	52	12.6%	27.0%	.041*
	Detectives	59	17.1%	18.9%	
Accommodations by Judges	Prosecutors	52	13.5%	21.6%	.178
	Detectives	59	16.2%	16.2%	

Note: \* Pearson chi-square exact test is significant at the .05 level (2-tailed). No response are not reported in table.

The impact of witness intimidation findings seen in Table 4.5 is the final subcategory under research question one. Of the three issues in this category only judges should be informed was found significant at  $p = .000$ . This suggests that prosecutors are more likely to agree that judges should be kept informed about these issues in comparison to detectives.

Table 4.5

The result of witness intimidation:

Variable	Occupation	N	Agree (%)	Disagree (%)	p<
Program Need	Prosecutors	52	43.2%	1.8%	.315
	Detectives	59	49.5%	3.6%	
Convictions less likely	Prosecutors	52	40.5%	4.5%	.791
	Detectives	59	43.2%	6.3%	
Judges should be informed	Prosecutors	52	51.4%	10.8%	.000*
	Detectives	58	27.9%	.9%	

Note: \*Pearson chi-square exact test is significant at the .05 level (2-tailed). No responses not reported in table.

**Research Question 2:** Is there a role for the criminal justice system in assisting intimidated witnesses in local jurisdictions?

The findings in Table 4.6 examined the agencies' responsiveness to relocating intimidated witnesses guided by policy, practice or both. The questions in this subcategory examined what types of crimes the respondents' agencies were more likely to provide relocation assistance. None of the responses to the questions in this subcategory were found statistically significant. Eighty-seven percent of the respondents indicated that their agencies were more than likely to provide assistance to intimidated witnesses in cases involving homicide. Both groups equally disagreed that their agencies would more likely provide

assistance to witnesses in cases involving aggravated assault (10.8%) and domestic violence (26.1%). Taking into account the 10.8 percent of no opinion responses, 68 percent of respondents agreed that their agencies would more than likely provide assistance to witnesses in cases involving aggravated assaults. Also considering the 21 percent of no opinion responses regarding agency assistance in domestic violence cases, less than 27 percent of the respondents agreed that their agency would provide relocation assistance to witnesses involved in domestic violence cases.

Overall, less than 33 percent of the respondents indicated that their agency would more than likely provide assistance to intimidated witnesses involved in crimes typically committed against women such as rape, stalking, and domestic violence. Fewer than 26 percent of respondents felt that their agency would respond with assistance in crimes involving robbery, gangs, and drugs.

Table 4.6

Respondents' agencies are most likely to provide witness relocation assistance in cases involving?

Variable	Occupation	N	Agree (%)	Disagree (%)	p<
Homicide	Prosecutors	52	42.3%	1.8%	.468
	Detectives	59	45.0%	5.4%	
Rape	Prosecutors	52	21.6%	20.7%	.608
	Detectives	58	22.5%	21.6%	
Aggravated Assault	Prosecutors	52	32.4%	10.8%	.615
	Detectives	59	35.1%	10.8%	
Gang Activity	Prosecutors	52	15.3%	21.6%	.829
	Detectives	59	15.3%	24.3%	
Drug Trafficking	Prosecutors	52	6.3%	29.7%	.217
	Detectives	59	13.5%	26.1%	
Robbery	Prosecutors	52	12.6%	27.9%	.277
	Detectives	59	13.5%	26.1%	
Stalking	Prosecutors	52	7.2%	28.8%	.162
	Detectives	59	16.2%	25.2%	
Domestic Violence	Prosecutors	52	9.9%	26.1%	.438
	Detectives	59	17.1%	26.1%	

Note: \*Pearson chi-square exact test is significant at the .05 level (2-tailed). No responses not reported in table.

**Research Question 3:** Do allocated resources limit the types of crimes that are eligible for witness protection assistance?

The analysis of the third research question seen in Table 4.7, includes three issues of interest in the subcategory titled, "Impact of resources on witness program." The research sought to determine if respondents felt that money-generating crimes impacted witness programs, if there was sufficient allocation of funds for a program, and if limited resources hindered witness programs. The findings revealed that detectives (18.9%) were more likely

than prosecutors (4.5%) to disagree that there are sufficient resources and that prosecutors (1.8%) were less likely to disagree than detectives (9.9%) that limited resources hinder witness protection assistance in certain the types of crimes. Both sufficient resources,  $p = .005$  and limited resources,  $p = .039$  were found to be significant which indicated a relationship between these two factors and the respondents' occupation.

Table 4.7

Impact of resources on witness programs:

Variable	Occupation	N	Agree (%)	Disagree (%)	p<
Money-generating crimes	Prosecutors	52	24.3%	9.0%	.650
	Detectives	59	24.3%	9.0%	
Sufficient Resources	Prosecutors	52	29.7%	4.5%	.005*
	Detectives	59	23.4%	18.9%	
Limited Resources	Prosecutors	52	38.7%	1.8%	.039*
	Detectives	58	35.1%	9.9%	

Note: \*Pearson chi-square exact test is significant at the .05 level (2-tailed). No responses are not reported in table.

**Research Question 4:** Are there evaluative processes of current policies and procedures regarding the witness protection program?

The analysis of the fourth and final research question includes the following two subcategories, “Are there evaluative processes of current policies and procedures regarding the witness protection program?” and “During the past 12 month period did you or your agency evaluate collaborations with outside agencies when carrying out witness protection activities?”

The responses regarding evaluative processes, policies and processes revealed the most salient differences among the agencies' practices and procedures in this category (see Table 4.8). Overwhelmingly detectives agreed to the four issues that yielded significant findings, the

names of witnesses and the type of intimidation,  $p = .009$ , man-hours,  $p = .012$ , and case review meetings,  $p = .000$  as opposed to prosecutors. Given the stark differences in percentage range between detectives and prosecutors, the findings suggests that the association between occupation and these evaluative indicators may be more closely aligned with law enforcement agencies' more rigid guidelines with respect to processes, policies, and procedures.

The results seen in Table 4.9 supported the researcher's assumptions that prosecutors (39%) were more likely than detectives (27%) to agree that in the past 12 months there had been collaboration with the "local police" and some level of evaluation of that collaboration. Only local police was found significant ( $p = .009$ ) and associated to occupation. Although the prosecutor's office, local police, and victim-witness yielded the high percentages this may only be a reflection of how closely these three agencies work together on a daily basis addressing local crime issues.

Table 4.8

Your agency maintains its own written or computerized records with the following information to evaluate the effectiveness of witness program objectives?

Variable	Occupation	N	Agree (%)	Disagree (%)	p<
Name of Intimidated Witness	Prosecutors	52	8.1%	20.7%	.009*
	Detectives	59	23.4%	17.1%	
Type of Intimidation	Prosecutors	52	8.1%	20.7%	.009*
	Detectives	58	23.4%	18.0%	
Inter-agency Collaboration	Prosecutors	52	10.9%	19.1%	.470
	Detectives	59	18.2%	20.9%	
Agency Response	Prosecutors	52	15.3%	18.00%	.164
	Detectives	59	27.0%	14.4%	
Expenses	Prosecutors	52	18.0%	16.2%	.140
	Detectives	59	30.6%	12.6%	
Man-hours	Prosecutors	52	4.5%	19.8%	.012*
	Detectives	59	17.1%	19.8%	
No Records Maintained	Prosecutors	52	14.4%	14.4%	.353
	Detectives	59	14.4%	23.4%	
Case Review Meetings	Prosecutors	52	11.8%	16.4%	.000*
	Detectives	59	33.6%	8.2%	
Training/Evaluation	Prosecutors	52	7.2%	21.6%	.428
	Detectives	59	13.5%	20.7%	

Note: \*Pearson chi-square exact test is significant at the .05 level (2-tailed). No responses are not reported in table.

Table 4.9

During the past 12 month period you or your agency evaluated the collaborations with outside agencies when carrying out witness protection activities?

Variable	Occupation	N	Agree (%)	Disagree (%)	p<
Local Police	Prosecutors	52	38.9%	2.8%	.009*
	Detectives	56	27.8%	10.2%	
State Police	Prosecutors	52	12.6%	18.9%	.623
	Detectives	58	18.0%	17.1%	
Federal Authorities	Prosecutors	52	18.9%	12.6%	.386
	Detectives	59	27.0%	9.0%	
Prosecutors' Office	Prosecutors	48	32.7%	3.70%	.078
	Detectives	59	48.6%	.9%	
Courts	Prosecutors	52	10.8%	24.3%	.499
	Detectives	59	18.0%	23.4%	
Victim-Witness	Prosecutors	52	37.8%	1.8%	.200
	Detectives	59	47.7%	0.0%	
Social Services	Prosecutors	52	17.1%	15.3%	.304
	Detectives	59	25.2%	18.0%	
Housing Authorities	Prosecutors	52	25.2%	9.0%	.651
	Detectives	59	33.3%	9.0%	
Private Sector	Prosecutors	52	11.7%	17.1%	.138
	Detectives	59	21.6%	11.7%	
Community At-large	Prosecutors	51	10.0%	19.1%	.427
	Detectives	59	16.4%	16.4%	

Note: \*Pearson chi-square exact test is significant at the .05 level (2-tailed). No responses are not reported in table.



## Mann Whitney U Test

The researcher conducted Mann-Whitney U analysis to evaluate whether the medians of test variables differed significantly between the two groups of respondents, prosecutors and detectives, in addition to evaluating the 62 hypotheses with respect to which group would score lower or higher on average. The results of the test are reported in the following format, the significant level,  $p < .05$  and the expected direction of the hypotheses. The results of the first research question, “*Is there a difference among criminal justice professionals’ opinions about intimidated witnesses issues based on their occupational role?*” are noted in the following tables. The results indicated significant differences among the respondents on two issues (see Table 4.10). From the results it can be concluded that there are statistically significant differences between detectives and prosecutors’ medians with respect to drug trafficking,  $p = .002$  and domestic violence,  $p = .041$ . The drug trafficking results supported the hypotheses that detectives would have a higher average mean rank (62.90), while prosecutors had a mean rank of 48.17. In contrast, the findings for domestic violence were not in the expected direction of the hypothesis that detectives (52.81) would have a higher mean rank than prosecutors who produced a higher mean rank of 59.63.

**Research Question 1:** Is there a difference among criminal justice professionals' opinions about intimidated witnesses issues based on their occupational role?

Table 4.10

Witness intimidation is most likely to occur in?

Variable	Occupation	N	Mean Rank	Mann-Whitney U	p<
Homicide	Prosecutors	52	54.87	1475	.065
	Detectives	59	57.00		
Rape	Prosecutors	52	54.67	1465	.376
	Detectives	58	57.56		
Aggravated Assault	Prosecutors	52	54.23	1442	.065
	Detectives	59	57.56		
Gang Activity	Prosecutors	52	56.38	1514	.374
	Detectives	59	55.67		
Drug Trafficking	Prosecutors	52	48.17	1127	.002*
	Detectives	59	62.90		
Robbery	Prosecutors	52	54.31	1446	.276
	Detectives	59	57.49		
Domestic Violence	Prosecutors	52	59.63	1345	.041*
	Detectives	59	52.81		

\*Note: Differences are significant at the  $p < 0.05$  level (one tail test).

In Table 4.11, the results indicated that there were substantial median differences among prosecutors and detectives concerning participants' attitudes about what types of threats against an intimidated witness should be responded to with witness relocation activities perceived threat,  $p = .024$ , threatening calls,  $p = .012$ , and assault on family,  $p = .009$ . It should

be noted that in all three instances detectives had significantly higher mean ranks than prosecutors. It can be concluded that detectives held stronger opinions regarding what level of threats were more likely to warrant a response of relocation assistance.

Table 4.11

The following types of threats against an intimidated witness should be responded to with witness relocation activities if the following types of intimidation occur?

Variable	Occupation	N	Mean Rank	Mann-Whitney U	p <
Perceived Threat	Prosecutors	51	49.66	1206	.024*
	Detectives	59	60.55		
Threatening Calls	Prosecutors	52	49.20	1185	.012*
	Detectives	58	61.99		
Assault on Witness	Prosecutors	52	54.68	1465	.183
	Detectives	59	57.16		
Assault on Family	Prosecutors	52	50.77	1262	.009*
	Detectives	59	60.61		
Drive-by Shooting	Prosecutors	52	56.36	1515	.381
	Detectives	59	55.69		
Vandalism	Prosecutors	52	58.82	1335	.227
	Detectives	58	52.53		
Stalking	Prosecutors	52	57.75	1443	.374
	Detectives	59	54.46		
Domestic Violence	Prosecutors	52	57.83	1439	.217
	Detectives	59	54.39		

\*Note: Differences are significant at the  $p < 0.05$  level (one tail test).

Table 4.12, contains the findings of assistance provided to intimidated witnesses while in protective custody. Statistical differences were detected regarding food expenses  $p=.008$ , personal expenses,  $p = .001$ , immediate relocation,  $p = .000$ , safety at all costs,  $p = .001$ , and judges are informed,  $p = .036$ . Overall, detectives had higher mean ranks scores.

Table 4.13 contains the final Mann Whitney U analyses for subcategory the “*Impact of witness intimidation.*” In this subcategory only one of the three issues addressed was identified as significant. The judges should be informed was highly significant at  $p = .000$ . Detectives had the higher mean rank of 65.64, while the rank for prosecutors was 45.06.

Table 4.12

While in protective custody intimidated witnesses should be provided assistance with?

Variable Occupation		N	Mean Rank	Mann-Whitney U	p<
Temporary	Prosecutors	52	57.50	1456	.051
Lodging	Detectives	59	54.68		
Food	Prosecutors	52	50.52	1249	.008*
Expenses	Detectives	58	59.97		
Personal	Prosecutors	52	47.18	1075	.001*
Expenses	Detectives	59	63.77		
Transport	Prosecutors	52	57.82	1439	.447
	Detectives	59	54.40		
Medical	Prosecutors	52	52.07	1329	.091
Care	Detectives	59	59.47		
Immediate	Prosecutors	52	47.06	1074	.000*
Relocation	Detectives	59	62.80		
Relocation	Prosecutors	52	53.88	1424	.145
Expenses	Detectives	59	57.86		
Home	Prosecutors	52	53.42	1400	.164
Search	Detectives	59	58.27		
Employer	Prosecutors	52	56.25	1521	.921
Intervention	Detectives	59	55.78		
Academic	Prosecutors	52	57.25	1469	.461
Intervention	Detectives	59	54.90		
Witnesses	Prosecutors	52	56.18	1524	.468
use own	Detectives	59	55.84		
resources					
Safety at	Prosecutors	52	48.04	1120	.001*
all cost	Detectives	59	63.02		
Judges are	Prosecutors	52	50.58	1252	.036*
informed	Detectives	59	60.78		
Judges	Prosecutors	52	52.45	1349	.123
Accommodate	Detectives	59	59.13		

\*Note: Differences are significant at the  $p < 0.05$  level (one tail test).

