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NATIONAL VICTIM SERVICES SURVEY

OF

ADULT AND JUVENILE CORRECTIONS

AND PAROLE AGENCIES

FINAL REPORT

PREPARED BY
NATIONAL VICTIM CENTER
NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE
AMERICAN CORRECTIONAL ASSOCIATION VICTIMS COMMITTEE
CALIFORNIA DEPARTMENT OF CORRECTIONS
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Crime Victims and Corrections: Setting the Agenda for the 1990's

A Training and Technical Assistance Project
Sponsored by the

U.S. Department of Justice Office for Victims of Crime

and Presented by

National Victim Center
National Organization for Victim Assistance
American Correctional Association Victims Committee
California Department of Corrections
California Youth Authority

PROJECT FACULTY

Anne Seymour
Project Director
National Victim Center
Washington, D.C.

Sandi Menefee
Project Co-coordinator
California Department of
Corrections
Sacramento, CA

Judith Embree
Project Co-coordinator
California Youth Authority
Sacramento, CA

John Stein
Project Co-coordinator
National Organization for
Victim Assistance
Washington, D.C.

Carolyn Andersen
Third District Juvenile Court
Salt Lake City, UT

Paul Horner
Federal Bureau of Prisons
Washington, D.C.

Catherine Bolt
Indiana Department of
Corrections
Indianapolis, IN

Tip Kindel
California Department of
Corrections
Sacramento, CA

Jeralita Costa
Families and Friends of
Missing Persons
and Violent Crime Victims
Seattle, WA

Brett Macgargle
South Carolina Department of
Probation, Parole and Pardons
Services
Columbia, SC

Sharon English
California Youth Authority
Sacramento, CA

Bill Stutz
Washington Department of
Corrections
Olympia, WA

PROJECT MONITORS

Susan Laurence
U.S. Department of Justice
Office for Victims of Crime
Washington, D.C.

Victoria O'Brien
U.S. Department of Justice
Office for Victims of Crime
Washington, D.C.

INTRODUCTION

The National Victim Services Survey of Adult and Juvenile Corrections and Parole Agencies is a major component of the "Crime Victims and Corrections: Setting the Agenda for the 1990's" training and technical assistance project funded by the U.S. Department of Justice Office for Victims of Crime. The purpose of the survey is to examine current trends in victim services sponsored by state correctional agencies, including: notification services; victim/offender programs such as restitution and mediation; and services for correctional personnel who are victimized on-the-job.

"Crime Victims and Corrections: Setting the Agenda for the 1990's" is sponsored by the National Victim Center, a non-profit organization with offices in Washington, D.C., New York and Fort Worth, Texas. Project co-sponsors include: American Correctional Association Victims Committee; National Organization for Victim Assistance; the California Department of Corrections; and the California Youth Authority.

In order to obtain a comprehensive assessment of the types and scope of programs currently available to crime victims in corrections agencies, the National Victim Center commissioned an independent survey research organization, Schulman, Ronca and Bucuvalas, Inc. (SRBI) to conduct a national telephone survey of state adult corrections, juvenile corrections and parole agencies.

The Project Director of "Crime Victims and Corrections: Setting the Agenda for the 1990's" is Anne Seymour, Director of Communications for the National Victim Center. Dr. John Boyle, SRBI Senior Vice President, was the Project Director for the telephone interview component of this project. And Dr. Dean Kilpatrick, Director of the Crime Victims Research and Treatment Center at the Medical University of South Carolina, contributed to the initial draft of the survey instrument. Project faculty developed and finalized the final products used.

This Report summarizes the study design, field process and outcomes of this survey.

THE SURVEY PROCESS

In December 1990, the project co-sponsors sent a letter to the Directors of each state's adult and juvenile corrections and parole agencies. The letter highlighted the goals of the survey and asked each Director to designate a staff member to participate in the project. A self-addressed stamped post card was enclosed to return to the National Victim Center.

The total sample derived from agency Directors' responses included:

- Representatives of adult corrections agencies in 47 states;
- Representatives of juvenile corrections agencies in 39 states; and
- Representatives from parole boards/agencies in 41 states.

The survey of corrections and parole staff was conducted using two versions of a survey instrument, similar in content and length--one for the adult and juvenile corrections staff, and the other for parole staff. The two survey instruments were developed by the project co-sponsors and faculty. All aspects of the telephone survey, data processing and tabulation of survey results were conducted by SRBI. This Executive Summary was prepared by Anne Seymour, Project Director.

The pre-test of the survey instrument was conducted by SRBI during the week of January 28, 1991. The fifth and final draft of the survey questionnaires was finalized on February 5, 1991 to incorporate some minor changes from the pre-test.

