Promising Victim-Related Practices in Probation and Parole

Welcome and Introductions



Training Sponsors

- Office for Victims of Crime (OVC)
- American Probation and Parole Association (APPA)

A little about APPA...

- Professional membership organization
- Community corrections professionals—both juvenile and criminal justice system
- Produces products, such as *Perspectives*
- Conducts professional training seminars and Institutes
- Serves as an information clearinghouse
- Manages federally-funded grant projects

A little about OVC...

- Established by the 1984 VOCA
- Oversees diverse programs that benefit victims of crime
- Provides funding to state victim assistance and compensation programs
- Supports training on victim issues to justice professionals
- Sponsors NCVRW every April
- One of 5 bureaus and 4 offices within OJP, DOJ

Ground Rules

- Respect others ideas and input
- Participate actively
- Limit side discussions
- Turn off (or silence) cell phones
- Return promptly from breaks
- Others???

Introductions and Expectations

Introduction Exercise

- State your name
- Indicate what you do for your agency
- Answer the question,
 - By the end of this seminar, I hope to learn...



Communicating Effectively with Crime Victims & Survivors

Learning Objectives

• Explain the impact of trauma on victims of crime and its implications for our communications with them.

APPA

- Differentiate between things that should and should not be said to victims.
- Demonstrate strategies for communicating with victims who are upset or angry.
- Discuss effective strategies for communicating with victims of crime.



"Victims remember *two* things: those who *help*, and those who *hurt*." - Cheryl Ward Kaiser

APPA

Small Group Activity ICEBREAKER



What are some of the *CHALLENGES*

you face in talking to crime victims?

Why Community Corrections Should Be Concerned with Victim Trauma (*MUSC*)

- Major factor in victims' failure to cooperate with the CJS and community corrections
- Can increase victims' cooperation
- Can improve their favorable perceptions of the CJS and community corrections
- Can decrease potential for secondary trauma.
- Can increase effectiveness of victim input

APPA

SMALL GROUP ACTIVITY

My offender is back in the community, and I'm concerned about ???



Community Corrections and Victim Stressors

- Seeing the offender in court/release hearing
- (Re)thinking about the crime before dealing with justice professionals
- Wondering if you'll be *believed* and/or blamed
- Not understanding the system
- Protection/safety issues

Factors that Affect Trauma

• Existing stressors in one's life



- Past traumatic experiences, including prior victimization
- Treatment by others (including family members, friends and justice professionals)
- Mental health and supportive services

Crisis Theory

- Crisis characterized by high levels of subjective stress and inability to modify source of stress that produced crisis
- Can be produced by a variety of stressful life situations
- Dangerous/harmful situations most likely to provoke a crisis reaction

Definition of Crisis

• Crisis: "Temporary state of upset and disequilibrium, characterized chiefly by an individual's inability to cope with a particular situation using customary methods of problem solving and by the potential for positive or negative outcome." (*Roberts, 1995*)

Common Immediate Reactions

- Terror
- Shock
- High anxiety
- Can't believe it has happened
- Physiological arousal

Common Short-term Reactions

- High anxiety
- May or may *not* look distressed
- Disturbed concentration
- Concerns about safety
- Sleep disturbances
- Concerns about who to tell
- Concerns about being believed, and not being blamed

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REMEMBER....



The amount of time between when the crime occurs and your interactions with victims may affect your communications.....

Long-term Reactions PTSD

- Person has been exposed to a traumatic event in which both of the following were present:
 - Experienced, witnessed or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others.
 - The person's response involved intense fear, helplessness, or horror.

Other Long-term Psychological Responses

- Depression
- Thoughts of suicide and suicide attempts
- Alcohol and other drug abuse
- Problems with relationships
- Changing view of the world:
 - As a "safe place"
 - Trust issues
 - Seeking justice

Theory and Victim Trauma

- Stress theory: developmental, chronic/occupational, and acute.
- Classical conditioning.
- Avoidance.
- Generalizability.

What Affects **YOUR** Communications with Victims?