Table 4.13

## Impact of witness intimidation:

Variable	Occupation	N	Mean Rank	Mann-Whitney U	p <
Program Need	Prosecutors	52	55.81	1524	.447
	Detectives	59	56.17		
Convictions less likely	Prosecutors	52	57.47	1457	.240
	Detectives	59	54.70		
Judges should be informed	Prosecutors	52	45.06	965	.000*
	Detectives	58	65.64		

\*Note: Differences are significant at the  $p < 0.05$  level (one tail test).

**Research Question 2:** Is there a role for the criminal justice system in assisting intimidated witnesses in local jurisdictions?

The results of the second research question, “*Is there a role for the criminal justice system in assisting intimidated witnesses in local jurisdictions?*” are seen in Table 4.14. The findings suggest that there were significant median differences between prosecutors and detectives opinions regarding their agencies’ likelihood of assisting intimidated witnesses in cases involving drug trafficking,  $p = .045$  and stalking,  $p = .038$ . Detectives average mean rank score of 60.36 was higher than prosecutors mean rank score of 51.06 for drug trafficking, and detectives mean rank of 60.61 was higher than prosecutors mean rank score 50.77.

Table 4.14

Respondents' agencies are most likely to provide witness relocation assistance in cases involving?

Variable	Occupation	N	Mean Rank	Mann-Whitney U	p <
Homicide	Prosecutors	52	57.78	1441	.171
	Detectives	59	54.43		
Rape	Prosecutors	52	56.06	1531	.492
	Detectives	58	55.95		
Aggravated Assault	Prosecutors	52	56.46	1506	.431
	Detectives	59	55.59		
Gang Activity	Prosecutors	52	56.54	1510	.429
	Detectives	59	55.53		
Drug Trafficking (Table continues)	Prosecutors	52	51.06	1277	.045*
	Detectives	59	60.36		
Robbery	Prosecutors	52	53.92	1426	.240
	Detectives	59	57.83		
Stalking	Prosecutors	52	50.77	1262	.038*
	Detectives	59	60.61		
Domestic Violence	Prosecutors	52	53.02	1379	.157
	Detectives	59	58.63		

\*Note: Differences are significant at the  $p < 0.05$  level (one tail test).

**Research Question 3:** Do allocated resources limit the types of crimes that are eligible for witness protection assistance?

The findings for the third research question “*Do allocated resources limit the types of crimes that are eligible for witness protection assistance?*” are seen in Table 4.15. The findings based on occupation in this category indicated that two of the three variables of interest in the following table were significant regarding sufficient resources,  $p = .003$  and limited resources,  $p = .014$ . The results regarding if there were sufficient resources allocated to a witness program indicated that detectives had a higher mean rank score of 63.03, while prosecutors had a mean rank score of 48.03. However, when asked if resources were limited for a witness program prosecutors had the higher mean rank of 61.46, while detectives had the lower mean rank of 51.19.

Table 4.15

Impact of Resources:

Variable	Occupation	N	Mean Rank	Mann-Whitney U	p <
Money-generating Crimes	Prosecutors	52	54.86	1474	.351
	Detectives	59	57.01		
Sufficient Resources	Prosecutors	52	48.03	1119	.003*
	Detectives	59	63.03		
Limited Resources	Prosecutors	52	61.46	1250	.014*
	Detectives	59	51.19		

\*Note: Differences are significant at the  $p < 0.05$  level (one tail test).



**Research Question 4:** Are there evaluative processes of current policies and procedures regarding the witness protection program?

The results of the fourth and the final research question “*Are there evaluative processes of current policies and procedures regarding the witness protection program?*” based on the respondents’ occupation are noted in Tables 4.16 and 4.17. Of the nine issues seen in Table 16, in this subcategory regarding record maintenance six were found to be significant. Name of intimidated witnesses,  $p=.008$ , type of intimidation,  $p = .012$ , agency response,  $p = .034$ , expenses,  $p = .022$ , and man-hours,  $p = .044$  revealed significant differences between prosecutors and detectives. Case review meetings was significant at,  $p = .000$ . The mean rank differs among the respondents regarding the name of intimidated witnesses, prosecutors 48.66 and detectives 62.47, type of intimidation, prosecutors 49.08 and detectives 62.10, agency response, prosecutors 50.45 and detectives 60.89, expenses, prosecutors, 50.33 and detectives 61.00, man-hours, prosecutors 50.82 and detectives 60.57, and case review meetings, prosecutors 43.99 and detectives 65.45.

Noted in Table 4.17, are the significant differences among the two groups’ opinions about whether they or their agency evaluated the effectiveness of collaborations with outside agencies within the past 12 months. Of the ten agencies, only three collaborations with outside agencies revealed significant findings, local police,  $p = .001$ , prosecutors’ office,  $p = .019$ , and the private sector,  $p = .022$ . The mean rank differences in variables in this subcategory regarding evaluating the effectiveness of collaborations with other agencies are local police, prosecutors 62.42 and detectives 47.14, the prosecutors’ office, prosecutors 49.35 and detectives 57.78, and the private sector, prosecutors 49.86 and detectives 61.42. The higher average mean rank for detectives regarding collaboration with the private sector is more than likely the result of law

enforcement having more day to day contact with the general public and business entities.

Table 4.16

Your agency maintains its own written or computerized records with the following information to evaluate the effectiveness of witness program objectives?

Variable	Occupation	N	Mean Rank	Mann-Whitney U	p <
Name of Witnesses	Prosecutors	52	48.66	1152	.008*
	Detectives	59	62.47		
Type of Intimidation	Prosecutors	52	49.08	1174	.012*
	Detectives	58	62.10		
Inter-agency Collaboration	Prosecutors	52	53.21	1388	.227
	Detectives	59	57.48		
Agency Response	Prosecutors	52	50.45	1245	.034*
	Detectives	59	60.89		
Expenses	Prosecutors	52	50.33	1239	.029*
	Detectives	59	61.00		
Man-hours	Prosecutors	52	50.82	1264	.044*
	Detectives	59	60.57		
No Records Maintained	Prosecutors	52	59.46	1354	.129
	Detectives	59	52.95		
Case Review Meetings	Prosecutors	52	43.99	917	.000*
	Detectives	59	65.45		
Training, Evaluation	Prosecutors	52	52.62	1358	.131
	Detectives	59	58.98		

\*Note: Differences are significant at the  $p < 0.05$  level (one tail test).

Table 4.17

During the past 12 month period you or your agency evaluated the collaborations with outside agencies when carrying out witness protection activities?

Variable	Occupation	N	Mean Rank	Mann-Whitney U	$p <$
Local Police	Prosecutors	52	62.42	1044	.001*
	Detectives	56	47.14		
State Police	Prosecutors	52	53.01	1378	.164
	Detectives	58	58.64		
Federal Authorities	Prosecutors	52	51.99	1325	.092
	Detectives	59	59.53		
Prosecutors' Office	Prosecutors	48	49.35	1193	.019*
	Detectives	59	57.78		
Courts	Prosecutors	52	52.68	1361	.135
	Detectives	59	58.92		
Victim-Witness	Prosecutors	52	53.21	1389	.081
	Detectives	59	58.46		
Social Services	Prosecutors	52	54.06	1433	.261
	Detectives	59	57.71		
Housing Authorities	Prosecutors	52	53.58	1408	.199
	Detectives	59	58.14		
Private Sector	Prosecutors	52	49.86	1214	.022*
	Detectives	59	61.42		
Community At-large	Prosecutors	51	51.48	1299	.095
	Detectives	59	58.97		

\*Note: Differences are significant at the  $p < 0.05$  level (one tail test).

The Mann-Whitney U tests were conducted to examine which test variables differ significantly based on the region where the respondents work. The regions will be referred to as Region A and Region B. The findings of the four research questions based on the region where the respondents are employed will be addressed in the next subcategories and corresponding tables.

**Research Question 1:** Is there a difference among criminal justice professionals' opinions about intimidated witnesses issues based on their occupational role?

Table 4.18

Witness intimidation is most likely to occur in?

Variable	Region	N	Mean Rank	Mann-Whitney U	p <
Homicide	Region A	72	56.23	1387	.329
	Region B	39	55.58		
Rape	Region A	72	61.54	1005	.001*
	Region B	39	45.77		
Aggravated Assault	Region A	72	55.42	1362	.235
	Region B	39	57.08		
Gang Activity	Region A	72	56.22	1388	.395
	Region B	39	55.60		
Drug Trafficking	Region A	72	54.31	1282	.172
	Region B	39	59.12		
Robbery	Region A	72	59.89	1124	.024*
	Region B	39	48.82		
Domestic Violence	Region A	72	61.49	1008	.000*
	Region B	39	45.86		

\*Note: Differences are significant at the  $p < 0.05$  level (one tail test).

The results revealed in Table 4.18 indicate significant differences exist between Region A and Region B regarding the likelihood of intimidation occurring in rape,  $p = .001$ , robbery,  $p = .024$ , and domestic violence,  $p = .000$  which were all found to be significant. Region A had an

higher mean rank of 61.54, while Region B had a lower mean rank of 45.42 for rape. Region A also had a higher mean rank of 61.49, while Region B had a mean rank of 45.86 for domestic violence and the mean rank of 59.89 for Region A was higher than the mean rank of 48.82 for Region B..

The results of the Mann-Whitney test seen in Table 4.19 indicated that there were substantial differences among Region A and Region B with respect to threats against a witness. The variables that were found to be significant were assault on a witness,  $p = .001$ , stalking  $p = .001$  and domestic violence,  $p = .022$ . Region A had an average rank of 59.19, while Region B had a lower rank of 50.12 for assault on a witness, for the crime of stalking Region A had an average rank of 60.76, while Region B had a mean rank of 47.21 and for domestic violence, Region A had a higher mean rank of 59.25, opposed to the lower mean rank of 50.00 for Region B.

The analysis for the subcategory that pertains to providing witnesses assistance while in protective custody is presented in Table 4.20. Statistical differences were detected regarding food expenses,  $p = .033$ , safety at all costs,  $p = .006$  and judges are informed,  $p = .013$ . For food expense the average mean rank was 53.29 for Region A and 61.00 for Region B, safety at all costs mean rank was 51.36 for Region A and 64.58 for Region B, while judges are informed produced an average mean rank of 60.63 for Region A and a rank of 48.51 for Region B.

Table 4.19

The following types of threats against an intimidated witness should be responded to with witness relocation activities if the following types of intimidation occur:

Variable	Region Rank	N Whitney U	Mean p <	Mann-	
Perceived Threat	Region A	51	58.60	1216	.099
	Region B	39	51.19		
Threatening Calls	Region A	72	55.20	1346	.351
	Region B	58	57.47		
Assault on Witness	Region A	72	59.19	1174	.001*
	Region B	39	50.12		
Assault on Family	Region A	72	57.86	1270	.112
	Region B	39	52.56		
Drive-by Shooting	Region A	72	56.19	1390	.406
	Region B	39	55.64		
Vandalism	Region A	72	58.50	1224	.110
	Region B	58	51.38		
Stalking	Region A	72	60.76	1061	.001*
	Region B	39	47.21		
Domestic Violence	Region A	72	59.25	1170	.022*
	Region B	39	50.00		

\*Note: Differences are significant at the  $p < 0.05$  level (one tail test).

Table 4.20

While in protective custody intimidated witnesses should be provided assistance with?

Variable	Region	N	Mean Rank	Whitney U	Mann- p <
Temporary Lodging	Region A	72	55.97	1401	.478
Food Expenses	Region B	39	56.06		
Personal Expenses	Region A	72	53.29	1209	.033*
Transport	Region B	58	61.00		
Medical Care	Region A	72	53.29	1209	.093
Relocation Expenses	Region B	39	61.00		
Home Search	Region A	72	53.72	1239	.090
Employer Intervention	Region B	39	60.22		
Academic Intervention	Region A	72	54.13	1269	.179
Witnesses use own resources	Region B	39	59.49		
Safety at all cost	Region A	72	54.60	1303	.161
Judges are informed	Region B	39	58.58		
Judges Accommodate	Region A	72	53.13	1199	.059
	Region B	39	61.26		
	Region A	72	53.69	1238	.093
	Region B	39	60.26		
	Region A	72	53.17	1200	.073
	Region B	39	61.23		
	Region A	72	55.02	1333	.269
	Region B	39	57.81		
	Region A	72	51.36	1070	.006*
	Region B	39	64.58		
	Region A	72	60.63	1071	.013*
	Region B	39	48.51		
	Region A	72	52.45	1183	.074
	Region B	39	59.13		

\*Note: Differences are significant at the  $p < 0.05$  level (one tail test).

The final Mann Whitney U analysis for research question one pertains to the impact of witness intimidation on the criminal justice system. The findings revealed that judges should be informed,  $p = .005$  was the only issue in this subcategory found to yield significant differences between the regions (see Table 4.21). Region A had a higher mean rank of 60.06, while Region B had a rank of 48.51.

Table 4.21

Impact of witness intimidation:

Variable	Region	<i>N</i>	Mean Rank	Mann-Whitney U	$p <$
Program Need	Region A	72	55.35	1357	.259
	Region B		57.21		
Convictions less likely	Region A	72	56.44	1372	.380
	Region B	39	54.70		
Judges should be informed	Region A	72	60.06	1112	.005*
	Region B	39	48.51		

\*Note: Differences are significant at the  $p < 0.05$  level (one tail test).

**Research Question 2:** Is there a role for the criminal justice system in assisting intimidated witnesses in local jurisdictions?

Table 4.22 contains the results of the second research question, “*Is there a role for the criminal justice system in assisting intimidated witnesses in local jurisdictions?*” Only two variables homicide,  $p = .000$  and rape,  $p = .019$  indicated significant differences between Region A and Region B with respect to the cases that their agencies would provide relocation assistance. The mean rank for Region A (60.58) differs significantly from Region B (47.04) and regarding



homicide, the mean rank was 60.24 for Region A and 48.18 for Region B for rape.

Table 4.22

Respondents' agencies are most likely to provide witness relocation assistance in cases involving?

Variable	Region	<i>N</i>	Mean Rank	Mann-Whitney U	<i>p</i> <
Homicide	Region A	72	60.85	1054	.000*
	Region B	39	47.04		
Rape	Region A	72	60.24	1099	.019*
	Region B	39	48.18		
Aggravated Assault	Region A	72	58.31	1237	.106
	Region B	39	51.73		
Gang Activity	Region A	72	55.84	1392	.469
	Region B	39	56.29		
Drug Trafficking	Region A	72	57.28	1312	.263
	Region B	39	53.64		
Robbery	Region A	72	57.38	1305	.249
	Region B	39	53.46		
Stalking	Region A	72	55.29	1353	.364
	Region B	39	57.31		
Domestic Violence	Region A	72	59.36	1162	.051
	Region B	39	49.79		

\*Note: Differences are significant at the  $p < 0.05$  level (one tail test).

