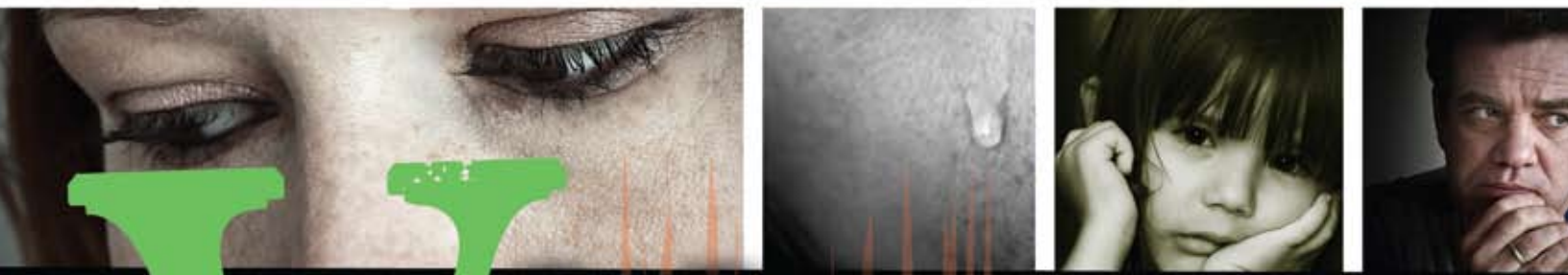


PERSPECTIVES

the journal of the American Probation and Parole Association



w w w . a p p a - n e t . o r g



Voice of the Victim

a perspectives spotlight issue



Innovation • Partnerships
Safer Neighborhoods



Office for Victims of Crime
OVC

A Force for Positive CHANGE.



A LETTER OF WELCOME

CONGRESSMAN JUDGE TED POE

Co-Chairman and Co-Founder
U.S. Congressional Victims' Rights Caucus



It is truly an honor for me to welcome you to this special edition of *Perspectives*, which is dedicated to promoting innovative programs, policies and protocols that improve crime victims' rights and services in community corrections.

As a co-founding member of the American Probation and Parole Association Victim Issues Committee in 1991, I've had the pleasure of personally witnessing APPA's leadership and vision in promoting rights and services for crime victims and survivors in the post-sentencing phases of their cases. And as a member of your U.S. Congress and co-founder and co-chair of the U.S. Congressional Victims' Rights Caucus, I can attest to the immense value of probation- and parole-based victim services.

When we began the APPA Victim Issues Committee 20 years ago, there was somewhat of a "disconnect" between community corrections and crime victims. Back then, victims' rights within the criminal and juvenile justice systems focused almost exclusively on the "front end" of the system – law enforcement, prosecution and courts. Through my experience as a Chief Felony Prosecutor and Felony Court Judge in Houston, Texas, I was able to help APPA and our Committee make a case that *crime victims' rights and services didn't end at sentencing* and, rather, their need for support and assistance may even increase when an offender is sentenced to community supervision.

Throughout this Special Edition of *Perspectives*, you'll learn that victims' rights to information, notification, restitution, and participation are an integral component of community corrections. The "voice of the victim" *can and should* have a powerful influence on how offenders are supervised in the community. And you'll learn of many innovative programs designed to hold offenders accountable for their criminal and delinquent actions to their victims, their own families and their communities.

It's fitting that when I started the U.S. Congressional Victims' Rights Caucus in 2006, the inaugural recipient of our Caucus' "Allied Professional Award" was APPA's Executive Director, Carl Wicklund. His commitment to promoting victims' rights and services in community corrections resonates with this Special Edition of *Perspectives* which emphasizes your Association's understanding of the vital need to proactively engage crime victims and survivors, and those who serve them, in the daily work of probation and parole agencies and officials.

I would also like to extend my thanks to the Office for Victims of Crime (OVC), within the U.S. Department of Justice, for its support of the Action Partnerships to Enhance Victim Services in Community Corrections Project that published this Special Edition of *Perspectives*. OVC and APPA have partnered over the past two decades to improve victims' rights and services in community corrections, and I join APPA in thanking OVC for focusing its resources on efforts to ensure that crime victims are *valued* and *have a voice* in community corrections across our Nation.

Finally, I encourage APPA members to visit the website of the U.S. Congressional Victims' Rights Caucus at <http://vrc.poe.house.gov>. The Caucus is the "voice for victims" on Capitol Hill, and we also represent the many professionals who assist them, including probation and parole.

As a former prosecutor, judge and now Member of Congress, I have committed my career to the concept of "community justice and safety for all." I'm confident that this special issue of *Perspectives* will make the case that "community justice and safety for all" *must* include victims and survivors of crime.

Thank you all for being an ongoing force for positive change and for your efforts that help crime victims and survivors.

Sincerely,

CONGRESSMAN JUDGE POE



A MESSAGE FROM OVC

JOYE FROST

Acting Director
Office for Victims of Crime



The Office for Victims of Crime is very pleased to support this special edition of the American Probation and Parole Association's *Perspectives*, which provides a collection of informative, thought-provoking articles to support community corrections professionals in incorporating victims' rights and services into daily practice. For two decades, OVC has pursued a strategic, inclusive approach for training, technical assistance, and other capacity-building outreach to equip professionals with the skills to guide victims through the criminal justice process as they seek restitution, protection and safety planning, and additional services to help recover from their trauma.

Although community corrections once focused nearly exclusively on offenders, the field has moved toward a more balanced approach in which the rights, needs, and perspectives of crime victims are integral to achieving "equal justice under the law." OVC, APPA, and other concerned groups worked steadily to build the mutual understanding essential to successfully integrating victims' issues into community corrections. OVC's outreach remains focused on enhancing skills of service providers and corrections professionals; raising offender awareness and public awareness of the devastating impact of crime; and ensuring that victims understand their critical role in America's criminal justice system.

APPA has been active and influential in building support for recognizing the essential role of crime victims in community corrections, establishing a Victim Issues Committee in 1991. OVC and APPA have maintained a strong, effective partnership, including OVC's sponsorship of the Action Partnerships to Enhance Victim Services in Community Corrections Program. Key components include a public hearing on victim issues in probation and parole held in Washington, DC, in August 2010, and the underwriting of this edition of *Perspectives*.

In addition to supporting numerous workshops and other initiatives through APPA, OVC has funded the development of formal training curricula with broad applications, including a revision of the landmark *Promising Victim-Related Practices and Strategies in Probation and Parole*. The enthusiastic response to the *Victim Impact: Listen and Learn* curriculum, which remains one of OVC's most popular products 5 years after its release, indicates the degree of interest in and compelling need for evidence-based, research-informed resources to raise awareness of crime victims' rights and needs within community corrections.

We've made significant progress in ensuring that victims are heard throughout the criminal justice process. In our rapidly changing society, however, we are facing challenges that were unimaginable 20 years ago. The rise of global electronic communications, for example, represents new opportunities for crime—but also numerous possibilities to serve victims. In response to such realities, OVC has embarked on *Vision 21: Transforming Victim Services*, the first strategic analysis of the crime victims' field in nearly 15 years. With its overarching view of the state of the field, enduring and emerging challenges, and planned recommendations to improve services to victims, the results of this initiative will prove invaluable to professionals throughout the justice system. A final report will be disseminated in 2012.

I hope you'll find this special edition of *Perspectives* useful in the important work that you do. I would like to express my appreciation to APPA for their commitment to ensuring that crime victims have an equal voice in the criminal justice system, and to all of you who work tirelessly on behalf of justice for all.

Sincerely,

JOYE FROST



PRESIDENT'S MESSAGE

SCOTT TAYLOR

President

American Probation and Parole Association



Dear Colleagues,

As the President of APPA, I would like to convey my utmost appreciation to the contributing staff and authors of this very special issue of *Perspectives*. APPA has made a longstanding commitment to meeting the needs of crime victims and this issue coincides with the 20th Anniversary of the founding of the APPA Victim Issues Committee.

There have been tremendous strides in the development of victims' rights over the past twenty years. This has led to a growing awareness of the role that our profession plays in meeting the needs of victims. More professionals than ever before are embracing the concept that community supervision serves three main purposes: 1) holding the offenders accountable, 2) making positive changes in offender behavior, and 3) protecting the rights of victims and the larger community. When done well, these three goals work together like a three-legged stool. Our progress in each area should reinforce and amplify the progress being made in another area.

Throughout this issue, you will find new ways of promoting restitution collection, timely notifications, and other sources of support to victims. Evidence-based decisions guide all core correctional practices including those that meet the needs and interests of crime victims. We must continue to improve how those rights are understood and implemented in our field. Like so many challenges facing community corrections, collaborations are key. Collaborations among crime victims groups, service providers and community corrections officials already have a great success record in improving restitution policies and practices. I would point to APAA's ongoing partnership with the Office for Victims of Crime as evidence of the mutual benefits of these strategic collaborations.

I hope this issue will inspire you to develop new and better ways to serve crime victims and be a force for positive change in your community.



Scott Taylor
President, APPA
Multnomah County, Oregon

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GUEST EDITORIAL

THE POWER OF INFORMATION AND NOTIFICATION: A VICTIM/SURVIVOR'S PERSPECTIVE

BY SUSAN RUSSELL

It is June 19, 1992.

I wake in the middle of the night—alone and in intense pain with blurred vision. As my sight and thoughts become clearer, I realize I am in the middle of a dark wooded forest. Although it is summer I feel cold as if an ice storm has invaded my body. I realize I am naked and in intense pain. I slowly lift my hand and touch my head. I feel something sticky that feels like a bird's nest, but in reality my fingers are intertwining in blood-soaked hair. My thoughts and memory of what has happened to me hit me like a tidal wave. I've been raped, beaten, and left in the forest to die. I grope around trying to find some clothing—anything to stop the cold shivers. However, I find only one piece of clothing, and I am not sure what it is or if there is enough to cover up my body. Somehow, I manage to stumble through the woods a tenth of a mile where there are five teenagers camping. They rescue me and call for an ambulance. Later I find out, I have sustained a traumatic brain injury.

This all began while I was driving down the road in a 1977 Ford Thunderbird late at night. I realized I had a flat tire. I pulled into a lighted Inn's parking lot under a giant maple tree to examine it further. I knew that changing a flat on this big rig would be difficult, if not impossible, for me. A man I had met only briefly earlier that night, when he made a derogatory comment to me, pulled in alongside my car. He offered to give me a ride. At first I refused. I wanted to use the Inn's telephone and call home, but then as I looked around, I saw that the Inn had closed for the night and everything appeared locked up tight. There were no cell phones back then.

At the time, innocence, ignorance, and faith in people (even for those that make derogatory comments) were attributes of mine. After all, I lived in a small rural town of 1,600 residents, nestled in the Green Mountains of Vermont. In this small town everyone knows just about everyone. I thought of crime as limited to small time burglaries. Little did I know that the moment I accepted



this ride and closed the car door, I would lose everything—all my material possessions, my innocence, my trust in mankind, my physical stamina, my emotional stability, my social life, my spirituality, EVERYTHING!

I also lost the ability to earn income for more than a year. I had huge medical bills—even with health insurance and victims' compensation assistance. There was no restitution ordered in my case. I recall asking why no restitution was ordered, and was told the judge decided not to order restitution because the offender had no ability to pay.

I realized later that this offender had been stalking me for some time before he raped me. Several years after my assault, I learned that he had broken into my husband's truck prior to my assault and had stolen identifying information. I also recall that this man held no regard for life. After I begged and pleaded for my life, he fractured my skull in three places with a tire iron, broke several facial bones, and left me to die.

They rushed me to a nearby local hospital to stabilize my injuries and prepare me for transport to another hospital that specialized in severe trauma. I remember the detective who had decided to follow the ambulance to the hospital. He introduced himself and told me that my husband had been contacted. He apologized and said, "I'm so sorry this has happened to you." This particular detective had a firm grasp on working with crime victims. He knew what to say, while still being able to obtain the information he needed to apprehend the offender.

Now, 19 years later I have survived the experience of working with the criminal justice system to see my offender caught, tried, and sentenced. However, now I am faced with yet another challenge, one which at the moment seems the most difficult to face: the reality of my offender's release in 2015.

Over the last couple of decades, victims have worked tirelessly alongside victim services professionals and advocates to develop and pass victims' rights legislation. As a result of this effort, among the core victims' rights that have been placed in statutes are victims' rights to safety, information, notification, and restitution.

Now, 19 years later I have survived the experience of working with the criminal justice system to see my offender caught, tried, and sentenced. However, now I am faced with yet another challenge, one which at the moment seems the most difficult to face: the reality of my offender's release in 2015.



First and foremost, a plan for ensuring my safety and that of my family should be put into place. Discussing my safety concerns and those of my community with local law enforcement (including the former detective who worked my case), corrections professionals, and community partners should occur long before my offender is paroled or released. I want to know the answers to questions such as:

“Exactly how will I be protected?”

“Who will protect me?”

“What can I and the community do, not only to keep me safe, but to help me feel more safe?”

Protocols should be developed that ask victims questions such as:

“Do you have any concerns for your safety and security and/or that of your family friends and community members?”

Notification of pending parole and/or release should occur with as much advance notice as possible, i.e., six months to a year. Even if the pending parole or release does not occur in that time frame, the victim has time to prepare. Victims want information, not just about the status of the offender, but about his mindset, his intentions, his mental health status, and his future plans. While some of this information may not be legal or possible to provide, it is possible to provide information about what the offender will be doing when he is released: Where will he be living? What kind of work will he be doing? Who will be supervising him?

In my case, the offender is going to “max out.” He will not be placed on parole or any other formal community supervision. This

brings about additional concerns. His only requirement will be to register with the Vermont Sex Offender Registry.

It is written in Vermont statutes that I have a right to be notified 30 days prior to a parole board hearing. Twice in the past decade, I have been denied this right and received notification in less than 30 days. In both instances, no one was held accountable for failing to uphold my right to timely notification.

During the past decade, I have also received letters from the Department of Corrections that were inaccurate. One such letter led me to believe that my offender was being released. However, any time I had questions or concerns the victim advocates responded quickly and provided me with real concrete and correct information. They have been there for my family, and when we had to attend parole board hearings they have provided support, information, and options.

Although almost every state has an automated notification system, there is still a need to review and improve the implementation of these systems. The following is an example of improper notification and information. On August 1, 2010 while my husband and I were out of town, the automated notification system used by the Department of Corrections began calling our house every 30 minutes to inform us of a parole board hearing scheduled later that month. Since we were not home, there was no way to stop the automated calls and the messages filled our answering machine. When we got home, we had trouble turning off the system using the PIN number, and since it was a Sunday we could not reach anyone to stop the

calls. This was particularly problematic for my family, because my 92 year-old father, who lives with us, has a “life line” which uses our phone number and during that time would have been compromised if it had needed to be activated.

What was most disturbing is that the information was inaccurate. There was no scheduled parole board hearing that month, and the next parole board hearing he would be eligible for was not until August 2011.

Last year, I had the opportunity to share this experience with the people and agencies that are helping develop design technical

specifications for the Statewide Automated Victim Information Notification (SAVIN) system. What I found most impressive is that not only was I heard, but changes are being made to improve the notification system based on feedback I have been able to share. By sharing our stories, the voices of crime victims and survivors can truly make a difference. >>>▲

SUSAN RUSSELL currently serves as a Criminal Justice/Victim Services Consultant with many years of experience in victims’ rights, services, and restorative justice. She has received several awards for her efforts including the 2010 Congressional Victims’ Rights Eva Murillo Unsung Hero Award. Susan has often been invited to speak, write, and/or train on the subjects of victimization, survivorship, and restorative justice.



ONLINE DIRECTORY OF CRIME VICTIM SERVICES

<http://ovc.ncjrs.gov/findvictimservices/>

The Online Directory of Crime Victim Services is a resource from the Office for Victims of Crime (OVC). Since its launch in 2003, the Directory has helped thousands of crime victims and service providers find non-emergency crime victim service agencies in the United States and abroad.

You can search the Directory by:

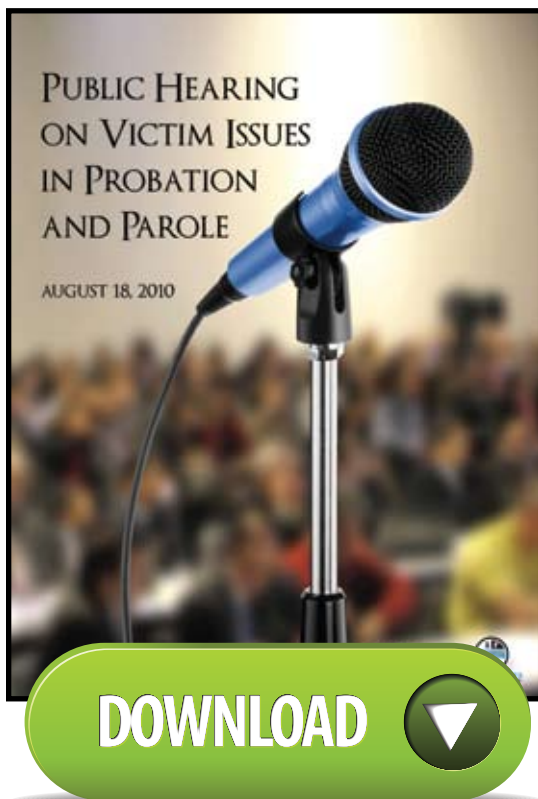
- location
- type of victimization
- service needed
- agency type

IS YOUR VICTIM SERVICES AGENCY OR ORGANIZATION LISTED IN THE DIRECTORY?

More than 10,000 programs are listed in the Directory and yours could be too. Add your program to the Directory and increase your program profile with providers and crime victims.