The field period for conducting the survey was February 11 to March 11, 1991. It is worth noting that nearly half of the designated respondents held positions of Department Director or Administrator, Chairperson, Commissioner, Division Director, or Executive Director. Given the interview length (approximately 30 minutes) and the relatively short field period, the participation rate was extraordinary, with an 83 percent completion rate (of the 150 agencies).

SURVEY RESULTS

VICTIM AND WITNESS NOTIFICATION

A 1986 national study conducted by the South Carolina Department of Corrections found that 26 adult corrections agencies provided notification to crime victims about changes in offenders' status, such as release, furloughs or escapes. At that time, only five corrections agencies employed at least one full-time person to handle such notifications and respond to victims' questions and complaints.

The past five years have witnessed a substantial increase in corrections and parole-based notification programs for victims and witnesses. In 1991, 31 adult corrections agencies notify victims of changes in offenders' status; seven juvenile corrections agencies and 29 parole agencies provide notification services.

The various agencies qualify persons as "victims" and "witnesses" for the purposes of notification in a variety of ways. For example, the Massachusetts Parole Board has a Criminal History Systems Board, which certifies and handles all victims and notifies the Parole Board of victim requests for notification. In Illinois, the state's statutory definition of "victim" qualifies persons for notification from the Department of Corrections Juvenile Division. Other methods of qualifying victims and witnesses for notification include information or inquiries from:

- Victims and witnesses;
- Clerk of the district court;
- Parole commissions or boards;
- Prosecutors' or county attorneys' offices;
- Victim/witness advocates in prosecutors' offices;
- State Attorneys General offices;
- Police reports; and/or
- Courts.

In Kansas, state law mandates that victims of certain types of crime be automatically enrolled in the Department of Correction's victim notification program.

Only a handful of states qualify persons as "victims" if there is no criminal conviction in their cases:

	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
QUALIFY VICTIMS WITHOUT CONVICTION	7	3	4
DON'T QUALIFY VICTIMS WITHOUT CONVICTION	23	4	25

A substantial number of agencies requires that all victims and witnesses be notified of changes in offenders' status. Several notify only some victims, and only three agencies notify witnesses to crimes:

WHO IS NOTIFIED?			
	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
ALL VICTIMS	15	2	24
ONLY SOME VICTIMS	7	1	5
ALL WITNESSES	0	0	2
ONLY SOME WITNESSES	1	0	0

Survey respondents were asked to identify which broad categories of victims or their families are required to be notified of changes in offenders' status:

VICTIM NOTIFICATION REQUIRED FOR:			
	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
VIOLENT CRIME VICTIMS	7	3	5
SEX CRIME VICTIMS	6	3	5
PROPERTY CRIME VICTIMS	2	1	3
VEHICULAR HOMICIDE VICTIMS	5	2	5
OTHER VICTIMS	4	1	0

Of the 127 adult and juvenile corrections and parole agencies surveyed, 21 are required by law to notify victims of changes in offenders' status. Nine agencies notify victims in accordance with agency policy, while the notification programs in 37 agencies are governed by both state law and agency policy.

Nineteen adult correctional agencies and seven juvenile correctional agencies require crime victims to initiate the request to enroll in their notification programs, and provide agency staff with their current address. Such notification requests are accepted in various forms by different agencies:

REQUIREMENTS FOR VICTIM NOTIFICATION REQUESTS			
	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
WRITTEN ONLY	15	5	17
ORAL ONLY	0	0	1
EITHER WRITTEN OR ORAL	8	2	11
BOTH WRITTEN AND ORAL REQUIRED	5	0	0
DON'T KNOW	3	0	0

It is widely recognized that many persons, other than the "direct victim," often suffer devastating consequences from crimes committed against someone they know or love. In addition, there are criminal justice officials who have a vested interest in knowing changes in the status of an offender in whose case they may have been involved. Accordingly, different correctional and parole agencies notify a variety of persons of changes in an offender's status, including but not limited to:

	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
IMMEDIATE FAMILY MEMBERS	9	3	11
EXTENDED FAMILY MEMBERS	4	0	6
CLOSE FRIENDS	5	0	6
VICTIM'S DESIGNATED REPRESENTATIVE	7	2	9
PROSECUTOR	9	3	9
LAW ENFORCEMENT OFFICIALS	7	2	9
PROBATION DEPARTMENT	4	2	4
OTHER	1	0	0

Some parole agencies also notify other key criminal justice officials about an offender's status, including judges, the state Attorney General, and law enforcement officials in the county where the offender is to be released.