**Research Question 3:** Do allocated resources limit the types of crimes that are eligible for witness protection assistance?

The findings for the third research question are seen in Table 4.23. Two of the three variables of interest in the following table indicate significant differences among the regions regarding sufficient resources,  $p = .000$  and limited resources  $p = .010$ . The results regarding sufficient resources indicated that Region A had a higher mean rank of 63.69, while Region B had a considerable lower mean rank of 41.81. However, regarding limited resource Region B had a higher mean rank score of 63.47, while the mean rank for Region A was 51.95.

Table 4.23

Impact of Resources:

Variable	Occupation	N	Mean Rank	Mann-Whitney U	p <
Money-generating Crimes	Region A	72	55.47	1366	.399
	Region B	39	55.97		
Sufficient Resources	Region A	72	63.69	850	.000*
	Region B	39	41.81		
Limited Resources	Region A	72	51.95	1112	.010*
	Region B	39	63.47		

\*Note: Differences are significant at the  $p < 0.05$  level (one tail test).

**Research Question 4:** Are there evaluative processes of current policies and procedures regarding the witness protection program?

The Mann-Whitney U results seen in Table 4.24 indicate that there were several significant differences among Region A and Region B regarding the agencies' record maintenance procedures. Records maintained on the name of witnesses,  $p = .005$ , the type of

intimidation,  $p = .013$ , inter-agency collaboration,  $p = .000$ , agency response,  $p = .001$ , man-hours,  $p = .032$ , and case review meetings,  $p = .007$ , were found to be significant. In each case the mean rank was higher for Region A than Region B.

Table 4.25 details significant differences among three variables pertaining to collaboration with outside agencies during the past 12 months. The following regional medians were found to be statistically significant: collaboration with the social services,  $p = .050$ , collaboration with the local housing authority,  $p = .000$ , and collaboration with the community at large,  $p = .020$ . Region A had a higher mean rank of 59.44, Region B had a mean rank of 49.64 in reference to social services, Region A had a higher rank of 63.18, while Region B had a rank of 42.74 for collaboration with the local housing authority. Lastly, responses to the final significant variable of collaboration with the community at large yielded a lower mean rank for Region A (51.23) and a higher mean rank for Region B (63.59).

Table 4.24

Your agency maintains its own written or computerized records with the following information to evaluate the effectiveness of witness program objectives?

Variable	Region	N	Mean Rank	Mann-Whitney U	p <
Name of Intimidated Witnesses	Region A	72	61.35	1018	.005*
	Region B	39	46.12		
Type of Intimidation	Region A	72	60.67	1068	.013*
	Region B	58	47.38		
Inter-agency Collaboration	Region A	72	64.45	795	.000*
	Region B	39	40.40		
Agency Response	Region A	72	62.58	930	.001*
	Region B	39	43.85		
Expenses	Region A	72	62.29	879	.000*
	Region B	39	42.54		
Man-hours	Region A	72	59.88	1125	.032*
	Region B	39	48.85		
No Records Maintained	Region A	72	56.94	1336	.329
	Region B	39	54.27		
Case Review Meetings	Region A	72	61.09	1037	.007*
	Region B	39	46.60		
Training, Evaluation	Region A	72	58.33	1236	.132
	Region B	39	51.69		

\*Note: Differences are significant at the  $p < 0.05$  level (one tail test).

Table 4.25

During the past 12 month period you or your agency evaluated the collaborations with Outside agencies when carrying out witness protection activities?

Variable	Region	N	Mean Rank	Mann-Whitney U	p <
Local Police	Region A	72	55.38	1304	.417
	Region B	59	54.24		
State Police	Region A	72	56.60	1360	.387
	Region B	59	54.88		
Federal Authorities	Region A	72	56.04	1401	.492
	Region B	39	53.82		
Prosecutors' Office	Region A	72	54.84	1271	.408
	Region B	39	53.82		
Courts	Region A	72	58.50	1224	.114
	Region B	39	51.38		
Victim-Witness	Region A	72	56.32	1381	.408
	Region B	39	55.41		
Social Services	Region A	72	59.44	1156	.050*
	Region B	39	49.64		
Housing Authorities	Region A	72	63.18	887	.000*
	Region B	39	42.74		
Private Sector	Region A	72	56.80	1346	.353
	Region B	39	54.53		
Community At-large	Region A	51	51.23	1060	.020*
	Region B	39	63.59		

\*Note: Differences are significant at the  $p < 0.05$  level (one tail test).

## **Qualitative Data Analysis**

The purpose of this study was to explore criminal justice professionals' attitudes and responsiveness towards intimidated witnesses on the local level. This section will focus on the views of executive level administrators regarding the problem of witness intimidation and the issues they feel are most challenging in addressing witness intimidation in their jurisdictions.

### **Description of Participants**

Seven executive level criminal justices professionals were invited to participate in interviews for this study. The selected group was composed of three Commonwealth Attorneys and three Chiefs of Police who work in the Commonwealth of Virginia, and one law enforcement administrator with statewide authority. Two of the executive administrators declined to participate. These participants were purposively selected based on the demographically analogous geographic jurisdictions which were referred to as Region A, and Region B. Limited demographic data was collected on the interview participants; however, the population of participants included two women and three men. Their length of employment ranged from three months to thirty-six years. In order to maintain confidentiality no names were used in this study.

The responses to the interview questions are presented in the next section of this chapter. The data is separated based on the general three categories of information contained in the survey.

### **Survey Data**

The responses in this section reflect the nature and status of the witness program.

### Region A Commonwealth Attorney

In response to the first research question the commonwealth attorney from Region A stated that, occasionally there were problems with witness intimidation in his jurisdiction. They had approximately six to eight cases a year, which required that witnesses relocate out of the area. He went on to say that, the bigger problem is that individuals assign stigma to people testifying in court, especially when it is against people that they know in the community.

The commonwealth attorney confirmed that there is an active witness program in Region A and the police department manages it. He stated that the efforts and collaboration between the victim witness office and the police department were essential to the relocation of intimidated witnesses. The commonwealth attorney also indicated that he was aware of cases involving witness intimidation in the past two years; however, there were no prosecutions of anyone involved.

### Region B Commonwealth Attorney

Conversely, the commonwealth attorney from Region B stated that even though there were significant problems associated with witness intimidation there was not a witness program in their jurisdiction. The commonwealth attorney went on to say that their office receives a lot of calls from people who are very upset and vocal about gangs and gang related activities; however, people were afraid to come forward with evidence or go to court. She went on to state that a small minority of people might know information, but they are too afraid of retaliation to come forward and they often feel powerless.

### Region A Chief of Police

The police chief from Region A indicated that problems with witness intimidation were not significant. He stated that his agency worked closely with the Commonwealths' Attorneys'

Office to avoid issues regarding intimidation. He expressed that they try to be proactive and have been successful thus far. The chief went on to say that the most significant issue they face is with the undocumented Latino community. He stated that this population is known to carry larger amounts of cash, thus they become vulnerable targets for robberies and assaults and due to their immigration status they are reluctant to come forward. With that said, the chief seemed pleased about the fact that they were breaking ground with the Latino community and some active cases were proceeding well due to victim cooperation.

The witness program in Region A is managed by the major crime division but if there is significant exposure of a witness the agency works with the Commonwealth' Attorneys' Office or the Federal Marshals in the event a witness needs to be sequestered or relocated. While this is the case, he stated that they normally like to stay ahead of these types of issues and take proactive measures to protect witnesses. He concluded by stating, *"I've been here a little less than two years and I cannot think of a case where a witness was intimidated. But there again we're proactive about it so we work head of the curve."*

#### Region B Chief of Police

The police chief from Region B indicated that currently there is no structured witness protection program offered by their city; however, at times there are problems with witness intimidation in their jurisdiction. She indicated that the problem of intimidation mainly occurred in cases where the witnesses and/or victim know the suspect and associates of the suspect. The chief stated that it is usually friends and family members of the suspect who will make threats or convey other forms of intimidation. The chief from Region B went on to say that they had not provided services to witnesses in the past two years; however their office investigates all threats against witnesses. Unlike, Region A, the chief from Region B indicated that her agency sought



out charges for witness intimidation when possible.

#### Law Enforcement Administrator with Statewide Authority

The law enforcement administrator's witness program was defunded in 2004 but management of the program was disbursed in field offices throughout the state when the program was active. As a result his agency reaches out to local partnering agencies such as the Federal to assist. He agreed that his agency has dealt with witness intimidation issues, though it was not a high percentage. He stated that many of the cases involving drugs and gangs have the potential for witness intimidation. He recounted his experience as a part of a taskforce in a Northern Virginia gang case where an intimidated witness was ultimately killed. He chose not to be specific about the location of the murder because he said that no one from that jurisdiction really talks about the incident because it went so bad.

The responses in this section focus on issues regarding witness intimidation.

#### Region A Commonwealth Attorney

The commonwealth attorney from Region A indicated that even though there were approximated 20 cases involving intimidation per year, the impact of witness intimidation on the community was minimal. With that said he noted that there were circumstances regarding intimidation where they must assess the risk to witnesses testifying in criminal trials. The commonwealth attorney strongly agreed that the following conditions required special consideration: if the witness lives the close proximity to the event or the offender, if the witness and offender are known to each other, and the type of threat lodged against a witness. He also agreed that the type of case was a significant factor, as well as, the criminal background of the person(s) making the threat.

### Region B Commonwealth Attorney

The commonwealth attorney did not answer many of the questions in this section because they do not have an active witness program. However, commonwealth attorney strongly agreed that the type of crime and threat, the background of the offender, and the proximity of the witness to the crime or the offender increased the risk for witnesses.

### Region A Chief of Police

The chief from Region A stated that his jurisdiction had less than six intimidation situations per year. In the event witnesses do not feel the power to come forward in terms of testifying the detectives will try to develop relationships and reassure them that they will be with them throughout the process. He then reiterated the recent developments with the Latino community. The chief indicated that they assess intimidation issues cases by case. He strongly agreed that the type of threat was important in assessing potential risks to witnesses. Although he did not indicate strong agreement, he did agree that the relationship of the witness to the offender and the proximity of where the witness lived in relation to the crime or the offender were important in assessing the risk.

### Region B Chief of Police

As stated earlier, Region B does not have an active witness program; however, the chief stated that the impact of witness intimidation on a community couldn't be overstated. It can be devastating to the goals of solving violent crimes and getting predators off the streets. *"There are many witnesses to violent crimes, such as murder, who either do not come forward for fear of retaliation or will not testify to what they saw because of fear of reprisal"*, he stated. He stated that this type of intimidation allows the criminal element to go free and remain on the streets to perpetuate fear within the community. The chief strongly agreed that the relationship of the

witness to the offender and the proximity of where the witness lives in relation to the crime or the offender were high-risk indicators. She also agreed that type of threat and crime should be taken into consideration when assessing risks. However, the chief disagreed that the criminal background was important in assessing risks to the witness.

#### Statewide Law Enforcement Administrator

The law enforcement administrator's response to what is the impact of witness intimidation on the community was, "it depends on the community," He stated that, with all of the outcry from advocacy groups about immigration reform, Hispanics are less likely to talk. *"Fear of the police and the criminal element in their community hinders them. These people have that extra tool over them; it's like a double edge blade."* He felt that undocumented Latinos were less likely to talk to police so they lived with the intimidation. However, he strongly agreed that the type of threat required major consideration, especially when taking into account the type of crime and the relationship of the witness to the offender. He said that all factors must be weighed because it can be tough to decide in many cases the actual vulnerability of an individual.

The responses in this section gauge the responses to witness intimidation and any funds allocated to the witness program.

#### Region A Commonwealth Attorney

The commonwealth attorney from Region A indicated that the annual budget for his office was \$5 million. The police department is the funding source for the witness program; however close consultation with the Common Attorneys' Office is required for approval. Only 0 to 1percent of the commonwealth attorneys' budget may sometimes be used for minor expenses.

He stated that Victim-Witness Services and the police department handle that aspect, but the amount of time to temporarily relocate is 48 to 72 hours. During the past 12 months the Commonwealth's Attorney's Office has solicited assistance from the Victim-Witness Services, the police department, the housing authority and other prosecutorial offices. He indicated that his office does not have written guidelines with respect to intimidated witness activities; however, they have developed a set of non-rigid protocols with the housing authority. The commonwealth attorney asserted that funding for the program was insufficient.

#### Region B Commonwealth Attorney

These fiscal questions were not applicable to the Commonwealth's Attorneys' Office or the police department in Region B since they do not have an active witness program. Nevertheless, the commonwealth attorney stated that they had provided one or two witnesses with a bus ticket or money for a night's stay at a hotel. The commonwealth attorney from Region B did not disclose the agency's annual budget. She indicated that her office had sought assistance from the police department, Victim-Witness Services, and federal agencies in the past 12 months.

#### Region A Chief of Police

The annual budget for the police department in Region A is \$79 million and the General Fund is the funding source. The chief felt that it would be inappropriate to disclose the percent of the budget that is allocated towards the witness program activities. Not surprising the police department does have guidelines and protocols regarding the witness program. With respect to funding, the chief of police stated, *"you can't just look at allocated funds from the standpoint of witness expenses only."* He stated that other costs are associated with this activity and have to be considered such as the officer's salary, man-hours, federal assistance, special agents, clerks, etc.

The chief went on to say that there is no average time to relocate intimidated witnesses and it is handled case by case. He indicated that he considers the severity of the crime such as homicides, the demographics of the population and the area. *“You can’t handle these cases like a simple white collar case,”* he said. The chief also stated that in the past 12 months the police department had solicited assistance from prosecutors, federal agencies, the Department of Social Services, Victim-Witness Services, and the private sector to some degree.

#### Region B Chief of Police

The chief of police from Region B stated that her agency’s 2012 annual budget is \$66,494,800 and in the past 12 months her agency had solicited assistance from federal agencies, the prosecutors’ office and Victim-Witness Services. The police chief from Region B does indicate that a witness program is need in her jurisdiction; however, there are not sufficient funds allocated towards the implementation of a program.

#### Statewide Law Enforcement Administrator

As stated earlier, the witness protection program under the law enforcement administrators’ domain was defunded in 2004. The source of the program funding was the General Fund and through asset forfeiture. He did not disclose the annual budget; however, the administrator stated that when the program was viable the annual budget for the program was \$50,000. The administrator also stated that there were guidelines for the witness programs. He also indicated that \$2,000 would be allocated monthly towards the lodging and other expenses of an intimidated witness in protective custody. Each of the relocations was handled case by case and it could take several weeks. However, the guidelines required that all financial assistance ended at the conclusion of the trial where the witness’ move had been completed or not.

Even though there is not an active program the administrator stated that in the past 12 months his

department had solicited the assistance of the local police department had solicited assistance from prosecutors, federal agencies, the Department of Social Services, Victim-Witness Services, and the private sector to some degree. He also stated that the protocols established with other agencies are not formal, but are driven by local relationships based on how well we work together. The administrator stated that there was a need to refund the witness program.

