

Tuesday 7 October, 3:05-4:30

D.I.Y. – V.I.P. Do It Yourself Victim Impact Panel

Faculty: Hon. Richard Glasson, Tahoe

Justice Court, Douglas County, Nevada

Some states and some provinces mandate attendance at a meeting of a panel of victims of drunk drivers as a penalty for a DUI offense; many judges order such attendance to deter recidivism.

Our Nevada Judges' association has developed, in conjunction with MADD, a protocol and best management practices for courtroom-based victim impact panels.

This program will teach how to develop your own court-based program. It is hoped that immediately after the presentation concludes, participants will reconvene to see an actual victim impact panel at a local court.

Nevada Revised Statutes §484C.530 Offender to attend meeting of panel of victims and provide proof of attendance to court.

1. The judge or judges in each judicial district shall cause the preparation and maintenance of a list of the panels of persons who:

(a) Have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by [NRS 484C.110](#), [484C.120](#), [484C.130](#) or [484C.430](#) or a law of any other jurisdiction that prohibits the same or similar conduct; and

(b) Have, by contacting the judge or judges in the district, expressed their willingness to discuss collectively the personal effect of those crimes.

É The list must include the name and telephone number of the person to be contacted regarding each such panel and a schedule of times and locations of the meetings of each such panel. The judge or judges shall establish, in cooperation with representatives of the members of the panels, a fee, if any, to be paid by defendants who are ordered to attend a meeting of the panel. The amount of the fee, if any, must be reasonable. The panel may not be operated for profit.

2. Except as otherwise provided in this subsection, if a defendant pleads guilty or guilty but mentally ill to, or is found guilty or guilty but mentally ill of, any violation of [NRS 484C.110](#), [484C.120](#), [484C.130](#) or [484C.430](#), the court shall, in addition to imposing any other penalties provided by law, order the defendant to:

(a) Attend in person, at the defendant's expense, a live meeting of a panel of persons who have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was

engaging in any other conduct prohibited by [NRS 484C.110](#), [484C.120](#), [484C.130](#) or [484C.430](#) or a law of any other jurisdiction that prohibits the same or similar conduct, in order to have the defendant understand the effect such a crime has on other persons; and

(b) Pay the fee, if any, established by the court pursuant to subsection 1.

Ê The court may, but is not required to, order the defendant to attend such a meeting if one is not available within 60 miles of the defendant's residence.

3. A person ordered to attend a meeting pursuant to subsection 2 shall, after attending the meeting, present evidence or other documentation satisfactory to the court that the person attended the meeting and remained for its entirety.

(Added to NRS by [1993, 250](#); A [1995, 2474](#); [1999, 3423](#); [2003, 1493](#); [2005, 146](#); [2007, 1457, 2800](#); [2009, 371](#))—(Substituted in revision for NRS 484.3797)

2012 Arkansas Code

Title 5 - Criminal Offenses

Subtitle 6 - Offenses Against Public Health, Safety, Or Welfare

Chapter 65 - Driving While Intoxicated

Subchapter 1 - -- General Provisions

§ 5-65-121 - Victim impact panel attendance -- Fee.

Universal Citation: [AR Code § 5-65-121 \(2012\)](#)

(a) (1) A person whose driving privileges are suspended or revoked for violating § 5-65-103, § 5-65-205, § 5-65-303, § 5-65-310, or § 3-3-203 shall attend a victim impact panel sponsored by an organization approved by the Office of Alcohol and Drug Abuse Prevention of the Department of Human Services.

(2) The organization selected by the office shall be an organization that provides statewide services to victims of drunk driving.

(b) (1) The organization approved by the office may collect a program fee of ten dollars (\$10.00) per enrollee to offset program costs to be remitted to the organization.

(2) The organization approved by the office shall provide proof of attendance and completion to the person required to attend the victim impact panel upon completion of the victim impact panel.

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accuracy, completeness, or adequacy of the information contained on this site or the information linked to on the state site. Please check official sources.