- How much information you have about the victim and the case
 - *How* and *where* do you get this?
- Victim trauma and their reactions to you
- Victim understanding of community corrections
- YOUR level of comfort.....

APPA

Possible Effects of Victim Reactions on Communications

- Difficult interviews with victims:
 - Who are angry, confused, highly traumatized or don't want to talk to you
- Limited information:
 - On what you can tell the victim
 - On what the victim can tell you
- Stressful to you:
 - Vicarious trauma

You Can Discourage Effective Communication by:

- Talking too much or too fast
- Talking too little
- Using jargon and not being clear



You Can Discourage Effective Communication by/2:

- Lack of attention to affect of the victim
- Behaving in a defensive or judgmental manner

You Can Encourage Communication By:

- Body language & tone of voice
- Explaining the process/reason for your communications to the victim
- Setting guidelines for the interview
- Sensitivity to cultural issues
- Sensitivity to victims with special needs or concerns.
- Addressing confidentiality.

OVC Video

Listen to my Story: Communicating with Victims of Crime



Listening to My Story

Effective Communications with Victim Survivors

- Foundation skills:
 - Active listening
 - Paraphrasing
 - Reflective listening
 - Affirming
 - Open-ended and closed-ended questions

Effective Communication

In effective communication, one person conveys information or a message to another, and they *both* agree on the meaning.



Active Listening

- Listening carefully to what the speaker is saying, without judgment or evaluation
- Listening to content of the message, as well as the feelings being expressed
- Attempting to stand in the other's shoes to understand and relate to another's situation and feelings

How Do You Practice Active Listening?

- Be attentive
- Take time to listen to the full story or discussion without interrupting
- Allow client to be silent
- Ask for clarification or repetition of statements
- Listen without judgment
- Set your reactions aside and focus on the victim's feelings

Active Listening Example

"I know I said I was afraid of him and wanted a protective order, but I didn't really mean it.

Our kids need a dad and I really need him to keep working to support us. I mean, he's never hurt the kids that I know of, and he's a really good provider when he doesn't get liquored up and angry at me."

Paraphrasing

- Stating back to the victim in your own words what you understood the victim to say
- **PURPOSE:** To make sure that you heard and understood what the victim said and is feeling
How Do You Paraphrase?

- Listen to the victim carefully, focusing on key words, phrases and concepts
- Repeat what the speaker said, *using your own words*, without changing the meaning

Paraphrasing Example

"A lot of people don't consider burglary a big deal, but it **was** to my family. My kids are now jittery and scared, and we had to buy an alarm system, which is a big cost to us.....

I know it's no big deal to you, but it **IS** to us, so what are you going to do to make us feel okay and safe again?"

Reflective Listening

- Reflecting his/her feelings back to the victim
- **PURPOSE:** To make sure that you have understood what the victim is feeling, although the victim may not have expressed the feelings



Techniques to Practice Reflective Listening

- Listen carefully
- Make a mental note of key points
- Notice how *you* are feeling
- Ask yourself how you would feel if you were the victim, as you listen to him/her share the experience
- Listen for what is *not* being said

Affirmation

- Statements that recognize and validate a victim's strengths, without seeming patronizing
- **PURPOSE:** To help build the victim's confidence in his or her ability to persist

Affirmation Example

"At first, I was really scared when I received your message about this thing called probation, but I think I made the right decision in calling you back."

Open-ended vs. Closed-ended Questions

- Open-ended: Cannot be answered by "yes" or "no"
- Closed-ended: Can be answered by "yes" or "no"



Getting Information with Questions

- Ask yourself what information you need to get before you ask a question
- Ask questions that will help you provide effective services to the victim
- Ask questions one at a time (multiple questions can easily confuse or put off the other person)

Tips for Talking to Victims on the Telephone



PLEASE REFER TO HANDOUT "Telephone Skills Checklist"

SMALL GROUP ACTIVITY: Based Upon YOUR Experiences..... What are some

GOOD THINGS

you can *practice* to say to crime victims and survivors?



SMALL GROUP ACTIVITY: Based Upon YOUR Experiences..... What are some BAD THINGS

you should *never* say to crime victims and survivors?