RECOMMENDATIONS FROM THE PUBLIC HEARING ON VICTIM ISSUES IN PROBATION AND PAROLE: AUGUST 18, 2010



DOWNLOAD THE FULL REPORT
FROM THE APPA WEBSITE

On August 18, 2010, the American Probation and Parole Association (APPA) sponsored a Public Hearing on Victim Issues in Probation and Parole with support from the U.S. Department of Justice Office for Victims of Crime (OVC). The three goals of this Public Hearing were to:

- Seek input from crime victims and survivors, and those who serve them, about their most significant needs when their offenders are released to pretrial, probation or parole supervision.
- Increase community corrections professionals' knowledge and appreciation of crime victims' and survivors' experiences with the justice system, with an emphasis on their experiences with the community corrections phase, and help community corrections practitioners identify strategies for responding to victims' needs and rights more effectively.
- Obtain input about how APPA and its member agencies can collaborate with crime victims and survivors, victim assistance agencies, and allied professionals to best identify and meet the needs of victims throughout the community corrections process.



The Witness Panel was comprised of six survivors and one victim advocate who testified about their experiences with the criminal justice system, including probation and parole. The Listening Panel included the leadership of offices within the Office of Justice Programs (OJP) and the Office on Violence Against Women (OVW), U.S. Department of Justice; the leadership of APPA; and a staff member of the U.S. Congressional Victims' Rights Caucus.

Based on the testimony provided, APPA developed a report that provides a list of 10 recommendations for improving services to

crime victims and survivors throughout the community corrections process. It also provides a brief summary of some of the salient points made by the witnesses during the hearing focusing on areas such as the interests and needs of victims, information and notification, restitution, access to victim assistance resources, fairness and justice, respect and recognition, and offender accountability. A list of the 10 recommendations can be found on page 16. The full recommendation report is available on the APPA website at www.appa-net.org/eweb/docs/appa/pubs/PHVIPRRR.pdf. >>▲

PUBLIC HEARING RECOMMENDATIONS
Next page



RECOMMENDATIONS FOR IMPROVING SERVICES TO CRIME VICTIMS AND SURVIVORS THROUGHOUT THE COMMUNITY CORRECTIONS PROCESS



The following ten recommendations were identified from the collective testimony of the witnesses at the APPA Public Hearing.

1. Pretrial, probation, parole and correctional agencies should: partner with victim assistance professionals to identify and address victims' safety needs through collaborative safety planning prior to an offender's release to the community; provide cross-training about the most effective victim safety and protection strategies; and utilize innovative technologies that strengthen offender supervision and increase victim safety.
2. Community safety can be enhanced by collaboration among pretrial, probation, parole, allied justice and victim assistance agencies, and community members to develop and empower public safety strategies.
3. Victims, survivors and advocates can help pretrial, probation, and parole agencies identify the types of information that are most important to victims.
4. Victim information and notification processes should reflect and respect the cultural diversity and unique needs of some victim populations within a specific jurisdiction.



DOWNLOAD

**DOWNLOAD THE FULL REPORT
FROM THE APPA WEBSITE**

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5. Victim notification should provide victims with time to prepare for an offender's entry or reentry to a community, with efforts made to ensure the accuracy of such information.
 6. A national automated victim information and notification system should be developed specifically to enforce the mandates of the Interstate Compact for Adult Offender Supervision.
 7. There must be due diligence in ordering, monitoring, collecting and disseminating the legal and financial obligations of convicted offenders, including victim restitution and child support.
 8. Victim impact statements offer vital information to pretrial, probation, and parole officers that can improve offender case management and supervision in the community.
 9. Victim assistance programs and processes within pretrial, probation, and parole agencies can be enhanced by developing partnerships with system- and community-based victim assistance professionals, who can collaborate to identify and address the most important needs of victims and help enforce their rights throughout the post-sentencing phases of their cases.
 10. Pretrial, probation, and parole agencies should collaborate with system- and community-based victim service providers to sponsor programs that address offender accountability and reduce victim blaming, such as Victim Awareness Programs and Batterer Intervention Programs, among others.
- 



CRIME VICTIMS AND OFFENDER REENTRY

BY SUSAN SMITH HOWLEY

With more than 650,000 prison inmates released from confinement each year, corrections and community supervision officials are increasing efforts to promote the safe and successful reintegration of offenders into the community. Reentry initiatives can involve a range of programs for offenders, including substance abuse treatment, counseling, employment services, and housing assistance. Yet to be successful, reentry planning must also recognize—and take steps to address—the rights and needs of victims of crime.

Crime victim issues at reentry are twofold: protecting the rights and interests of the victims of released inmates and responding to inmates who have victimization histories.

VICTIMS' RIGHTS RELATING TO RELEASE AND SUPERVISION

Reentry programs have an obligation to ensure that the rights and interests of crime victims are fully incorporated into their policies and procedures. State after state has granted crime victims the right to be informed, to be heard, to receive restitution, to be protected, and, above all, to be treated with fairness, dignity, and respect at every stage of the criminal justice process. The institutional and community corrections fields have long recognized these rights.

RIGHT TO BE INFORMED. The right to be informed is well established at the post-conviction stage of the criminal justice process. In many states, victims have the right to be informed of the defendant's earliest possible release date immediately after the defendant is incarcerated. This right helps victims predict and prepare for the defendant's eventual release. Victims also have the right to be informed when an inmate is released. Notification of the offender's release on parole or other community supervision is standard; states also commonly inform victims of other releases or changes in status, such as the transfer to a less secure facility, furlough, and release on expiration of sentence.¹ In many states, victims also have the right to be told about the community or general area to which the inmate will be released and any conditions of release that may affect the victims.² They may also have the right to receive a recent photograph of the inmate, as in Illinois,³ or to be informed when an inmate or recently released offender has changed his or her name, as in Michigan.⁴ In several states, victims have the right to contact information for the agent or agency that will supervise the inmate upon release.⁵



Victims generally have the right to be informed of certain release proceedings, such as scheduled parole hearings or parole revocation hearings. They may even have the right to be informed of an offender's petition to expunge his or her criminal record.⁶

RIGHT TO BE HEARD. Crime victims have the right to provide input at certain stages of the criminal justice process, including when an inmate is considered for parole or other supervised release. Victims may be invited to present information regarding the impact of the offense on their lives or to give their opinion regarding the release of the defendant or the conditions of such release.⁷ Some states ensure that victim input is available at any release consideration. Alabama, for example, gives victims the right to submit a statement into an inmate's record, to be considered during any review for community status of the prisoner or prior to the prisoner's release.⁸

Victims' right to provide input may continue even after an inmate's release into community supervision. For example, Alaska law states that "the parole board shall establish procedures for the exchange of information concerning the parolee with the victim and for responding to reports of nonattendance or noncompliance by the parolee with conditions imposed under this subsection."⁹

RIGHT TO RESTITUTION. Victims have the right to seek restitution from an offender. When restitution is ordered, payment is usually a condition of an inmate's parole or other

supervised release. Complying with restitution orders and payment plans may also be a precondition for participation in a reentry program. For example, in Arizona, an inmate must be current in paying restitution in order to be eligible to participate in the community transition program.¹⁰ In Nevada, an offender must have demonstrated a willingness to meet any obligation to pay restitution to the victim in order to be eligible for the reentry program.¹¹

Some states, such as Utah, require that an offender complete paying restitution in order to be eligible to seek expungement of his or her criminal record.¹² Pennsylvania makes payment of restitution or compliance with a restitution payment plan a condition of receiving welfare.¹³

RIGHT TO PROTECTION. Victims often have a general right to be protected from the defendant. As mandatory or discretionary conditions of release, states may require that inmates be prohibited from contacting victims. New Hampshire, for example, requires that all parole releases include a condition that the offender not contact any victim.¹⁴ Other states, such as New Jersey, make a no contact order a discretionary condition of parole.¹⁵

Vermont's law may be the most specific regarding victim safety. For all sex offenders deemed a high risk, the offender's release plan "shall include a plan for victim safety developed jointly by the department and any known victim desiring to participate. A plan developed pursuant to this subsection shall



include victim wrap around services when practicable and desired by the victim.”¹⁶

Those states that give victims the right to receive contact information for the community supervising agent or agency also further victim protection, by ensuring that victims have the ability to report any threats or safety concerns following an inmate’s release.

CRIME VICTIMS’ RIGHTS AND SUCCESSFUL REENTRY

When reentry programs highlight services for crime victims and when authorities respect victims’ rights and interests during the reentry process, public confidence in the reentry process and the successful reintegration of offenders into the community are promoted.

One way to highlight a program’s attention to victims’ rights and concerns and to reach out to victims is through publicity about reentry efforts. Only a fraction of victims of incarcerated offenders are currently registered to receive notice of an offender’s release. Many victims fail to register to receive such notice initially, while others forget to keep their contact information up to date. News releases, press conferences, community forums, and other events to publicize reentry efforts can remind victims that they have the right to register to receive such notifications and other needed information, such as local victim assistance resources. Websites and other sources of public information about reentry initiatives and community supervision programs can also link victims to assistance and highlight an agency’s concern for victims. For example, Pennsylvania’s Office of the Victim Advocate posts information about victims’ rights from

the state’s Crime Victims Act.¹⁷ Such outreach serves the interests of victims and provides public assurance that the needs of victims are recognized and respected.

Another way to recognize victims’ rights and interests is to include their input in an inmate’s reentry plan, in those cases when victims have information about the offender that can be used to predict or prevent future offending. Victims may know that past offending has been tied to alcohol or other drug use, and may know the friends, family members, or locations that are likely to promote an offender’s return to substance abuse. Victims may also know about gang affiliations or other pressures to return to offending. Such information may help officials identify appropriate geographic restrictions or tailor monitoring strategies to the inmate.

Corrections officials can also support victim safety planning, which protects victims while reducing offenders’ opportunities for reoffending. In Washington State, for example, if a victim expresses safety concerns prior to the reentry of an inmate, or if an inmate threatens a victim after release, victim services staff in the Department of Corrections will work with local victim service providers to provide safety planning. In appropriate cases, the DOC’s Community Victim Liaison will facilitate victim wrap around services, providing a coordinated effort to protect victims most at risk. The wrap around team typically includes the Community Victim Liaison, counselor, community corrections officer, and other department staff, and may include local law enforcement, victim advocates and other support persons, and treatment providers.¹⁸

Giving victims the contact information of supervising authorities also enhances victim safety. Victims can alert authorities if they are threatened or they can make authorities aware that an offender has returned to certain behaviors or peers previously associated with offending. This, in turn, promotes offender compliance with a reentry plan.

Reentry plans that stress payment of victim restitution can also promote defendants' rehabilitation, encouraging them to make amends for the harm they have caused. At least one study has linked the payment of restitution to reduced recidivism.¹⁹

By keeping victims informed, facilitating victim input, keeping victims safe, and promoting restitution, reentry programs promote both public confidence and successful reentry.

REENTERING INMATES WITH VICTIMIZATION HISTORIES

Because many offenders have been victims of crime, effective reentry also requires attention to inmates' victimization-related needs. Research has clearly shown that large numbers of inmates enter the corrections system having been abused. According to a 1999 report by the Bureau of Justice Statistics, 19% of state prison inmates, 10% of federal inmates, and 16% of those in local jails or on active probation told interviewers they had been physically or sexually abused before their current sentence. For female inmates, the numbers are even higher: one-third of women in state prisons, a sixth of women in federal prisons, and a quarter of women in jail said they had been raped before their sentence. Over one-half of the abused women said they had been hurt by spouses or boyfriends, and almost a third had been hurt by their parents or guardians.²⁰

Other studies report even higher numbers. For example, a recently released study of women entering the Rhode Island Department of Corrections found that more than half reported sexual assault at some point in their lifetimes; 35% reported child sexual abuse.²¹ A recent report by the Illinois Criminal Justice Information Authority found that nearly all (99%) of female inmates interviewed at three Department of Corrections facilities had suffered some type of emotional, physical, or sexual abuse in their lives. Nearly all of those (98%) had experienced

Because many offenders have been victims of crime, effective reentry also requires attention to inmates' victimization-related needs.



physical abuse, 85% had experienced stalking or emotional abuse, and 75% had experienced sexual abuse.²²

Further victimization may take place within the correctional setting. Recent reports of the National Prison Rape Elimination Commission have found disturbing numbers of inmates who were victims of sexual violence by peers or staff. The 2007 National Inmate Survey found that an estimated 4.5% of all state and federal inmates experienced one or more incidents of sexual victimization involving other inmates or staff.²³ Another recent report by the Bureau of Justice Statistics found that approximately 12% of youth in state juvenile facilities and large non-state facilities reported suffering sexual victimization by another youth or facility staff within the previous 12 months or since admission, whichever period was less.²⁴ Physical violence within institutions is also common.²⁵ Colorado's Department of Corrections, for example, saw a 17% increase in inmate-on-inmate assaults in 2008.²⁶

Reentry programs must integrate both support and safety planning for inmates with victimization needs. Partnerships with victim service providers can help.

VICTIM SERVICES FOR INMATES AND SUCCESSFUL REENTRY

Research has shown a link between violent victimization and many of the factors that limit successful reentry: mental health problems, including depression, post-traumatic stress disorder, and anxiety disorder; substance abuse; poorer school performance; increased risk of unemployment and underemployment; and increased health problems.²⁷ Thus, a failure to address the trauma of victimization can negatively impact the offender's reentry.

Domestic and family violence has particular implications both for safety and the ability to reintegrate with family members—often a key element of reentry initiatives. Adults may be at risk of abuse from a current or former partner, and may have been cut off from supportive family members by the abuser. Juveniles may be at risk from abuse within their home by a parent or other residents. Juveniles may also be at risk from a former abusive dating partner.

Reentry programs must integrate both support and safety planning for inmates with victimization needs. Partnerships with victim service providers can help. For example, Ohio offers female offenders at its Franklin Pre-Release Center the opportunity to participate in a program provided by CHOICES, a local domestic violence agency. The four-week course helps victims of partner violence take control of their lives,

reclaim their self-esteem, and benefit from the support of others with similar experiences.²⁸ Similarly, Multnomah County, Oregon, has developed a reentry curriculum that includes a session on domestic violence. The women's program focuses on such topics as survivor trauma and recovery, as well as practical considerations such as "what happens when your abuser is waiting for you when you get out."²⁹ The services offered by the New Jersey program FORGE, designed to help female inmates reenter society, include linking domestic violence victims with counseling.³⁰

Sexual assault advocates are also increasingly partnering with correctional institutions to serve sexual assault victims behind bars and at reentry. As part of this effort, the Pennsylvania Coalition Against Rape, under a grant funded by the National Institute of Corrections, has developed a guide to help sexual assault programs provide services to inmates. New national standards developed by the National Prison Rape Elimination Commission call for agencies to partner with community service providers to offer such services, both within institutions and upon transition to the community.³¹ The number of such partnerships is expected to grow.

MOVING FORWARD

Reentry programs around the country are reflecting the importance of addressing the rights and needs of victims of crime. Moving forward, criminal justice professionals and victim service providers must work together to address crime victims' needs. As reentry takes new forms, legislation and regulations may need to

be updated to ensure that victims retain their rights. Similarly, budget constraints and shifting institutional priorities should not be allowed to threaten the existence of services for inmates with victimization needs.

Developing collaborative relationships around reentry efforts that involve victim service providers can help ensure that reentry programs recognize and protect the rights and needs of crime victims—both the victims of reentering inmates and the inmates who have been victims themselves. The result will be a more effective reentry system, promoting victim safety, offender accountability, confidence in the criminal justice system, and the successful reintegration of offenders in the community. >>>▲

ENDNOTES

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² As examples, see Alaska Stat. § 33.16.120 (2010); Cal. Penal Code § 3058.8 (2010).

³ 725 Ill. Comp. Stat. 120/4.5 (2010).

⁴ Mich. Comp. Laws § 780.828a (2010).

⁵ See, for example, Minn. Stat. § 611A.06 (2010).

⁶ Kan. Stat. Ann. § 74-7335 (2010); Ky. Rev. Stat. Ann. § 431.078 (2010); Minn. Stat. § 609A.03 (2010).

⁷ As examples, see Ark. Code Ann. § 16-93-206 (2010); Conn. Gen. Stat. § 54-126a (2010).

⁸ Ala. Code § 15-23-79 (2010).

⁹ Alaska Stat. § 33.16.150 (2010).

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¹¹ Nev. Rev. Stat. §§ 209.4886, 209.4888 (2010). See also R.I. Gen. Laws § 13-8-14 (2010) (eligible for parole).

¹² Utah Code Ann. § 77-40-105 (2010).

¹³ Pa. Stat. Ann. tit. 62, § 432 (2010).

¹⁴ N.H. Code Admin. R. Ann. Par 401.02 (2010).

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SENTENCING, CORRECTIONS, AND PUBLIC SAFETY GUIDING PRINCIPLES FOR CRIME VICTIMS AND SURVIVORS IN AMERICA

BY ANNE SEYMOUR

Through my work with the Public Safety Performance Project (PSPP) of the Pew Center on the States and the Council of State Governments (CSG) Justice Center, I have had the opportunity to work in over 15 states that are advancing evidence-based justice reinvestment and corrections reforms initiatives. We have worked with states to promote fiscally sound, research-based sentencing and corrections policies and practices that protect public safety, reduce victimization, hold offenders accountable, and control costs.

A critical component of the PSPP and CSG efforts is the proactive engagement of crime victims and survivors, and those who serve them. Through victim/advocate roundtable discussions, survivors and victim service providers offer valuable input into justice reinvestment and corrections reforms and establish priorities for victims' rights and services.

Several "common themes" have emerged across the states with which we have worked, resulting in the development of guiding principles for crime victims and survivors that are relevant to sentencing, corrections, and public safety. These principles recognize the integral role that victims have in our systems of justice and ensure that the voices of victims contribute to efforts that promote public safety and reduce victimization.

Crime victims and survivors have an integral role in America's criminal justice system and its efforts to promote individual and public safety. The overall effectiveness of the criminal justice system relies significantly on victims' willingness and ability to participate in justice processes.

Through national criminal justice and public safety reform efforts, victims, survivors, and those who serve them have contributed to the following seven guiding principles for sentencing, corrections, and public safety:

1. An ultimate goal of public safety policy is to reduce crime, resulting in fewer people and communities who are harmed.
2. Crime victims and survivors have a significant role in shaping criminal justice policy as individuals who know first-hand the real costs of crime.
3. Crime victims and survivors deserve to be treated with dignity and validated as persons who have been harmed by crime, with their autonomy and privacy respected at all times.
4. Mandatory supervision of offenders who pose a serious risk to public safety upon their return to the community is essential throughout the offender reentry process in order to promote victim and survivor safety.
5. While it is important for offenders to receive just punishment, the quantity of time that convicted offenders serve under any form of correctional supervision must be balanced with the quality of evidence-based assessment, treatment, programming, and supervision they receive that can change their criminal behavior and thinking and reduce the

likelihood that they will commit future crimes. For many offenses and offenders, shorter prison terms are acceptable if the resulting cost savings are reinvested in evidence-based programs that reduce recidivism.