There are sixteen different types of releases about which adult and juvenile correctional agencies notify victims and/or witnesses:

<u>TYPE OF RELEASE</u>	<u>ADULT</u>	<u>JUVENILE</u>
EARLY RELEASE	25	5
EDUCATIONAL RELEASE	19	3
WORK RELEASE	23	5
CURFEW RELEASE	13	2
RELEASE DUE TO PRISON OVERCROWDING	18	4
FUNERAL FURLOUGH	16	3
HOLIDAY FURLOUGH	15	2
DISCHARGE	28	5
PAROLE	27	6
MEDICAL RELEASE	19	4
ESCAPE	26	6
CLEMENCY	25	3
DEATH	18	4
REINCARCERATION DUE TO REVOCATION OF PAROLE (NOTIFY VICTIM OF ORIGINAL OFFENSE)	11	4
(NOTIFY VICTIM OF OFFENSE THAT RESULTED IN REINCARCERATION)	16	2
TRANSFER	8	4
CHANGE OF CLASSIFICATION	9	3

Several agencies also have initiated special procedures to ensure that victims who have been threatened or intimidated by offenders are notified of changes in that offender's status. For example, the Florida Department of Corrections Victim Assistance Program automatically sends victims a notice 30 to 60 days prior to the offender's release. One week prior to release, the Victim Assistance staff personally call the victim, then follow-up with a certified letter.

The procedures for victim notification vary according to state and agency:

<u>VICTIM NOTIFICATIONS HANDLED THROUGH:</u>			
	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
CENTRALIZED OFFICE	16	3	19
EACH WORK SITE	11	3	7
BOTH	4	1	2
NOT APPLICABLE	0	0	1

A wide range of correctional personnel are responsible for victim notification in adult and juvenile corrections and parole agencies. Some staff classifications that are involved in victim notification include:

- Victim Service Coordinator;
- Classification staff;
- Records Office personnel;
- Institution caseworker;
- Parole officer;
- Analyst;
- Wardens;
- Treatment Service staff;
- Director of central operations; and/or
- Administrative Assistant.

Adult correctional agencies in two states--Oklahoma and South Carolina--have personnel who devote 100% of their time to victim/witness services. The Washington Division of Juvenile Rehabilitation has a full-time program administrator for victim services. And parole agencies in nine states (Florida, Kentucky, Massachusetts, New Jersey, New Mexico, Pennsylvania, South Carolina, Texas and Virginia) provide for a full-time victim service coordinator.

In addition, California, Indiana and Washington have full time victim service staff who, in addition to victim issues, also work on department policy, legislative initiatives, public education and correctional task forces.

In agencies which do not have a full-time victim services coordinator, the average percentage of time a designated staff member devotes to assisting crime victims is:

<u>AGENCY</u>	<u>AVG. % OF TIME</u>
ADULT	14.2%
JUVENILE	21.4%
PAROLE	22.3%

The amount of time in which victims are notified of changes in an offender's status varies from state to state, and agency to agency:

WHEN ARE VICTIMS NOTIFIED?			
AMOUNT OF TIME	ADULT	JUVENILE	PAROLE
LESS THAN 30 DAYS	21	2	13
30 TO 60 DAYS	8	5	9
61 TO 90 DAYS	1	0	2
MORE THAN 90 DAYS	0	0	4

Many crime victims and witnesses express concern about keeping their requests for notification of their offender's status confidential. It is extremely important to afford victims this simple protection to strengthen the victims' and witnesses' feelings of safety and security. Similarly, victims and witnesses do not want their notification requests (which contain their names, addresses and telephone numbers) made available to the news media or general public.

In many states, victim notification requests are kept in files to which the offenders never have access. In Arkansas, California, Florida, Indiana, Maine, Maryland, and Oklahoma, any information in the offender's file relevant to the victim is subject to control, and is removed or deleted prior to review by the offender or his/her counsel. Agencies in other states, including Arizona, Indiana, Iowa, Oregon, South Carolina and Washington, have "computer flags" indicating confidential information which the offender cannot access. And the Michigan Parole Board protects all victim information with a label clearly designating such resources as "exempt from the Freedom of Information Act."

Confidentiality protections are offered by a number of agencies:

NOTIFICATION REQUESTS KEPT CONFIDENTIAL FROM:			
	ADULT	JUVENILE	PAROLE
OFFENDERS	25	5	27
OFFENDERS' ATTORNEYS	17	3	24
NEWS MEDIA	21	5	26
PUBLIC	21	4	26
NONE OF THESE	5	1	2

HANDLING COMPLAINTS FROM VICTIMS AND WITNESSES

Sometimes, crime victims have complaints about the way agencies handle matters concerning their cases. A number of correctional agencies--including 17 in adult corrections, 13 in juvenile corrections, and 18 parole departments--have responded by initiating formal procedures for handling victims' complaints and concerns. Clearly defined agency policies and protocols for handling victims' complaints help eliminate further trauma to victims who need someone to talk to, someone who can answer their questions, someone who can help them understand how and why decisions affecting offenders are made.