### Quantitative Summary

The population in this study included major crime detectives, prosecutors, and executive administrators working in two regions in the Commonwealth of Virginia. Of the 111 survey participants fifty-nine of the respondents represented detectives and fifty-two of the respondents were prosecutors who participated in a 19 question online survey. Seventy-two of the respondents were from Region A and 39 from Region B. The overall response rate was 56 percent.

**Research Question 1:** “Is there a difference among criminal justice professionals’ opinions about intimidated witnesses issues based on their occupational role?” The descriptive analysis related to occupation indicated that over 71 percent of the respondents agreed that “intimidation was most likely to occur,” in drug trafficking ( $p = .008$ ) which was the only variable found to be significant. The Mann Whitney results in this same subcategory for occupation indicated significant median differences related to drug trafficking, ( $p = .002$ ) and domestic violence, ( $p = .041$ ). Mann Whitney regional results yielded significant median differences regarding rape, ( $p = .000$ ), domestic violence ( $p = .000$ ), and robbery ( $p = .024$ ). In the “relocating a witness due to threats” subcategory the descriptive findings revealed that occupation and an assault on a family member was significant ( $p = .045$ ) and less than 19 percent of the respondents disagreed that relocation assistance should be provided. Whereby, the Mann Whitney results regarding

occupation found significant median differences with respect to assault on a family member, (p =.009), perceived threats, (p =.024), and threatening calls, (p =.012). Also there was evidence of median differences among Region A and Region B regarding threats involving stalking (p = .001) and domestic violence, (p = .022). Pearson's chi-square exact results regarding "assisting witnesses while in protective custody" revealed evidence that food expenses, (p =.031), personal expenses, (p =.011), safety at all costs, (p =.007), and judges are informed, (p =.041) were associated with occupation. On average 34 percent of the respondents agreed that these services should be provided to witnesses. The median tests on occupation revealed statistical differences regarding food expenses, (p =.008), personal expenses, (p =.001), safety at all costs, (p =.001), and immediate relocation, p=.000. The same test on region indicated that the medians differed significantly between Region A and Region B regarding food expenses, (p = .033), safety at all costs, (p = .006) and judges are inform, (p = .013). In the subcategory regarding "the impact of witness intimidation on the criminal justice system," both Pearson's chi-square exact and Mann Whitney tests on occupation found that judges should be informed was significant (p =.000). The regional findings indicated that judges should be informed was significant (p=.005). Furthermore, the majority of the respondents (79%) agreed that judges should be informed about intimidation issues during trials.

**Research Question 2:** "Is there a role for the criminal justice system in assisting intimidated witnesses in local jurisdictions?" The Pearson's chi-square exact tests indicated no significant association between the respondents' occupation and any variables of interests regarding which crimes the "agencies were most likely to assist" in relocating an intimidated witness, based on their policies and practices. However, the Mann Whitney tests yielded median differences among detectives and prosecutors regarding drug trafficking, (p =.045) and stalking, (p =.038). The

results on region indicated that agency assistance in case involving homicide ( $p = .000$ ) and rape ( $p = .019$ ) were significant.

**Research Question 3:** “Do allocated resources limit the types of crimes that are eligible for witness protection assistance?” Descriptive findings revealed that sufficient resources, ( $p = .005$ ) and limited resources, ( $p = .039$ ) were associated with the respondents’ occupation. Overall, 73 percent of the respondents agreed that limited resources hindered witness assistance, while 24 percent disagreed that there were sufficient resources. The Mann Whitney tests conducted on the “impact of witness programs” indicated significant median differences among detectives and prosecutors regarding sufficient resources, ( $p = .003$ ) and limited resources, ( $p = .014$ ). Likewise, the median tests on region indicated that sufficient resources ( $p = .000$ ) and limited resources ( $p = .010$ ) were significant.

**Research Question 4:** “Are there evaluative processes of current policies and procedures regarding the witness protection program?” The findings indicated that on average 39 percent of detectives agreed, as opposed to 6 percent of prosecutors to the five of the nine “record maintenance” issues. The chi-square exact results indicated that maintaining records on the names of witnesses and the type of intimidation that had occurred, were both found significant ( $p = .009$ ), as well as, records regarding man-hours, ( $p = .012$ ) and case review meetings, ( $p = .000$ ). Occupational medians differed significantly regarding maintaining records on case review meetings ( $p = .000$ ), records maintained on the names of intimidated witnesses, ( $p = .008$ ), the types of intimidation, ( $p = .012$ ), agency response, ( $p = .034$ ), expenses, ( $p = .022$ ), as well as, man-hours, ( $p = .044$ ). Regional medians differed regarding records maintained on the names of intimidated witnesses, ( $p = .005$ ), the type of intimidation, ( $p = .013$ ), man hours, ( $p = .032$ ), case review meetings, ( $p = .007$ ), and agency responses, ( $p = .001$ ), were all significant. Collaboration



with other agencies and records of expenses were both significant ( $p = .000$ ) and the medians differed with respect to region. Pearson's chi-square exact tests indicated that only local police was found associated with occupation and significant ( $p = .009$ ). The Mann Whitney tests revealed that occupational medians differed significantly regarding collaboration with the local police, ( $p = .001$ ), in addition to, the prosecutors' office, ( $p = .019$ ), and the private sector, ( $p = .022$ ). The regional medians differed significantly regarding collaboration with the Department of Social Services, ( $p = .050$ ), collaboration with the local housing authority, ( $p = .000$ ), and collaboration with the community at large ( $p = .040$ ).

### Qualitative Summary

The researcher conducted face-to-face interviews with the commonwealth attorney from Region A, the police chief that represent Region A, in addition to, a law enforcement administrator who works throughout the entire region of Virginia. A phone interview was conducted with the commonwealth attorney from Region B and the police chief from Region B completed the 21 question questionnaire.

The findings revealed that Region B does not have a formal witness program or funding to provide assistance to intimidated witnesses, however, both interviewees from Region B indicated that there were occasional problems with witness intimidation and a need for a witness program. The commonwealth attorney and chief of police from Region A indicated that there were probably 5 to 8 witness intimidation incidents that involve relocating a witness annually. All of the interviewees felt that witness intimidation incidents should be addressed. The issue regarding witnesses' reluctance to cooperate in criminal investigations and testify in criminal trials yielded an interesting response from the commonwealth attorney from Region A. He stated that, witnesses were more concerned with the stigma attached to the individual for

cooperating with law enforcement and judicial authorities, more so than any fear with respect to retaliation. The chief of police and commonwealth from Region B both expressed that, witnesses in their jurisdiction reluctance to testify was primarily based on the fear of reprisal from the defendant or the defendant's family and associates. The chief of police from Region B went on to say that the concern for reprisals increases if the witness and defendant were known to one another.

The commonwealth attorney from Region A suggested that, there were only gang-like groups in his jurisdiction. He stated that, the activity was more territorial in nature. The commonwealth attorney in Region B stated that, their office has received several calls regarding gangs however, the callers were too afraid to follow through with any corroborating information. And finally, when asked "What is the impact of witness intimidation on community involvement in reporting crime?" the law enforcement administrator who works throughout the entire region of Virginia stated that, witnesses fear of the police and fear of the criminals in their communities hinders them for seeking out the help they need. He went on the say that, "the reality is if they feel too powerless to participate in the process there's not much that their department can do for them."

Chapter 5 provides a summary and conclusions, with a discussion of the major findings, limitations of the study, and recommendations.

## Chapter 5

### Summary and Conclusions

The researcher examined criminal justice professionals' attitudes and responsiveness towards witness intimidation on the local level. Witnesses are the cornerstone to the successes of criminal justice systems. Conversely, intimidated witnesses are vulnerable individuals that have fallen victim to competing social and civic expectations to which neither allows much consideration for their safety. This problem is evident in that too many local criminal justice agencies have yet to formulate substantive plans and dedicated sufficient resources to effectively address the growing problem of witness intimidation. Among many criminal justice professionals and policymakers there appears to be a lack of committed concern, funding, resources, and policy initiatives to address the immediate needs of this vulnerable population. Most street level crimes that these individuals witness do not meet the criteria for federal intervention, therefore the burden and responsibility of protecting intimidated witnesses rest with local authorities who for the most part are ill-equipped. The failure to protect these witnesses is a failure of criminal justice systems' obligations not only to the individual, but to the public at large. The researcher hoped to learn if the criminal justice professionals who work directly with witnesses considered intimidation to be a critical problem that required the attention and assistance on the part of criminal justice agencies. In addition, the study explored if problems are being addressed effectively in terms of resources, policy, and practices. To obtain this information major crime detectives and prosecutors were invited to participate in an online survey to gauge their attitudes about the problem and the administrators who are responsible for

the allocation of resources and policy mandates for their respective agencies participated in interviews.

### Major Findings and Discussion

The purpose of this study was to examine the influences that impact the attitudes and responsiveness of criminal justice professionals towards intimidated witnesses. One of the most powerful resources that the criminal justice system has to connect offenders to a crime is the testimony of reliable witnesses, especially in the absence of adequate evidence. Witnesses to street level crimes in local jurisdictions are often called upon to testify about crimes committed by an individual or a small group of individuals such as, gangs and drug dealers that are engaged in criminal activity in their neighborhood or community. The proximity of the witness to the crime or to the offender is an important aspect to consider when assessing the risks factors for witnesses. The risk of retribution against a witness increases exponentially when witnesses and offenders are known to one another. The relationship among these individuals can be as benign as individuals that have no actual relationship, but live in the same neighborhood where the crime was committed or it can be with someone with very close ties such as a co-offender to the crime. Unfortunately, in some instances witnesses to these events are intimidated by the offender or individual with close ties to the offender to prevent witnesses from reporting a crime or providing incriminating evidence to law enforcement.

As the result of the growing number of criminal cases that involve witness intimidation nationwide criminal justice professionals are challenged by the increasing number reluctant witnesses' willingness to provide critical information or to testify in criminal trials. Despite the fact that fear of retaliation is a major concern, there are a host of other factors that influence this reluctance among certain segments of society. A substantial number of destructive and illicit

activities tend to take root in many of the less desirable communities linked to negative social environments. Some of these issues are beyond the typically cues such as, the decay of neighborhoods or low socioeconomic means and high levels of unemployment of the residents. Many of these communities are comprised of generations of residents whose attitudes, behaviors, and way of life have been cultivated by intrinsic social norms based on a well-known history with criminal justice systems and criminal justice professionals. These norms are often rooted in cultural beliefs and life experiences. For example, despite decades of concerted efforts to rectify past injustices, race remains a crucial aspect of society with implications throughout the criminal justice system, especially for minorities. Historically crime and racial issues have involved African Americans to a disproportionate degree. African Americans contact with the criminal justice system has been at a rate far greater than their percentage in the population even though they account for less than 13% of the population (Cooney, 2008). Adding to this legacy, law enforcement has been known to use racial profiling to stop and detain a disproportionate number of minorities (e.g., black males) who they suspect are engaged in some type of suspicious activity (Ramirez, McDevitt, and Farrell, 2000). An example of this is noted in a landmark investigation conducted by U.S. Department of Justice (1988) whereby activities of the New Jersey State Police were singling out members of racial or ethnic backgrounds for relatively minor traffic or petty criminal offenses in order to question and/or search them for drugs, guns, or other illegal materials. The allegations became so common that the community labeled this phenomenon as "driving while black" or "driving while brown." Hispanic males were also stopped for technical traffic violations as a pretext for ascertaining whether the drivers were carrying drugs or other contraband (Mauer, 1999). These are just two examples of negative interactions which have generated distrust, resentment, and anger toward law enforcement

among some citizens. Consequently, issues such as these contribute to embedded social norms that result in a lack of respect for law enforcement and reluctance of members of certain communities to cooperate. Furthermore, the series of immigration over the past 30 years from Latin America and Asia has also contributed to another layer of the social norms in several communities. Subsequently, many of the social norms associated with issues experienced by African Americans are similar to what the increasing population of immigrants are experiencing (Cooney, 2008).

Acknowledging these factors are fundamentally crucial to the success of criminal justice professionals' abilities to foster trust and cooperation from witnesses who may be influenced by these types of social norms. Adding to these challenges is the reality that local criminal justice agencies' modest provisions for security and relocation assistance do little to instill confidence in criminal justice professionals' ability to protect this vulnerable population. This could explain why many witnesses to violent street crimes do not trust in relying on the criminal justice system to protect them in the event they become involved in criminal cases. It is a reasonable expectation for the public to believe that the criminal justice professionals who are responsible for public safety would have comprehensive plans and sufficient resources in place to address this type of real and imminent threat to citizens. Unfortunately, the current circumstance for numerous local criminal justice agencies is that there are no comprehensive plans or resources for situations as these, despite the fact that action may need to be taken on behalf of intimidated witnesses.

The findings of this research suggest that differences do exist among criminal justice professionals' attitudes regarding intimidated witnesses issues based on their occupational role. Major crime detectives and prosecutors were selected because of their interlocking roles,

responsibilities, and experience in working with intimidated witnesses. Although all of the responses to the questions were not statistically associated with the participants' occupation the response rates to several of the questions clearly reflected the respondents' attitudes towards the subject matter. Criminal justice professionals understand that the vulnerability and potential for intimidation increases substantially for witnesses when they cooperate with law enforcement in providing incriminating evidence regarding certain criminal activity. They also recognize that the risks of reprisal are real for surviving victims and witnesses especially when the offender has a violent history and the penalties for the crime are severe.

With few exceptions, overall the detectives' appeared to be more empathic in terms recognizing the needs and concerns of intimidated witnesses, than were the prosecutors. By the nature of their occupation, detectives have more contact with people in the community, than do prosecutors. The literature suggests that, there is strong evidence that high visibility and being informed about police activities are both strong evidence that personal contact and police visibility are very important in developing public confidence and police legitimacy (Fitzgerald *et al.* 2002; Skogan 2006; Tyler 2006; Bradford, Jackson and Stanko in press). Detectives have an advantage because they typically respond to crime scenes and they are usually the first to speak with witnesses. As a result, they have more of an opportunity to assess the makeup of the population and the conditions of the environment. Assessing the environments where violent crimes occur provides an opportunity to assess the risk factors that might be readily apparent for potential witnesses. Police are trained in investigating crimes and routinely assess individuals' behavior and the landscape of crime scenes.