6. Offenders should pay all court-ordered legal and financial obligations, such as victim restitution and child support. Offender compliance with restitution and support orders is a key measure of offender accountability and of the performance of offender supervision agencies.
7. Victims' rights to justice must be enforced in accordance with the law and adequately funded. Survivors and victims have a right to safety, representation, and participation in the legal process. They deserve information and notification about the status of their cases and of the alleged or convicted offenders, access to victim assistance services, restitution in all cases with pecuniary losses, and victim compensation following crimes.

These principles offer a foundation for the fair treatment of crime victims and survivors and for the use of evidence-based practices that hold offenders accountable for their crimes and reduce recidivism. >>>▲

ANNE SEYMOUR is a national victim advocate and consultant to the Public Safety Performance Project of the Pew Center on the States. She is a founding and current member of APPA's Victim Issues Committee.



APPA VICTIM ISSUES COMMITTEE CELEBRATES ITS 20TH ANNIVERSARY

The APPA Victim Issues Committee was created in 1991. The Committee is comprised of professionals and volunteers in community corrections and victim services who are committed and resolved to promoting services and programs that identify and meet the needs and interests of crime victims and survivors.

When established, the Committee was assigned three charges by the APPA Executive Committee:

- To identify a broad range of victim service issues so that probation and parole professionals become more victim sensitive.
- To ensure that relevant victim service topics are included in the APPA Training Institutes.

- To develop a working paper on the need for increased victim services within probation and parole agencies.

Over the past 20 years, the Committee has met and exceeded each of these charges. It would be impossible to identify all of the ways this Committee has served the Association and influenced the ways that community corrections agencies view and respond to the needs and rights of crime victims and survivors. Although not an exhaustive list, over the years the APPA Victim Issues Committee has:

- Produced an APPA Position Statement on Victim Issues in Probation and Parole (originally enacted by APPA in 1994; updated revised and submitted to APPA for approval in 2011).

ISSUES COMMITTEE

- Conducted four public hearings on victim issues in probation and parole, including its most recent hearing on August 18, 2010 with funding from the Office for Victims of Crime.
- Contributed to several national curricula that promote victims' rights and services within community corrections.
- Coordinated an array of workshops for APPA Training Institutes focusing on topics such as, but not limited to, domestic violence, how probation and parole can comply with core victim rights, victim/offender mediation, staff victimization, restitution, and victim impact panels.
- Advocated for a victim issues track of workshops to be featured during each of the APPA Training Institutes, which was implemented.
- Served as an advisory committee and supported APPA's staff in developing victim-centered policies, protocols and training curricula for community corrections related to several federally funded grant projects focused on victim issues. These resources have become standards for the field for proactively engaging crime victims and

survivors, and identifying and meeting their most important needs.

- Proposed an APPA resolution on "Offender Accountability for Victim Restitution" that was adopted in April 2010.

JOIN THIS COMMITTEE TODAY! The Victim Issues Committee is one of the most successful and active committees within APPA. If you have an interest in victim issues and want to play a role in influencing the way community corrections agencies and professionals meet the needs of crime victims and survivors, please consider joining this vibrant Committee. The Committee meets twice a year at the APPA Winter and Annual Training Institutes, and several times a year via conference call and web-based meetings. So, if you cannot travel to attend the in-person meetings, you can still join and be an active member of the Committee.

If you have questions or need additional information about the Committee, contact Ann Beranis, co-chair, APPA Victim Issues Committee at ann.beranis@fairfaxcounty.gov, or Tracy Mullins, APPA Staff Liaison to the Victim Issues Committee, at tmullins@csg.org or 859-244-8215.



VICTIM SERVICES PROVIDED THROUGH THE ALLEN COUNTY, INDIANA REENTRY COURT PROGRAM

BY STAN PFLUEGER AND RAMONA JARBOE

REENTRY COURT BACKGROUND

In July 2000, local criminal justice officials and politicians began to examine the steadily increasing crime rates within the city of Fort Wayne and in Allen County, Indiana. An analysis of these rates indicated that a significant portion of the criminal activity could be attributed to offenders who had been released from state correctional facilities within the previous three years. As a result of this initial analysis, officials examined the effectiveness of the current system of supervising offenders released upon the completion of their sentence from the Indiana Department of Correction (IDOC) to Fort Wayne and Allen County. They found that local statistics of recidivism mirrored the national statistics: 44% of inmates released returned to prison within one year for technical violations or new crimes. This percentage increased to 68% within three years post-release (Langan & Levin, 2002).

Armed with those statistics, they conceived of a voluntary, 12-month “reentry court” program. This program would be funded by reallocating existing state and county resources. Offenders would be supervised under electronic monitoring for the first four to six months of their release and would receive direct access to assistance with issues that they faced upon returning to the community. The mission of the program was twofold: to significantly lower the rate of recidivism of returning inmates through gradually decreasing levels of supervision and to enhance delivery of services while maintaining public safety. The following individuals were instrumental in the development of the program: Hon. John F. Surbeck Jr., Judge, Allen Superior Court; Sheila Hudson, Executive Director, Allen County Community Corrections; Hon. Graham Richard, Mayor, City of Fort Wayne; and Terry Donahue, Senior Advisor, United States Department of Justice.

The Court identified potential participants from inmates serving a sentence at the IDOC, who were eligible for early release under the Community Transition Program (CTP) statute and who voluntarily participated in the program. The Reentry Court was implemented in multiple phases. Phase 1 ran from July 1, 2001 to June 30, 2003 and was focused on the quadrant of the county with the highest crime rate. The target population consisted of offenders who were under parole supervision after serving their prison time. Preliminary evidence of the program’s success during the first two years



was sufficient to justify its expansion; beginning on July 1, 2003, parolees from all quadrants of the county were accepted to the program. This second phase ran for two years, until June 30, 2005.

The third phase of the reentry court program began July 1, 2005. It included split sentence cases (those cases where probation supervision had been ordered after prison time) and selected cases referred by the circuit court—primarily felony drunk driving cases and other felony traffic offenses. Additionally, due to a change in the Community Transition Statute on July 1, 2004, individuals who were previously barred from participation due to the serious nature of their offense became eligible for early release. Inmate participation remained voluntary, and this third phase of the program ran through December 31, 2006.

The fourth phase of the reentry court program occurred during the calendar year 2007. During this 12-month period, offenders who were eligible for placement in the program were released to the program regardless of their desire to participate. In January 2008 the program returned to its previous policy of only accepting inmates who agreed to participate in the program, and the program continues to operate under this policy.

Allen County's reentry court program has gained national recognition due to several unique factors and accomplishments: 1) the program is funded through a realignment of existing funds rather than requiring new funds;

2) the program accepts offenders regardless of the seriousness of the offense for which they were incarcerated; 3) recidivism rates of offenders participating in the program have decreased significantly; and 4) the program offers a broad range of services to participating offenders and enhanced services to their victims. This article will focus on the enhanced services that are provided to victims through Allen County's reentry court program.

BACKGROUND OF LOCAL VICTIM SERVICES

Two agencies share primary responsibility for providing services to crime victims within the criminal justice system in Fort Wayne and Allen County: the Fort Wayne Police Department Victim Assistance Program (VAP) and the Allen County Adult Probation Department, Victim Services Division (Probation Victim Services Division). The VAP provides crisis intervention and information about the court process. Once violent crimes are reported to the police, advocates are likely to be present at the crime scene to offer crisis intervention and support to victims and their loved ones. In rare cases where advocates are not present, they contact the victims. After these initial contacts, advocates follow each case, attend pre-trial conferences and hearings, and accompany victims throughout the trial proceedings. They attend sentencing hearings with victims and ensure that victims are notified of any hearing dates as their cases progress. After sentencing has taken place, advocates continue to notify victims of any related court actions.



Prior to a sentencing date, the Probation Victim Services Division becomes involved. When judges order pre-sentence investigations, letters are sent to victims. These letters advise victims of their rights pertaining to sentencing and provide information regarding how to register with the Indiana Department of Correction Victim Services Program in order to ensure that they are notified of their defendant's release from prison or of any significant situation, such as an escape. Then, advocates from the Probation Victim Services Division contact victims via telephone to discuss their rights as they pertain to sentencing and to answer any questions. Advocates provide victims with information that includes the location of the sentencing, what to expect in court, what a victim impact statement is, and how victims can determine their monetary losses in order to request restitution. In cases where victims are apprehensive about addressing the court at sentencing, advocates prepare victims by meeting them at the courthouse prior to the sentencing hearing and by explaining where the different parties will sit and what to expect when sentencing actually occurs.

VICTIM SERVICES PROVIDED THROUGH THE REENTRY COURT PROGRAM

At the inception of Allen County's reentry court program, much attention was focused on developing a broad network of services to help offenders make a more successful transition to the community. As this network developed, victim service providers moved from the background of the program to assume a more assertive presence. The coordinator of the Probation Victim Services

Division officially became a member of the reentry team in 2005. The reentry team makes weekly recommendations to the court regarding offenders' supervision and program participation.

To enhance their effectiveness in serving crime victims whose offenders would be reentering the community, it was critical to probation victim advocates' success that they possess a significant understanding of the court and criminal justice system's role and perspective rather than operating from a "victim only" perspective. This perspective helped move reentry court staff in a direction that gave victims "a seat at the table" and that significantly improved victim services. The most important of these services include 1) notification of an offender's eligibility for release to the program; 2) development and implementation of safety plans for victims; 3) collection of restitution; and 4) services to offenders who have become victims—an occurrence that is not uncommon.

Most victims say that receiving information about changes in an offender's placement or terms of supervision is one of the most important areas of assistance that they can be offered. In cases of violent crime, one of the most frightening things that can happen from a victim's perspective is to suddenly see the person who harmed him or her and not know that this person had been released from prison.

When reentry court staff are notified of offenders' potential release to the program, letters are sent to victims (in cases of violent crime), advising them that their offenders are eligible to participate in the program and

providing them with contact names, phone numbers, e-mail addresses, and fax numbers of people to whom they can speak about concerns or feelings related to their offender's release. Allowing victims the chance to express their concerns also provides the reentry court team with information about potential risks and patterns of behavior they may not otherwise gather in the course of supervising the offenders. During these conversations, victims are also given a broad picture of what the reentry court program entails, and they are given the option to be notified when significant events occur with their offenders, including but not limited to their successful completion of electronic monitoring, graduation from the program, and/or escape from supervision.

A second area of assistance offered victims is referrals to appropriate community programs and agencies. The Victim Assistance Program, the Probation Victim Services Division, the Center for Non-Violence and the YWCA offer services to any victim regardless of gender, while the Women's Bureau works exclusively with female victims. These agencies create safety plans to enhance victims' security and provide educational and counseling services to victims. During conversations with victims of violent crime, it quickly becomes apparent if they may be at risk when offenders are released. At this point, advocates listen to victims' concerns and determine how to enhance, as much as possible, victims' sense of safety. Advocates share victims' concerns with other members of the reentry team so that they can make appropriate adjustments to offenders' supervision plans. Other actions taken typically include advising victims to obtain protective

orders and helping them obtain those orders.

Victim advocates also obtain victims' home and work addresses, as well as other addresses they frequent. This allows case managers and other members of the reentry team to tailor offenders' supervision and to establish geographical parameters for offenders, keeping offenders as far as possible physically from victims.

The collection of restitution is also important to victims. Prior to the inception of the reentry court program, there was no official mechanism to collect restitution from offenders who were sent to prison and who were later released to parole supervision. (Offenders released to parole supervision account for nearly two-thirds of all offenders being released to Allen County from the Indiana Department of Correction.) Restitution was, however, collected from individuals moving from prison to probation supervision. When the reentry court program started to include victim advocates as members of the team, restitution began to be addressed in a meaningful and consistent way.

Improving the collection of restitution has been an ongoing process. When one considers the barriers that offenders face returning to the community, including lack of employment, supervision fees, and other financial obligations such as child support and outstanding fines, it stands to reason that efforts to collect restitution are often difficult. The table below shows the amount of restitution that was collected from parolees and probationers on the program from 2007 to 2010 and shows the number of offenders in each category that paid each year.



The reentry court program has also been helpful in cases where offenders become victims. For example, during the first year of the program, the staff encountered a case where the wife of an offender participating in the program had been murdered while the offender was in prison. The murderer had been arrested, and the case was being processed through the court system. The reentry court staff was able to connect the offender, who was now a victim, to the services that he needed—the same services that are offered to all victims involved with the reentry court program, including notification, safety planning, and collection of restitution.

CONCLUSION

Discussions about how to best help offenders successfully reintegrate into their communities correctly center on supervision and on necessary

services. However, many times, the same efforts are not made to ensure that victims' concerns are addressed. Victim advocates working with the Allen County Reentry Court Program were successful in achieving significant positive changes for victims. They offer the following recommendations to other victim advocates working with court programs for change:

- Be cognizant of the distinct differences between the focus of those who work with offenders and those who work with victims.
- Remember that the criminal justice system is offender-focused. Bringing victim issues to the forefront can create more responsibility and potential problems for the supervising entity. These problems should be acknowledged and addressed.

Year	Restitution Collected from Parolees	# of Offenders Paying	Restitution Collected from Probationers	# of Offenders Paying	Total Restitution Collected
2007	\$5,049.04	15	\$4,442.96	7	\$11,499.00
2008	\$13,646.28	29	\$19,444.90	32	\$35,099.18
2009	\$11,355.39	19	\$21,674.90	36	\$35,039.29
2010	\$14,838.79	34	\$23,971.81	43	\$38,810.60
Total	\$44,889.50	97	\$69,534.57	118	\$114,424.07

Source: "Informer" database used by the Allen County Adult Probation Department to track offender financial obligations and payments.

- Probation/parole officers and case managers may not have been trained in victim issues. This is an opportunity for advocates to educate officers and managers about victim issues and about positive contributions that victims can make to the program.
- Advocates should make an effort to understand what is involved in supervising offenders before saying what they expect from supervising entities.
- It is important for advocates to understand that real change takes place only when there is buy-in from the supervision side of the equation.
- Addressing the needs of victims as well as offenders is essential to dealing with crimes in a holistic manner.
- Advocates must be patient and offer support and information to those who are supervising offenders.
- Changing attitudes does not take place instantly. Be prepared to celebrate baby steps; they are the building blocks of a strong foundation that will lead to long-term change in your program.

Although the staff of the Allen County Reentry Court Program was aware of victim issues in general, advocates from the Victim Assistance Program and the Probation Victim Services Division spent countless hours educating and advocating for program changes that would benefit victims. By integrating these guidelines, the Allen County Reentry Court Program has improved the services it offers victims.

While the program is proud of its accomplishments, more can be done to assist victims. Staff devoted to providing direct services to victims split their responsibilities between working through the reentry court program and serving victims who come to their respective agencies for assistance. Substantial benefit could be derived by designating a staff person or persons to coordinate and provide services through the reentry court program. Victims would also benefit by having an option to personally participate in activities that engage offenders in discussions about the impact their actions have on other individuals. Exploration of the use of victim impact panels, community conferencing, and victim/offender mediation to facilitate this dialogue would be valuable. Awareness training across the entire program would embed sensitivity to the victim perspective. Exploring innovative methods of collecting restitution could result in even more victims receiving the financial reimbursement they deserve. >>>▲

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NEW JERSEY INTENSIVE SUPERVISION PROGRAM: A FOCUS ON CHANGE, RESTITUTION AND RESTORATIVE JUSTICE

BY DONALD BORNHEIMER

The Intensive Supervision Program (ISP), operated by the New Jersey Administrative Office of the Courts, was developed and funded on an experimental basis in 1983 in response to prison overcrowding. The program was designed as an intermediate form of punishment—one that is less costly than prison but much more intense than traditional probation—in order to achieve the criminal justice objectives of deterrence and rehabilitation.

ISP is based on the premise that, given a highly structured environment, certain nonviolent offenders sentenced to state prison can be released to the community with minimal risk to the public. These offenders return to the community earlier than if they waited to be released on parole. ISP offers them an opportunity to work their way back into the community and requires that they make a significant personal investment in the program.

Applications for ISP are available at all county and state correctional institutions, as well as by mail and on the Internet. Over 78,000 ISP applications have been received and only 18,000 offenders have been selected to participate since the program's inception. With the approval of the Chief Justice of the New Jersey Supreme Court, Superior Court judges currently serving or on recall form a three-judge panel to determine whether an applicant should be admitted to ISP. If any panel member rejects an inmate's application, admission to the program is denied. Currently, 1,450 offenders participate in ISP.

ISP is regularly used for participants who have failed under traditional forms of probation and parole. With an emphasis on structured supervision, personal development, and utilization of community treatment and fellowship resources, the program has been remarkably successful. Among the 1,160 ISP participants who graduated from the program between January 2002 and December 2004, only 17% recidivated during the three-year period following their graduation.



While ISP is of great benefit to applicants, it is, as the name implies, intense. The minimum time period spent under supervision is 16 months. During that time, ISP conditions promote a responsible lifestyle. Program participants are required to meet regularly with their ISP officer. They must maintain employment, pay taxes, complete community service, attend treatment as directed, abide by curfews, remain drug and alcohol free, maintain a daily diary of their activities, and provide a weekly budget of their expenditures. Failure to comply results in their return to state prison to complete their original sentence. Successful discharge from ISP completes the participant's sentence.

RESTITUTION AND RESTORATIVE JUSTICE

One factor considered in the ISP selection and admission process is victim input. Prior to the applicant's eligibility hearing, when developing the assessment report, ISP representatives send a letter to each victim that explains the program's goals, invites opinion regarding the application, and requests completion of a victim impact statement and documentation of losses for restitution purposes, if applicable. Victims are asked to contact ISP by mail or phone with any questions or comments, and they are advised of their right to appear in person at the applicant's eligibility hearing.