Some of victims' major complaints, along with the number of state correctional agencies which have received such complaints, include:

<u>VICTIMS' COMPLAINTS ABOUT:</u>	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
HARASSMENT, INTIMIDATION OR RETALIATION BY OFFENDERS OR THEIR FAMILIES	33	22	33
FAILURE TO BE NOTIFIED ABOUT CHANGES IN OFFENDERS' STATUS	28	13	29
WHERE THE OFFENDER IS HOUSED	28	21	24
WHEN THE OFFENDER IS RELEASED	31	24	37
WHERE THE OFFENDER IS RELEASED	22	19	35

Many corrections and parole agencies take strong, decisive actions to hold offenders accountable when they harass, intimidate or retaliate against crime victims.

<u>AGENCY SANCTIONS FOR OFFENDER HARASSMENT, INTIMIDATION OR RETALIATION</u>			
	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
LOSS OF PRIVILEGES	37	25	27
TRANSFER TO A MORE RESTRICTIVE LEVEL	36	24	22
NEW CRIMINAL CHARGE	28	23	24
ADDITIONAL ENHANCEMENT OF SENTENCE	21	18	15
DOCUMENTATION OF OFFENSE PUT IN OFFENDER'S CASE FILE	40	27	33
RECOMMEND INVESTIGATION FOR ADDITIONAL PROSECUTION	35	26	28
RECOMMEND REVOCATION OF PAROLE	31	19	35
NONE OF THE ABOVE	0	0	2

RESTITUTION

Forty-three adult and 36 juvenile correctional agencies, and 38 parole agencies have been authorized by courts in their states to order restitution for offenders sentenced to prison terms.

Survey respondents were asked if their agencies have an operational system in place to facilitate the execution of restitution orders; if their agencies collect restitution payments; and if their agencies disburse restitution payments. Their replies are highlighted in the following chart:

	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
HAVE OPERATIONAL SYSTEM	33	25	26
COLLECT RESTITUTION PAYMENTS	27	17	13
DISBURSE RESTITUTION PAYMENTS	16	13	8
PORTION OF RESTITUTION DISBURSED TO CRIME VICTIMS	18	16	10
PORTION OF RESTITUTION DISBURSED TO VICTIM COMPENSATION FUND	12	6	4

A substantial number of agencies--18 adult, 16 juvenile and 10 parole--has automated their restitution recording and collections systems.

A handful of correctional agencies are granted authority to automatically deduct a percentage of offenders' earnings to meet their restitution obligations, as depicted in the following chart:

AUTHORITY TO AUTOMATICALLY DEDUCT A PERCENTAGE OF OFFENDERS' EARNINGS TO MEET RESTITUTION OBLIGATIONS			
	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
AUTHORITY BY LAW	9	4	2
AUTHORITY BY AGENCY POLICY	4	4	2
AUTHORITY BY LAW AND BY POLICY	8	1	21
NO AUTHORITY	10	14	0
NOT SURE	2	2	1

In Iowa, the Department of Human Services is authorized to deduct all the earnings of juvenile offenders to fulfill their restitution obligations. The North Carolina Department of Correction can deduct up to 95% of offenders' earnings. Most state correctional agencies limit the amount of money they will deduct from offenders' earnings for restitution--ranging from five percent at the Alaska Parole Board to 50% in several states' agencies.

Many correctional agencies (24 adult, 17 juvenile and 22 parole) take some action when offenders fail to comply with their restitution requirements, including but not limited to the following sanctions:

	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
REVOKE GOOD TIME CREDITS	4	1	4
REVOKE OFFENDER PRIVILEGES	14	12	12
RECOMMEND AGAINST PAROLE UNTIL RESTITUTION ORDERS FULFILLED	8	9	14
INFORM THE COURT DIRECTLY THAT RESTITUTION IS NOT BEING MADE	20	17	11
SUGGEST THAT VICTIM INFORM COURT THAT RESTITUTION IS NOT BEING MADE	10	4	9

Many agencies revoke parole when restitution obligations are not fulfilled. Other agencies invoke a variety of sanctions, such as: restricting inmate activities; counseling offenders on the importance of restitution to victims; automatically deducting a percentage of work earnings; and "sending a nasty letter to the offender to 'pay up'."

Some state correctional agencies take no action whatsoever to make offenders comply with restitution obligations. One state's juvenile corrections representative said enforcement "really doesn't apply because most of them are kids and they don't pay." Another adult corrections staff member stated candidly that "the money is just not there. It (enforcing restitution orders) would take more staff time and money than we would put back into the system." And yet another corrections official admitted "there is no system for enforcing restitution. It is a low priority for the caseworker."