MAKING THE BEST USE OF YOUR TIME TALKING TO VICTIMS.....



Time Tips



- Be prepared!
- Try to find a scheduled block of time to contact victims or return their calls
- Think about what information you need to give or receive:
 - Write it down in advance
- Have a good list of referrals

Time Limits: Start at the Beginning.....

- "It'll help both of us if we can identify and focus on your major needs/concerns."
- "Thanks for calling. Let's see if we can identify ways I can assist you."
- "I'd like to help you, or figure out who is the best person to help you."

Time Limits: Start at the Beginning.....

- "I only have # minutes. I wish I had more time, but let's see what we can do to meet your needs in this timeframe."
- "I am not a counselor, but can offer you referrals if you need more help."
- "My job is to ______. It sounds like you need to talk to someone with the experience to help you. Can I offer you a referral?"

Time Limits: Ending A Conversation

- Search for a "break" in the victim's conversation with you.
- Express appreciation for their call:
 - "I'm glad you called...."
 - "The information you've given me is helpful."
 - "Thanks for taking time to share your concerns/issues...."

Time Limits: Ending A Conversation

- "As I said earlier, I wish I had more time to speak with you. Since I don't, is there any final information I should have about.....?"
- Offer "action steps" that you and/or the victim should take, and/or referrals.
- If possible, provide a time line for the action steps.
- Thank the victim for calling.

Dealing With Angry Victims

- Remember how *victim trauma* affects victim reactions and interactions!
- Focus not just on *that* the victim is angry, but on what may be causing the anger (see "victim trauma" earlier...)
- Try not to take it personally it *isn't*!

Dealing With Angry Victims

- Validate the victim's anger:
 - "I can tell by your voice that you're pretty upset."
 - "Let's see if we can *identify* and *address* the issues/concerns that are making you upset."
- If you feel you are being verbally abused, seek help from a supervisor.

ONE FINAL THOUGHT....

You may be the *first* person the victim has spoken to, **OR**

you may be the most important person the victim needs to talk to!

For More Information....

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Incorporating Victim Input

Victim Input/Victim Impact Statements

- Why consider victim input?
- What is victim input?
- When is victim input solicited?
- How is victim input solicited?

What is Victim Input?

- Information/notification/restitution
- Offender Threats/Safety Concerns
- Policy
- Accountability
- Treatment/Programs
- Parole and Probation Conditions
- Victim Impact Statements

Why Consider Victim Input?

How can victim input benefit you?

Why Consider Victim Input?

How can victim input benefit victims?

Why Consider Victim Input?

How can victim input benefit offenders?

When to Solicit Input?

- Pre-sentence investigation
- Sentencing
- Parole hearings
- Discharge hearings
- Restitution hearings

Agencies should solicit input by...

- Locating victims
- Establishing policy/procedure/practices
- Training staff
- Building relationships
- Encouraging participation

What is a Victim Impact Statement?

Victim Impact Statements

- 1976 by California Chief Probation Officer James Rowland
- Most widely used form of victim input
- All States and Federal Government have VIS mandates at sentencing and/or parole hearings

Victim Impact Statements

- Harm/impact
- Needs/concerns
- Participation interests

Victim Impact Statements

How are VISs delivered?

- Written
- Oral
- Audio-taped
- Video/DVD
- Closed circuit/video conference/phone conference
- Personal meeting

Challenges in Soliciting VISs

- Victim's emotional state
- Language barriers
- Cultural barriers
- Intimate partners
- Children/elderly
- Fearful victims
- Personal/Lifestyle Issues

Victim Notification

Learning Objectives

- Participants will be able to:
 - Identify five to seven informational needs of victims
 - Identify four to six critical points within the justice process when crime victims may need information and/or notification
Learning Objectives, cont.

- List two to three different notification delivery methods
- Discuss features of automated systems of victim notification
- Identify common points of failure in victim notification processes and discuss lesson learned to improve victim notification practices

Safety & Security

- **Safety** is ensuring the physical safety of the victim. Safety can be the overriding issue for victims
- **Security** involves whether the victim *feels secure*.