Once informed of the program's structure and offered an opportunity to provide input and express their concerns, victims are often supportive of applicants' conditional release to

ISP. Victim appearances at eligibility hearings clearly establish to applicants the human cost of their crimes and provide applicants with an opportunity to apologize and accept responsibility for restitution. If any offenders fail to impress the panel with their sincerity toward accepting responsibility for their convictions and obligations toward their victims, they are routinely rejected from admission. Throughout the supervision period, victims are invited to stay in touch with ISP staff and can attend status hearings to obtain updates or to address the court.

Restitution to crime victims is a cornerstone of ISP. Regular restitution payments are collected on a scheduled basis and, when required, previously unidentified assets are liquidated for the purpose of restitution. No participant can be discharged from the program unless restitution is fully paid or the participant signs an enforceable payment agreement that cannot be cleared by bankruptcy. In the last seven years, \$10,000,000 has been collected from ISP participants for restitution and distributed to victims.

The ISP collection policy also ensures that participants pay court-ordered obligations to the New Jersey Violent Crimes Compensation Agency (VCCA), as well as court costs that directly benefit law enforcement agencies (e.g., Safe Neighborhood Services Fund, Law Enforcement Officers Training and Equipment Fund, Drug Enforcement and Demand Reduction penalties, forensic laboratory



fees, DARE programs) and the community at large (e.g., state fines and various other imposed court costs). This policy has resulted in substantial financial distributions to aid other victims of crime, and it has enabled law enforcement agencies to purchase new equipment and offset expenses of community outreach projects.

In addition, as a condition of release, all ISP participants must resolve municipal court detainers and open matters that predated admission. This has resulted in the resolution of hundreds of previously outstanding municipal court matters each year.

The average ISP participant's financial contribution toward court-ordered obligations is considerably higher than the typical New Jersey probation or parole participant's. In addition to the restitution collected from participants, participants paid more than \$9,000,000 in the last seven years toward imposed financial obligations that help offset the cost of the program and reduce the burden on taxpayers.

The collection of child support is another area that ISP takes very seriously. In the last year, participants have contributed over \$1,000,000 toward court-ordered support of their children. Often, the offender's own family members are the first victims, whether directly through the loss of valued personal items that the offender steals and sells to feed a drug addiction or indirectly through the loss of years that occurs when the offender is separated from parents or children as a result of self-abuse or confinement. ISP

supports participants in their efforts to repair the harm and establish, perhaps for the first time, a family dynamic where security, commitment, and love can exist. The program cooperates with family court/family service agencies and participants during what is often a long journey to help offenders obtain visitation rights and work toward family reunification. This requires that the participant put forth a substantial effort to repair relationships, cooperate with all counseling/parental educational requirements, maintain employment, and obtain a residence acceptable to the family court/family service agencies, in order to ensure the best interests of the child or children.

Development of a sound foundation in the community is another crucial component of restorative justice and ISP. Each ISP participant must complete 16 hours of community service each month. Examples include painting police departments or other municipal buildings; washing police cars; repairing storm-damaged boardwalks; cleaning municipal parks, places of worship, and city streets; and cooking, packing boxes, and distributing food to the homeless or at-risk populations. A number of participants have spoken before community groups, as well as at elementary, high school, and college assemblies, about their personal experiences. Some speak about community enhancement initiatives, such as educational and vocational training programs and National Night Out, a crime- and drug-prevention event. Since ISP's inception, participants have provided more than three million hours of community service.

Finally, many ISP graduates participate in the ISP's Graduate Assistance Program (GAP). GAP was developed upon the urging of graduates who wanted to remain involved with program staff to assist active participants. Graduates often serve on community support teams, acting as mentors for current participants, offering them rides to fellowship meetings or job sites, and providing other assistance. Some graduates work actively with ISP staff to educate the community about the program. As a result of their positive experiences with ISP, some graduates have gone on to become certified treatment counselors.

CONCLUSION

The New Jersey Intensive Supervision Program is a cost-effective alternative to continued incarceration. It provides participants with an opportunity for change: change in approach and attitude—away from unproductive behavioral patterns toward community integration and reconciliation—and change in circumstance, as evidenced by the program's low rate of recidivism.

Many thanks to administrative supervisors Alisa Dittmer and Kim Manuguerra and to ISP coordinator Carolyn Timmons for their invaluable assistance with this submission.

For further research regarding the process or outcomes of the New Jersey Intensive Supervision Program, please contact Kim Manuguerra at (609) 984-2540 or kim.manuguerra@judiciary.state.nj.us.▶▶▲

ISP welcomes contact by the law enforcement community or victims' rights and assistance organizations for additional information, suggestions, and assistance. Please contact ISP Manager Harvey M. Goldstein at (609) 984-0077 or harvey.goldstein@judiciary.state.nj.us.

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VICTIM AWARENESS: A MODEL OF PROBLEM-SOLVING JUSTICE

BY MICHAEL DAVIS

In 1996, the Ohio Department of Rehabilitation and Correction (ODRC) implemented a program to help offenders understand the negative impact of their crimes on victims. The Victim Awareness Program is based on the Impact of Crime on Victims Program developed in 1984 by the California Youth Authority and Mothers Against Drunk Driving.

In Ohio, the program's curriculum addresses several crime types, including drunk driving, property offenses, family violence, sexual assault, and homicide. Other curriculum topics include restorative justice practices, the impact of violence in the media, making amends, and offender reentry. The common thread running throughout the program is the concept of offender responsibility and accountability for behaviors and actions. The program utilizes cognitive-behavioral exercises and experientially based instruction. A crucial element is the personal testimony of victims of crime.

In lieu of face-to-face encounters with their direct victims, offenders are able to engage in meaningful discussions with persons who have experienced trauma associated with crime, similar to the pain that offenders' own victims experienced. Crime victims who provide testimony to Victim Awareness class participants benefit by gaining a sense of empowerment through their meaningful participation in the justice process.

The Victim Awareness Program is among the most popular in the Ohio correctional system. Until recently, it was offered in all 31 Ohio prisons but in only a handful of community settings. However, it was evident that the program had validity and would be appropriate for implementation in the community on a much larger scale.

In September 2009, the ODRC Office of Victim Services, which oversees the program, conducted a statewide training session for prospective teachers of the program. Participants included state correctional staff, as well as staff from community-based correctional facilities, halfway houses, parole, and probation.

The effort to expand the Victim Awareness Program from being a class taught primarily in prison to one taught as part of parole and probation is significant in light of the fact that approximately



seven million Americans are under correctional supervision (Pew Center on the States, 2009). Of these, roughly 4.3 million adults are on probation and another 824,000 are on parole. Like no other time in history, the country is facing a crisis in how to resolve the issue of crime, punishment, and restoration of offenders, victims, and communities.

RESEARCHING VICTIM AWARENESS PROGRAMS

Research indicates that when criminogenic needs are met, there is likely to be a reduction in the probability of criminal behavior and recidivism. The Victim Awareness Program addresses the criminogenic need domains of antisocial behavior, antisocial attitudes, antisocial peers, family and relationship stressors that contribute to recidivism. These domains are essential to prosocial interactions and community functioning.

Research also indicates that victim awareness programming can play a vital role in preventing crime. This type of programming helps offenders to understand the impact of their criminal behavior and to develop a sense of accountability for their actions.

In 2007, the Office for Victims of Crime, U.S. Department of Justice, sponsored an evaluation of the Impact of Crime on Victims Curriculum Development Project (an update and revision of the Impact of Crime on Victims Program developed in 1984). The project was led by Sharon English, former Deputy Director with the California Youth Authority, and included among

others, Dr. Mario T. Gaboury; one of the leading researchers on impact of crime programming. Dr. Gaboury found definite benefits to victim awareness programming for offenders. Dr. Gaboury and his colleague Dr. Chris Sedelmaier studied the implementation of a standardized program at 10 correctional facilities in four states: California, Ohio, Tennessee, and Virginia. The researchers found that offenders participating in the study demonstrated statistically significant improvements in their knowledge of victims' rights and of the impact of victimization on victims (Gaboury & Sedelmaier, 2007). In a subsequent study of offenders in the Missouri Department of Corrections, Dr. Arrick Jackson, from North Texas University, found that offenders completing victim awareness programming experienced an increase in accountability and a decrease in the amount of blame they placed on victims and society for their correctional supervision (Jackson, Lucas, & Blackburn, 2009).

PRINCIPLES OF THE VICTIM AWARENESS PROGRAM

The Community-Based Problem-Solving Criminal Justice Initiative, sponsored by the Bureau of Justice Assistance, developed a set of guidelines designed to improve, for victims, offenders, and communities, the outcomes of community programming (Center for Court Innovation, n.d.). The ODRC Office of Victim Services modified some of the guidelines to address the Victim Awareness Program's specific needs.



The Victim Awareness Program provides the following:

ENHANCED INFORMATION. Justice professionals are educated in how to effectively implement the cognitive-based program. Offenders participating in the program learn about the impact of crime on victims, the community, and their own families. The curriculum is designed to enhance learning in order to change the offender's thinking about crime. The learning is achieved by in three primary ways:

- Experiential learning through journaling and classroom discussion,
- Cognitive-behavioral engagement with hands-on exercises and demonstrations
- Empathy development through victim impact presentations.

COMMUNITY ENGAGEMENT. Crime victims, citizens, and community organizations play a pivotal role in helping program facilitators implement the program. Citizens and community organizations are instrumental in establishing behavioral standards for offenders, while crime victims drive home the devastating effects that crime has on people. The program has the capacity not only to empower crime victims, but entire communities can lead the effort to reframe the thinking of offenders as it relates to crime. In Ohio, multiple Victim Awareness Programs are led by community volunteers. These volunteers come from various positions within the agency, from secretaries to administrators, and also include private citizens.

COLLABORATION. Victim Awareness Program facilitators collaborate with local law enforcement, social service providers, and non-

profit organizations such as Parents of Murdered Children, Mothers Against Drunk Driving, and the Ohio Domestic Violence Network to support program participants. This collaborative partnership has helped foster trust among members of the parole authority, offenders, victims, and the community.

INDIVIDUALIZED JUSTICE. Crime victims and their loved ones are provided with the opportunity to actively participate in offenders' rehabilitative processes under the supervision of the parole or probation authority. A major component of the Victim Awareness Program is "the power of the personal story." Victims who have often been left out of the prisoner reentry process can help ensure that offenders are cognizant of their responsibilities to their victims and to the communities in which they reside. Personal testimony is the most direct way to help offenders understand the impact of crime.

ACCOUNTABILITY. Accountability can be defined as the willingness to accept responsibility for one's past negative behavior and the desire to create a structure in one's life to avoid future negative behavior. Accountability requires that individuals examine their thoughts, attitudes, priorities, actions, values, goals, and ways of life. This examination asks offenders to consider not just themselves, but also their family relationships, social activities, and business dealings.

OUTCOMES. Data from the program is collected and properly evaluated to ensure that practices and procedures align with the most effective methods of service delivery. A study conducted by the ODRC Office of Victim Services shows

a 33% increase in offender participation in the Victim Awareness Program during 2009 and a 22% increase in the number of community volunteers who assisted with the program (Ohio Department of Rehabilitation and Correction, 2009). The data suggest that offenders find the program beneficial and that community members deem the program a worthy investment of their time and talent.

Preliminary data or informal studies are also used to determine if the program is having a positive impact on offender participants. For example, in September 2008, program facilitator Diane Poindexter, in the Columbus (Ohio) Parole Authority, led an evaluation of offenders who participated in her classes at the Columbus Urban League. Diane and co-facilitators Kim Robinson (officer), Robin Karim (officer), and Reggie Battle (community partner) followed 23 offenders through 13 weeks of the program and for 90 days after program completion. Of the nine offenders who did not complete the program, five were jailed on new charges within 90 days after the program ended. Conversely, of the 14 offenders who completed the program, only one offender was arrested for a new charge within 90 days of program completion.

CONCLUSION

By challenging the core moral values and beliefs of offenders through programs such as the Victim Awareness Program, justice professionals in Ohio and across the nation have sought to interrupt criminal behavior. The premise of these programs is that offenders who are held accountable to their victims and the community, who realize that they have the power to make

choices that do not hurt others, and who are ready and internally motivated to change are more likely to meet the challenges associated with successful reentry. The Victim Awareness Program can facilitate that change. In this way, it is a true model of problem-solving justice. >>>▲

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RESTITUTION COURT: A VICTIM CENTERED APPROACH TO RESTITUTION COLLECTION IN MARICOPA COUNTY, ARIZONA

BY CATHY WYSE AND STEPHEN HARTLEY

Restitution repays victims for financial losses resulting from a crime. Restitution payment is routinely ordered as a condition of probation and victims and the general community expect the criminal justice system to hold offenders accountable for their court-ordered payments. The Maricopa County Adult Probation Department established extensive and generally effective procedures to collect court-ordered payments, yet found that specific individuals, who had the ability to pay restitution, were persistently and willfully noncompliant with court orders to do so. A unique program known as Restitution Court was implemented by the Maricopa County Adult Probation Department and the Superior Court in Maricopa County targeting probationers with a significant delinquency in restitution payment. Instead of appearing before the Court for a probation violation, probationers appear in Restitution Court for a civil contempt hearing to determine contempt for nonpayment. The program has been highly effective in obtaining restitution payments. Since September of 2008, Restitution Court has seen 330 individuals for nonpayment and collected \$583,820.65 in delinquent restitution payments. The County incurred no new costs to implement the program, which has already been replicated by two other counties in Arizona.

RESPONDING TO A NEED

Maricopa County, Arizona has a population of four million people and encompasses the Phoenix metropolitan area. The Maricopa County Adult Probation Department oversees 56,000 probation cases, over 80% are felony level cases. It is estimated that 19% of the individuals sentenced to probation have been ordered by the Superior Court to pay restitution.

The need to hold individuals accountable in the payment of court-ordered restitution is imperative. Restitution repays victims for financial losses resulting from the crime. Victims often feel violated, lose a feeling of security, suffer emotional and physical pain, suffer financial losses, and lose resources. Receipt of restitution may not solve all of the above ramifications of a crime, but it does provide financial restoration and can allow for healing to begin. Victims and the community as a whole often rate the criminal justice system on its ability to hold probationers accountable to the orders of the court, and perhaps especially to collect the monies they are owed. If the criminal justice system fails to fulfill this basic responsibility, it significantly lowers the trust and confidence of victims and the community.



A secondary problem with the nonpayment of restitution is that it lowers the amount of monies received for court-ordered fines and fees, which are used by many government agencies to augment shrinking budgets. The conditions of probation typically include multiple financial obligations, such as restitution, probation service fees, and fines, with a monthly payment amount established for each of these financial obligations. In Arizona, once a probationer falls behind in the payment of restitution, all monies received are justifiably mandated for restitution. When the probationer brings his restitution payment current, monies can again be credited to various accounts as the court ordered. This can be a significant financial benefit to government entities. For example, the Maricopa County Adult Probation Department funds 174 positions and all of its risk management costs from the collections of probation service fees.

When individuals are granted probation by the Superior Court in Maricopa County, they often struggle with meeting the court-ordered financial obligations. The Maricopa County Adult Probation Department (MCAPD) hired professional collectors, creating a collections unit (FINCOM), and implemented extensive procedures for enforcing financial compliance. Steps taken to assist probationers in meeting their financial obligations, as well as to enforce financial compliance, include use of a Payment Ability Form to determine the ability of a probationer to pay, a free budget class offered to probationers by the probation staff, court notification of failure to pay, and the utilization of a formal process including telephone calls,

letters and individual meetings. During 2008, it became apparent to FINCOM that even with this effort, special attention needed to be given to specific cases in which the probationers were willfully noncompliant towards payment of restitution. In these cases, individuals had financial resources, but deliberately made court-ordered restitution payments a low or nonexistent priority.

During the same time period, the Judiciary was frustrated with the lack of resources available to address nonpayment of restitution. The only method available was for the Adult Probation Department to file a Petition to Revoke Probation, which would initiate a series of formal court hearings to determine if the conditions of probation had been violated and if so, what sanctions would be imposed. In the process, significant costs were incurred, including prosecutor and defense attorney involvement. In addition, the available sentencing sanctions were limited and often resulted in more costs, especially if incarceration was ordered as part of the defendant's reinstatement on probation.

RESTITUTION COURT PROGRAM DESCRIPTION

In May 2008, the Maricopa County Adult Probation Department, the Superior Court in Maricopa County, and the Attorney General of Arizona's Office of Victim Services formed a cooperative effort to address the issue of individuals that were significantly delinquent in restitution payments. The plan for Restitution Court was conceived and developed over the next few months.



In September 2008, the first session of Restitution Court was held. The purpose of Restitution Court is to hold probationers accountable for the payment of restitution. The program targets the “worst of the worst” among individuals who have demonstrated long-term noncompliance towards restitution payment. The criteria used for referrals to Restitution Court are:

1. The probationer is at least six (6) months delinquent on restitution. Given special circumstances, this can be a shorter period.
2. The probationer has demonstrated “willful noncompliance” regarding payment of restitution; and
3. The probationer has been referred to FINCOM (collections) and extensive steps have already been taken by the Probation Department to address the delinquency.

Typically, a probationer is 10 months behind in restitution payments before being referred to Restitution Court. In addition, “willful noncompliance” toward payment of restitution has been demonstrated by completion of a payment ability form showing considerable discretionary expenses and by the probation officer’s observation that there are expensive possessions in the probationer’s residence.

The Adult Probation Department monitors accounts and identifies probationers who meet the referral criteria for Restitution Court. Collectors make the majority of referrals, but referrals are also received from probation officers, the Adult Probation Department’s victim assistant, the Attorney General’s victim

advocate, and judges. A probation supervisor prepares a list of the referred cases to be placed on the court calendar. A judicial clerk prepares the Restitution Court calendar and mails each scheduled probationer a minute entry ordering the probationer to appear for an Order to Show Cause (OTSC) hearing. The probation supervisor and the assigned probation officer also provide the probationer with notifications to attend the hearing.