Crime victims and advocates believe that when offenders fail to comply with their restitution obligations while incarcerated, a restitution order should be a condition of parole. However, few states' correctional agencies (21 adult, 4 juvenile and 17 parole) exercise this option as a policy.

CRIME VICTIMS AND THE PAROLE PROCESS

The Final Report of the President's Task Force on Victims of Crime published in 1982 included four key recommendations for paroling authorities to involve crime victims in the parole process, and create protections for both victims and society as a whole. These recommendations were:

1. Parole boards should notify victims of crime and their families in advance of parole hearings, if names and addresses have been previously provided by these individuals.
2. Parole boards should allow victims of crime, their families, or their representatives to attend parole hearings and make known the effect of the offender's crime on them.
3. Parole boards should take whatever steps are necessary to ensure that parolees charged with a crime while on parole are immediately returned to custody and kept there until the case is adjudicated.
4. Parole boards should not apply the exclusionary rule to parole revocation hearings.

The past decade has witnessed some very important improvements in victims' rights in the parole process in many states. The majority of states now allow crime victims to attend and testify at parole* hearings. In addition, many other persons with interest in a particular offender's disposition may also attend and testify at parole hearings, as noted in the following chart:

PAROLE HEARINGS		
	# STATES ALLOWING ATTENDANCE	# STATES ALLOWING TESTIMONY
CRIME VICTIMS	29	28
WITNESSES	26	22
LAW ENFORCEMENT OFFICIALS	25	23
VICTIMS' FAMILIES	26	25
WITNESSES' FAMILIES	24	20
VICTIMS' OR WITNESSES' DESIGNATED REPRESENTATIVES	29	25
VICTIM/WITNESS SUPPORT PERSON	27	20
VICTIM ADVOCATE	23	22
JUDICIAL REPRESENTATIVE	25	22
PROSECUTORS	28	25
CONCERNED CITIZENS	21	17
NEWS MEDIA	19	N/A
OTHERS	15	11

In ten states, parole hearings are open to the general public. Offenders in West Virginia can request that no one be present at parole hearings except the Parole Board, corrections officers and themselves. And in New Jersey, only the Parole Board members and inmate are allowed at hearings.

Furthermore, nine states allow **anyone** to testify (either orally or in writing) before their paroling authority.

*All references to parole in this section of the survey refer to adult parole only.

Ten state parole agencies have a staff member specifically designated to accompany victims, witnesses and their families at any hearings related to the offender's release.

<u>TYPE OF INFORMATION PROVIDED TO VICTIMS</u>	<u># STATES PROVIDING</u>
WHO CAN ATTEND HEARINGS	31
MAXIMUM NUMBER OF ATTENDEES PER OFFENSE	8
TIME, DATE AND LOCATION OF HEARING	32
DIRECTIONS TO SPECIFIC HEARING ROOM	25
WHERE TO PARK	20
AGENDA WHICH SPECIFIES THE ORDER OF TESTIMONY	13
RECOMMENDATIONS ABOUT HOW TO TESTIFY EFFECTIVELY	12
WHAT TO WEAR	6
WHAT THEY CAN AND CANNOT BRING	15
NAME, ADDRESS AND PHONE NUMBER OF VICTIM CONTACT PERSON IN AGENCY	27

The nationally recognized victim services program in the South Carolina Department of Probation, Parole and Pardon Services provides all the information noted above to victims prior to parole hearings.

Face-to-face confrontation between the victim and the offender or his/her family is often very distressing to victims. Thirty states have taken procedures to limit or control such face-to-face confrontations. Some of these measures include:

- Conducting separate hearings for offenders and victims.
- Allowing victim testimony without offender present.
- "Teleconferencing" parole hearings with victims present at parole board offices, while the offender remains in the institution.

In Idaho, psychological counseling is available to any victims who need support from a trained social worker.

Seventeen states have institutions with waiting areas for victims who attend parole hearings that are separate by sight and sound from offenders, their families and their legal representatives. Parole agencies in five states have plans to modify existing structures to provide separate waiting areas for victims. And in California, the Department of Corrections has plans to create separate waiting areas for victims in the architectural designs for new institutions.

When parole agencies were asked if offenders or their attorneys are ever given access to the victim's impact statement or oral testimony, they responded as follows:

<u>ACCESS TO VIS OR VICTIM'S TESTIMONY</u>	<u>YES</u>	<u>NO</u>	<u>NOT SURE</u>
GIVEN BEFORE THE HEARING	6	33	2
GIVEN DURING THE HEARING	18	21	2
AFTER THE HEARING	14	25	2

And in 15 states, offenders are allowed to respond to victims' testimony or impact statements.