Resource reference: http://www.erie.gov/stopdwi/pdfs/victim_impact.pdf

http://www.nhtsa.gov/people/injury/alcohol/vip/VIP_started.html



getting started

You want to start a Victim Impact Panel. Or you've been given responsibility for overseeing an existing panel. Or you want to make sure your panel is as effective as it can be. Regardless of your circumstances, or whether you're a MADD chapter, victim rights organization, probation department, traffic safety agency, Safe Community program, DUI school, court, or some other interested entity, the following information will be useful as you begin putting your panel program together.

Supplemental materials relevant to each section can be found in the Appendices.

This how-to is designed to give you basic information up front, with important panel principles highlighted on each page. Detailed information, research, handouts, and other supplemental materials are contained in the appendices. Each section of the how-to lists the relevant appendices for easy reference.

victim impact panels

A Victim Impact Panel is a group of three or four victims who speak briefly about an impaired driving crash in which they were injured, or in which a loved one was killed or injured, and how it impacted their lives. They do not blame or judge those who listen. They simply tell

their stories, describing how their lives and the lives of their families and friends were affected by the crash.

The purpose of the panels is to individualize and humanize the consequences of impaired driving, to change attitudes and behaviors, and to deter impaired driving recidivism. Panels also give victims a healing opportunity to share their stories in a meaningful way.

benefit to the community and the offender

If the victims' stories are told first-hand and from the heart, in neither a blaming nor accusatory tone, MADD believes they can:

- allow offenders, perhaps for the first time, to consider the pain and suffering impaired driving can cause other people;
- help offenders move beyond being "stuck" in focusing on their own "bad luck;"
- serve as a first step in breaking the denial of alcoholics or those addicted to other drugs;
- imprint images of real people in offenders' minds that will replay when drinking and driving is considered at some future point; and
- change behavior and save lives.

Confirming these hypotheses has been difficult. The limited information available on the connection between offender attitude and recidivism is mixed. Recidivism is the most common measure of sanction or treatment effectiveness, but the sensitivity and reliability of recidivism measures are a challenge. Recidivism rates alone could underestimate program impact, but no superior measure of analysis has been identified. Information about recidivism research is contained in **Appendix One**.

laying the groundwork

The support of the judiciary and/or probation department is crucial to the implementation of the Victim Impact Panel program. Ideally, several judges in a community will be concerned enough about drinking and driving to consider implementing Victim Impact Panels. However, only one willing judge or probation department is needed to begin. Once convinced of the effectiveness of the program, they are likely to encourage their colleagues to participate. Inviting skeptical officials to sit in on a Victim Impact Panel presentation or asking them to read this publication and view the companion videotape has proven effective in many counties and municipalities.

Testimonials of judges who have implemented the panel program can be found in **Appendix Two**. Offender testimonials may also be useful as you seek judicial support. Those can be found in **Appendix Three**.

panel steering committee or task force

After it has been determined that at least one judge or probation department will support the panel program, it is very important to establish a Steering Committee from all the constituencies to be involved. These might include:

Judges and their Court Clerks
Police Department
Probation Department
Sheriff's Department
Parole Department
Alcohol/Drug Programs
Mothers Against Drunk Driving
Health Care Professionals
Victim/Witness Departments
Drunk Driving Task Force
Traffic School Programs
Student Anti- Drunk Driving Groups

Judge Roy Rainey of the Bremerton Municipal Court in Bremerton, Washington designed this lighthearted invitation to a Victim Impact Panel organizational meeting.

| |
|--|
| In the _____ Court of the City/County of _____ State of _____ |
| SUBPOENA DUCES TECUM |
| To: Interested Parties of Victim Impact Panels |
| YOU ARE HEREBY COMMANDED to appear at an organizational meeting of a Victim Impact Panel Task Force on the ____ day of ____, 20__ at the hour of _____ at (ROOM) (BUILDING) (ADDRESS) (CITY, STATE) |
| You are to remain until discharged, or to give testimony regarding the above-entitled matter, on behalf of yourself and the general public interest, and to bring with you the following: |
| <input type="checkbox"/> Attentive Ears <input type="checkbox"/> Bright Ideas <input type="checkbox"/> Thoughtful Insights <input type="checkbox"/> General comments about the proposed Victim Impact Panel program |
| Failure to appear on the date of this notice will result in a bench warrant for your arrest. Herein, fail to appear at your peril! |
| _____ Signature |