Uniquely, Restitution Court is not designed to address the issues of probation violations or normal probationary matters. A civil Order to Show Cause (OTSC) hearing is held to determine if the probationer is in contempt of the Court’s order to make restitution payments. As it is a civil contempt procedure, the County Attorney’s Office and the Public Defenders Office are not involved. On the day of the hearing, the Adult Probation Department, represented by a probation supervisor, provides the amount in arrears and the documentation and evidence of failure to pay. The probationer is then allowed to explain his/her position and reasons for nonpayment. Most probationers represent themselves, although they can be represented by private counsel. During this process, both the Adult Probation Department and the probationer are subject to questioning from the Bench.

The judge makes a determination regarding the ability and willingness of the probationer to pay. The judge can rule that the probationer is not in Contempt and the matter is dismissed. If the matter is not dismissed, the Court has several other options, which include:

- Delay a finding of Contempt and order the probationer to meet with FINCOM and develop a plan to address the financial delinquency. Often times, the Court orders payments to start pending the creation of this plan.
- The Court rules the probationer is in Civil Contempt, but is allowed to remain free and address the delinquency. This has occurred eighty-seven (87) times since the inception of the Court.
- The Court finds the probationer in Contempt and takes him/her into custody until a purge amount is paid. That purge amount is often equal to the delinquency. Since the Court's inception, only thirty (30) of the 330 individuals who have appeared before the Court have been taken into custody.

The probationer continues under the jurisdiction of the Court and reports monthly for a review hearing until the Court is satisfied that the probationer is no longer in Contempt. This is usually demonstrated by the delinquency being eliminated or by the individual making several months' worth of significant payments. The average individual has three to five follow-up hearings to ensure compliance before being released from Restitution Court.

The OTSC hearings and review hearings are scheduled on a dedicated court calendar and are presided over by a Superior Court judge. Restitution Court sessions occur monthly for approximately one to one-and-a-half hours. There are typically 20 to 25 hearings per session. The court calendar is set so that the cases continued from the previous month are

heard first. This scheduling allows probationers who are new attendees at Restitution Court to see what has worked, or failed, for other probationers. In addition, probation officers send probationers to observe Restitution Court and have found that this experience is a useful tool for encouraging compliance with restitution payment.

The program started with one judge holding a monthly Restitution Court session. There are now three judges who hold a monthly Restitution Court.

A probation supervisor is the program manager for Restitution Court. This supervisor tracks all cases referred to Restitution Court, actions taken by the Court, and program outcomes.

USE OF TECHNOLOGY

The Adult Probation Department and the Court take advantage of the existing record management system for tracking adult probation case information (APETS), along with the Clerk of the Court's payment tracing system (RFR) and the Integrated Court Information System (ICIS). A spreadsheet is used to track and identify all referrals and a scoring document has been developed to establish a priority list. A spreadsheet is also used to track the number of hearings, court actions, and the amount of restitution collected.

THE COST OF THE PROGRAM

The Adult Probation Department, Superior Court, and Maricopa County incurred no direct increase in cost associated with the development and operation of the Restitution Court. The program uses existing staff, equipment and



Court time. Approximately thirty (30) hours of probation staff time is devoted to the Restitution Court per month. The judicial time for the three sessions per month is limited to approximately nine (9) hours per month. This results in a cost to operate the Court of approximately \$30,000 per year or \$10,000 per Judge. This figure is based on the hourly salary costs of Court employees, probation staff, office supplies and normal business expenses. However, these are costs that Maricopa County already would incur for existing staff and work hours.

Restitution Court saves the county money as compared to probation violation hearings. As the procedure is a civil matter, the individuals are not entitled to free legal representation and no county attorney is present.

PROGRAM RESULTS AND SUCCESS

The program was designed to identify probationers who are significantly delinquent and willfully noncompliant in the payment of Court-ordered restitution payments and to enforce their payment of the restitution. Once individuals have been identified, the success of the program can, to a large part, be determined by the increase in monies collected.

As of November 2011, sixty-nine (69) sessions of Restitution Court have been held since its beginning in September 2008. During that time, three hundred and thirty (330) individuals were summoned to the Court. This has resulted in one thousand three hundred and seventy-two (1,372) hearings and the collection of \$583,820.65 in restitution payments.

Given that the individuals who appeared before the Restitution Court were, on average, at least

10 months behind on payments, it is likely that without the Court's intervention, little, if any, of this money would have been collected and forwarded to victims. Due to the initial success of Restitution Court, it has expanded to include three (3) Superior Court Judges who each hold a monthly session.

The program manager for Restitution Court often hears from victims that this Court assists them in feeling that the criminal justice system can be responsive. In one case, the victim's husband had been murdered. The probationer appearing in Restitution Court had plead guilty to the theft of some of his property. When the victim had an opportunity to speak in Court and to see that the probationer was being held accountable, it greatly assisted the victim in the healing process. In another matter, the victim was so impressed by the changes made in the probationer's attitude and accountability that the victim was willing to accept a lower monthly payment since the probationer was actually complying with the Court's order.

A secondary positive effect has been observed with probationers who are delinquent in restitution payments, but have not reached the point of being referred to Restitution Court. These individuals have been directed to attend Restitution Court and observe the process. This experience has had a positive effect on their willingness to cooperate and begin making payments. In addition, as the word of the program has spread, probationers are asking how to avoid Restitution Court.

Although the exact impact on other accounts such as probation service fees and fines is not known, once delinquency in restitution payment

is satisfied, a probationer's monthly payments can be allocated to the various accounts as ordered by the Court, thereby having a positive impact on government operations that rely on these revenues.

Two other Arizona counties have begun operating variations of Restitution Court. In addition, two more counties are in the process of finalizing plans to bring Restitution Court to their respective counties. If and when that occurs, Restitution Court will be active in one-third of all Arizona counties.

Due to the success of this program and the Court's dedication this effort, the Court has expanded the program and changed the process to enable each Judge on the Criminal Bench to be able to hold similar hearings to address restitution delinquency.

CONCLUSION

Restitution Court is a positive example of what occurs when governmental agencies jointly identify a problem, explore new and

innovative ways of addressing the issue, and ultimately cooperate in the implementation of a solution. The resources of the Maricopa County Adult Probation Department and the Superior Court in Maricopa County were effectively combined to implement a unique program and to successfully collect a significant amount of restitution for victims of crime. These monies would not have been collected using existing methods as those methods had already proven insufficient. This money was collected without Maricopa County incurring any increase in operational expenses. Furthermore, the Restitution Court enabled increased county revenue because when restitution payments are current, other fine and fee accounts receive their appropriate allocations from the probationers' court-ordered payments.

The Restitution Court is a replicable program as evidenced by two other Arizona counties that have adopted the model and two additional counties that are planning to do so. >>>▲

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MARICOPA COUNTY'S RESTITUTION COURT — AN AWARD WINNING PROGRAM

Because of its unique features, multi-agency cooperation, and the victim services provided, Restitution Court was presented at the 2010 and 2011 national conferences for both the National Organization for Victim Assistance (NOVA) and National Center for Victims of Crime (NCVC). It also was a finalist for the 2010 Council of State Governments Innovations award, Western region. The Honorable Roland Steinle, the founding Judicial Officer of the Restitution Court, received the 2010 Arizona Attorney General's Distinguished Service award for Innovative Practices for his role in developing the Court. The National Association of Counties (NACo) awarded Restitution Court its 2011 Achievement Award.

SHOW YOUR SUPPORT: CELEBRATE NATIONAL CRIME VICTIMS' RIGHTS WEEK

Each April since 1981, the Office for Victims of Crime (OVC) has helped lead communities throughout the country in their annual observances of National Crime Victims' Rights Week (NCVRW) by promoting victims' rights and honoring crime victims and those who advocate on their behalf. APPA encourages community corrections agencies and professionals to get involved by organizing or participating in NCVRW activities as a way to promote improved services for crime victims and survivors. The following are examples of how some corrections agencies have recognized NCVRW. We hope this list will give you some ideas on how you and your agency can be involved in NCVRW in 2012!

- The Arizona Department of Corrections partnered with ChildHelp USA and the Child Crisis Nursery to provide books and bears to children who have been victimized by crime.
- Inmates of the Arizona State Prison Complex- Eyman made wooden toys such as rocking horses, cradles and puzzles to give to various victims' organizations.
- In Brazoria County (Texas) the Community Supervision and Corrections Department sponsored "Operation Sleep Tight." Working in partnership with the Women's Center, the department collected new sleep attire for residents of the Women's Center.
- The California Youth Authority conducted a variety of fundraisers (bake sales, fast food sales at athletic events, NCVRW theme related t-shirts, etc.) with proceeds provided to victim-serving organizations.
- The Colorado Office of the State Court Administrator, Division of Probation Services, created a quilt in honor of crime victims, with staff each making squares that were sewn together and framed. In addition, children of employees of the Office of the State Court Administrator drew pictures in honor of crime victims that were used to create a calendar. During NCVRW, a clothesline featured small T-shirts designed to commemorate crime and victimization. Each day throughout NCVRW, a staff person sent an email to the entire staff with crime statistics, quizzes, inspirational quotes, etc. about victimization and crime victims' rights.
- For several years, people with community service hours to fulfill through the Court Services and Offender Supervision Agency (CSOSA) in Washington, DC have helped provide publicity about the National Candlelight Ceremony sponsored by the Office for Victims of Crime, U.S. Department of Justice in conjunction with NCVRW each year. A victim advocate meets with probationers and speaks to them about NCVRW, its theme, and why events to recognize the needs and interests of victims are so important. Then, they branch out across the District of Columbia and disseminate publicity posters about the National Candlelight Ceremony to businesses, libraries, and public venues across DC. With CSOSA's support, attendance at the National Candlelight Ceremony has been consistently excellent.

- In many communities, victim service providers partner with adult and juvenile probation agencies to prepare pin cards with commemorative ribbons in the annual NCVRW theme colors. Probationers with community service hours receive an overview of the impact of crime on victims while they affix hundreds of commemorative ribbons to pin cards, which are then distributed during NCVRW events. This important community service work helps promote awareness of victims' rights and needs during NCVRW.
- Youth in the detention center in Dupage County (Illinois) created posters and artwork to commemorate NCVRW. They mounted plaster masks on boards and filled the entire piece with their own messages about victimization. According to organizers, "It was both powerful and moving to see objects like an electrical cord for a girl who had been whipped as a child, and chains covering the mask from a boy who had been living with an alcoholic father. The therapist at the detention center said the project had been very therapeutic for the kids that did it."
- Every year, the Victims Advisory Board of the Iowa Sixth Judicial District, Department of Correctional Services in Cedar Rapids, Iowa, organizes a fundraising event just before the holidays where various vendors display their goods and donate a portion of the profits to victim services. The year the NCVRW theme was "Victims' Rights: Dare to Dream," Native American offenders made dream catchers to hand out to victims at the kickoff event during NCVRW. For other NCVRW events, offenders have made life-size cutouts of victims of domestic violence. Offenders displayed the cutouts at the probation office and then wrote a paper to submit to their probation officers.
- The employees of the Arizona State Prison Complex-Florence hosted a victims' rights ceremony at the Florence City Park to dedicate a bench with the inscription, "Their voices may not always be heard, but they will never be forgotten." Coloring books consisting of more than 45 drawings by inmates, as well as donated crayons, were distributed to local domestic abuse shelters for children who stay there.

THE NEXT NATIONAL CRIME VICTIMS' RIGHTS WEEK WILL BE OBSERVED

APRIL 22-28, 2012.

The 2012 NCVRW Resource Guide can be downloaded in its entirety for free by visiting www.ovc.gov/ncvrw. To receive future NCVRW Resource Guides and theme posters by mail, sign up at https://puborder.ncjrs.gov/Listservs/Subscribe_NCVRW.asp.

APPA and OVC hope you will get involved in National Crime Victims' Rights Week in April 2012. Let APPA know what you do, so we can showcase and provide your experiences as an example for other community corrections agencies.

THE U.S. SENATE INTRODUCED AND PASSED SENATE RESOLUTION 374 BY UNANIMOUS CONSENT, RECOGNIZING 2012 NATIONAL CRIME VICTIMS' RIGHTS WEEK.

You can download a copy of SR 374 at http://wicker.senate.gov/public/index.cfm?Fuseaction=Files.View&FileStore_id=4f2cfd88-eb49-4fa0-b8b7-4757b3e84795. Also check out the floor testimony of SR 374's principal author, Senator Roger Wicker of MS, at http://www.youtube.com/watch?feature=player_detailpage&v=aDWPrHe2S0Y. We are very grateful to Senator Wicker for spearheading this important effort, and know that the resolution will help all of us "Extend the Vision" for victims' rights and services during NCVRW!



VICTIMS AND THE JUVENILE JUSTICE SYSTEM

BY ANNE SEYMOUR

“Victims of crime should not be discriminated against due solely to the age of their offender.”

This bold statement by victim advocate and survivor Sharon English, featured in the landmark American Correctional Association *Report and Recommendations on Victims of Juvenile Offenders* published in 1994, brought greatly needed attention to the rights and needs of victims of juvenile offenders. Victims’ rights and needs had been virtually ignored in a system that was designed to assist and protect children-at-risk and youthful offenders. With violent juvenile crime on the rise, victims and advocates joined together to promote significant reforms in how victims of youthful offenders were viewed and treated.

Today across the Nation, victims of juvenile offenders have important rights to information and notification; participation; safety; and restitution. While the juvenile justice system—including juvenile courts, diversion programs, probation and parole—can still be frustrating for some survivors, it has made considerable progress in treating them with dignity and respect and engaging them as active and valued participants in a process that often has a profound impact on their lives.

UNIQUE ASPECTS OF JUVENILE VIOLENT CRIMES

Most victims of violent juvenile crimes know their assailant, and many victims are themselves juveniles (McCurley and Snyder, 2004):

- Almost half (48 percent) of the victims of nonfatal violent crimes committed by juveniles were other juveniles who were acquaintances of the offender.
- Fifty-one percent of juvenile victims of violent crime faced a juvenile offender.
- In incidents where the victim-offender relationship was known, 65 percent of the victims of juvenile violence were acquaintances of the offender, 23 percent were family members, and only 12 percent were strangers.

These data have resulted in policies and protocols which recognize that personal relationships are often harmed through juvenile crime and need to be repaired; juvenile victims and their families



need strong support that specifically addresses their safety needs; and victim-offender programming can be effective in holding juvenile offender accountable for their actions.

WHAT ARE THE NEEDS OF VICTIMS OF JUVENILE OFFENDERS?

While every victim of every juvenile offender is *unique*, there are some common needs that have been identified through various research, evaluation, and victim outreach projects, including the needs to:

- Be treated with dignity and respect, and acknowledged by the juvenile justice and corrections systems as people who have been hurt by crime.
- Be provided with information about the juvenile justice system, their rights and services available to help them, and a glossary of terms to help them make sense of language and acronyms that differ significantly from those utilized by the criminal justice system.

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APPA JUVENILE JUSTICE COMMITTEE

The goal of the American Probation and Parole Association (APPA)'s Juvenile Justice Committee is to enhance the association's response to specific juvenile issues within community corrections. Such issues include the increasing severity of violent crimes within the youth population; juvenile involvement in gangs, drugs, and cults; and providing assistance to victims of juvenile offenders. For more information on the Juvenile Justice Committee's activities or to become a member of this committee, email APPA at appa@csg.org to be connected with the current committee chairperson or APPA staff liaison to the committee.



NATIONAL INFORMATION AND REFERRAL RESOURCES FOR CRIME VICTIM/SURVIVOR ASSISTANCE

AGENCY	TOLL-FREE TELEPHONE NUMBER AND TTY	HOURS OF OPERATION	WEBSITE URL
FEDERAL GOVERNMENT RESOURCES			
Bureau of Indian Affairs Indian Country Child Abuse Hotline	800-633-5155	24/7/365	www.doi.gov/bia
Child Welfare Information Gateway	800-394-3366	Monday – Friday 8:30 am – 5:30 pm EST	www.childwelfare.gov
Federal Trade Commission Identity Theft Hotline	877-ID-THEFT	24/7/365	www.ftc.gov/bcp/edu/microsites/idtheft/
National Clearinghouse for Alcohol and Drug Information	800-729-6686 TDD Hotline 800-487-4889 Español 877-767-8432	24/7/365	http://ncadi.samhsa.gov/
National Criminal Justice Reference Service (Office for Victims of Crime, Justice Statistics Clearinghouse, and Juvenile Justice Clearinghouse)	800-851-3420 TTY 877-712-9279	Monday – Friday 10 am – 6:00 pm EST	www.ncjrs.gov
Office for Victims of Crime Training and Technical Assistance Center	866-OVC-TTAC TTY 866-682-8880	Monday – Friday 8:30 am – 5:00 pm EST	www.ovcttac.gov
INTERNATIONAL AND NATIONAL NON-PROFIT ORGANIZATIONS' VICTIM ASSISTANCE			
American Domestic Violence Crisis Line (for American citizens victimized abroad)	1-866-USWOMEN	Monday – Friday 9:00 a.m. to 11:00 p.m., PST	www.866uswomen.org
Battered Women's Justice Project	800-903-0111	Monday – Friday 8:30 am – 4:30 pm CST	www.bjwp.org

Childhelp USA National Hotline	800-4-A-CHILD TDD 800-2-A-CHILD	24/7/365	www.childhelp.org
Mothers Against Drunk Driving (general)	800-GET-MADD	Monday – Friday 8:00 am – 5:00 pm CST	www.madd.org
National Center for Missing and Exploited Children	800-843-5678 TDD 800-826-7653	24/7/365	www.missingkids.com
National Center for Victims of Crime	N/A	Monday – Friday 9:00 am – 5:00 pm EST	www.ncvc.org
National Children's Alliance	800-239-9950	Monday – Friday 9:00 am – 5:00 pm EST	www.nca-online.org
National Crime Prevention Council	800-NCPC-911	Monday – Friday 8:00 am – 4:30 pm EST	www.ncpc.org
National Domestic Violence Hotline	800-799-SAFE TTY Hotline 800-787-3224	24/7/365	www.ndvh.org
National Organization for Victim Assistance	800-TRY-NOVA	24/7/365	www.trynova.org
National Organization of Parents Of Murdered Children, Inc.	888-818-POMC	Monday – Friday 8:00 am – 5:00 pm EST	www.pomc.com
National Resource Center on Domestic Violence	800-537-2238 TTY Hotline 800-553-2508	Monday – Friday 8:00 am – 5:00 pm EST	www.nrcdv.org
National Sexual Violence Resource Center	877-739-3895 TTY 717-909-0715	Monday, Thursday, Friday 9:00 am – 5:00 pm EST Tuesday and Wednesday 9:00 am – 8:00 pm EST	www.nsvrc.org
National Teen Dating Abuse Helpline	866-331-9474 TTY 866-331-8453	24/7/365	www.loveisrespect.org
Rape, Abuse & Incest National Network	800-656-HOPE	24/7/365	www.rainn.org
Resource Center on Domestic Violence, Child Protection and Custody	800-52PEACE	Monday – Friday 8:00 am – 5:00 pm PST	www.ncjfcj.org/content/view/129/250



- Be notified about the status of the case, and the status and location of the juvenile offender.
- Receive information about victim compensation in cases involving violent crimes that can help cover the costs associated with such crimes (information about each state's and territory's compensation program is available at www.nacvcb.org).
- Have any concerns they may have about their safety and security identified and addressed.
- Be provided with information about and opportunities to *actively participate* in juvenile justice proceedings.
- Be provided with the opportunity to complete a pre-adjudication interview or victim impact statement that lets them tell the court or juvenile paroling authority about the physical, emotional, spiritual and financial impact of the crime, as well as their recommendations to hold the juvenile offender accountable for the harm that was caused.
- Be offered information about victim restitution, how to document their financial losses, and how restitution management of juvenile offenders works.
- Be offered input into the conditions of juvenile offender supervision in the community, including recommendations for community service, protective orders, and other measures that validate victims' issues and concerns.

