



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Francine C. Ecker
Director

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September 30, 2016

The Honorable David B. Albo, Chairman
House Courts of Justice Committee
6367 Rolling Mill Place, Suite 102
Springfield, VA 22152

The Honorable Mark D. Obenshain, Chairman
Senate Courts of Justice Committee
P. O. Box 555
Harrisonburg, VA 22803

Dear Delegate Albo and Senator Obenshain:

The 2015 General Assembly legislation passed HB 1930/SB 712, regarding the reporting of acts of sexual violence: establishes definitions and criteria for how reports of sexual violence on campus are handled.

As required, DCJS monitored the impact of the provisions of this act on the workload of local victim witness (VW) programs. These findings are reflected in the attached report.

Sincerely,

A handwritten signature in black ink, appearing to read "Francine C. Ecker".

Francine C. Ecker
Director

Attachment

Survey of Victim-Witness Programs on the Impact of HB1930/SB712

October 1, 2016



Virginia Department of Criminal Justice Services
www.dcs.virginia.gov

Survey of Victim-Witness Programs on the Impact of HB1930/SB712

I. Background

In 2015, the General Assembly passed legislation (HB 1930 / SB 712) that required each public and private non-profit institution of higher education (IHE) in Virginia to:

“establish a written memorandum of understanding with a sexual assault crisis center or other victim support service in order to provide sexual assault victims with immediate access to a confidential, independent advocate who can provide a trauma-informed response that includes an explanation of options for moving forward.”

Additionally, each IHE was required to “adopt policies to provide to sexual assault victims information on contacting such sexual assault crisis center or other victim support service.”

As part of the legislation, the Virginia Department of Criminal Justice Services (DCJS) must:

“monitor the impact of the provisions of this act on the workload of local victim witness (VW) programs and report its findings to the Chairmen of the House and Senate Committees for Courts of Justice by October 1, 2016.”

In order to prepare this report, we contacted 108 local Victim-Witness programs via email and asked them to complete a brief survey about the services their program provided to victims of campus sexual assault during the past two fiscal years (fiscal years 2015 and 2016).

II. Survey response

The survey was conducted over a period of 37 days. Surveys were emailed to the programs on August 1, 2016 and the survey period ended on September 6, 2016. There were 54 responses to the survey representing 47 programs.

- Number of programs that were contacted via email to participate in survey: 108
- Number of programs that responded to survey: 47
- Program response rate: 44%

III. Information from the 47 Victim-Witness programs that responded to the survey

There were two questions asked of all 47 of the responding programs. These questions and the responses received are discussed below.

- Victim-Witness programs were asked if they provided any services to victims of campus sexual assault since the legislation became effective.

	Number	Percent
Yes, our program provided services	10	21%
No, our program did not provide services	31	66%
Don't know	6	13%

Victim-Witness programs were also asked to share how this legislation impacted or did not impact the overall workload of their programs.

Forty-one programs responded to a question asking them to share how this legislation impacted or did not impact their overall workload. Most of the respondents (34, 83%) said that the legislation has had no impact on their program’s workload, and 6 of these also mentioned that there is no campus in their jurisdiction. Three programs mentioned they experienced minimal impact and three have had some impact as a result of the legislation.

IV. Ten Victim-Witness programs that provided services to victims of campus sexual assault since the legislation became effective

The rest of this report discusses the information provided by the ten Victim-Witness programs that indicated that they provided services to victims of campus sexual assault since the legislation became effective. These questions and the responses received are discussed below.

- Programs were asked to provide the number of victims of campus sexual assault (CSA) their program served in FY2015, and the number of victims of campus sexual assault their program served in FY2016.

	Average Number of Victims of CSA Served	Range in Number of Victims of CSA Served
FY2015	13	1 – 78
FY2016	12	0 – 79

Average change from FY2015–FY2016: when all ten programs were averaged, the number of victims served did not change.

- Programs were asked to indicate which types of services were provided to victims of CSA in FY2016, and of the services provided, the number of program staff that provided the service in FY2016. (N = 10)

	Number of programs that provided the service	Percentage of 10 programs* that provided the service	Average number of staff** that provided the service	Range of staff**
Information and Referral				
Information about the criminal justice process	9	90%	2.4	1–13
Information about victim rights, how to obtain notifications, etc.	9	90%	2.4	1–13
Referral to other victim service programs	7	70%	2.9	1–13
Referral to other services, supports, and resources (Includes legal, medical, faith-based organizations, address confidentiality programs, etc.)	6	60%	1.2	1–2
Personal Advocacy/Accompaniment				
Victim advocacy/accompaniment to emergency medical care	1	10%	1	1
Victim advocacy/accompaniment to medical forensic exam	2	20%	7	1–13
Law enforcement interview advocacy/accompaniment	6	60%	1.3	1–2
Individual advocacy (assistance in applying for public benefits, return of personal property or effects)	3	30%	1.3	1–2