Potential audiences for Victim Impact Panels may extend beyond the criminal justice system. Alcohol treatment programs, driving schools, public and private schools, and military bases also use the program. If you are interested in creating a panel program for any of these constituencies, representatives of those groups should be included on the Steering Committee.

funding

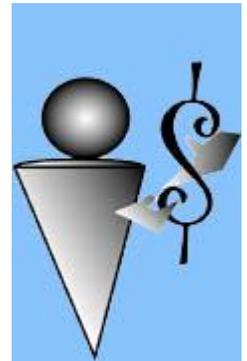
Early in their history, most Victim Impact Panel programs operated without the benefit of funding. The courts provided the paperwork, and MADD or another victim's group provided the panel. MADD originally did not intend panels to be a source of revenue. The panels were conceived as a public service to further MADD's mission to stop drunk driving and support victims of this violent crime. Court-ordered fees for the program, when ordered, were not paid to MADD. They were paid to the agency that ordered offenders to attend panels, usually the court. It was, however, acceptable for the ordering agency to donate part of the panel proceeds to MADD.

Historically, MADD exercised good judgment in creating this policy. Victim Impact Panels were new, somewhat controversial, and not widely utilized. If the panels were seen as fundraising entities, it was feared that criminal justice officials might not support the program.

That policy was reconsidered several years ago when MADD determined that the program's track record warranted that fees be paid directly to the organization. Now, judges throughout the country routinely send offenders to panels, which have become a significant source of income to many MADD entities and other sponsoring organizations. Within MADD, offender fees range from \$5 to \$50 or more. MADD entities receive from a few hundred dollars to \$250,000 or more each year for offering the program. In a few instances, panel programs have been developed by private parties outside of MADD as for-profit businesses.

By policy, MADD recognizes panels as a therapeutic program for victims as well as a component of non-profit business. MADD's policy regarding charges for panels states:

The dual purpose of Victim Impact Panels is to impact offenders and to provide clinically healthy, restorative benefits to victims. Revenues generated by the panels shall not exceed the expenses incurred by the MADD entity to provide victim services, public awareness programs, and related materials including actual panel expenses.



Be sure your steering committee develops a plan for charging, collecting, monitoring and depositing panel-related fees. When money is involved, extra effort must be given to financial accountability!

Only one state has ruled that charging for Victim Impact Programs is not appropriate. In 1992, the State Bar of Michigan determined it was a violation of Michigan's Judicial Rules of Ethics for MADD to charge for Victim Impact Panels. In a written opinion, the Bar stated that charging for panels:

. . . construes judicial solicitation for a charity, which raises the suspicion that the judge uses the power and prestige of his or her office to persuade or coerce others to contribute to a charity.

Other states disagree. For example, Oregon statute states that if the court requires a defendant to attend a Victim Impact Panel, it may require the defendant to pay a fee not to exceed \$5 to offset the cost of the defendant's participation. See **Appendix Four** for other state statutes related to panel fees.

MADD has developed a form to assure financial accountability in instances where fees are collected. The form, found in **Appendix Five**, may be adapted for use by other programs.

contracts to provide victim impact panels

Be cautious about entering into a contractual agreement to provide Victim Impact Panels. Placing victims in a position of having to tell their stories to comply with a contract may impose an unnecessary burden. Victims should always feel free to decline speaking on a panel without having to be concerned about a contractual obligation. Victim speakers should never be placed in a position where the needs of the criminal justice system are more important than that which is in their best interest.

MADD requires all contracts to be approved by the Legal Department at MADD's National Office.

If a contractual agreement exists, your panel program may be liable for failing to adhere to the contract if speakers are unavailable for a panel.

Contracts tend to codify expectations, especially when fees are assessed. For purposes of liability, it's important to offer the program with no promise or expectation of a particular outcome. Although some research suggests that recidivism may be reduced among offenders who attend a panel, MADD cannot promise a specific outcome or result.