Information

- Information is power. Crime often renders victims feeling powerless. Proper and adequate information helps to empower victims to make decisions relevant to their recovery.
- The Victim Impact Statement is the first formal way to obtain information from the victim and opens the door to providing them with information.

Information

- Too much information can be overwhelming. The amount of information should be tapered according to what victims can feel they need.
- The range of what a victim may need to know and want to know can be vast and can be linked to issues of safety and security.
- Victims should also be informed of any options they may have.

Victim Impact & Information

- This information can also determine
 - Restitution
 - Length of sentence; probation or parole
 - Any special conditions for release
 - Participation in special victim/offender programming, i.e. mediation, reconciliation, treatment
 - Other recommendations to safeguard the victim

The Importance of Notification

 Getting the right information from victims about the financial, emotional, physical, an/or psychological impact of the crime helps inform the system so appropriate sentencing or other aspects, such as community supervision are decided.

Importance of Providing Information

- Validates the victim's importance in the criminal justice system
- Sends victims the message that they heard and believed
- Increases a victims desire to participate in the criminal justice system

Activity

• In small groups, discuss what information is needed by victims and what information does Probation and Parole need.



Vital Information for Victims

- Victims Rights
- Probation & Parole process & contact information
- Available services
- Notice of sentencing and conditions
- Offender status
- Restitution information

Activity



- At least 72 opportunities have been documented where victims can receive notification.
- How many can your group identify?

Activity

Group Exercise

"A Victim's Search for Information"

The Importance of Notification

- More than the submission of then Victim Impact Statement
- Provides crucial information that addresses victim safety
- Information can be general or offender-specific in nature

Key Elements of Notification & Informational Services

- All victims should receive initial information concerning probation & parole
 - Some opt to limit contact or the receipt of information they receive.
- Victims should also be offered the opportunity to receive future notification about the status & disposition of the offender

Key Elements of Victim Notification & Informational Services

- Agencies should be proactive in providing general and offender-specific information to victims
- Agencies should be design processes that are simple and safeguard confidentiality
- Information about how notification works within probation & parole should be distributed to all local & state victim advocates

Opportunities for Registration

- After sentencing victims should be:
 - Identified
 - Notified
 - Asked to register
- Agencies should have notification options:
 - Telephone or automated system,
 - In-person
 - In writing
 - On-line

Information to Offer Victims

- Their rights
- How the probation and/or parole process works
- Who the victim can contact for more information
- Submitting victim impact statements

Information to Offer Victims

- Any services the agencies provide to victims
- Notice of sentence and conditions of probation & parole
- Offender status (violations, imposition of sanctions, revocations, restitution, early terminations)
- Amount of ordered restitution & payment schedule
- Names & contact info for victim service providers

Examples of Automated Victim Notification

- Victim Information & Notification Everyday [VINE]
- Statewide Automated Victim Assistance & Notification [SAVAN]

Enhancing Restitution Collection, Management, and Enforcement

IT'S NOT ROCKET SCIENCE



THE VALUE OF RESTITUTION

FINANCIAL RECOMPENSE FOR VICTIMS

ONLY TANGIBLE PROOF THAT OFFENDER IS BEING HELD ACCOUNTABLE

CRUCIAL TO OFFENDER ACCOUNTABILITY

NUMBERS GAME

- You will have 45 seconds.
- Begin circling in sequence (1,2,3,...) as many numbers as you can.
- Put your pencil down and record how many numbers you circled



Take your sheet and divide it into quadrant

Begin in the upper left quadrant and circle 1

Proceed to the right to the upper right quadrant, find and circle 2

Proceed diagonally to the lower left quadrant, find and circle 3

Go to the lower right quadrant, find and circle 4

Return to the upper left quadrant, find and circle 5 and continue repeating the pattern

NUMBERS GAME

- You will have 45 seconds.
- Begin over at "1" circling in sequence (1,2,3,...) as many numbers as you can.
- Put your pencil down and record how many numbers you circled

WHAT ARE YOU DOING?