	Number of programs that provided the service	Percentage of 10 programs* that provided the service	Average number of staff** that provided the service	Range of staff**
Performance of medical forensic exam or interview, or medical evidence collection	1	10%	1	1
Immigration assistance (e.g., special visas, continued presence application, and other immigration relief)	0	0%	–	–
Intervention with employer, creditor, landlord, or academic institution	5	50%	1.2	1–2
Child or dependent care assistance (provided by agency)	0	0%	–	–
Transportation assistance (provided by agency)	2	20%	1.5	1–2
Interpreter services	0	0%	–	–
Counseling/Therapy/Support				
Crisis intervention (in-person, includes safety planning, etc.)	8	80%	2.6	1–13
Hotline/crisis line counseling	4	40%	1.3	1–2
On-scene crisis response (e.g., community crisis response)	1	10%	1	1
Individual counseling	6	60%	1.2	1–2
Support groups (facilitated or peer)	2	20%	1	1
Other therapy (traditional, cultural, or alternative healing; art, writing, or play therapy, etc.)	1	10%	1	1
Emergency financial assistance (includes emergency loans and petty cash, payment for items such as food and/or clothing, changing windows and/or locks, taxis, prophylactic and nonprophylactic medications, durable medical equipment, etc.)	2	20%	1	1
Shelter/Housing Services				
Emergency shelter or safe house	1	10%	1	1
Transitional housing	0	0%	–	–
Relocation assistance	0	0%	–	–
Criminal/Civil Justice System Assistance				
Notification of criminal justice events (e.g., case status, arrest, court proceedings, case disposition, release, etc.)	8	80%	1.1	1–2
Victim impact statement assistance	4	40%	1	1
Assistance with restitution (includes assistance in requesting and when collection efforts are not successful)	4	40%	1.5	1–2
Civil legal attorney assistance in obtaining protection or restraining order	4	40%	1	1

	Number of programs that provided the service	Percentage of 10 programs* that provided the service	Average number of staff** that provided the service	Range of staff**
Civil legal attorney assistance with family law issues (e.g., custody, visitation, or support)	3	30%	1	1
Other emergency justice-related assistance	2	20%	1	1
Immigration attorney assistance (e.g., special visas, continued presence application, and other immigration relief)	0	0%	–	–
Prosecution interview advocacy/accompaniment (includes accompaniment with prosecuting attorney and with victim/witness)	8	80%	1	1
Criminal advocacy/accompaniment	6	60%	1	0–2
Other legal advice and/or counsel	2	20%	0.5	0–1

*percentage calculated using the 10 VW programs that reported providing services to victims of CSA in FY2016

** average and range calculated using only those programs that provided an individual service; “range of staff” is defined as the range of the number of staff reported by the programs to have provided each specific service

- Program were asked to estimate the number of additional hours staff spent serving the new population of victims of CSA, and the additional costs accrued providing these services to the new population.

	Average Number	Range
Additional hours accrued (in hours)	16.3	0–120
Additional costs accrued (in \$)	\$249.80	0–\$1723

Four programs reported that they required no additional staff hours to serve the additional population served; the other six programs reported additional staff hours in the amounts of: 2, 5, 6, 10, 20 and 120.

Six programs reported that they accrued no additional costs in serving the additional population; the other four reported additional costs in the amounts of: \$25, between \$500 and \$1,000, \$1723, and unknown.

V. Summary

From the responses received to this survey, it appears that the legislation has had minimal impact on the Victim-Witness programs.

Just under half of the Victim-Witness programs contacted responded to the survey. Most of the responding programs (83%) reported no impact on their overall workload from the legislation. Of the few (15%) that reported any impact, half described the impact as minimal and the other half did not report any significant problems from the increase in workload.

There were two programs that reported serving relatively larger number of victims of campus sexual assault since the legislation was enacted (one reported serving 25 victims and the other reported serving 79). Both of these programs are located in jurisdictions that have large state universities within their locality. The program that reported an increase of 25 victims specifically noted an increase in the number of requests for protective orders.

Responding programs reported the services most frequently provided to the victims of campus sexual assault as:

Service	Number of programs that provided
Information about the criminal justice process	9
Information about victim rights, how to obtain notifications, etc.	9
Crisis intervention (in-person, includes safety planning, etc.)	8
Notification of criminal justice events (e.g., case status, arrest, court proceedings, case disposition, release, etc.)	8
Prosecution interview advocacy/accompaniment (includes accompaniment with prosecuting attorney and with victim/witness)	8
Referral to other services, supports, and resources (Includes legal, medical, faith-based organizations, address confidentiality programs, etc.)	7
Law enforcement interview advocacy/accompaniment	6
Individual counseling	6
Criminal advocacy/accompaniment	6

(These services were reported by more than half of the ten programs that reported providing services to victims of campus sexual assault since the legislation became effective.)

VI. Conclusion

The physical and emotional trauma suffered by victims of sexual violence, often compounded by silence and stigma surrounding the crimes, calls for special attention in the realm of public safety. Many victims of sexual assault, including victims of campus sexual violence, may be reluctant to report these crimes. As noted on page 14 of Governor Terry McAuliffe’s Task Force on Combating Campus Sexual Violence’s *Report and Final Recommendations to the Governor*, overcoming this reluctance “requires that victims easily be able to access clear, simple information about their reporting options and be able to understand the criminal and judicial processes involved. Additionally, victims must feel comfortable that their disclosure will be supported and that their case will be handled professionally and with sensitivity”.

The Task Force’s report also states that it is vital that victims of campus sexual violence “receive immediate support, have access to comprehensive services, and understand available options. All victims deserve to be treated with respect, sensitivity, and competence...”

It is anticipated that continued monitoring of the impact of this legislation will offer Victim-Witness programs a framework for enhancing services to victims of campus sexual assault, improving coordinated efforts to address campus sexual violence, promoting a victim-centered approach to service delivery, and making Virginia’s campuses safer.