A number of states take crime victims' needs into consideration when scheduling parole hearings. Some of the different ways that programs try to accommodate problems victims sometimes have attending parole hearings include:

<u>AGENCY ACTION</u>	<u># STATES ALLOWING SUCH ACTIONS</u>
RESCHEDULE HEARING IF IT IS IMPOSSIBLE FOR VICTIM TO ATTEND	25
RESCHEDULE HEARING IF OFFENDER REQUESTS	33
NOTIFY VICTIM WHEN AN OFFENDER'S PAROLE HEARING IS RESCHEDULED	28
CONDUCT HEARING AT INSTITUTION CLOSER TO VICTIM'S HOME	11
ALLOW VICTIM TO PROVIDE TESTIMONY OR INPUT AT LOCATION DIFFERENT FROM LOCATION OF PAROLE HEARING	34

The survey found that 36 parole agencies inform victims about the outcome of parole board hearings and related decisions. In 10 states, victims are notified at the hearing itself; in 33 states, victims are informed of parole board decisions by letter; and in 19 states, victims are contacted by telephone.

PAROLE VIOLATIONS

Only six state parole agencies routinely notify victims of parole violation hearings. However, in 22 states, victims are allowed to have input prior to or during parole violation hearings. Twenty states allow victims to submit written impact statements; 17 states allow victims to testify at violation hearings; and 12 states now allow victims to submit videotaped impact statements to be played at the hearing.

Fourteen states generally attempt to notify victims of the originating offense for which the offender was on parole of subsequent parole violations. And in 23 states, victims of the new offense, which resulted in the parole violation, are notified of the fact that the crime was, indeed, a violation of the offender's condition of parole.

Survey respondents were asked to identify the percentage of parole hearing offender files containing victim notification requests, and also the percentage of parole hearings with victims in attendance. It is estimated that approximately 24.9 percent of parole hearing files include victim notification requests. Respondents also estimated that an average of eight percent of parole hearings are attended by victims of crime or their representatives.

VICTIM INPUT AT PAROLE

Thirty-six states now have laws which allow victims to give input at parole release hearings through a written victim impact statement, an oral statement (known as "allocution"), or both. Furthermore, in 34 states, if an offender was sentenced prior to the passage of that state's victim impact statement law, victims of that offender are still allowed to submit victim impact statements.

The majority of states also allow audiotaped or videotaped victim impact statements at parole hearings.

<u>TYPES OF VICTIM IMPACT STATEMENTS ALLOWED</u>	<u>YES</u>	<u>NO</u>	<u>NOT SURE</u>
ORAL (ALLOCUTION)	31	5	0
WRITTEN	36	0	0
AUDIOTAPED	28	6	2
VIDEOTAPED	24	7	5

In 28 states, the original victim impact statement that was prepared for the sentencing hearing (as part of the criminal proceedings) is kept on file by corrections authorities, and reviewed as part of the parole process. Twenty-two states invite victims to submit an updated impact statement which includes any evidence of communication from the offender or the offender's associates since sentencing.

Sometimes crime victims prepare victim impact statements themselves. In other cases, their statements are prepared by probation or parole officers during the pre-parole investigation.

<u>WHO MIGHT PREPARE VIS</u>	<u># STATES</u>
PROBATION/PAROLE OFFICER DURING THE PRE-PAROLE INVESTIGATION	7
CRIME VICTIMS FOR THEMSELVES	19
EITHER AT DECISION OF BOTH PARTIES	6

In Hawaii, Kentucky and South Carolina, a staff member from the prosecutor's office also might prepare victim impact statements for use at parole hearings.

STAFF VICTIMIZATION

A teacher in a juvenile correctional institution is brutally beaten by one of her students; two correctional officers are held hostage for nine hours by inmates demanding better living conditions. And a parole agent is shot while on a supervision visit to a parolee at a halfway house.

Such scenarios are becoming more common in both institutional and community corrections. On a daily basis, correctional professionals assume many risks just to get their jobs done. And when such risks result in critical incidents--often violent, usually extremely traumatizing to the victims and witnesses involved--corrections agencies should be prepared to deal with the aftermath.

Thirty-two adult correctional agencies now have written policies concerning how to handle critical incidents in which personnel become victims or witnesses. Twenty-seven juvenile correctional agencies and 16 parole agencies also have committed their policies to writing.

A number of agencies are also implementing programs, policies and guidelines to assist not only staff members who have been victims of or witnesses to critical incidents, but to help the family members of such staff as well:

	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
# STATES WITH PROGRAMS AND PROTOCOLS TO ASSIST STAFF INVOLVED IN CRITICAL INCIDENTS	29	24	14
# STATES WITH PROGRAMS AND PROTOCOLS TO ASSIST STAFF MEMBERS' FAMILIES	19	9	7

There are a number of different services correctional agencies can implement to help victims and witnesses recover when they are involved in critical incidents. Some of these include information and referral, mental health counseling, and criminal justice-related programs extended to victims' family members as well.

