

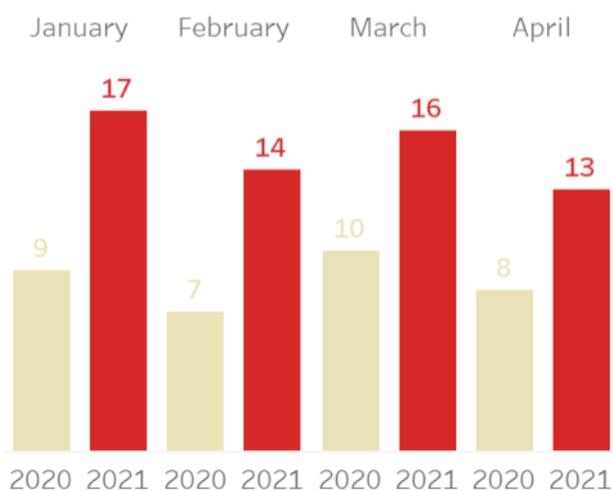


Expanding Victim Services to Meet the Needs of Violent Crime Victims

Introduction

In 2020, there were 173 homicides in Louisville—almost double the number of homicides in 2019 and more than any other year in recorded history.¹ This trend is only escalating in 2021. As of May 27, 2021, there have been 66 homicides in Louisville, up 54% from this point last year.² There has also been a substantial increase in gun violence.

Homicides by Month



The situation in Louisville is further complicated by the fact that very few of these cases are solved, indicating an unwillingness from community members to talk to police about what they know.

This dramatic increase in homicides and violence has had a debilitating effect on the loved ones of those murdered as well as the community as a whole.

Louisville currently addresses some of the needs of those impacted by this violence through the Victim Services Unit of the Louisville Metro Police Department (LMPD). The unit's mission is "to ensure the fair, compassionate, and sensitive treatment of victims and witnesses of crime."³ **It is the purpose of this report to advocate for an expansion of the Victim Services Unit to cover services for short-term relief and municipal witness protection.**

Key Points

- ▶ Homicides in Louisville grew 92% between 2019 and 2020—and 2021 is already outpacing record 2020 numbers.
- ▶ Currently only 32% of 2020's homicide cases have been cleared. Shootings have also increased dramatically, causing damage to homes from stray bullets.
- ▶ Evidence suggests that an improved witness protection program can increase Louisville's homicide clearance rate.
- ▶ Increased protective and other services are necessary to meet the needs of those affected by violence.

Short-Term Relief

Short-term relief should provide immediate assistance to families who have been directly affected by violence. This includes victims whose houses have been hit by stray bullets and victims who have had a homicide or other violent crime occur at their residence.

In 2019, there were 34 separate homicides reported in residences and homes.⁴ In 2020, there were 58 reports, and there have already been 22 in 2021.⁵

Currently, the residents of a dwelling used in a homicide or violent crime are responsible for crime scene cleanup costs and often are forced to continue to live in the home during the process.⁶

Continued

As gun violence in Louisville continues to escalate, an often-overlooked cohort of victims is those whose homes have been compromised by stray bullets. In the first half of 2021, there have been 8,089 gunshots captured by ShotSpotter, a gunshot tracking system used by LMPD.⁷ Many of these shots ended up in innocent people's homes. Take, for instance, Karen Bailey, who had a stray bullet lodged in her pillow just last month, or Courtney, a Louisville mother who had several bullets enter her home in June.⁸

Both cohorts of victims—those whose homes have been damaged by stray bullets and those whose homes were the site of a violent crime—should have a short-term relief option. This relief should include alternative lodging arrangements and other necessities (food, hygiene products, etc.) during the immediate period following the event. Providing these services ensures that some of the most vulnerable citizens in our city feel safer and more comfortable in their community.

Public-Private Partnerships

Public-private partnerships for sheltering domestic violence victims provide a helpful model of what a short-term relief program for victims of violent crime could look like in Louisville. Though no such program currently exists in the city, a number of short-term housing solutions have been implemented in other cities and states. Chicago, Illinois, for instance, recently partnered with Airbnb to facilitate lodging for victims contacting the Illinois Domestic Violence Hotline.⁹ In Charlotte, North Carolina, the county government leased three hotels for COVID-19 sheltering and also opened access to the facilities for domestic violence victims.¹⁰ The Survive 2 Thrive Foundation in Austin, Texas, partnered with the Austin Hotel and Lodging Association to create the "Sanctuary Program," which provides domestic violence victims free hotel lodging for up to two weeks.¹¹ In Laramie, Wyoming, Family Promise, a local charity focused on alleviating the burdens of homelessness, expanded its typical housing capacity to comply with COVID-19 regulations by making deals with local hotels and securing donations through United Way to supplement lodging expenses.¹²

Such programs demonstrate the effectiveness with which private entities can operate alongside state or municipal governments to create better outcomes for citizens. The same program models and partnerships could be extended to victims of violence in Louisville.