- Be provided with information about victim services available from the juvenile justice and juvenile corrections systems, as well as community-based victim assistance programs.
- Provide input to juvenile justice and correctional agencies about their satisfaction with how they were treated, whether or not their rights were implemented, and the quality of victim assistance services they received

PROMISING PRACTICES

Some of the most important trends in improving the juvenile justice system's treatment of victims are both *victim-centered* and *victim-driven*. They proactively engage victims and survivors in efforts to hold juvenile offenders accountable, and help them more fully understand the impact of crime on their victims and communities.

"IMPACT OF CRIME ON VICTIMS" PROGRAMS AND CLASSES

Impact of Crime on Victims programs and classes (IOC) were first implemented in 1985 by the California Youth Authority. The IOC founders felt that the focus of offender programming was exclusively on *what offenders needed* and *not what they had done*, and that offenders did not understand the physical, psychological, financial, social and spiritual impact of the crime on their victims, or their obligations that resulted from the harm they caused.

Today, IOC programming is available to both adult and juvenile offenders in nearly every state and at the Federal level, and is used in

diversion, probation, parole, and institutional settings. The goals of IOC are to (Seymour, 1998):

- Help offenders understand the impact of their crimes on their victims, their communities, their own families and themselves.
- Provide opportunities for offenders to understand the importance of accepting accountability for their delinquent or criminal actions, and (if possible) to make amends.
- Provide crime victims and survivors with a structured, positive forum in which to share their personal experiences and to educate offenders, justice and allied professionals

and others about the consequences and impact of crime.

- Build positive partnerships among victim assistance and justice agencies that can raise individual and community awareness about the immediate as well as short- and long-term impact of crime on victims and communities.

IOC programs generally include either one-to-two hour victim impact classes; a series of one-hour classes that address up to 20 types of victimization (from property crimes to homicide); or a structured 40-hour curriculum that addresses the full spectrum of crimes and their impact on victims and communities. The most effective IOC programs involve actual crime victims and

VICTIM IMPACT: LISTEN AND LEARN CURRICULUM

With leadership and support from the Office for Victims of Crime, U.S. Department of Justice, a structured IOC curriculum with an accompanying DVD of actual crime victims who share their personal experiences was developed and pilot-tested in 2003-2004. It includes resources for program planning; engaging victims as guest speakers; and curricula and workbooks for offenders that address ten specific crime topics.

To download this free curriculum, go to
www.ovcttac.gov/victimimpact



survivors who speak to offenders about their experiences and how crime has affected their lives. Many programs also use DVDs of victims of different types of crime to highlight the often devastating consequences of crime on victims.

VICTIM RESTITUTION

Historically, many judges failed to order victim restitution in juvenile cases involving pecuniary losses because of the “youthful offender’s inability to pay.” Today, state laws and juvenile justice agency policies adopt an entirely different approach that considers victim restitution a key tenet of juvenile offender accountability.

An excellent example of a comprehensive juvenile restitution program is Project Payback, a “juvenile restorative justice restitution program” housed within the Victim Services Division of the State Attorney’s Office in the 8th Judicial District of Florida. All juvenile defendants who owe restitution are also court-ordered to successfully complete Project Payback as a condition of their probation, and are provided intensive support in meeting their restitution obligations. Project Payback (2011) assists victims by:

- Monitoring monthly compliance of juveniles ordered or referred to the program.
- Reporting the compliance status on behalf of the victims in juvenile court.
- Requesting enforcement actions for non-compliance.
- Making the victim aware when a case has been set for a compliance hearing.
- Informing victims about the status of the disposition and compliance dockets.
- Providing job skills training to juveniles to facilitate employment as a means of being able to pay back restitution.
- Requiring juveniles 16 and older to be employed or to be actively searching for employment.
- Providing juveniles who are unable to become employed (usually because of their age or commitment status) the opportunity to do “community restitution service,” hours. For every hour of service that the juvenile completes, \$6.67 is paid back to the victim.
- Coordinating employment interviews and community activity sites as a means of working off restitution.
- Requiring job search/employment as long as restitution is still owed.
- Providing job employability/skills training, resumes, job search, applications, mock interviews, finance management, and career goal setting to juveniles.
- Providing money earning opportunities and employment assistance to juveniles.

If a juvenile fails to comply with Project Payback requirements, he or she must attend a compliance hearing to remedy the situation.

This innovative and comprehensive approach to juvenile restitution management was featured among the five case studies highlighted in



NEW RESTITUTION RESOURCES!

The National Center for Victims of Crime (NCVC) recently published two new resources, funded by the Office for Victims of Crime (OVC), to assist jurisdictions in improving the collection of victim restitution throughout the justice process.

MAKING RESTITUTION REAL: FIVE CASE STUDIES ON IMPROVING RESTITUTION COLLECTION

This publication is based on findings of a Webcast roundtable that featured presentations by five programs representing different approaches to improving restitution collection.

MAKING RESTITUTION REAL: TOOLKIT

This web-based toolkit includes resources aimed at all the various partners and stakeholders in the restitution management and collection process (i.e., prosecutors, court personnel, probation and parole officials, corrections departments, and victims of crime) to improve the overall restitution management process within the justice system. The materials in the toolkit are organized within the following overall categories:

- Setting the Framework for Restitution
- Promoting Early Payment
- Making Payment Plans Work
- What Happens After Default
- Special Circumstances
- Self-Help for Victims

**VISIT WWW.NCVC.ORG TO DOWNLOAD
BOTH OF THESE RESOURCES.**



Making Restitution Real, published by the National Center for Victims of Crime in 2011 (see “Resources”).

RESTORATIVE COMMUNITY SERVICE

Community service has traditionally provided opportunities for convicted and adjudicated offenders to “pay back” the community for the harm that their criminal and delinquent actions caused.

Restorative community service (RCS) “personalizes” this important form of offender accountability, and is *visible in* and *viable* to the community. RCS also provides the opportunity for crime victims to have input into the type of community service they would like their offender to perform, and/or partners with victim assistance programs to determine community service opportunities that benefit such organizations and the victims they serve.

In structured RCS programs, the victim impact statement includes the question: “If your offender is sentenced to community service, do you have any recommendations for the type of service you’d like him/her to perform?” This allows the crime victim to suggest a favorite charitable organization or a community service project that they believe might benefit the juvenile. For example, the youth involved in Project Payback (see above) help maintain Squirrel Ridge Park, which is dedicated as a Victim Memorial for the community of Gainesville, Florida. The 18-acre park includes a beautiful sanctuary for crime victims and survivors and their loved ones. In some cases,

it may be appropriate for the young person to perform personal community service to the victim (such as mowing a lawn or cutting firewood). However, for this type of service to be recommended, victim and juvenile safety and security, as well as legal issues, would have to be closely examined and resolved.

Increasingly, community corrections agencies are partnering with victim assistance programs to develop RCS opportunities that directly benefit victim services organizations and the victims they serve (without violating victims’ safety or security). Examples include activities that help promote victim-related commemorative observances such as National Crime Victims’ Rights Week each April (such as affixing commemorative ribbons to pin cards, or disseminating posters and outreach information about special events); working in community gardens where the produce is given to domestic violence shelters; or stuffing envelopes for victim-related fundraising drives.

CONCLUSION

Efforts nationwide to improve the juvenile justice system’s response to victims have greatly improved the treatment of victims and the enforcement of their rights. Many innovative victim/offender programs that seek to hold offenders accountable rely on important partnerships among juvenile courts, juvenile probation and parole, and victim assistance programs. Ongoing efforts continue to seek measures to reduce juvenile crime, assist victims, and promote accountability for juvenile offenders and for the entire juvenile justice system. >>>▲

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ANNE SEYMOUR is a national victim advocate and consultant to the Public Safety Performance Project of the Pew Center on the States. She is a founding and current member of APPA's Victim Issues Committee.

ANNE SEYMOUR RECEIVES THE APPA JOE KEGANS AWARD FOR VICTIM SERVICES IN PROBATION AND PAROLE

On February 27, 2012, Anne Seymour received the Joe Kegans Award for Victim Services in Probation and Parole at the APPA Winter Training Institute in San Diego, CA. This award honors an individual working in community corrections who has provided exemplary services to victims of crime. This distinguished award was established as a tribute to the late Judge Joe Kegans, a founding member of APPA's Victim Issues Committee, who devoted her career as a jurist to bettering the lives of all with whom she came into contact.

Anne Seymour has been a national victim advocate for nearly 30 years. She was a co-founding member of APPA's Victim Issues Committee, and has worked closely with APPA for over two decades in developing policies, protocols and training curricula to enhance community corrections' response to crime victims and survivors. She has also served with great pride on APPA's Board of Directors. During the presentation of the award, Scott Taylor, APPA President said, "I can think of no one who is more deserving of receiving the Joe Kegans Award for Victim Services than Anne and I must say that our recognition of Anne is at least a decade over-due."

CLICK HERE TO VIEW A VIDEO OF ANNE'S ACCEPTANCE SPEECH FOR THIS AWARD.



WHEN THE OFFENDER BECOMES A VICTIM: IDENTIFYING AND RESPONDING TO CORRECTIONS-BASED SEXUAL ABUSE

BY CARRIE ABNER

Mark P. was arrested in 1982 at the age of 18 for stealing a couple of gallons of gasoline from the local public works department, and he was placed on probation. During one of his visits to the probation department, Mark's probation officer pulled out a gun and forced Mark to perform a sexual act at gunpoint. Since the abuse, Mark, now 45, has suffered panic attacks and developed substance abuse problems, and he is currently serving a 12-year sentence for molesting two boys (Altimari, 2008).

L.T. was a thin, non-violent first-time offender who was blind in one eye. One night, as he went into the restroom, he was followed by another prisoner who pulled out a shank and threatened to kill him if he didn't do as he was told. The inmate ordered L.T. to turn around and pull his pants down. Fearing for his life, L.T. turned around and was violently raped by the other inmate. In addition to the physical pain he suffered, he has also experienced severe emotional and psychological distress as a result of the attack (Human Rights Watch, 2001).

A woman residing at the Shea Farm Halfway House in Concord, New Hampshire requested permission to see her children. After the corrections officer on duty signed the papers authorizing the visitation, he turned to the resident and told her that she "owed him" and raped her in his office (Timmins, 2006).



PRISON RAPE AND COMMUNITY CORRECTIONS: MAKING THE CONNECTION

These are a few of the unfortunate tales of sexual violence occurring within America's correctional systems which, together, have brought the issue of prison rape to the foreground among public policymakers, researchers, and corrections professionals across the country. The 1996 Human Rights Watch report *All Too Familiar: Sexual Abuse of Women in U.S. State Prisons* revealed the extent of sexual assault of female inmates, predominantly by male correctional staff, in California, Georgia, Illinois, Michigan, New York, and the District of Columbia. These and other high-profile incidents fostered new discussions on the issue of staff sexual misconduct in American correctional facilities and spurred legislative action at the state and national levels to prevent and respond to the sexual abuse and exploitation of inmates. Today all 50 states, the District of Columbia, Puerto Rico, and Guam have statutes criminalizing staff sexual misconduct (Smith, 2008).

The U.S. Congress unanimously passed the Prison Rape Elimination Act of 2003 (PREA), which supports the elimination, reduction, and prevention of sexual assault, including abuse by correctional staff and inmates, in federal, state, and local prisons, jails, lock-ups, private facilities, and community residential facilities. Signed into law by President George W. Bush, PREA established a zero-tolerance policy for sexual assault in America's correctional settings. Once fully implemented, PREA will establish

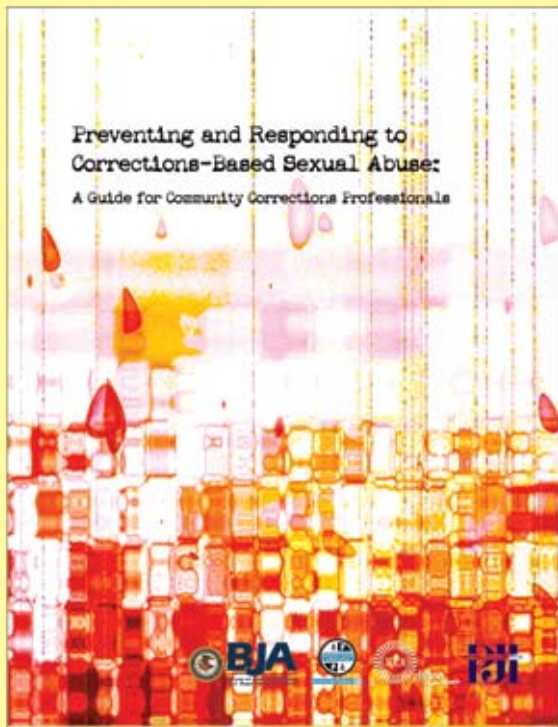
national standards for the detection, reduction, prevention, and punishment of prison rape; provide for data collection and information dissemination on the incidence of prison rape; and offer training, technical assistance, and grant funding to assist states and localities in reducing and preventing the incidence of sexual violence within their correctional environments. States that fail to implement the national standards, once promulgated, may suffer a 5% reduction in federal funds for prison programs.

What does *prisoner* rape have to do with *community corrections*? That's a question often asked by community corrections practitioners. Unfortunately, one of the major challenges to the effective implementation of PREA in community corrections is the name of the law itself—the *Prison Rape Elimination Act*.

It is important to note that PREA applies to *all* custodial corrections settings and community-based corrections facilities. As such, a number of community corrections programs fall directly under the jurisdiction of PREA, including community residential facilities, pretrial detention, and halfway houses. In addition, staff sexual misconduct laws in 43 states and the District of Columbia cover at least some form of community corrections (NIC/WCL Project on Addressing Prison Rape, 2009).

The entire community corrections field has a crucial role to play in ensuring the prevention and response to corrections-based sexual abuse. In developing PREA, Congress found that "prison rape endangers the public safety

by making brutalized inmates more likely to commit crimes when they are released—as 600,000 inmates are each year ... [and that] victims of prison rape suffer severe physical and psychological effects that hinder their ability to integrate into the community and maintain stable employment upon their release from prison” (PREA, 2003, § 2.8–2.11). Additionally, offenders under community corrections supervision—whether in a community residential setting or under probation supervision—are at risk of being sexually abused. The implications can be detrimental to their physical, social, and emotional well-being, as well as to their ability to successfully rehabilitate. As the National Prison Rape Elimination Commission (2009) concluded in its final report to the United States Congress,



APPA PUBLISHES PREA GUIDE FOR COMMUNITY CORRECTIONS OFFICERS

The American Probation and Parole Association, in partnership with the International Community Corrections Association and the Pretrial Justice Institute and through funding from the Bureau of Justice Assistance, U.S. Department of Justice, recently published *Preventing and Responding to Corrections-Based Sexual Abuse: A Guide for Community Corrections Professionals*. This publication provides guidance to community corrections officials regarding the prevention, reduction, detection, and punishment of sexual misconduct perpetrated on

those under community corrections supervision, whether that misconduct occurs within facilities or under community supervision. The guide offers practical information to front-line community corrections professionals about corrections-based sexual assault, the Prison Rape Elimination Act of 2003 (PREA), and the various roles that community corrections professionals can play in addressing this issue.

“individuals under correctional supervision in the community, who outnumber prisoners by more than two to one, are at risk of sexual abuse. The nature and consequences of the abuse are no less severe, and it jeopardizes the likelihood of their successful reentry” (p. 19).

WHAT IS PRISON RAPE?

Traditionally, “prison rape” has been used to describe a narrowly defined form of sexual violence, namely inmate-to-inmate rape within an incarceration setting and typically among males. The phrase “Don’t drop the soap,” often used as the punch line in jokes about prison life, has contributed to the prevalent understanding (or, perhaps, misunderstanding) of prison rape among both corrections professionals and the general public. In reality, however, corrections-based sexual abuse is a much more complex phenomenon.

The Bureau of Justice Statistics (BJS) defines the term “prison rape” broadly, covering a range of sexual exploitation, abuse, and violence in corrections settings. This includes nonconsensual sexual acts and abusive sexual contacts among offenders, ranging from nonconsensual touching and sexual exploitation to coercive or forcible sexual acts. Moreover, the BJS definition of prison rape also includes staff sexual misconduct, defined as any sexual act or behavior, either consensual or nonconsensual, that occurs between corrections employees, volunteers or contractors, and offenders (Beck & Harrison, 2007).