NUMBER OF STATES PROVIDING SERVICES TO VICTIMIZED STAFF			
	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
IN-HOUSE MENTAL HEALTH COUNSELING	15	3	5
IN-HOUSE VICTIM/WITNESS SUPPORT GROUPS	17	4	5
IN HOUSE SUPPORT AND/OR COUNSELING FOR VICTIMS' FAMILIES	12	4	5
OUTSIDE REFERRALS FOR INDIVIDUAL COUNSELING	19	9	6
OUTSIDE REFERRALS FOR FAMILY COUNSELING	18	9	6
OUTSIDE REFERRALS TO COMMUNITY-BASED VICTIM SERVICE PROGRAMS	16	7	6
OUTSIDE REFERRALS TO POLICE AND/OR PROSECUTOR-BASED PROGRAMS IN CASES INVOLVING CRIMINAL PROSECUTION	18	8	5

Critical incidents involving actual or threatened violence to correctional staff, can be treated as crimes which should be investigated by law enforcement agencies or treated as internal matters that should be dealt with administratively. In most states, the disposition of such critical incidents is decided on a case-by-case basis:

NUMBER OF STATES IN WHICH CRITICAL INCIDENTS ARE TREATED AS:			
	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
CRIMINAL MATTERS	3	5	1
ADMINISTRATIVE MATTERS	2	1	0
BOTH, DEPENDING ON THE SPECIFIC INCIDENT	42	33	38

A majority of adult correctional agencies (33) have written policies guiding decisions on whether to treat critical incidents as administrative or criminal matters. Twenty-eight juvenile agencies and ten parole agencies have developed such written guidelines.

In a surprising number of states that have victim notification programs, correctional personnel who are victims or witnesses to crimes within their agencies are not eligible to be notified of any relevant administrative or prosecutorial actions resulting from their critical incidents:

CORRECTIONAL PERSONNEL ELIGIBLE FOR NOTIFICATION OF ADMINISTRATIVE OR PROSECUTORIAL ACTIONS TAKEN FOLLOWING CRITICAL INCIDENTS			
	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
ELIGIBLE FOR NOTIFICATION	31	18	35
NOT ELIGIBLE FOR NOTIFICATION	15	20	4
NOT SURE	1	1	2

Many critical incidents result in agency employees incurring expenses for things such as medical treatment, psychological counseling, time lost from work, etc. In some states, such expenses are covered by workers' compensation, crime victim compensation funds, or a combination of both. In other states, no compensation is offered to victimized correctional personnel:

	<u>FULLY COVERED</u>	<u>PARTIALLY COVERED</u>	<u>NO COVERAGE</u>	<u>NOT SURE</u>	<u>DEPENDS</u>
ADULT AGENCIES					
WORKERS' COMPENSATION	13	25	1	8	1
VICTIMS COMPENSATION	2	26	9	10	1
JUVENILE AGENCIES					
WORKERS COMPENSATION	18	11	3	6	1
VICTIMS COMPENSATION	1	11	18	8	1
PAROLE AGENCIES					
WORKERS COMPENSATION	8	11	0	21	1
VICTIMS COMPENSATION	5	12	3	21	0

VICTIM/OFFENDER PROGRAMS

Over the last ten years, many corrections professionals have joined forces with victim advocates to implement creative, cost-effective programs which bring crime victims and offenders together. The purposes of such programs are two-fold: first, they give both parties an opportunity to discuss and listen to each other's views about the criminal incident. Second, these programs can help determine conditions of the offender's supervision, including restitution, community service and fines.

An innovative program initiated by the California Youth Authority in 1986 helps youthful offenders understand exactly how their criminal activities affected their victims and others touched by their crimes. "Impact of Crime on Victims" classes have been replicated successfully in several states.

The common theme of all victim/offender programs is **accountability**. When an offender is held accountable for his or her action, the victim feels that justice is, at least partially, served. Accountability is a key factor in efforts to rehabilitate offenders.

The following chart indicates the type and number of victim/offender programs now in existence:

<u>TYPE OF PROGRAM</u>	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
MEDIATION	5	8	0
CONCILIATION	5	5	0
VICTIM IMPACT PANELS OR CLASSES	10	8	3
CONFRONTATION	5	4	1
"IMPACT OF CRIME ON VICTIMS" PROGRAMS	5	4	1
OTHER	36	21	37

**CRIME VICTIMS AND CORRECTIONS:
A PARTNERSHIP FOR PROGRESS**

With leadership and support from the American Correctional Association Victims Committee, many state correctional agencies have implemented a variety of exemplary programs to educate their personnel about crime victims' rights, needs and services. Such programs encourage cooperation and coordination of efforts among corrections professionals and the victim service community.

