

Report Highlights

Review of the Feasibility and Potential Structure of a County-Based DUI Victim Impact Program

This report assesses the feasibility and potential structure of a statutorily based DUI Victim Impact Panel (VIP) program. These panels allow victims of DUI crashes to describe to an audience of DUI offenders how these crashes have affected their lives. Their purpose is to individualize and humanize the consequences of impaired driving, to change behaviors, and to deter impaired driving recidivism, as well as to give victims a healing opportunity.

Findings:

- **From 1997 to 2001, alcohol-related crashes resulted in 1,112 deaths in PA.** From 1999 through 2003, total DUI sanctions increased 12% statewide, from 42,500 to 47,500.
- **At least 17 PA counties currently operate some type of a VIP program.** These vary widely in their administrative location and design. Five counties target first-time offenders, four target multiple offenders, and eight target both. Two to four panel members typically speak to 30-40 offenders. MADD has played an important role in establishing VIPs and recruiting panelists.
- **Little support exists for a mandatory program.** Although most county judges, district attorneys, and victim service advocates see value in a VIP program, they are generally resistant to a state-mandated program, in part due to potential difficulty in recruiting sufficient panelists.
- **Costs to operate a VIP program are modest.** We estimate a VIP program would cost approximately \$15,000 annually for a mid-sized county. Various federal and state funds could be used to support a VIP program, but often VIP programs are supported largely by offender fees (typically \$20 to \$50).
- **Program standards are necessary.** Any state statute that encourages counties to develop VIP programs should establish program standards, provide training to county officials, and monitor and evaluate program implementation and results. The report identifies several potential sources of funding for this state-level effort (estimated at \$150,000 annually), including federal drug control, and Highway Safety Grant funds. Act 2002-198 funds might also be used.
- **Although not conclusive, a growing body of evidence exists that VIP programs can be**

effective in reducing DUI recidivism. Several studies have also found the panels to be beneficial to victims.

- **Many states have enacted VIP statutes, but only Nevada has a mandatory program.** Virtually all state MADD Directors we spoke with agreed that a statute is valuable in legitimizing the use of VIPs and in curtailing legal challenges to sentences that include a VIP program.

Recommendations

1. **The General Assembly should consider authorizing, but not mandating, a DUI Victim Impact Panel program in statute.** A statute would serve to recognize their value in reducing DUI recidivism and facilitate county efforts. Statutory provisions should:
 - recognize and validate the option of a court to use a VIP in DUI sentencing;
 - create a unified framework for VIPs and a mechanism for developing standards for operating similar programs throughout PA, including counseling/debriefing for victim presenters and training/evaluation;
 - allow for offender fees;
 - establish PENNDOT as the lead agency for the Commonwealth;
 - establish a coordinating committee to encourage collaboration in developing, funding, implementing, and overseeing VIPs; and
 - amend Act 2002-198 to allow up to 20% of the funds designated for research-based activities to help fund VIP programs.
2. **PENNDOT should work with interested counties to initiate a pilot DUI Victim Impact Panel program.** PENNDOT's strategic plan for reducing highway fatalities includes initiatives to collaborate with outside organizations.