For some correctional personnel, it may be difficult to recognize that offenders can also be victims.

Unfortunately, one of the primary challenges for corrections professionals is recognizing corrections-based sexual abuse when it occurs. As a result of the “code of silence,” the unwritten policy that rules many correctional environments, offenders fearing retributive violence and being labeled “snitches” may not report to facility staff that they were sexually victimized by fellow offenders. And given the power that corrections professionals hold over offenders—whether in institutional or community settings—incidents of staff sexual misconduct are also likely to go unreported.

OFFENDER, VICTIM, OR BOTH?

For some correctional personnel, it may be difficult to recognize that offenders can also be victims. In reality, however, this is often the case. In a study by the Bureau of Justice Statistics, 19% of state prisoners, 10% of federal inmates, and 16% of jail inmates and probationers reported being abused prior to their sentence. The study further revealed that nearly 50% of women in correctional populations and 10% of men report prior abuse (Harlow, 1999).



Studies have revealed a number of immediate, short-term, and long-term consequences of sexual assault victimization, although it is important to note that the majority of this research has focused primarily on female victims in the community. Immediately following an assault, victims often express feelings of loss of control. In addition, they may experience physical pain and injuries, an intense fear of further harm or death, and shock and disbelief. Short-term effects of sexual assault may include a variety of psychological problems, including post-traumatic stress syndrome (PTSD), rape trauma syndrome (RTS), anxiety, depression, and suicidal tendencies. Research indicates that a significant proportion of rape victims in the community, ranging from nearly 33% of victims (Kilpatrick, Edmunds, & Seymour, 1992) to 49% of victims (Littleton & Breitkopf, 2006), experience PTSD as a result of their assault. Typical symptoms include chronic anxiety, depression, and flashbacks. In addition, contraction of HIV/AIDS, tuberculosis, hepatitis B and C, and other sexually transmitted infections (STIs), as well as pregnancy, may result. In the long-term, victims may abuse alcohol and other substances in an effort to forget the attack or to dull the emotional and physical impact of the rape. Victims may also exhibit sexually promiscuous behaviors, victimize others, or become more violent or aggressive (Dumond, 2006).

Victims of sexual violence within correctional environments often display many of the same responses to abuse as those common among victims in the community. However, corrections-based sexual violence can have distinct and, in some cases, more severe effects, including heightened risks of the transmission of HIV/AIDS

and communicable diseases, increased use of violence during assaults, social risks of reporting abuse, and increased fear associated with the inability to escape an abuser.

It is important for community corrections professionals to be aware of the possible implications of sexual assault for victims, both in the community and in a custodial environment, in order to more fully understand the long-term impacts of victimization on an offender's behavior while under community supervision.

COMMUNITY CORRECTIONS' RESPONSE TO CORRECTIONS-BASED SEXUAL ABUSE

Given the relationships that front-line community corrections staff develop with offenders, their families, and their friends, they are in a unique position to detect sexual assault victimization and perpetration in correctional environments.

Through conversations with offenders, information received from families, friends, employers, and external agencies, and direct observation of offender activities, line staff are the eyes and ears of community corrections. Sexual assaults are among the nation's most underreported crimes, according to the Rape, Abuse, and Incest National Network (RAINN, 2008). Experts estimate that victims of corrections-based sexual abuse are likewise unwilling to report their victimization, particularly while incarcerated. They may be more likely to report abuse once released into the community, and community corrections professionals can play an important role in ensuring an appropriate response.

What if offenders disclose that they have been sexually abused while under correctional supervision? What steps should be taken in response? The following are some practical tips for community corrections officers to ensure that victims of corrections-based sexual abuse are provided with the support and services they need to recover from their victimization, while allowing for the investigation of reported incidents and, when appropriate, the prosecution of perpetrators.

REPORTING INCIDENTS OF CORRECTIONS-BASED SEXUAL ABUSE

TIP 1: KNOW YOUR AGENCY'S POLICIES AND PROTOCOLS FOR REPORTING SEXUAL ABUSE AND ASSAULTS.

Community corrections staff should refer to internal procedures for guidance on how to report incidents of sexual abuse, to whom they should report, the timeframe within which to report, confidentiality requirements, staff reporting requirements, penalties for failure to report, and other instructions.

TIP 2: BE AWARE OF STATE AND LOCAL REPORTING LAWS FOR SEXUAL ABUSE.

In addition to internal agency policies for reporting sexual abuse, community corrections professionals must be aware of state and local reporting laws. Mandatory reporting requirements for sexual abuse vary among states.

TIP 3: NOTIFY OFFENDERS OF YOUR RESPONSIBILITY TO REPORT ABUSE.

In some cases, offenders may disclose victimization experiences to certain individuals, including supervising officers, but may wish

to refrain from further reporting the abuse. To avoid additional trauma to victims, it is critical that staff make offenders aware of reporting requirements as soon as possible following the initiation of supervision and prior to the disclosure of any incidents of sexual abuse.

TIP 4: REPORT ALLEGATIONS OF STAFF SEXUAL MISCONDUCT TO THE APPROPRIATE AUTHORITY.

All allegations and/or suspicions of staff sexual misconduct must be reported to the appropriate individual within the agency. Failure to report allegations or suspicions of staff sexual misconduct jeopardizes the security of everyone and could result in administrative discipline or legal sanctions for officers or agencies.

RESPONDING TO INCIDENTS OF SEXUAL ABUSE

Community corrections staff are in a position to provide access to a range of services for both victims and perpetrators of correctional sexual assault. Through referrals to community sexual assault treatment programs, mental health clinicians, and others, as well as through the development of supervision strategies that address the needs and concerns of both victims and perpetrators of sexual assault, community corrections professionals can play an important role in providing a comprehensive response to sexual assault and in ensuring that victims receive the services they need for recovery.



TIP 1: CONSIDER THE GENERAL NEEDS OF SEXUAL ASSAULT VICTIMS WHEN SUPERVISING INDIVIDUALS WHO MAY HAVE BEEN ABUSED WHILE UNDER CORRECTIONAL SUPERVISION.

- Refer victims to appropriate services (e.g., medical services, sexual assault crisis centers, support groups, sexual assault treatment programs, mental health treatment).
- Employ empathetic listening skills.
- Allow victims to discuss the assault if they choose, but avoid placing unnecessary emphasis on their victimization experience. Don't "define" individuals by their victimization experience alone.
- Avoid physical contact with victims.
- Use a respectful, non-judgmental demeanor with victims.
- Assist in the development of personal safety plans for victims.

TIP 2: CONSIDER THE SPECIFIC CIRCUMSTANCES OF EACH SUPERVISEE'S VICTIMIZATION EXPERIENCE(S) WHEN DEVELOPING SUPERVISION STRATEGIES.

Each victimization experience is unique. The specific factors involved in an assault can significantly affect a victim's recovery. As such, community corrections officers should consider the following issues when working with a victim of corrections-based sexual abuse:

- Consider the identity of the alleged perpetrator. Was the perpetrator an inmate? A corrections employee? Is the

perpetrator currently under community supervision? Being sensitive to the identity of the perpetrator can help community corrections officers make sure a victim feels safe while under community corrections supervision.

- Recognize the gender differences in experiences of and responses to sexual violence.
- Reevaluate the existing conditions of supervision to determine appropriateness.
- Review housing and program assignments to prevent further victimization.

TIP 3: EMPLOY SUPERVISION STRATEGIES AND PROCESSES TO ENSURE THE EFFECTIVE MONITORING OF SUPERVISEES THROUGHOUT THEIR SUPERVISION.

- Conduct comprehensive assessments of supervisees using validated tools.
- Consider assigning supervisees to specialized caseloads for sexual assault victims, if appropriate and available.
- Request assistance from victim advocates or victim services professionals to manage the supervisees' casework.
- Collaborate with treatment providers.

CONCLUSION

Undoubtedly, working with individuals who have experienced sexual assault victimization while under correctional care adds another layer of complexity to the supervision process. The above tips, however, can help community corrections professionals ensure that supervision plans are

sensitive to the specific needs of individuals who have been victimized while under the custody and care of the correctional system and that they are designed to promote individuals' recovery and successful return to the community.▷▷▲

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NEGOTIATING ETHICAL ISSUES IN PROVIDING SERVICES TO VICTIMS OF CRIME

BY MELISSA HOOK

Sometimes, “just trying to be helpful” is the wrong thing to do. Professional ethical standards in victim services were created to provide guidance on what constitutes high-quality, consistent service to clients and on how to prevent abuse within the corrections field (Hook, 2005). Understanding these standards can help community corrections professionals facilitate appropriate interactions with victims and successful collaborations with victim service providers.

The American Probation and Parole Association’s position statement on victims issues (1994) provides the following guidance: “Probation, parole, and other community-based correctional professionals should be acquainted with and sensitive to the needs of victims while performing their primary service responsibilities to the public and to offenders.” The ethical way to help victims is not always obvious. For example, standards related to confidentiality and boundaries/dual relationships frequently present challenges for victim service providers.

CONFIDENTIALITY

Some victims who could benefit from help may not want it, particularly those who have fled abusive relationships and, for safety reasons, do not want to reveal where they live. Consider the following scenario:

You supervise an offender convicted of embezzlement who is distraught that his girlfriend broke up with him while he was in jail. As a couple, they had a history of domestic abuse. She moved out and he doesn’t know where she lives with their three-year-old son. You think that supervised visitation of the child might relieve your client’s distress, and you contact a community-based domestic violence service provider to find out how to best manage the situation. You feel frustrated when the advocate won’t reveal if she is familiar with the case, let alone show a willingness to address the problem.

First of all, it is useful to know that the advocate is doing her ethical duty to maintain the confidentiality of victim information when she doesn’t tell you about the case. The National Victim Assistance Standards Consortium (NVASC) Ethical Standard 3.5 (2010) requires that “the victim assistance provider preserve the confidentiality of information provided by the person served or acquired from other sources before, during, and after the course of the professional relationship.” Victim service providers must respect victim privacy and keep all aspects of the relationship confidential,



including personal communications, written communications, and agency records.

Now suppose you observe during your meetings that the convicted embezzler is becoming increasingly angry and is making threatening statements against his ex-girlfriend. For him to be successful in his return to the community, you believe it's important that he resolve his domestic issues. You examine your options:

1. You could do nothing. The downside of this option is that the offender's state of mind may deteriorate, putting his ex-girlfriend's safety at risk.
2. You could track down the address where the ex-girlfriend receives her TANF payments and contact her, explaining that you supervise her ex-boyfriend and that he wants to see his son. You offer to mediate. The downside of this option is that you violate the ex-girlfriend's privacy, she becomes terrified that you know where she lives, and she disappears.
3. You could go back to the community-based advocate and explain that you are concerned for the ex-girlfriend's safety. You provide the advocate with the details of the case and ask her to make contact before the situation escalates. It would be a judgment call for the advocate to intervene but, if she had a professional relationship with the ex-girlfriend during the period of domestic abuse, it would be ethical for her to make contact.

In victim services, safety issues take precedence over the confidentiality standard if imminent danger has been identified. Working with the advocate offers the best chance of maintaining

victim safety and addressing your client's need to see his young son. Option 3 is your opportunity to make progress.

DUAL RELATIONSHIPS AND BOUNDARIES

Occasionally, a vulnerable victim may want your help in dealing with an offender who has returned to the community. For example:

A newly released sex offender that you supervise may be stalking one of his victims. She's in your office, terrified because he has parked outside her place of employment twice in the last week. You pledge to bring it up with him at your weekly meeting. It's late Friday afternoon and the victim seems inconsolable, so you invite her for a coffee. You end up having dinner and plan on getting together next week to see a movie.

If you are an advocate, you have violated the professional ethical standard in victim services that relates to boundaries and dual relationships. Friendship with victims outside the purview of your duties is a breach of professional boundaries because you exert professional influence over them in the advocacy relationship. Ethical Standard 3.8 of the NVASC on Dual Relationships and Boundaries says that "the victim assistance provider does not engage in personal relationships with persons served which may exploit professional trust or which could impair the victim assistance provider's objectivity and professional judgment." When the second relationship is established, the provider's



The National Victims Assistance Standards Consortium (NVASC) was a U.S. Department of Justice: Office for Victims of Crime-funded initiative that brought together leaders in the field of victim services to articulate core values of the discipline and develop a set of ethical standards that would serve as guidelines of ethical conduct for victim-serving professionals. References to professional ethical standards in the field of victim services in this article are based on the NVASC guidelines.

Access a copy of the NVASC Standards for Victim Assistance Programs and Providers that were updated in 2010 at <http://tinyurl.com/7uwdh7z>.

For further information about the National Victims Assistance Standards Consortium, visit <http://tinyurl.com/82mj9kc>

influence and the victim's subordination are replicated. The victim is vulnerable to the provider's position of power, which creates an unfair dynamic in the second relationship.

In practical terms, your personal relationship with the victim may cloud your professional judgment in managing the sex offender and in responding appropriately to the victim's needs. The vulnerable victim will have difficulty separating your professional response to her safety needs from your behavior toward her as a friend. If her expectations are not met, she may feel re-victimized and deeply betrayed.¹

CONCLUSION

Professional ethical standards in every discipline grow from a need to establish consistent, quality services and accountability against abuse among its members. For the public and those who are served, professional ethical standards engender trust and respect. Given the broad range of victim-serving programs available, from rape crisis and domestic violence centers to law enforcement and corrections-based victim services, ethical priorities will differ in the context of the work. Nevertheless, challenges around confidentiality and boundaries/dual relationships are present throughout. Community corrections professionals who have frequent contact with crime victims will benefit from a basic knowledge of the NVASC ethical standards in order to foster sensitive, appropriate services for victims and effective collaborations with victim advocates.>>▲

ENDNOTES

¹ Note: In rural areas and small communities—where people tend to know each other—the number of victim service providers is often limited, making the issues of boundaries and dual relationships an ongoing challenge. Setting clear boundaries at the outset of the professional relationship is essential.

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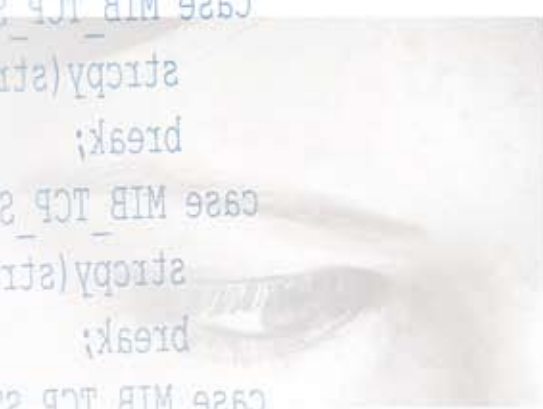
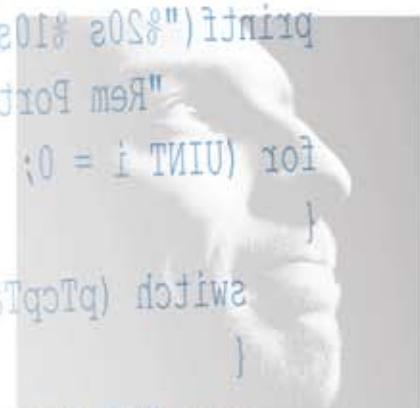
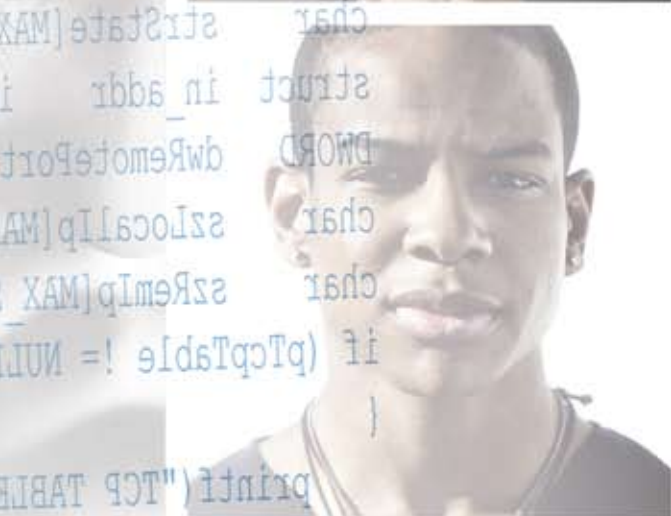
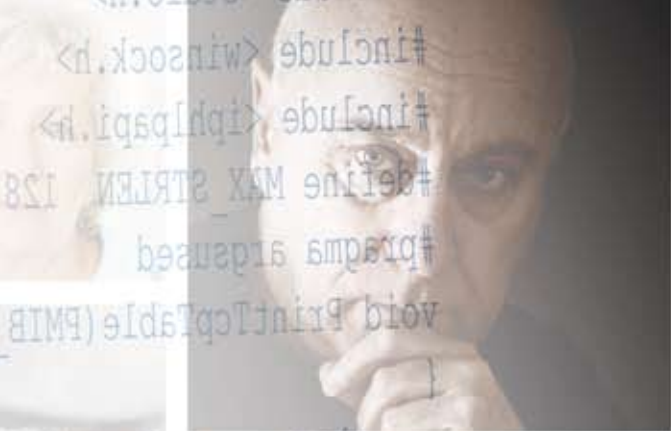
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FOCUS ON TECHNOLOGY

Each year, technology plays a larger role in everyone's daily life. The use of cell phones, smart phones, laptops, tablets, GPS for navigation is becoming the norm in many U.S. households rather than the exception. As a result, community corrections professionals and victim services providers and advocates must stay up-to-date on the positive and negative implications of technology on victim safety.

The prevalence of technology and its impact on victim services has changed drastically since the first special issue of *Perspectives* focusing on victim issues was published in 1994. Therefore, this issue provides a focus on this topic through three articles that examine: the emergence and evolution of some of the assisting technologies that have benefited victim safety; how perpetrators misuse a variety of technologies to stalk, harass, and monitor their victims; and how computer monitoring of Internet harassers, coupled with other supervision strategies, can help reduce victims' fears and prevent future victimization.