In more and more jurisdictions, non-MADD entities are contracting with MADD to help them conduct panel programs. Generally, these contracts give MADD the responsibility for providing victim speakers and the outside entity responsibility for administrative and operational functions. These partnerships can work very well, especially for programs that

don't typically have access to impaired driving crash victims. However, on occasion, these partnerships have been highly lucrative ventures for all parties involved except MADD. In these instances the non-MADD entities receive a contract or grant to conduct panels, keep the panel fees for their work, but expect MADD to recruit volunteer victim speakers.

You are urged to thoroughly research a prospective collaborator's reputation and motivation for implementing a panel program before entering into any kind of agreement.

site selection

The Victim Impact Panel Steering Committee or task force can best determine the site for panel presentations based on available space, frequency of panel presentations, and the number of attendees expected in each audience.

Some committee members believe offenders should return to the courtroom to attend panel presentations because it reminds them of the legal significance of their offenses. It also addresses those who may claim they were not able to find the location as an excuse for their absence. Most courtrooms are vacant during the evening, have a sound system in place, and can be used free of charge. Tables and chairs can be brought for the speakers if the use of counsel tables is inappropriate.

Some committee members argue that requiring offenders to return to the courtroom puts them on the defensive and may hinder their ability to pay attention to the speakers. Likewise, a MADD office, hospital, or house of worship may be inhibiting to some offenders.

If a courtroom is not selected, a neutral site such as a comfortable room in a city or county office complex or a library may be preferred. In some communities where fewer panels are presented to larger audiences, a civic, high school, or college auditorium may be used. MADD has found no detrimental effect when presenting to large groups provided the sound system is adequate.

Make sure that the selected location has adequate parking, restrooms, and an area for registration. Finally, make sure that the selected location is completely accessible and compliant with the Americans with Disabilities Act.

MADD, Central Indiana holds their Victim Impact Panel once a quarter to avoid over-utilizing their speakers. Panel audiences average over 1,000 offenders! Although intimacy is lost in groups that big, good planning (and a good sound system) ensure the success of their panel program.

frequency of panel presentations

How often the panel is offered depends on the number of victims who are qualified and willing to speak. A pool of willing and qualified victims is required if panels are offered frequently. It is recommended that victims not be asked to participate on a panel more than once a month. In most chapters, victims speak an average of six times per year. The median number of panel speakers per MADD chapter is twelve.

Victim speakers should never be pressured into speaking before they are ready. Likewise, panel coordinators must be aware of times veteran speakers may be uncomfortable or unwilling to speak. Birth and death dates, certain seasons, and other triggering events are especially sensitive times for some victims. Nearly all victims reach a plateau at which continuing to speak no longer provides personal benefit. Coordinators must be willing to express gratitude for the service provided and release these speakers from the program.

A panel program should be postponed or canceled rather than cause victim speakers discomfort or harm.

attendee criteria

Victim Impact Panels are not a substitute for traditional sanctions. They are a supplement to them. Offenders are not to receive special benefits for attending a panel, although hours of attendance may constitute community service hours in some jurisdictions. MADD can provide written confirmation of attendance, but will in no way determine compliance with court orders. This is the responsibility of the court or probation department that orders panel attendance.

Victim Impact Panels are for first-time offenders. Many judges are now ordering all impaired driving offenders, including felons who have killed or injured, to attend panels. This practice violates the principle of selecting the most appropriate offenders for a particular intermediate sanction. Multiple offenders require more complex intervention and are not expected to benefit significantly from hearing a panel.

For more information about the kinds of offenders most likely to benefit from panel programs, see **Appendix Six**.

establishing your panel program

Victim Impact Panels were designed for first-time offender audiences. MADD has no expectation that repeat offenders, alcoholics, or those with other serious problems will benefit from panel programs.

Victim Impact

Select a coordinator. The Steering Committee designates a Victim Impact Panel Coordinator, usually someone from MADD or another sponsoring agency. The coordinator does not have to be a victim, but must be someone who will keep the needs of the victim speakers uppermost as the program is developed. The coordinator screens, selects, and trains panel speakers. (See Selecting Panel Speakers beginning on page 19.) He or she will facilitate the panels, or designate and train others to do so. The coordinator will routinely inform the court of the dates, times, and locations of panels, preferably at least one month in advance.