- Get Together With People Around You
- Brainstorm With Your Group
- Record MEASURES or TOOLS You Are Using Currently
- Report Out



TWO MEASURES = SUCCESS



Tip #1: Treat payment of restitution the <u>same</u> as other court-ordered conditions of supervision.

□ If you make it a priority...so will the offender

Prompt follow-up necessary on missed and/or partial payments

Tip #2: Address restitution during every contact with the offender.

- Talk about it!
- □ If offender makes a payment—acknowledge it
- If offender doesn't make a payment emphasize the importance of restitution
- Probe excuses for nonpayment
- Use Broken Record Technique

STRATEGIES

ASK THE RIGHT QUESTIONS

DIRECT LIMITED OPTIONS INVESTIGATE OFFENDER'S ASSETS

ASK THE RIGHT QUESTIONS

Why haven't you paid?

How much can you pay?

When can you pay?

WHAT STOOD IN YOUR WAY OF MAKING THE PAYMENT?

HOW SHORT OF A \$100 PAYMENT WILL YOU BE?

WHAT DAY WILL YOU BRING IN YOUR PAYMENT?

Broken Record Technique

An example of a dialog between OFFICER and OFFENDER would be:

- OFFICER: Do you have your Court ordered payment today?
- OFFENDER: No, I don't have my payment.

OFFICER: *What day will you have your payment for me?*

- OFFENDER: Well, you know that my kids have been sick and I've had to miss some work and pay the doctor's bill.
- OFFICER: I am sorry that you kids have been sick, and I hope that they are feeling better. *What day will you have your payment for me?*
- OFFENDER: I had planned on making the payment, but my car has needed some repairs and I need the car for work.
- OFFICER: I understand that you need your car for work and it needs to be in running condition. *What day will you have our payment for me?*

INVESTIGATE OFFENDER'S ASSETS

Look around

Payment Ability Evaluation (PAE)



Tip #3: Look for & question the offender about assets and lifestyle choices that relate to disposable income.

- Look for signs of disposable income during office visits, home contacts, and phone conversations.
- Question offenders' lifestyle choices

NEEDS S

FOOD

SHELTER

CLOTHING

COURT ORDERED RESTITUTION

DIRECT LIMITED OPTIONS

You can make a payment or ...

Sanctions and Rewards

Tip #4: Outline & utilize a system of graduated responses for addressing nonpayment

- The more uncomfortable you make it for the offender not to pay, the more likely the offender is to make a payment.
- Use limited options
 - What are some sample sanctions for nonpayment?
 - What are some sample incentives for payment?

SANCTIONS

REWARDS

MORE FREQUENT REPORTING

- SUSPEND TRAVEL PERMITS
- WRITE A LETTER TO THE JUDGE OR VICTIM EXPLAINING FAILURE TO PAY
- COMPLETE PAYMENT ABILITY EVALUATION W/ VERIFICATION
- DIRECT TO BUDGET CLASS
- ACCELERATE DEFERRED JAIL

- REPORT LESS /MAIL-IN STATUS
- GRANT TRAVEL PERMITS
- PRAISE OFFENDER FOR
 PAYMENTS MADE
- EARLY TERMINATION
- DELETION OF DEFERRED JAIL SENTENCE

Tip #5: Leverage support from others

- Ask a peer to help
- Ask a supervisor to help
- Make contact with the offender and his/her spouse at their home



Tip #6: Document steps taken to elicit payment as a means to show willful noncompliance.

Document all intermediate sanctions such as:

- Written directives
- Signed Payment Ability Evaluation
- Attendance at budget class
- Case note for each contact with the offender
- Payment history or lack of payment history
- Helps show court (if necessary)
 <u>WILLFUL NONCOMPLIANCE</u>

WHAT ARE YOU GOING TO DO, NOW?

- Gather with People in Your Jurisdiction
- Brainstorm with Your Group
- Record Measures or Tools You CAN and WILL Be Using in Your Jurisdiction
- Report Out
- Write Your Action Plan