Not surprisingly, all of the respondents' agreed that intimidation was most likely to occur in all crimes listed on the survey which included, homicide, rape, aggravated assault, drug

trafficking, gang activity, robbery, and domestic violence. With the exception of most domestic violence cases, the majority of these crimes can carry severe penalties. This in turn increases the likelihood of possible intimidation of a witness or witnesses. The Pearson's chi-square exact analysis indicated that drug trafficking was the only variable associated with the respondents' occupation. Seventy-one percent of the survey participants indicated that witness intimidation was most likely to occur in drug cases. This finding was in keeping with the results of a study conducted by the Drug Strategies and the Police Foundation (2004) in which more than 300 Police Chiefs participated. The study sought to research the national impact of drugs on the deterioration of communities. The study found that 63 percent of police chiefs rated drugs as an extremely serious problem in their communities, while only 17 percent attributed the deterioration to terrorism and 18 percent to violent crime. The majority of participants overwhelmingly suggested that law enforcement had not been unsuccessful in reducing the impact of drugs (Hart, 2004). Likewise, although there was no significant statistical evidence that gang activity and occupation were associated, over 95 percent of the respondents indicated that intimidation was most likely to occur in gang related crimes. The result of the high response rate could be indicative of the fact that these activities are often linked. Studies in the 1980s indicated that most nonviolent crimes such as drug sales or use, burglaries, or white collar crimes rarely involved victim and witness intimidation (Healy, 1995). However, in today's climate the violent nature of crimes involving drug distribution and gangs have become two of the leading crimes in which intimidation is likely to occur (Tucker, 2004). Subsequently, because of the violent nature of these crimes victims of witness intimidation are subject to unpredictable repercussions as the result of the violence associated with drugs and gangs.



There have been ongoing debates as to whether there are relationship between drugs, gangs, and violence (De La Rosa, Lambert, and Gropper, 1990). Rather than rehash ongoing debates dating back to the early 1980s regarding the impact or lack thereof, linking violence to the proliferation of gangs, drugs, and guns, the researcher asserts that these factors are related. The researcher suggests that, if for no other reason, human behavior in terms of greed, addiction, and survival almost dictate that drug trafficking and use, as well as gang related activities are predisposed to violence. The number one driving force behind drug markets is money which provides a very lucrative source of income which most individuals participating in this illicit activity who would do anything to preserve. In 1998, Americans spent \$66 billion on illegal drugs, with \$39 billion being spent by consumers on cocaine (Office of National Drug Control Policy, 2000). With the popularity of a variety of drugs sold in the U.S. today, that figure is now over \$100 billion (Riper, 2011). A threat of any nature to an illegal enterprise of this magnitude is destined to be met with resistance. The illegal drug trade has been identified as a key cause of violence and is the primary concern of many communities around the world particularly in urban areas (Werb, at. el). From a historical perspective violence had been associated with drugs in terms of the effects of drugs on individual users (e.g., drug-induced psychosis), however, more recent studies suggests that violence is increasingly being understood as a means used by individuals and groups to gain or maintain market share of the lucrative illicit drug trade (Goldstein, 1985; Johnson, Golub, and Dunlap, 2000). The researcher asserts that this violence is applicable on the macro level which is global, organized, and coveted by power forces at the top, as well as, on the micro level from the domestic mules that transport drugs from city to city, to the street corner dealer or youth gang banger.

Recent studies have indicated that prohibition by law enforcement intervention of drug manufacturing, trafficking, and sales by law enforcement intervention has increased the level of violence with respect to drug markets and gangs. Much like the historical account of increases in gun-related homicides that emerged under alcohol prohibition in the United States from 1920-1933, the same consequences are impacting the motives for and the increasing level of violence associated with drug and gang activity. In other words, the increase in violence may be a natural consequence of drug prohibition when groups compete for massive profits (Bagley, 1990). Contrary to the conventional wisdom that increasing drug law enforcement will reduce violence, the existing scientific evidence strongly suggests that drug prohibition more likely contributes to drug market violence and higher violent crime rates. A four year longitudinal study in the 1990's conducted by Steven Levitt who investigated the impact of law enforcement intervention on drug markets and gangs in Chicago findings indicated that the lack of formal dispute resolution mechanisms in the illicit drug trade and drug law enforcement pressure caused a high level of violence among drug gang studied; as a result, violent conflict made up approximately 25 percent of gang activities during study period. Also supporting these finding are two longitudinal studies which concluded in 1996 in which Jeffery Miron suggests that, prohibition creates violence because it drives the drug market underground which means that disputes cannot be resolved through traditional mechanisms such as, with lawsuits, arbitration or advertising, so they resort to violence instead. It is reasonable to infer that law enforcements' increasing technological sophistication in strategies to disrupt drug markets and activities may increase levels of drug-related violence. Research has shown that by removing key players from the lucrative illegal drug market, drug law enforcement may have the unintended effect of creating significant financial incentives for other individuals. As dealers leave the market due to

incarceration, death etc., individuals who are willing to work in a high-risk environment move in. Thus, street dealing becomes more volatile and violent (Rasmussen, Benson, and Sollars, 1993; Maher and Dixon, 1999; Burt, 2011).

Another unintended consequence that increases the likelihood of witness intimidation for individuals providing critical testimony against drug dealers and gangs involved in drug activity are the mandatory minimum sentencing guidelines for drug offenders have resulted in a massive growth in the prison population (Pettit 2004). There was a dramatic rise in incarceration rates following the implementation of mandatory sentencing policies by many states beginning in the 1980s. Most notably, the incarceration of drug offenders in the United States has generated substantial racial disparities in incarceration rates. Meierhoefer, 1992; Mascharka, 200; Caulkins, Rydell, Schwabe , Chiesa, 1997). Due to the stiff penalties for drug distribution, trafficking, and manufacturing criminal justice professionals realize that the stakes are high for witnesses cooperating in these types of cases, yet, the stakes can be even higher for drug purveyors. For example, for first time offenders transporting into Virginia one or more ounces of Cocaine and five or more pounds of Marijuana with intent to sell or distribute carries a penalty of five to 40 years and fines up to \$500,000. Convictions for trafficking Heroin, (100 grams or more), Cocaine, (500 grams or more), and Methamphetamine (10 grams or more) are punishable by imprisonment of 5 years to life and fines up to \$1 million. Additionally, the increasingly popular use of Schedule III and IV drugs (i.e. prescription drugs) such as Hydrocodone, Codeine, Darvon, Valium, Vicodin, Xanax, to name a few, as well as, other forms of tranquilizers will net up to 12 months in jail and fines up to \$2,500 (Virginia Criminal Sentencing Commission, 2011). There is no exaggerating the heightened probability of witness intimidation in these type of cases when the potential threat to freedom, the loss of lucrative income, and the implication of others is

a concern. Thus, it stands to reason that criminal justice professionals who work in this field face tremendous challenges in fostering cooperation of reluctant and intimidated witnesses when their safety is at issue.

Oddly enough, the intimidated witness and the drug purveyor's vulnerability is synonymous to some extent. For example, aside from the devastating addiction factors that impact drug abusers at the core of this epidemic is the enduring and profitable drug distribution efforts on the part of everyday drug dealers and some gangs. Conversely, due to their chosen professions these groups become both volatile and vulnerable. Volatile in that they will use the power of addiction, the lure of money, and the threat of harm over others by any means necessary to maintain or enhance their status quo. They are vulnerable because the same individuals that are enticed to participate in the manufacturing, distribution, sale, and use of illicit drugs, ironically are the same individuals that criminal justice professionals rely on to provide essential information on these illegal activities so that they can be apprehended and prosecuted. One of the findings from a series of 15 studies that included various states such as Florida and New York, the authors observed that, as dealers exited the illicit drug market as a result of death or incarceration, individuals willing to work in a high-risk environment entered, and street dealing thereby became more volatile. Further, the authors noted that the increased volatility associated with street dealing resulted in a higher number of violent disputes, which have contributed to an increase in murders and nonfatal shootings among individuals involved in the illicit drug trade (International Centre for Science in Drug Policy (ICS DP), 2010).

Secondly, the drug abusers' addiction can lead them to commit violent crimes as a means to fund their drug use. Studies have reported a relationship between drug abuse and other criminal offenses, including violent crime. Case studies of offenders who have committed

violent crimes such as homicide and robbery indicated that drug abuse is often a critical factor. Evidence from these studies suggests that, higher rates of violence are associated with more frequent drug abuse (Chermack, 2002).

The findings also revealed that the frontline criminal justice professionals who work with intimidated witnesses have constructive attitudes towards assisting the population of vulnerable individuals during what must be one of the most difficult periods of their lives. Unfortunately, the likelihood of their agencies' responsiveness towards intimidated witnesses involved in crimes other than homicide or aggravated assault is minimal at best. Less than 28 percent of the respondents indicated that their agencies would provide relocation assistance in cases involving rape, gangs, drugs, robbery, drive- by shooting, stalking, and domestic violence, as opposed to, assisting intimidated witnesses to homicides (87%) and aggravated assaults (68%) cases. This is note worthy given the fact that drug and gang activity are two of the leading crimes in which intimidation is likely to occur. The interviewees agreed that the type of threat was an indicator of the level of security that might be required; however, they did not disclose what type of cases if any that they would assist in relocating an intimidated witness.

Seventy percent of the respondents to the survey agreed that immediate relocation was an effective means of providing protect for a witness and 85 percent indicated the permanent relocation was the most effective way to ensure their safety. In jurisdictions that have active witness programs one of the most effective ways to protect a witness is to relocated. The best scenario when having to relocate a witness is to move them out of town. Witness relocation is a critical component of all serious witness security efforts. Many police investigators and prosecutors consider secure relocation to be the single most reliable protection for witnesses in urban, suburban, and rural areas. However, lack of funds and personnel and problems related to

managing relocated witnesses make it difficult for most jurisdictions to use relocation as often as they would like (Connick and Davis,1993). This supports the findings of this study as the responses of the online survey participants, as well as, the interviewees mirrors this assertion.

Over 73 percent of the online participants indicated that limited funds hindered witness program initiatives, whereby four out of the five interviewees indicated that resources were insufficient. In many cases relocation will include more than just the witness; it can involve an entire household if there are dependents such as, children or a parent that lives with the witness. Permanent moves will typically include a temporary housing situation until arrangements can be made for a permanent setting. As noted by the law enforcement administrator, \$2,000 per month was allocated towards the temporary and permanent relocation of intimidated witnesses. Twenty-four hour surveillance of witnesses is not an option for local law enforcement agencies, however, typically the detective assigned who is one of a limited group who knows the whereabouts of the witness will maintain daily communication with the witness. The majority of respondents also agreed that while in protective custody food expenses, personal expenses, and other needs should be covered by the program, which can become a tremendous strain on limited resources for most programs. Based on the findings, one administrator indicated that the annual budget for that witness program was \$50,000. However, the chief of police from Region A stated that other costs associated with this activity must also be considered in addition to just the witness' expenses to evaluate the costly expense of protecting intimidated witnesses. Accordingly, reliable data concerning the use of funds and program effectiveness are important in securing, renewing, or increasing funding (Henderson, 1991). Despite the importance of record maintenance less than 34 percent of the respondents indicated that records were maintained

regarding program expenses, program evaluations, man-hours, the effectiveness of collaborations with outside agencies witnesses, etc., with respect to witness program activities.

More than 79 percent of the respondents indicated that judges should be informed about cases involving witness intimidation in cases before them; however, less than 30 percent of the respondents indicated that judges were informed or that they made accommodations for intimidated witnesses during a trial. Not only was this surprising, but it was a clear indication that typically judges were not informed consistently by the participants about intimidation issues prior to trials in any of the jurisdictions. Judges have wide latitude in maintaining courtroom security. Judges can take action on their own to remove gang members or other intimidating spectators from the courtroom or, in extreme cases close the courtroom and if approached properly by the prosecutor (Connick and Davis, 1983). The lack of action on the part of the respondents to inform the judges was interesting given the fact that during many criminal trials prosecutors and detectives go to great lengths to ensure that their witnesses are secluded to avoid any contact with the defendant or their associates. Courtroom intimidation is a common occurrence in many trials involving violent crime in which someone was severely injured, murdered or involving drugs and gangs. Gang members often attend trials of other members to show support for the defendant(s) and to send a message to witness(es) and the jury. Educating judges and court personnel is a necessary step in minimizing courtroom intimidation and ensuring courtroom security (Saltzman,2006).

The concluding analysis of this research provides a clear indication that there exists a lack of understanding regarding the impact of witness intimidation on members of the community and the criminal justice system. This is noted by the consistency in commitment by criminal justice agencies and legislative bodies to develop, fund, and maintain effective

initiatives to address the problem of witness intimidation. Where there is intimidation, there must be immediate and comprehensive responses to the issue. Witness intimidation strikes at the root of the criminal justice system by denying critical evidence in criminal investigations and prosecutions, thus, undermining the confidence of the public in criminal justice agencies' ability to protect citizens (Finn and Healy, 1996).

In an effort to marginalize the effect that witness intimidation has on individuals cooperating in local criminal cases, criminal justice professionals across the country must develop supportive infrastructures for witness programs designed to assist intimidated witnesses. This infrastructure should be collaborative efforts among criminal justice professionals, legislators, public agencies and members of the community. The goals of these collaborative efforts should include understanding that witness intimidation is a public safety issue that impacts all members of a free society, developing comprehensive plans, guidelines and legislation to address effectively address the problems associated with witness intimidation, in addition to, securing the required resources, funding and support to establish and maintain witness programs. Even though witness programs are expensive, the costs are minor in comparison with the programs' contribution to protecting intimidated witnesses and improving the likelihood of convictions.

Criminal justice professionals are facing tremendous challenges addressing the consequences of the rise in witness intimidation in many local jurisdictions across the country. Today those challenges included the increase in violence as the result of the proliferation of drugs, gangs, and guns that have infiltrated communities. Criminal justice professionals are also challenged in fostering cooperation from more culturally diverse communities that at times the members of those communities are reluctant to cooperate or distrust law enforcement. Lastly,



criminal justice professionals are more so challenged by the expectations that they are truly able to protect and serve the public when it is most needed.

## Limitations

Limitations to the study were the small population and use of ordinal data. While the researcher expressed the caution of generalizing from these findings, the information can be valuable in evaluating witness programs in similar areas and can be the foundation for a larger study on this issue. Likewise, using ordinal data limited the statistical test options. Therefore, future studies should collect higher level data to expand statistical options. In addition, one of the regions invited to participate dropped out of the study and there was some unwillingness on the part of a couple of interviewees to discuss the topic. Lastly, Region B did not have an active program and the law enforcement administrator's witness program was defunded.

## Recommendations

As a criminal justice practitioner with over 13 years of experience working with intimidated witnesses I suggest the following recommendations to development of a framework for local criminal justice agencies establishing a witness program in their jurisdiction. The program objective should incorporate prudent, practical, and attainable goals to address the needs of intimidated witness. The goal of a witness program should be to ensure that adequate provisions such as security, financial, and relocation assistance is available to intimidated witnesses who are cooperating with criminal justice agencies with respect to criminal investigations and the adjudication of criminal cases. The anticipated outcomes resulting from these recommendations are to:

- Provide a safer environment for intimidated witnesses by minimizing trauma inflicted due to threats of harm as the result their relationship to the crime (i.e. victim, primary witness, and third-party witness).