A key element of each of the aforementioned partnerships was a demonstrated willingness within the private sector to help solve a pressing issue of public concern. One major hotel in Louisville, the Galt House Hotel, has already expressed interest in similar initiatives to help victims of violence if given the proper financial support from the Louisville Metro Council.

Establishing a public-private partnership to provide short-term relief to the victims of violence would position the city of Louisville as a national leader in victim services and would provide a necessary and compassionate service for the often-forgotten individuals affected by violent crime.

Witness Protection

In addition to short-term relief, a longer protection program should be implemented in order to shield those with knowledge about a crime from retaliation for their cooperation with law enforcement.

As one homicide detective in the United States admitted, witnesses are often afraid to appear in court because of the high likelihood of being threatened or murdered due to a "widespread violent gang culture."¹³ A witness protection program provides refuge for individuals who have agreed to aid in the prosecution of major cases.

Louisville is currently experiencing unprecedented violence, and fewer homicide cases are closed each year. If people exposed to violent crime feel safe talking about what they know, police can begin to close some of these cases and repair the trust between police officers and community members.

Federal and State Witness Protection

The Federal Witness Protection Program (WPP) began in 1971, providing 24-hour protection to witnesses who agree to testify in major cases. No individual protected by the U.S. Marshals and following WPP guidelines has been hurt or killed.¹⁴ Despite its effectiveness, the requirements for admission to the federal program are extensive.¹⁵ Some of these requirements include a psychological evaluation, examination of criminal history, risk of danger to public, and “such other factors” that the Attorney General may deem appropriate.¹⁶

In order to bypass some of the challenges inherent within the federal witness program, several states—including Kentucky—have set up their own protection programs. Unfortunately, most state programs have yet to be funded or operationalized.

While Kentucky does have a witness protection program, it only protects between 5 to 8 applicants annually.¹⁷ It also appears that the money originally allocated to the program has dried up. Lawmakers initially earmarked \$200,000 for the program when it was established in 1998, but no additional funding has been allocated to the program since.¹⁸

Access to Kentucky’s limited witness protection services is further complicated by a tedious bureaucratic process that prevents the program from providing quick relief to those in danger. Currently, law enforcement agencies can apply for either an advance or reimbursement of funds to offer protective services to victims or witnesses at risk of harm. The advance is limited to a maximum of \$500, and it must be used for services which cannot be paid for with other funds available to the agency.¹⁹ Requests for advances are sent from law enforcement agencies to the prosecutor, who then reviews the request before sending it to the Attorney General.²⁰ The prosecutor or the Prosecutors Advisory Council can adjust how much of the advance payment or reimbursement should be approved or denied.²¹ These limits and procedures complicate and potentially prevent the provision of witness protection services in Kentucky.

California has a much more robust state witness protection program. California Witness Relocation and Assistance Program (CalWRAP) is designed to reimburse prosecutorial agencies for expenses incurred during the protection of witnesses.²² Reimbursable costs under the program include temporary lodging, rent, meals, new identities, security and other necessities.²³

During fiscal year 2020, CalWRAP managed 478 cases, including 149 cases added in the 2019-2020 fiscal year.²⁴ **The 149 new cases provided services to 172 witnesses and 213 family members.²⁵ Those under protection provided testimony against 263 violent offenders.** More than two-thirds of the cases involved homicide and attempted homicide, indicating that CalWRAP has been effective in bringing justice to victims of violence in California.²⁶

Impact of CalWRAP

- ▶ CalWRAP, California's witness protection program, provided services to 172 witnesses and 213 family members in FY 2019
- ▶ Those under protection provided testimony against 263 violent offenders
- ▶ More than two-thirds of the cases involved homicide and attempted homicide

Witness Protection in Louisville

The need for an effective witness protection program in Louisville has never been greater. Out of the 173 homicides last year, only 32%, or 56 cases, have been cleared.²⁷

Louisville's low clearance rate may point to a lack of incentives for witnesses to cooperate with police. This may stem from fears regarding personal safety should they communicate with law enforcement.

Recommendations for Reform in Louisville

The current resources available to victims of violence are inefficient at dealing with the variety of needs that victims have. In order to address these shortcomings, LMPD should expand its victim services unit to include short-term relief and witness protection services.

This requires funding from Louisville Metro Council for both the witness protection program and a nonprofit organization in charge of temporarily housing those displaced by violence in their homes and around their homes.

Louisville needs an effective and efficient system for protecting witnesses. As Lakesia Jeffrey, whose son was killed nearly five months ago in Louisville, pointed out, "[t]he streets talk before they talk to the police. That's the problem; they are scared. If they knew they would be protected, I'm sure a lot of cases would be solved right now."²⁸ Louisville has the opportunity to ensure this protection for victims and witnesses of violence and to move the city toward a safer and more prosperous future.

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