Survey results indicate that many correctional agencies provide a variety of training and information opportunities about victims' rights and services to their staff. However, there are still many agencies that lack such educational opportunities:

NUMBER OF STATES PROVIDING STAFF TRAINING ABOUT VICTIMS' RIGHTS			
<u>TYPE OF TRAINING</u>	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
WRITTEN MATERIALS	22	19	31
WORKSHOPS	26	18	21
AUDIO/VIDEO PRESENTATIONS	17	9	7
NO TRAINING AVAILABLE	20	15	10

A substantial number of correctional agencies designates representatives to participate in local, state and regional coalitions of crime victims and service providers. In addition, many agencies provide information, training and technical assistance to crime victims and service providers in their states:

AGENCY PARTICIPATION IN VICTIM SERVICES			
<u>TYPE OF PARTICIPATION</u>	<u>ADULT</u>	<u>JUVENILE</u>	<u>PAROLE</u>
REPRESENTATIVE ACTIVE IN VICTIM SERVICE COALITIONS	26	15	22
AGENCY STAFF PROVIDE TRAINING AND TECHNICAL ASSISTANCE TO VICTIMS AND SERVICE PROVIDERS	19	12	20

Survey results highlighted a variety of ways corrections professionals interact with crime victims and service providers in their states. Some examples include:

- Staff members of the Departments of Corrections in California, Indiana, South Carolina, Washington and the South Carolina Department of Probation, Parole and Pardon Services, and the California Youth Authority, participate in state and national coalitions, provide intensive training and technical assistance about their agencies and related victim services, and coordinate all efforts relative to crime victims and the corrections process.
- The Alaska Department of Youth Services funds some of the programs dealing with corrections that are provided by non-profit community groups.
- The Arizona Board of Pardons and Parole teaches victims and services providers about how it operates, statutory requirements that guide agency activities, and how to access services and information.
- The Minnesota Department of Corrections provides: a list of referral services for victims; training on the dynamics of oppression and victimization; information on sex offender supervision; profiles of sexual assault and domestic abuse perpetrators; and victim intervention and advocacy.
- Representatives from the New Jersey State Parole Board conduct educational seminars for victims and service providers, attend monthly meetings with prosecutor-based victim/witness coordinators to explain parole procedures, and share information about New Jersey laws, codes and procedures relevant to parole with other states upon request.
- The Victim Liaison at the Oklahoma Department of Corrections provides workshops on victim sensitivity, and explains the functions of her state's Department of Corrections and Pardon and Parole Board.
- The Virginia Department of Corrections conducts workshops on the treatment of sex offenders.

These and other exemplary programs serve to "bridge the gap" between professionals in the fields of corrections and crime victim services.

THE FUTURE OF CRIME VICTIMS AND THE CORRECTIONS PROCESS

While the last decade has witnessed tremendous growth in victim programs and services in correctional agencies, there is still much work to be accomplished. While these survey data provide an analysis of the scope of corrections-based victim services, they also offer an excellent springboard for future actions to improve correctional systems' response to crime victims.

The "Crime Victims and Corrections: Setting the Agenda for the 1990's" training and technical assistance project can provide leadership, resource and expertise to corrections professionals and victim service providers in all fifty states who are interested in and committed to protecting victims' rights and involving victims in adult and juvenile corrections and parole programs. A continuation grant project funded by the U.S. Department of Justice Office for Victims of Crime will enable the Project staff from "Crime Victims and Corrections: Setting the Agenda for the 1990's" to provide targeted on-site technical assistance and ongoing support to correctional agencies in all fifty states, utilizing the curriculum and resources developed for this Project and providing consultation by telephone.

The combined, concerted efforts of corrections officials, criminal justice professionals and victim service providers will help erase the "us and them" mentality that has been known to hinder cooperative efforts in the past. The leadership provided by the U.S. Department of Justice Office for Victims of Crime -- with technical expertise and resources from the National Victim Center, National Organization for Victim Assistance, American Correctional Association, California Department of Corrections, and California Youth Authority -- can pave the path to comprehensive victim services in correctional agencies nationwide.



**National
Victim Center**

2111 Wilson Blvd.
Suite 300
Arlington, VA 22201
(703) 276-2880

307 West Seventh Street
Suite 1001
Fort Worth, TX 76102
(817) 877-3355

555 Madison Avenue
Suite 2001
New York, NY 10022
(212) 753-6880