Panels are victim-only panels. When a panel includes and offender or professional affected by impaired driving, the panel is called a Drunk Driving Impact Panel.

Decide the makeup of the panel. You may choose to utilize only victim speakers or you may choose also to include an offender, police officer, emergency response person, or others affected by impaired driving. If speakers other than victims are used, the program is designated as a Drunk Driving Impact Panel and is not to be called a Victim Impact Panel.

Determine the most appropriate audience for impact panels. The panel program is intended for first-time offenders. The Steering Committee should also decide whether non-offenders may attend. Most panel programs allow family and friends of offenders (especially when the offender's license has been suspended), teen drivers, and others interested in the program to attend. Decide how often panels will be presented as well as panel location(s).

A judge will sentence an offender to attend a Victim Impact Panel as part of his or her sentence. The Steering Committee must determine who will provide, verbally and in writing, the logistical information to each offender. It may be a court clerk, probation officer, or some other person assigned the task. Designate a sub-committee to develop the forms required to notify an offender of this component of sentencing and to show attendance at a panel. Sample forms can be found in **Appendix Seven**.

Develop a procedure for sign-in and fee collection at the actual panel. Decide if offenders will be required to produce identification at sign-in. If fees are to be collected, offenders must be informed in advance of the type of payment acceptable, i.e. cash, money orders, etc. At least two individuals will be needed to sign in and collect fees for each line of offenders. At least two individuals should count the money, agreeing on a total. The money then should be given to a designated individual who will re-count the fees and make the deposit. MADD panels must use MADD's financial forms for this task. (**Appendix Five**).

Develop a security plan! MADD urges the use of uniformed peace officers to

Develop a policy for security at each panel presentation. A uniformed peace officer should be present to handle any disturbances. Generally, peace officers are hired and paid over-time by a sponsoring agency through a local police department. Some panels require offenders to undergo a police-operated breath test before admission. Under no circumstances should a chemically impaired person be allowed into the panel presentation.

*maintain order,
handle intoxicated
or inappropriate
attendees,
safeguard the
monies collected,
and to escort
panelists and
volunteers to their
cars.*

Develop standard policies and procedures for processing offenders who come late to the panel or fail to attend. Sanctions may include allowing the offender to reschedule, setting a show-cause hearing (which may require statutory authority), or issuing an arrest warrant. A similar policy should be established for offenders who attend but fail to listen or to comply with completing evaluations and/or pre and post-tests. Oral completions of the evaluations and tests may be required for those unable to read or write.

Develop a policy for media attendance. At a minimum, all speakers must support the presence of media at any panel presentation for the media to be invited. Attendees should also be notified at check-in that media will be present. Victims and offenders who wish not to be filmed, audio taped, or interviewed should be granted that right.

Determine if recidivism studies will be conducted. A simple method is to send sign-in sheets to state transportation officials at specific intervals and have the recidivism rates compared with a matched sample of first-time offenders who did not hear a panel. Local university professors or graduate students may be able to design and conduct a more elaborate study for your organization.

Establish a regular time for the Steering Committee or task force to meet after the panel program has been initiated. This will allow individuals to report to all entities at the same time helping to avoid confusion and turf issues.

Develop recognition and appreciation events for speakers and others involved with the program. **Appendix Eight** contains a number of ideas.

victim impact panel steering committee check-list

- Select a Panel Coordinator
- Decide location and frequency of panel(s)

- Determine type of panel (speakers) and audience perimeters
- Create notification and sign-in guidelines
- Determine fee structure and financial accountability policy
- Arrange for security
- Set guidelines for handling offenders who don't comply with court orders
- Establish media guidelines
- Develop a research plan, if desired
- Set a regular Steering Committee meeting time
- Develop a plan for speaker/volunteer recognition



VICTIM IMPACT PANEL INFORMATION & GUIDELINES

What is a MADD certified Victim Impact Panel?