- Remedy the existing gaps within the coordination of agencies and services in order to meet the time sensitive needs of intimidated witnesses.
- Increase clearance rates and successful prosecution of violent crime cases.
- Increase citizen participation in the investigation and prosecution of criminal cases.
- Increase public confidence in local level law enforcement agencies' ability to protect them and adequately address the crime in their communities.

**Program Objectives** - The objectives these recommendations are intended to establish a comprehensive and structured inter/intra agency team approach to effectively and efficiently alleviate the trauma and devastating effects of witness intimidation. The types of crimes that the witness assistance program objectives will address are as follows: homicide (adult/juvenile), aggravated assault/ malicious wounding (adult/juvenile), rape (adult/juvenile), and sexual assault (adult/juvenile).

**Collaborative Partnerships** - A comprehensive collaboration of professionals should coordinate efforts to effectively and efficiently address the needs and issues associated with witness intimidation, witness protection, and witness relocation. The establishment of a comprehensive network of criminal justice professionals, public and private sector professionals should be established developed to create a supportive infrastructure for witness program initiatives designed to assist intimidated witnesses.

**Policy and Protocols** - Policies and protocols should be designed to address and meet the essential needs of intimidated witnesses in terms of providing appropriate security, financial assistance, in addition to, short and long term housing needs. This team should develop clearly defined policies and protocols within their own network that will allow cases involving intimidated witnesses to take priority and be expedited outside of their respective processes when

needed.

**Funding** - To secure sufficient funding key players such as, criminal justice administrators and legislators must be committed to addressing issues surrounding witness intimidation. They must also understand the challenges that criminal justice agencies when sufficient allocation of funds are not available to carryout witness program objectives.

**Training** - Multi-disciplinary training curricula should be developed and offered to criminal justice practitioners, judges, medical/mental health professionals and public sector professionals who work with the special needs of intimidated individuals and families.

**Evaluation** - Measurable benchmarks must be established to assess the achievement, efficiency, and effectiveness in meeting program objectives. Program objectives would include but are not limited to, successfully removing an intimidated witness from a threat in a timely manner, increase in clearance rates and the successful prosecution of violent crime cases involving intimidated witnesses.

**Community Outreach** - A component of the project should include encouraging citizens to take an active role in their neighborhoods by working with criminal justice professionals in developing strategies to combat crime and adopting committed efforts in making their communities safer environments.

### **Additional Recommendations**

- Developing effective measures to assess the need to assist intimidated victims or witnesses regardless of the offense
- Develop comprehensive intervention strategies
- Initiate the appropriate responses to intimidation

- Understand that intimidation impacts communities far beyond the typical gang and drug-related crimes, intimidation is a prevailing problem in cases of domestic violence; racial, gender, and cultural bias; sexual offenses; as well as, child and elder abuse.
- Solicit legislative and community support to obtain and maintain sufficient funding and resources to effectively respond to the needs of intimidated.
- Establish beneficial alliances and strong partnerships with other public and private entities to effectively support program objectives expeditiously to address intimidation when the need arises.
- Be cognizant of the impact that violent crime has on the children and adolescents
- Be informed of the policies, procedures and activities of your agency and now you is doing what in terms of those policies, procedures and activities.
- Realize when policies and processes do not adequately address the problems, reach the goals or meet the plan objectives sufficiently.
- Know the law and your limitations.
- Be prepared for crisis intervention
- Know your resources

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## APPENDICES

## APPENDIX A

### Criminal Justice Professionals' Survey Questionnaire

## Criminal Justice Professionals' Survey Questionnaire

**Instructions:** Please rate each statement by indicating one of the following: Strongly Agree, Somewhat Agree, Agree, Disagree, Strongly Disagree or No Opinion.

(Survey is comprised of 17 subject questions and 6 demographic questions)

**Research Question1:** Is there a difference among criminal justice professionals opinion about intimidated witnesses issues based on their occupational role?

<b>H<sub>1</sub></b>		Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
<b>1</b>	<b>There is a need for a witness protection program in your locality.</b>					
<b>H<sub>1</sub></b>		Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
<b>2</b>	<b>Witness intimidation is most likely to occur in cases involving:</b>					
	Homicide					
	Rape					
	Assault (Aggravated/ Malicious Wounding)					
	Gangs					
	Drug trafficking					
	Robbery					
	Domestic Violence					
<b>H<sub>1</sub></b>		Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
<b>3</b>	<b>The following types of threats against an intimidated witness should be responded to with witness relocation activities if the following types of intimidation occur:</b>					
	Perceived threat by the witness					
	Harassing calls					
	Assault on a witness					
	Assault on a family member of the witness					
	Drive-by shooting					
	Vandalism					
	Stalking					

<b>H<sub>1</sub></b> <b>4</b>	<b>Intimidated witnesses should be provided assistance with which of the following:</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>No Opinion</b>
	Lodging					
	Money for food					
	Money for daily incidentals (e.g. personal hygiene products, diapers, food & milk for young children, etc.)					
	Transportation					
	Medical/Mental Health Treatment (e.g. injury due to the initial criminal event, post-traumatic stress, substance abuse, etc.)					
	Permanent relocation expense money					
	Help with finding housing					
	Employer Intervention					
	School Transfer Assistance (e.g. facilitate a home school tutorial plan or school transfer for school age children of intimidated victims/witness)					
<b>H<sub>2</sub></b> <b>5</b>	<b>Judges should be informed about intimidated witnesses testifying in cases before them.</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>No Opinion</b>
<b>H<sub>2</sub></b> <b>6</b>	<b>Violent crime cases without witnesses are less likely to end with convictions.</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>No Opinion</b>

**Research Question 2:** Is there a role for the criminal justice system in assisting intimidated witnesses in local jurisdictions?

<b>H<sub>2</sub></b> <b>7</b>	<b>Immediate relocation is the most effective way to protect an intimidated witness.</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>No Opinion</b>
<b>H<sub>2</sub></b> <b>8</b>	<b>Intimidated witnesses should rely on their own resources if they need to move as a result of their cooperation with investigations or prosecutions.</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>No Opinion</b>



<b>H<sub>2</sub></b> <b>9</b>	<b>The criminal justice system should provide assistance to intimidated witnesses cooperating in criminal cases at all... cost... to keep them safe.</b>	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
<b>H<sub>2</sub></b> <b>10</b>	<b>Your agency is most likely to provide witness relocation assistance in cases involving:</b>	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
	Homicide					
	Rape					
	Assault (Aggravated/ Malicious Wounding)					
	Gangs					
	Drug trafficking					
	Robbery					
	Domestic Violence					
<b>H<sub>2</sub></b> <b>11</b>	<b>Judges are informed of cases before them involving witness intimidation.</b>	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
<b>H<sub>2</sub></b> <b>12</b>	<b>Judges are likely to make special accommodations for intimidated witnesses during a trial.</b>	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion

**Research Question 3:** Do allocated resources limit the types of crimes that are eligible for witness protection assistance?

<b>H<sub>3</sub></b> <b>13</b>	<b>Limited resources hinder your agency/department's ability to protect intimidated witnesses in cases other than homicides.</b>	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
<b>H<sub>3</sub></b> <b>14</b>	<b>Your agency/department allocates sufficient resources to accommodate the needs of intimidated witnesses.</b>	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion

H <sub>3</sub>	There are greater amounts of resources available for witness protection activities in cases involving money generating crimes such as, drugs, guns, and human – trafficking.	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
15						

**Research Question 4:** Are there evaluative processes of current policies and procedures regarding the witness protection program?

H <sub>4</sub>	Your agency maintains its own written or computerized files with the following information to evaluate the effectiveness of witness program objectives.	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
16						
	Name of intimidated witness(es) cross-referenced to cases					
	Type of intimidation					
	Agency/Inter-agency collaboration					
	Action take by agency (e.g. lodge, compensation, relocation, etc.)					
	Record of expenses					
	Record of man-hours associated with protection activities					
	No files are maintained specific to intimidated witnesses					
	Case review meetings					
	Personnel training and review					
H <sub>4</sub>	During the past 12 month period you or your agency evaluated the response from outside agencies when carrying out witness protection activities.	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
17						
	Local police department					
	State Police					
	Federal law enforcement					
	Prosecutor's office					
	Courts					
	Victim Services					
	Social Services					
	Local Housing Authority					
	Private Sector Housing Companies					
	Community at large					

## Demographic Characteristics

1	What category best describes your profession?	2	Male	Female
	Police Officer			
	Prosecutor			
	Commonwealth Attorney			
	Chief of Police			
3	Which category best describes you:			
	Causasian/White, not of Hispanic origin			
	African American/Black, not of Hispanic origin			
	Hispanic origin			
	American Indian/ Asian/Pacific Islander			
4				
	30 years old or younger			
	31 yrs. - 40 yrs.			
	41 yrs. - 50 yrs.			
	51 yrs. - 60 yrs.			
	Over 61 years old			

5	Which best describes your educational background? Check one	Check one
	High school / GED graduate	
	Some college	
	Four-year college degree	
	Graduate/Post Graduate degree	

6	What best describes your length of employment with your current employer?	Check one
	Less than 5 years	
	5 years, but less than 10 years.	
	10 years, but less than 15 years	
	15 years or more	

## Appendix B

### Chief Administrators' Questionnaire

## **Administrator's Interview Questions:**

Agency/Department: \_\_\_\_\_

I will be asking about budgetary issues regarding witness protection activities, so if you could have that information available it would be greatly appreciated.

### **I. The 4 questions in this section are about the status of the program.**

1. Does your locality have a problem with witness intimidation in criminal cases?
2. Is there a structured witness program? Please describe.
3. Who manages witness protection activities in your locality?
4. Has your agency/department been involved with a witness intimidation case or provided services to assist an intimidated witness in the past 2 years? If yes, please describe.

### **II. The following 6 questions in this section focus on issues regarding witness intimidation.**

5. What is the impact of witness intimidation on community involvement in reporting crime and providing evidence in criminal cases?

**I will read you a few statements, tell me if you Strongly Agree, Agree, Disagree, Strongly Disagree with them.**

6. When thinking about the level of security for the witness, it be based on the type of threat?
7. When thinking about the level of security for the witness, it should be based on the type of case?

8. When thinking about the level of security for the witness, should it be based on the reputation, criminal background, or relationship of person(s) making the threat?
9. Victims or witnesses who know or have a relationship with the offender are at greater risk of being intimidated.
10. Victims or witnesses who live in close proximity to the event or the offender are at greater risk of being intimidated.

**III. The next 8 questions are regarding your agency responses to witness intimidation.**

11. During the past 2 years, did your agency or department receive any complaints about intimidation relating to criminal cases? If yes, how many? If, no, skip to question 17.
12. What is the average cost of providing the following assistance to intimidated witnesses in protective custody based on the preceding responses?
  - a. \$\_\_\_\_\_.00 lodging
  - b. \$\_\_\_\_\_.00 food
  - c. \$\_\_\_\_\_.00 travel
  - d. \$\_\_\_\_\_.00 other (Describe)
13. What is the average length of time needed to relocate an intimidated witness?
14. During the past 12 month period indicate which of the following agencies/departments you or your agency solicited assistance from to help with an intimidated witness?

- \_\_\_ 1) Local police department
- \_\_\_ 2) State Police
- \_\_\_ 3) Federal law enforcement
- \_\_\_ 4) Prosecutor's office
- \_\_\_ 5) Judges
- \_\_\_ 6) Victim/Witness Services
- \_\_\_ 7) Social Services

- \_\_\_\_ 8) Local housing authority  
\_\_\_\_ 9) Businesses  
\_\_\_\_ 10) Other/Explain: \_\_\_\_\_

15. Are there a set protocols established with any of the above agencies to expedite the assistance given to intimidated witnesses?
16. Does your agency/department have written policies/guidelines outlining criteria and protocols for administering witness protection activities?

**IV. The final 5 questions focus on the allocation of funds for witness intimidation activities.**

17. What is the funding source of money allocated towards witness protection activities?
18. What is the current annual budget of your agency or department?  
\$\_\_\_\_\_.
19. What amount or percentage of your agency's budget is allocated toward witness protection activities?
20. Are these allocations sufficient for this type of activity in your area?
21. Who holds the decision-making authority in the allocation of funds directed towards witness protection activities?

Is there anything that you would like to add?

**Your input is greatly appreciated.**



## Appendix C

### Criminal Justice Professionals' Variable Matrix

### Criminal Justice Professionals' Variable Matrix

**Research Question1:** Is there a difference among criminal justice professionals opinions about intimidated witnesses issues based on their occupational role?

Variable Name	Variable Label	Page
PRGMNEED	Need for protection program in your locality.	<b>RQ1-</b> p. 1
INTMHOM INTMSEX INTMMW INTMGANG INTMDRUG INTMROB INTMDV	Witness intimidation is most likely to occur in cases involving: <i>"Witness intimidation in homicide cases"</i> <i>"Witness intimidation in sexual assault cases"</i> <i>"Witness intimidation in malicious wounding cases"</i> <i>"Witness intimidation in gang related cases"</i> <i>"Witness intimidation in drug trafficking cases"</i> <i>"Witness intimidation in robbery cases"</i> <i>"Witness intimidation in domestic violence cases"</i>	<b>RQ1 .</b> p.1
RESPACTV THRTPERC THRTCALL THRTASLT THRTFAM THRTDRIV THRTVAND THRTSTAL	The following types of threats should be responded to with protection activities: <i>" Protection for perceived threat by witness"</i> <i>" Protection for harassing calls to witness"</i> <i>" Protection for assaulting the witness"</i> <i>" Protection for assaulting witness' family member"</i> <i>" Protection for drive-by shooting"</i> <i>" Protection for vandalism of witness property"</i> <i>" Protection for stalking witness"</i>	<b>RQ1-</b> p. 1

AGNYASST	Intimidated witnesses who have to be relocated should be provided assistance with the following: <i>“Assistance with temporary lodging”</i> <i>“Assistance with food”</i> <i>“Assistance with money”</i> <i>“Assistance with transportation”</i> <i>“Assistance with medical/mental health treatment”</i> <i>“Assistance with permanent relocation”</i> <i>“Assistance with employment intervention”</i> <i>“Assistance with school placement”</i> <i>“Witness must obtain assistance”</i>	<b>RQ1</b> - p. 1
AGNYLODG		
AGNYFOOD		
AGNYCASH		
AGNYTRAN		
AGNYMED		
AGNYHOUS		
AGNYEMPL		
AGNYEDU		
AGNYNONE		
INFOJUDG	“Judges should be informed about witness intimidation”	
WITFAIL	“Cases without witness likely to fail”	

**Research Question 2:** Is there a role for the criminal justice system in assisting intimidated witnesses?

EFECPROT	“Immediate relocation is effective way to protect a witness”	<b>RQ2</b> -p. 2
WITRESRC	“Witness rely on own resources to relocate”	<b>RQ2</b> -p. 2
COSTASST	“Cost to criminal justice system to protect intimidated witnesses”	<b>RQ2</b> - p. 2
RELOHOM	Agencies most likely to assist with witness relocation in cases involving: <i>“Relocation in cases involving homicide”</i> <i>“Relocation in cases involving rape”</i> <i>“Relocation in cases involving malicious wounding”</i> <i>“Relocation in cases involving gangs”</i> <i>“Relocation in cases involving drug trafficking”</i> <i>“Relocation in cases involving robbery”</i> <i>“Relocation in cases involving domestic violence”</i>	<b>RQ2</b> -p. 2
RELORAPE		
RELOMW		
RELOGANG		
RELODRUG		
RELOROBB		
RELODV		
JUDGINFO	“Judges informed of cases involving witness intimidation”	<b>RQ2</b> -p. 2
JUDGASST	“Judges to accommodate intimidated witness during trial”	<b>RQ2</b> - p. 2

**Research Question 3:** Do allocated resources limit the types of crimes that are eligible for witness protection assistance?