It is a two hour class that the court may require a person to attend as an additional form of sentencing for those ticketed with DUI, other traffic violations and those under 21. Attendees get to hear the poignant stories of those whose lives have been permanently affected by an impaired or reckless driver or those affected by underage drinking. **Only classes offered by MADD are MADD certified VIPs.**

Please bring to the panel:

1) Entry amount in the form of a **\$50 money order** OR a \$50 certified bank check made payable to MADD. This is required.

- **NO CASH** and **NO PERSONAL CHECKS**. If you have cash, you will need to have it converted into a money order or into a certified bank check.
 - money orders are issued by banks, convenient stores, grocery stores, etc. Some places charge a fee for getting a money order
 - certified bank checks are issued by banks (these are not PERSONAL checks)
- *Some panels charge an additional **\$15.00 fee** (blank money order only) for the breathalyzer test. **Please check locations for details & instructions.***

2) A **Photo ID** is required

- Drivers license, Passport, ID Card, School ID, ATM or Sams Card with a photo, etc.
- If we do not have a photo ID of some kind we cannot let you in.
- A GA ID Card can be issued by DDS if your license has been revoked or lost. [Click here](#) for details

3) **Copy of your court papers** so you know where you were sentenced. This is not required if you remember the city or county.

Please respect the following guidelines:

You may be asked to take a breathalyzer test or some other field sobriety test for entry into the VIP.

◦If you are found to be under the influence of any substance, you will be asked to leave without a refund.

◦Please do not attend the panel under the influence of any substance.

•Please sign in CLEARLY, we cannot make a receipt-certificate if we cannot read your name

•**If you arrive LATE, you WILL NOT BE ADMITTED.**

•Anyone who has consumed alcohol or other substances prior to attending will not be admitted

•No eating, drinking, sleeping, reading, talking, texting, etc is allowed during the panel.

•Please remove all hats, hoods, & sunglasses.

•Disruptive behavior will not be tolerated

•Please turn off all cell phones, pagers and all electronic devices

•Please follow all site locations rules--"no smoking" policies enforced

•**NO PRE-REGISTRATION is required for any panel. Some locations have LIMITED seating.** *It is recommended that you arrive on time and no more than 5 minutes before the beginning of sign in time and at least 30 minutes before the end of sign in time. First come, first served.*

•Relatives and guests may be asked to wait outside during the session; they will be let in ONLY if space permits

•Teenagers under 18 should not be brought to the panel sessions unless accompanied by an adult or court ordered; no children allowed

•VIP Agenda: All panels last about 2 hours. Please use the restroom before entering. You will check in & pay the fee, hear the presentation, fill out an anonymous survey, and get your receipt-certification of completion to give to the court.

- Please make a copy of your receipt-certificate for your own records before giving it to probation or the court. There is a **\$25 fee for duplicate or lost receipts-certificates**
- MADD reserves the right to deny entry and/or to remove you from the course if these or any other guidelines not listed are not met without any refund.
- Arguments with volunteers and/or staff over guidelines or ejections will be reported to probation/court.
- MADD reserves the right to change the time, location, or entry amount of the panel. All attendees should double check dates, times, and location via hotline or website. MADD reserves the right to make changes without notification.
- VIPs may be closed to inclement weather (snow, ice, flooding, etc). Never drive in dangerous weather or during hazardous road conditions.
- Please do not call the location that is hosting the VIP as they will not give out directions or information for the program.** Go to Mapquest, Yahoo maps or some search engine before driving to the location. It is best to print the driving and parking info that is listed under each location on the location page (link at the bottom).

DO YOU NEED A REPLACEMENT RECEIPT? If yes, you must contact the State Office to get a replacement at 770-615-3737 ext 7350 or via email at **chelsea.robbins@madd.org** . Please do not contact the location as they are not MADD and have no access to the paperwork. You must be able to **name the location** and **date where you attended** in order to see if you are eligible to receive a replacement. If you can receive one, they cost \$25.00 and must be in a completed money order or certified bank check made out to MADD. Contact the State Office for more info.

[Click Here to view the VIP Locations](#)