LIMTRES	“Limited resources for all intimidated witnesses”	<b>RQ3</b> _ p. 2
AGNCYRES	“Agency resources to cover witnesses’ needs”	<b>RQ3</b> _ p. 2
RESDRUG RESGUN RESHUMA	“Greater resources for drug offenses” “Greater resources for gun trafficking offenses” “Greater resources for human-trafficking offenses”	<b>RQ3</b> _ p. 2

**Research Question 4:** Are there evaluative processes of current policies and procedures regarding the witness protection program?

PRGMEVAL PRMGMEMB PRGMREPS PRGMHRS PRGMGOAL	Your agency maintains its own written or computerized files with the following information to evaluate the effectiveness of witness program objectives: Offender/Witness cross-reference, “Action taken to respond to needs of witness” “Man-hours devoted to meeting program objectives” “ Program out comes”	<b>RQ4</b> . p. 3
ANGYAID ANGYLLAW AGNYVALE AGNYFEDS AGNYCA AGNYJUDG AGNYVW AGNYSS AGNYLHA AGNYEDU	During the past 12 month period you or your agency evaluated the response from outside agencies when carrying out witness protection activities: “Local police department” “State Police” “Federal Law Enforcement” “Prosecutor’s Office” “Judges” “Victim –Witness Assistance” “Social Services” “Local Housing Authority” “Schools”	<b>RQ4</b> . p. 3

AGNYBUSI AGNYCOMM	“Business Community” “Community –at-Large”	
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## APPENDIX D

### Administrators' Variable Matrix

## ADMINISTRATOR'S QUESTION VARIABLE MATRIX

Variable Name	Variable Label		Page
<b>SEC I</b>	<b>4 Questions</b>		
INTMLOCA	Does your locality have a problem with witness intimidation?	Open-end	Q1 P.1
PRGMSTRC	Is there a structured program?	Open-end	Q2 P.1
PRGMMGR	“Who manages witness protection activities”	Open-end	Q3 P.1
ANCYSVCS	“Has agency provided services to assist witnesses”	Open-end	Q4 P.1
<b>SEC. II</b>	<b>6 Questions</b>		
IMPTCRIM	“ impact of witness intimidation on community” reporting crimes”	Open-end	Q5 P.1
SECUTHRT	“security be based on the type of threat”	A, SA D, SD	Q6 P.1
SECUCASE	“security be based on the type of case”	A, SA D, SD	Q7 P.1
SECUHIST	“security be based on the criminal history of offender”	A, SA D, SD	Q8 P.1
RELARISK	“ relationship to the offender determines risk of being intimidated”	A, SA D, SD	Q9 P.1
LIVCLOSE	‘living in close proximity to crime/offender greater risk of being intimidated”	A, SA D, SD	Q10 P.1

<b>SEC III.</b>	<b>6 Questions</b>		
INTCOMPL	“agency/ department receive complaints about intimidation” If yes, how many? If no, skip to 17.	Open-end	Q11 P.2
COSTASST	“average cost of providing the assistance”	Open-end	Q12 P.2
COSTLODG	“cost of lodging”		
COSTFOOD	“cost of food”		
COSTTRAV	“cost of travel”		
COSTOTHR	“cost of other”		
TIMERELO	“ average time needed to relocate an intimidated witness”	Open-end	Q13 P.2
EXTLASST	During the past 12 month period indicate which of the following agencies/departments were solicited for assistance:	Choice	Q14 P.2
ASSTLLAW	“assistance from local police department”		
ASSTSTAT	“assistance from State Police”		
ASSTFED	“assistance from Federal Law Enforcement”		
ASSTCA	“assistance from prosecutor’s office”		
ASSTJUDG	“assistance from Judges”		
ASSTVW	“assistance from Victim –Witness Assistance”		
ASSTSS	“assistance from Social Services”		
ASSTHA	“assistance from local housing authority”		
ASSTEDU	“assistance from schools”		
ASSTBUSI	“assistance from business community”		
ASSTCOMM	“assistance from neighborhood associations”		
ESTBPRCO	“ protocols established with agencies to expedite the assistance”		Q15 P.2



WRITPROC	“written policies/guidelines establishing protocols for witness protection activities”		Q16 P.2
<b>SEC. IV</b>	<b>5 Questions</b>		
FUNSOURC	“funding source for witness protection activities”	Open-end	Q17 P.2
YRBUDGET	“what is the current annual budget of your agency or department?” \$_____.	Open-end	Q18 P.2
PCENTALO	“percentage of agency’s budget allocated towards witness protection activities”	Open-end	Q19 P.2
SUFFALOC	“are these allocations sufficient for this type of activity in your area”	Open-end	Q20 P.2
AUTHALOC	“who holds the authority to allocate funds for witness program”	Open-end	Q21 P.2

## APPENDIX E

### Research Synopsis

#### Four Broad Questions:

- 1) Is witness intimidation a serious problem with regards to violent crime in local jurisdictions?
- 2) Are local level criminal justice professionals addressing witness intimidation?
- 3) What variables impact criminal justice professionals' attitudes towards intimidated witnesses?
- 4) Are the processes and responses by criminal justice professionals to the problem of witness intimidation effective?

#### Why and Who?

The purpose of this study is to examine criminal justice professionals' attitudes and responsiveness towards intimidated witnesses to determine if the needs of this vulnerable population are being met effectively.

#### Collection of Data:

- The data for the study will come from criminal justice professionals having direct contact with or knowledge of intimidated witnesses.
- Two hundred respondents from three of Virginia's most populous, demographically analogous geographic areas referred to as regions A and B to maintain anonymity will participate in the study.
- The selected areas are confronted with a variety of violent crimes impacted by economic disparity, unemployment, and racial diversity as are most cities in the United States.
- Specifically, the data for the study will come from three primary sources, major crime detectives, prosecutors, and chief administrators of those respective agencies.
- The data will be collected by conducting, 1) a self-report on-line survey and 2) in-depth interviews.

- The on-line survey will be administered to law enforcement officers and prosecutors. The on-line service provider Question Pro will collect the survey data administered.
- The first and second set of respondents to be surveyed work in the role of lead detective or prosecutor in regards to major crimes. Major crimes include homicide, violent crimes, narcotics trafficking, and gangs.
- This group was selected for the on-line survey because of the large number of respondents and the convenience of being able to access the survey given the varying work schedules of most law enforcement and prosecutorial personnel.
- The third set of respondents includes the chiefs of police and the commonwealth attorneys from the three localities and they will participate in in-depth interviews.
- The Superintendent of the Virginia State Police will be included with the third set of respondents (although call the Superintendent, to keep anonymity no other job title except Chief will be used).

## APPENDIX F

### Hypotheses

## **Research Question 1**

*Is there a difference among criminal justice professionals' opinions about intimidated witnesses issues based on their occupational role?*

### **Hypothesis 1**

The first hypothesis is that detectives are more likely to agree with the statement “there is a need for a witness protection program in your locality” than are prosecutors.

### **Hypothesis 2**

The second hypothesis is that detectives and prosecutors are likely to agree with the statement “witness intimidation is most likely to occur in homicide cases” than are prosecutors.

### **Hypothesis 3**

The third hypothesis is that detectives are more likely to disagree with the statement “witness intimidation is most likely to occur in rape cases” than are prosecutors.

### **Hypothesis 4**

The fourth hypothesis is that detectives are more likely to disagree with the statement “witness intimidation is most likely to occur in aggravated assault/malicious wounding cases” than are prosecutors.

### **Hypothesis 5**

The fifth hypothesis is that detectives are more likely to agree with the statement “witness intimidation is most likely to occur in gang cases” than are prosecutors.

### **Hypothesis 6**

The sixth hypothesis is that detectives are more likely to agree with the statement “witness intimidation is most likely to occur in drug trafficking cases” than are prosecutors.

### **Hypothesis 7**

The seventh hypothesis is that detectives are more likely to disagree with the statement “witness intimidation is most likely to occur in robbery cases” than are prosecutors.

### **Hypothesis 8**

The eighth hypothesis is that detectives are more likely to disagree with the statement “witness intimidation is most likely to occur in domestic violence cases” than are prosecutors.

### **Hypothesis 9**

The ninth hypothesis is that prosecutors are more likely to agree with the statement “witness relocation activities should be initiated if a witness perceives a threat to be real” than are detectives.

### **Hypothesis 10**

The tenth hypothesis is that prosecutors are more likely to disagree with the statement “witness relocation activities should be initiated if witnesses receive harassing calls” than are detectives.

### **Hypothesis 11**

The eleventh hypothesis is that detectives are more likely to agree with the statement “witness relocation activities should be initiated if a witness is assaulted” than are prosecutors.

### **Hypothesis 12**

The twelfth hypothesis is that prosecutors are more likely to disagree with the statement “witness relocation activities should be initiated if a witness’ family member is assaulted” than are detectives.

### **Hypothesis 13**

The thirteenth hypothesis is that prosecutors are more likely to disagree with the statement “witness relocation activities should be initiated if a witness is uninjured during a drive by shooting” than are detectives.

### **Hypothesis 14**

The fourth-teeth hypothesis is that prosecutors are more likely to agree with the statement “witness relocation activities should be initiated if the witness’ property is vandalized” than are detectives.

### **Hypothesis 15**

The fifth tenth hypothesis is that prosecutors are more likely to agree with the statement “witness relocation activities should be initiated if a witness is stalked” than are detectives.

### **Hypothesis 16**

The sixteenth hypothesis is that prosecutors are more likely to agree with the statement “witness relocation activities should be initiated if a witness is a victim of domestic violence” than are detectives.

### **Hypothesis 17**

The seventeenth hypothesis is that detectives are more likely to agree with the statement “intimidated witnesses should be provided assistance with temporary lodging” than are prosecutors.

### **Hypothesis 18**

The eighteenth hypothesis is that detectives are more likely to agree with the statement intimidated witnesses should be provided assistance with food expenses” than are prosecutors.

### **Hypothesis 19**

The nineteenth hypothesis is that detectives are more likely to agree with the statement intimidated witnesses should be provided assistance with personal expenses” than are prosecutors.

### **Hypothesis 20**

The twentieth hypothesis is that detectives are more likely to agree with the statement “intimidated witnesses should be provided assistance with transportation” than are prosecutors.

### **Hypothesis 21**

The twenty-first hypothesis is that detectives are more likely to disagree with the statement “intimidated witnesses should be provided assistance with medical/mental health needs resulting from the crime” than are prosecutors.

### **Hypothesis 22**

The twenty-second hypothesis is that detectives are more likely to agree with the statement “intimidated witnesses should be provided assistance with permanent relocation expenses” than are prosecutors.

### **Hypothesis 23**

The twenty-third hypothesis is that detectives are more likely to disagree with the statement “intimidated witnesses should be provided assistance with finding a new residence” than are prosecutors.

### **Hypothesis 24**

The twenty-fourth hypothesis is that detectives are more likely to agree with the statement “intimidated witnesses should be assistance with employer intervention” than are detectives

### **Hypothesis 25**

The twenty-fifth hypothesis is that detectives are more likely to agree with the statement “intimidated witnesses should be assistance with school intervention than are prosecutors.

### **Hypothesis 26**

The twenty-sixth hypothesis is that detectives are more likely to agree with the statement “judges should be informed about intimidated witnesses testifying in case before them” than are prosecutors.

### **Hypothesis 27**



The twenty-seventh hypothesis is that detectives are more likely to agree with the statement “violent crime cases without witnesses are less likely to end with convictions” than are prosecutors.

## Research Question 2

*Is there a role for the criminal justice system in assisting intimidated witnesses in local jurisdictions?*

### Hypothesis 28

The twenty-eighth hypothesis is that prosecutors are more likely to agree with the statement “immediate relocation is the most effective way to protect an intimidated witness” than are detectives.

### Hypothesis 29

The twenty-ninth hypothesis is that prosecutors are more likely to disagree with the statement “intimidated witnesses should rely on their own resources if they need to relocate” than are detectives.

### Hypothesis 30

The thirtieth hypothesis is that detectives are more likely to agree with the statement “the criminal justice system should provide assistance to intimidated witness cooperating in criminal cases at all cost” than are prosecutors.

### Hypothesis 31

The thirty-first hypothesis is that detectives are more likely to agree with the statement “your agency is most likely to provide witness relocation assistance in cases involving a homicide” than are prosecutors.

### Hypothesis 32

The thirty-second hypothesis is that detectives are more likely to disagree with the statement “your agency is most likely to provide witness relocation assistance in cases involving rape” than are prosecutors.

### Hypothesis 33

The thirty-third hypothesis is that is that detectives are more likely to disagree with the statement “your agency is most likely to provide witness relocation assistance in cases involving an aggravated assault” than are prosecutors.

### Hypothesis 34

The thirty-fourth hypothesis is that detectives are more likely to disagree with the statement “your agency is most likely to provide witness relocation assistance in cases involving gangs” than are prosecutors.

#### **Hypothesis 35**

The thirty-fifth hypothesis is that detectives are more likely to disagree with the statement “your agency is most likely to provide witness relocation assistance in cases involving a drug trafficking” than are prosecutors.

#### **Hypothesis 36**

The thirty-sixth hypothesis is that detectives are more likely to disagree with the statement “your agency is most likely to provide witness relocation assistance in cases involving a robbery” than are prosecutors.

#### **Hypothesis 37**

The thirty-seventh hypothesis is that detectives are more likely to disagree with the statement “your agency is most likely to provide witness relocation assistance in cases involving an stalking” than are prosecutors.

#### **Hypothesis 38**

The thirty-eighth hypothesis is that detectives are more likely to disagree with the statement “your agency is most likely to provide witness relocation assistance in cases involving domestic violence” than are prosecutors.

#### **Hypothesis 39**

The thirty-ninth hypothesis is that prosecutors are more likely to disagree with the statement “judges are informed of cases” before them involving witness intimidation” than are detectives.

#### **Hypothesis 40**

The fortieth hypothesis is that prosecutors are more likely to disagree with the statement “judges are likely to make special accommodations” for intimidated witnesses during a trial” than are detectives.

### **Research Question 3**

*Do allocated resources limit the types of crimes that are eligible for witness protection assistance?*

#### **Hypothesis 41**

The forty-first hypothesis is that detectives are more likely to agree with the statement “limited resources restricts your witness protection activities only to witnesses involved in homicide cases” than are prosecutors.

#### **Hypothesis 42**

The forty-second hypothesis is that detectives are more likely to disagree with the statement “your agency has sufficient resources to accommodated the needs of intimidated witnesses” than are prosecutors.

#### **Hypothesis 43**

The forty-third hypothesis is that detectives are more likely to disagree with the statement “there are greater amounts of resources available for witness protection activities for money generating crimes such s drug, gun, and human trafficking” than are prosecutors.

#### **Research Question 4**

*Are there evaluative processes of current policies and procedures regarding the witness protection program?*

#### **Hypothesis 44**

The forty-fourth hypothesis is that detectives are more likely to agree with the statement “to evaluate the effectiveness of witness program objectives your agency/department maintains records cross- referencing names of victims, witnesses, and defendants involved in cases involving witness intimidation” than are prosecutors.

#### **Hypothesis 45**

The forty-fifth hypothesis is that detectives are more likely to agree with the statement “to evaluate the effectiveness of witness program objectives your agency/department maintains information about the type of intimidation initiated against a witness” than are prosecutors.

#### **Hypothesis 46**

The forty-sixth hypothesis is that detectives are more likely to agree with the statement “to evaluate the effectiveness of witness program objectives your agency/department maintains records of agency/inter-agency collaborations” than are prosecutors.

#### **Hypothesis 47**

The forty-seventh hypothesis is that detectives are more likely to agree with the statement “to

evaluate the effectiveness of witness program objectives your agency/department maintains a record of the response/action taken regarding protection activities” than are prosecutors.

#### **Hypothesis 48**

The forty-eighth hypothesis is that detectives are more likely to agree with the statement “to evaluate the effectiveness of witness program objectives your agency/department maintains a record of expenses associated with protection activities” than are prosecutors.

#### **Hypothesis 49**

The forty-ninth hypothesis is that detectives are more likely to agree with the statement “to evaluate the effectiveness of witness program objectives your agency/department maintains a record of the man-hours associated with witness protection activities” than are prosecutors

#### **Hypothesis 50**

The fiftieth hypothesis is that detectives are more likely to disagree with the statement “no records are maintained specific to intimidated witnesses to evaluate the effectiveness of meeting witness program objectives” than are prosecutors

#### **Hypothesis 51**

The fifty-first hypothesis is that detectives are more likely to agree with the statement “to evaluate the effectiveness of witness program objectives your agency/department maintains a record of case review meetings” than are prosecutors.

#### **Hypothesis 52**

The fifty-second hypothesis is that detectives are more likely to agree with the statement “to evaluate the effectiveness of witness program objectives your agency/department maintains a record of trainings and evaluations” than are prosecutors.

#### **Hypothesis 53**

The fifty- third hypothesis is that prosecutors are more likely to agree with the statement “during the past 12 month period you or your agency/department has evaluated the assistance received from a local law enforcement agency” than are prosecutors.

#### **Hypothesis 54**

The fifty-fourth hypothesis is that detectives are more likely to agree with the statement “during the past 12 month period you or your agency/department has evaluated the assistance received from a State Police” than are prosecutors.

#### **Hypothesis 55**

The fifty-fifth hypothesis is that detectives are more likely to agree with the statement “during

the past 12 month period you or your agency/department has evaluated assistance received from federal law enforcement” than are prosecutors

#### **Hypothesis 56**

The fifty-sixth hypothesis is that detectives are more likely to agree with the statement “during the past 12 month period you or your agency/department has evaluated assistance received from the prosecutor’s office” than are prosecutors.

#### **Hypothesis 57**

The fifty-seventh hypothesis is that detectives are more likely to agree with the statement “during the past 12 month period you or your agency/department has evaluated assistance received from the courts” than are prosecutors.

#### **Hypothesis 58**

The fifty-eighth hypothesis is that detectives are more likely to agree with the statement “during the past 12 month period you or your agency/department has evaluated assistance received from the Victim-Witness Assistance Program” than are prosecutors.

#### **Hypothesis 59**

The fifty-ninth hypothesis is that detectives are more likely to agree with the statement “during the past 12 month period you or your agency/department has evaluated assistance received from the Department of Social Services” than are prosecutors.

#### **Hypothesis 60**

The sixtieth hypothesis is that detectives are more likely to agree with the statement “during the past 12 month period you or your agency/department has evaluated assistance received from any public housing authority” than are prosecutors.

#### **Hypothesis 61**

The sixty-first hypothesis is that detectives are more likely to agree with the statement “during the past 12 month period you or your agency/department has evaluated assistance received from the private sector” than are prosecutors.

#### **Hypothesis 62**

The sixty-second hypothesis is that detectives are more likely to agree with the statement “during the past 12 month period you or your agency/department has evaluated assistance received from the community at large” than are prosecutors.

## Administrators' Hypotheses

### I. The 4 questions in this section are about the status of the program.

1. Does your locality have a problem with witness intimidation in criminal cases?

#### H<sub>1</sub>

Police Chiefs are more likely to agree with the statement “witness intimidation is a problem in our locality” than are Commonwealth Attorneys.

2. Is there a structured witness program? Please describe.

#### H<sub>2</sub>

Commonwealth Attorneys are likely to disagree with the statement “there is a structured witness program in our locality” than are Police Chiefs.

3. Who manages witness protection activities in your locality?

#### H<sub>3</sub>

All chief administrators are likely to agree that their police department is responsible for managing witness protection activities.

4. Has your agency/department been involved with a witness intimidation case or provided services to assist an intimidated witness in the past 2 years? If yes, please describe.

#### H<sub>4</sub>

Police Chiefs are likely to agree with the statement “our agency has provided assistants to intimidated witnesses within the past 2 years” than are Commonwealth Attorneys.

### II. The following 6 questions in this section focus on issues regarding witness intimidation.

5. What is the impact of witness intimidation on community involvement

in reporting crime and providing evidence in criminal cases?

**H<sub>5</sub>**

All chief administrators are more likely to agree with the statement “witness intimidation has a negative impact on community involvement in reporting crime in criminal cases”.

6. When thinking about the level of security for the witness protection, it should be based on the type of threat?

**H<sub>6</sub>**

Police Chiefs are more likely to agree with the statement “witness protection should be based on the type of threat lodged against the witness” than Commonwealth Attorneys.

7. When thinking about the level of security for the witness protection, it should be based on the type of case?

**H<sub>7</sub>**

Commonwealth Attorneys are more likely to agree with the statement “witness protection should be based on the type of case” than Police Chiefs.

8. When thinking about the level of security for the witness protection, it should be based on the reputation, criminal background, or relationship of person(s) making the threat?

**H<sub>8</sub>**

Police Chiefs are more likely to agree with the statement “witness protection should be based on the type of case” than Commonwealth Attorneys.

9. Victims or witnesses who know or have a relationship with the offender are at greater risk of being intimidated.

**H<sub>9</sub>**

Police Chiefs are more likely to agree with the statement “witnesses who know the

offender are at greater risks of being intimidated” than Commonwealth Attorneys.

10. Victims or witnesses who live in close proximity to the event or the offender are at greater risk of being intimidated.

**H<sub>10</sub>**

Police Chiefs are more likely to agree with the statement “witnesses who live in close proximity to the event or offender at greater risks of being intimidated” than are Commonwealth Attorneys.

**III. The next 6 questions are regarding your agency responses to witness intimidation.**

11. During the past 2 years, did your agency or department receive any complaints about intimidation relating to criminal cases? If yes, how many? If no, skip to question 17.

**H<sub>11</sub>**

Police Chiefs are more likely to agree with the statement “our agency received complaints about witness intimidation with in the past 2 years” than are Commonwealth Attorneys.

12. What is the average cost of providing the following assistance to intimidated witnesses in protective custody based on the preceding responses? **(Descriptive)**
- a. \$\_\_\_\_\_.00 lodging
  - b. \$\_\_\_\_\_.00 food
  - c. \$\_\_\_\_\_.00 travel
  - d. \$\_\_\_\_\_.00 other
13. What is the average length of time needed to relocate an intimidated witness? **(Descriptive)**
14. During the past 12 month period indicate which of the following agencies/departments you or your agency solicited assistance from to help with an intimidated witness? **(Descriptive)**



- \_\_\_ 1) Local police department
- \_\_\_ 2) State Police
- \_\_\_ 3) Federal law enforcement
- \_\_\_ 4) Prosecutor's office
- \_\_\_ 5) Judges
- \_\_\_ 6) Victim/Witness Services
- \_\_\_ 7) Social Services
- \_\_\_ 8) Local housing authority
- \_\_\_ 9) Businesses
- \_\_\_ 10) Other/Explain: \_\_\_\_\_

15. Are there a set protocols established with any of the above agencies to expedite the assistance given to intimidated witnesses?

**H<sub>15</sub>**

Police Chiefs are more likely to agree with the statement “our agency has established protocols to expedite assistance to intimidated witnesses” than are Commonwealth Attorneys.

16. Does your agency/department have written policies/guidelines outlining criteria and protocols for administering witness protection activities?

**H<sub>16</sub>**

Police Chiefs are more likely to agree with the statement “our agency has written policies outlining criteria for administering witness protection activities” than are Commonwealth Attorneys.

**IV. The final 5 questions focus on the allocation of funds for witness intimidation activities.**

17. What is the funding source of money allocated towards witness protection activities?  
(Descriptive)

18. What is the current annual budget of your agency or department? \$\_\_\_\_\_.  
**(Descriptive)**
19. What amount or percentage of your agency's budget is allocated toward witness protection activities? **(Descriptive)**
20. Are these allocations sufficient for this type of activity in your area? **(Descriptive)**
21. Who holds the decision-making authority in the allocation of funds directed towards witness protection activities? **(Descriptive)**

Is there anything that you would like to add?

Thank you for your time.

## APPENDIX G

## Witness Program Model

## **WITNESS ASSISTANCE PROGRAM MODEL**

The witness assistance program model will be developed to address the security needs of intimidated witnesses cooperating in criminal cases in local jurisdictions throughout the U.S. The goal of the program is to ensure that local jurisdictions can provide adequate provisions such as security, financial, and relocation assistance to intimidated witnesses. The objectives this model will achieve to accomplish that goal is to establish a comprehensive and structured inter/intra agency team approach to effectively and efficiently alleviate the trauma and devastating effects of witness intimidation. The types of crimes that the witness assistance program objectives will address are as follows: homicide (adult/juvenile), aggravated assault/malicious wounding (adult/juvenile), rape (adult/juvenile), and sexual assault (adult/juvenile).

The anticipated outcomes resulting from this program model are to:

- Provide a safer environment for intimidated witnesses by minimizing trauma inflicted due to threats of harm as the result their relationship to the crime (i.e. victim, primary witness, and third-party witness).
- Remedy the existing gaps within the coordination of agencies and services in order to meet the time sensitive needs of intimidated witnesses.
- Increase clearance rates and successful prosecution of violent crime cases.
- Increase citizen participation in the investigation and prosecution of criminal cases.
- Increase public confidence in local level law enforcement agencies' ability to protect them and adequately address the crime in their communities.

Providing a safe environment for the citizenry is one of the primary responsibilities of any criminal justice system. This has become a tremendous challenge for criminal justice professionals specifically in law enforcement due to the rampant violence in communities as a consequence of the proliferation of guns, drugs, gangs, and the low or no economic status of the population in most crime ridden neighborhoods. Germane to the problem of witness intimidation, this program will initiate strategic procedures to ensure that immediate safety assessments of vulnerable witnesses are identified, the appropriate level of security is implemented, and the immediate and long term needs of this population are ascertained.

The success of any program hinges on identifying the strengths and weaknesses of its objectives, resources, procedures, and evaluative measures. The success of any witness protection assistance program requires the aforementioned, in addition to a synergy among several public and private sector partnerships. To achieve this, the appropriate entities must be

identified and the key-players within those entities must be committed to the program's objectives. These entities will establish a comprehensive and structured inter/intra agency team. This team must develop clearly defined protocols that will allow cases involving intimidated witnesses to take priority and be expedited outside of their respective processes. The core group of this team must include public and private sector entities that are able to address and meet the essential needs of intimidated witnesses such as, providing appropriate security, financial assistance, access to communication resources, short and long term housing needs, identification, transportation, a continuing educational component for witnesses with school age children during the transition of a relocation, and providing the appropriate resources for the elderly and disabled.

The witness assistance program will have measurable benchmarks to assess the achievement of several program objectives. One such benchmark will be the efficiency with which an intimidated witness was successfully removed from the threat of harassment, harm, or worse. Another tangible example of achieving program objectives will be reflected in the increase in clearance rates and successful prosecution of violent crime cases involving intimidated witnesses.

This witness assistance program will increase citizen participation by developing and implementing outreach projects. The projects will be designed to disseminate neighborhood specific information about crime, crime prevention, community involvement, law enforcements' role in the community, the criminal justice systems' processes, legal responses to crime, expectations as they relate to the laws and the community, and available resources to assist individuals who are victimized by or witness to a violent crime. Another component of the project will include encouraging citizens to take an active role in their neighborhoods by working with criminal justice professionals in developing strategies to combat crime and adopting committed efforts in making their communities safer environments. In addition, coordinating activities with other local, state, and federal agencies to assist in providing information and make available support services to crime ridden communities.

Public confidence in the criminal justice systems' ability to respond to crime in their community is essential to the system itself. The witness assistance program model provides a framework which incorporates prudent factors required to build and sustain the public's confidence in the criminal justice system. The components of this witness assistance model framework include: assessing community needs; identifying personnel to be trained, including

roles and responsibilities; developing a comprehensive system for program development of public and private sector team members; developing content and a mode for the delivery of training and other activities; identifying and obtaining resources (i.e. personnel, funding, political and public support, etc.) required to achieve program objectives; evaluating training of personnel; assessing outcomes; and enhancing of public awareness.

## Vita

Michon Johnson Moon was born on June 1, 1958, in Richmond, Virginia, and is an American citizen. She graduated from Thomas Jefferson High School, Richmond, VA in 1976. She received her Bachelor of Arts in Political Science from Virginia Commonwealth University, Richmond, Virginia in 1995. She received a Master of Public Administration from Virginia Commonwealth University, Richmond, Virginia in 1997.

Mrs. Moon most recently served as the Director of Victim-Witness Services for the Commonwealths' Attorneys' Office for 13 years. Mrs. Moon was the Co-Manager of McGuire VA Federal Credit Union and a Policy Analyst for the City of Richmond Police Department.

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