THE EMERGENCE AND EVOLUTION OF TECHNOLOGY TO BENEFIT CRIME VICTIMS

BY APPA TECHNOLOGY COMMITTEE

Much attention has been given to using innovative technology to help supervise criminal offenders. Virtually every state considers the use of technology when seeking alternatives to incarceration and when attempting to enhance the accountability of offenders. In fact, such technology is on the brink of becoming a global phenomenon. But, what about the *victims of crime*? What technologies have been developed to assist these most vulnerable stakeholders of the justice system?

Actually, much has been done since the early 1980s. This article will examine the emergence and evolution of some of the assisting technologies that have greatly benefited the safety and well-being of the victims of crimes.

RADIO FREQUENCY TECHNOLOGY

In the early 1980s, the development of radio frequency home monitoring technology made it possible for courts to sentence lower-risk offenders to periods of electronic house arrest as an alternative to the much more costly option of incarceration. At a time when many prisons and jails were overcrowded and budgets were strained, this was a welcomed and well-timed innovation.

The equipment for this type of technology consists of a transmitter that is tethered to an offender's ankle which communicates with a home monitoring unit that is connected to the offender's telephone service. The monitoring unit records when the individual leaves and returns to the approved range of the monitoring unit. Each of these types of event (i.e., Leave or Enter) is communicated to a monitoring center, and authorities are notified if a home detention violation occurs.

Home monitoring devices also can be used to monitor whether individuals under community supervision are complying with their curfew orders, when imposed. Many victims of crime, especially domestic violence victims, take comfort in the fact in knowing that their abusers are required to be confined to their homes during certain hours.



While originally intended for monitoring offenders, it did not take long before supervising officers began to use home monitoring technology in ways that more directly assisted *victims*, especially those of domestic violence. In addition to putting the home monitoring devices in *offenders'* residences, officials began placing them in *victims'* homes too. This type of technology was known as "reverse" radio frequency monitoring. Any time an offender came close to a victim's residence, the resulting "Enter" event would provide near irrefutable evidence that the offender had violated a stay-away order.

The greatest benefit of this technology was its deterrent effect: it helped keep offenders away from restricted areas. However, the use of reverse radio frequency monitoring was not without its shortcomings. Victims and authorities often had little time to respond to alerts. In addition, motivated offenders could simply cut off and discard their transmitters, so that victims would not receive advance warnings that offenders were in the immediate area.

In 1997, such an incident occurred in Fort Worth, Texas. Joseph Whitlow was fitted with an ankle transmitter and ordered to stay away from the residence of his victim, Karen Sawyer. Ignoring the order, Whitlow discarded his ankle transmitter and proceeded to the Sawyer residence, armed with a handgun and can of gasoline. After dousing the house with gasoline, he confronted the victim outside and fatally shot her. He then turned the gun on himself and committed suicide.

A civil suit filed by Sawyer's estate eventually resulted in a finding of some liability on the part of the manufacturer (Morlan, 2003). This case, along with a number of other less sensational tort claims, showed the importance of using equipment for victim protection that is highly reliable and resistant to circumvention. Not long after the Sawyer case, leading manufacturers of these types of reverse radio frequency devices removed them from the market.

CELLULAR TELEPHONES

Taken for granted today, cellular telephones were just beginning to emerge in the early 1990s. The ability to communicate while on the move was a new and exciting concept that made an incredible impact on society. In community corrections operations, field officers could communicate with those on their caseload when they were away from the office. They could summon law enforcement assistance from wherever they were, whenever they required it, which contributed significantly to officer and public safety. In addition, on-call officers were no longer required to stay at home close to their landline phones.

Cellular phones were soon used to enhance victims' safety. With cellular phones in hand, victims of crime knew that they could contact the police within seconds when they felt that they were in danger, regardless of where they were. This, no doubt, provided great comfort to many victims who had previously feared to venture far from the relative safety of their homes.



In 1997, recognizing the benefit of cellular telephones to crime victims, Bell Atlantic Mobile donated cellular phones to underprivileged domestic violence victims in the Philadelphia, PA metropolitan area ("Philadelphia Domestic Violence Victims," 1998). The program, managed jointly by the Philadelphia Police Department and the local district attorney's office, gave victims the ability to report continued harassment or abuse regardless of their location. Over the next few years, similar programs were started in Trenton, NJ, Greensboro, NC, and in parts of northern Georgia ("Hope Offered," 1999).

Verizon Communications, which took over the operations of Bell Atlantic Mobile, continues to operate a project that benefits victims of domestic violence. The Hopeline® program offers phones that have #HOPE pre-programmed in the contact list. Users of this service are automatically connected to the National Domestic Violence Hotline, where they can obtain information about shelters, report abuse, and learn strategies on how to prevent future domestic violence. In 2008, over 1,000 individuals contacted the hotline by dialing the pre-programmed number ("Verizon Wireless' Hopeline," 2009).

OFFENDER DATABASES AND MAPPING SERVICES

In 1989, an 11-year-old boy named Jacob Wetterling was abducted in St. Joseph, MN, presumably by a sexual predator. When Jacob was abducted there were no comprehensive sex offender lists available to law enforcement to aid them in their investigation or to help parents and other members of the public determine if dangerous sex offenders lived nearby. The Wetterling case was the impetus for the creation of the first sex offender registration legislation.

Minnesota's State Sex Offender Registration Act was passed in 1991, largely through the efforts of the Jacob Wetterling Foundation ("Registration Requirements," n.d.).

The landmark 1994 Omnibus Crime Bill was the first federal legislation that required all states to develop sex offender registries. Not only did this law provide a valuable tool for officials investigating abductions such as the Wetterling case, it also paved the way for a forum where the public could view lists of predatory criminals who lived in their communities. These laws were enhanced by the subsequent legislative provisions of Megan's Law and the Pam Lychner Sex Offender Tracking and Identification Act. These acts give the U.S. Department of Justice the responsibility to coordinate the collection of registration data from all 50 states.

Geographic Information Systems (GIS) have transformed the stacks of printed offender addresses kept in bulky binders to a web-based, user-friendly searchable databases that display queries on interactive maps (see Figure 1). Victims can now obtain conviction and residential information by entering their offenders' identifiers. Victims can also see detailed address mapping of all registered sex offenders living in their communities by simply typing in zip codes.

VICTIM INFORMATION NOTIFICATION SYSTEMS

In 1994, Mary Byron was tragically murdered by her ex-boyfriend, who had just been released from jail. Ms. Byron was supposed to have been notified of this man's release but never was. She did not have the opportunity to take precautions that could have saved her life.

This tragic case was the impetus for creating automated victim notification systems. Automating victim registration and notification systems can provide services to victims by helping to ensure that victims are notified of events such as an offender's release or impending parole hearing in a timely manner in accordance with the law. At the same time, these systems reduced cost in time and human resource efforts. Early iterations of these systems were designed to work by linking a central server computer, via telephone lines, to existing systems in jails, courthouses, prosecutor's offices, probation and parole offices, and prisons. Programs across the country are now taking advantage of recent technology available such as the use of cloud computing and web services to improve the collection and dissemination of information to registered victims. Notifications are delivered to crime victims and survivors via telephone (including TTY), texting/SMS, email, and letters.

In 2005, Congress established a grant program (administered by the Bureau of Justice Assistance) to provide initial funding and guidelines to help states plan and implement or enhance State Automated Victim Information Notification (SAVIN) programs. All SAVIN services are designed to be available at no cost; anonymous and confidential—a victim's alleged or convicted offender will not know that the victim has registered for SAVIN services; and available 24-hours-a-day, 365 days a year. In most states, SAVIN services are available in English and Spanish. Some jurisdictions also provide access to additional translation services.

OFFENDER TRACKING

In the late 1990s, an innovative and groundbreaking technology was introduced to the criminal justice system: global positioning systems (GPS). GPS has enabled the criminal justice system to track offenders in near real-time 24 hours a day.

The first offender tracking devices were bulky and were carried by offenders in backpacks. They consisted of a cell phone, GPS receiver, and battery all integrated into a box weighing several pounds. The box was electronically tethered to the offender with a transmitter attached to the offender's ankle. Using mapping software, corrections officials were able to electronically

FIGURE I FINDING SEX OFFENDER REGISTRATION INFORMATION ONLINE

There are a number of free websites that allow the public to access the sex offender registry. For example, the United States Department of Justice's Dru Sjodin National Sex Offender Public Website can be accessed online by going to <http://www.nsopw.gov/Core/PublicRegistrySites.aspx>. The site provides links to registries in all 50 states, the District of Columbia, US territories, and tribal lands.

Users should take caution with the many sites that offer this information for a fee. Unless they want a service to automatically alert them when a sexual predator moves into their neighborhood, paying a fee to access this information is *not* required.



monitor and enforce restrictions relating to offenders' locations. "Inclusion" zones kept offenders in desired locations, while locations that were deemed to be problematic were designated as "exclusion zones."

The days of heavy tracking devices in backpacks are gone forever. Today's equipment is much smaller, is powered with state-of-the-art battery technology, and includes more features than ever before.

Modern GPS also can be used to notify a victim of the proximity of an offender. The victim's residence and/or workplace can be designated as exclusion zones. Mapping software also allows for the creation of a virtual geo-fence around the restricted area, with the perimeter being as large or small as deemed appropriate. It is not uncommon for an exclusion zone around a victim's home or workplace to have a radius of a mile or more. When a tracked offender enters a victim exclusion zone that has a large radius, there is a good chance the victim will be notified in time to take action to avoid an encounter with the offender. This is a significant improvement over the previously discussed reverse radio frequency technology which often could not provide a victim with sufficient advanced warning of an approaching offender.

When a violation of a victim exclusion zone occurs, the monitoring software can be programmed to automatically notify the police, the supervising officer, and/or the victim. Notifications can be delivered by telephone, text messaging, fax, or e-mail—whichever method is fastest and most reliable, under the circumstances.

Although the addition of exclusion zones around victims' homes and workplaces has been a welcome development, victims may often feel vulnerable when they venture outside these zones. Offenders can assault their victims anywhere, such as in mall parking lots or at the homes of victims' friends. Offenders know all too well the limitations of this technology and may seek out opportunities to attack their victims at places where they are most vulnerable.

To address this issue, some companies now offer offender tracking services with mobile exclusion zones. A participating victim can be assigned a tracking device, typically a GPS-enabled cell phone, which is kept close by at all times. Instead of the home or workplace being the exclusion zone, the *victim* becomes the exclusion zone; wherever the victim goes, the exclusion zone follows. This provides victims with an increased level of security, whatever their location.

One disadvantage of this type of GPS is the possibility of incidental proximity alerts. An offender having no intent or desire to harass a victim may occasionally be within a few city blocks of the victim's location. The fact that the alert was caused simply because the offender was unintentionally close to the victim cannot be established until after the authorities have evaluated the plotted location points in question. This may take hours and may be too stressful for victims.

By analyzing the mapped location points, authorities can determine whether or not an encounter was accidental or whether an offender's movements are coinciding with the victim's movements, indicating an intent to intimidate or harass. Sometimes the location data

will show that an offender has positioned himself just outside an exclusion zone, but close enough for the victim's movements to be seen from afar. This may be sufficient evidence to establish stalking behavior. Each scenario has different factors, and a careful evaluation of the data can often determine an offender's level of culpability.

CRIME SCENE CORRELATION

Crime scene correlation is a technology that supplements offender tracking. Most law enforcement agencies keep electronic records of reported crimes, dates the offenses occurred, and locations of reported incidents. It makes good sense to compare this data with the stored location information of offenders whom agencies are monitoring. If offenders were at or near the scene of a crime when it occurred, the authorities would want to question them about the incident. On the flipside, monitored offenders who are suspected of crimes may be exonerated if their tracking points indicate that they were elsewhere when the crimes occurred.

The software that drives this technology is able to automatically compare large databases and quickly develop a list of "suspects." Users can adjust the sensitivity of the search by increasing or decreasing the distance an offender location point can be from the reported crime scene before a "hit" is triggered. Similarly, users can adjust the time window to refine the search. At the time this article was written, there were two commercially available automated crime scene correlation products, and some agencies, such as the Charlotte Mecklenburg Police Department, have successfully developed their own correlation software.

More basic software is able to perform simple crime scene correlations. Instead of comparing large databases of crime scene information with the known tracking points of multiple offenders, the basic software offers reports that indicate whether a particular offender has ever been at a designated location. This approach is helpful in solving crimes when one or more individuals are known suspects. The enforcement of a restraining order is a good example of when this approach is useful.

Although crime scene correlation may not always be helpful in *preventing* crimes, it can be beneficial to crime victims by helping *identify perpetrators*, which may result in convictions. Crime scene correlation can also be a very effective crime deterrent.

Offenders may be less likely to commit criminal acts because the likelihood of getting caught with crime scene correlation is so high. The technologies that best assist victims are the ones that prevent people from becoming victims in the first place.

COMPUTER MONITORING

The Internet offers many new modalities of communication, such as IM, Skype, Twitter, blogs, and Facebook, which are dramatically changing the manner of our social interactions. Unfortunately, these many new methods of communication provide new opportunities for criminals to prey on the public or to harass their victims.

The unwelcome behavior of "cyberstalkers" is not unlike the unwelcome behavior of stalkers in the



physical world. Cyberstalkers can be pedophiles, people with grudges, or individuals seeking to commit financial fraud. Regardless of their motivation, a common thread of cybercriminals is the belief that they can remain anonymous, hiding behind the relative obscurity of the Internet while they harass or defraud their victims ("Cyberstalking," n.d.).

To respond to this growing threat, remote computer monitoring services have emerged that probation and parole agencies can use to better supervise criminals who misuse the Internet. By installing software on offenders' computers, supervising officers are able to remotely monitor the online activities of the participants. Although the technology is not foolproof, the activities of cybercriminals can now often be brought into the light. A number of other computer monitoring services have since joined the fight to protect victims from cybercrimes.

SUMMARY

A number of technologies have emerged over the past several decades to assist crime victims in various capacities. In a justice system that is often criticized for being too offender-focused, this is welcome news. However, one should be leery of any claim that technology can completely prevent crimes or protect victims. Such claims are often overstated and, in fact, can be dangerous. All victim-assisting technologies have limitations. Some offenders have been very creative at circumventing technology, leaving victims vulnerable. If victims rely too heavily on assisting technologies, they may lower their guard and pay less attention to their environment, thereby negating much of the benefit the technologies offer. A combination of assisting technologies and

continued awareness of their environment offers victims the greatest hope of staying safe. >>>▲

Note: Any reference to corporate names should not be interpreted as endorsements of those companies or their products. They are mentioned only because of their historical relevance to this topic.

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THE AMERICAN PROBATION AND PAROLE ASSOCIATION TECHNOLOGY COMMITTEE is responsible for advising APPA of the technological needs of community corrections, identifying potential solutions, and promoting these solutions through workshops and publications. **GEORGE B. DRAKE**, a Program Manager for NLECTC and a member of the committee, is the principle author of this article.



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DOMESTIC VIOLENCE & STALKING IN A DIGITAL AGE: INFORMATION FOR COMMUNITY CORRECTIONS AGENCIES & PROFESSIONALS

BY ERICA OLSEN AND THE SAFETY NET TEAM AT THE NATIONAL NETWORK TO END DOMESTIC VIOLENCE

Perpetrators regularly misuse a variety of technologies to stalk, harass, and monitor current and former intimate partners, circumventing orders of protection and conditions of parole or probation. Some perpetrators install global positioning systems (GPS) on victims' vehicles to stalk their real-time locations with extraordinary accuracy. Others use telephones to leave hundreds of messages in a single day. Still others employ technologies such as caller ID to monitor their partners' calls during relationships or to locate them after they have fled. In addition, caller ID spoofers allow perpetrators to falsify the phone numbers from which they are calling or texting their victims; email anonymizers mask offenders' actual email addresses; and various products offer to "erase evidence" on computers.

Regardless of the method or the technology that offenders use, it is often possible to find evidence of the abuse. Community corrections agencies and officers play a crucial role in discovering this abuse, holding perpetrators accountable, and enhancing victim safety. Since supervision duties of community corrections officers often allow them access to offenders' homes, computers, cell phones, bills, and so on, it is important that officers keep technology abuse on their radar. Understanding high-tech stalking and abuse tactics can help community corrections officers look "beneath the surface" of a case to identify when technology is being misused and how to investigate potential violations of conditions.

This article is meant as a reference on how offenders are misusing some common technologies; it is not a comprehensive guide. Even if a technology is not listed here, it can still be misused. Note that most perpetrators employ multiple tactics to harass their victims, often combining technological and traditional methods of harassing and stalking.



TELEPHONE TECHNOLOGIES

CELL PHONES

Abusers use cell phone monitoring software, such as Mobile Spy, to track victims' cell phone activity and to identify their locations through the cell phone's GPS. Some software even offers the ability to control monitored phones, allowing abusers to block certain numbers on their victims' phones or turn off the phones completely. Although physical access to victims' phones is needed, the installation usually involves a quick Internet download. There is no follow-up notification, leaving victims unaware that their phones are being monitored.

TEXT MESSAGING

Various websites allow perpetrators to falsify their phone numbers when they send multiple harassing and/or threatening text messages. Many cell phone providers also allow text messages to be sent over the Internet via a website where senders' numbers can be faked. In addition, some abusers send text messages using free web-based email services that allow them to create multiple email addresses. This enables them to send texts from accounts that victims don't recognize.

VOICE MESSAGES

Abusers and stalkers may use several methods to make repeated and harassing telephone calls to victims while on probation or parole. Purchasing prepaid phone cards or "pay-as-you-go" cell phones with cash makes it easier for them to call their victims without identifying themselves through caller ID or another

method. There are, however, techniques that law enforcement can use to identify callers, such as using store security cameras to document and prove that abusers purchased the prepaid phones that were used to harass victims.

CALLER ID

Various services exist that allow abusers to "spoof" the phone numbers that are displayed on caller ID. One example, SpoofCard, gives callers the ability to fake the numbers from which they are calling, allowing them to enter any number they want to be displayed on the caller ID. SpoofCard even gives callers the option to record their calls and fake their voices, for example, changing a man's voice to sound like a woman's and vice versa.

VoIP (Voice over Internet Protocol) phone systems, which include Vonage and other digital phone services, can be manipulated to allow offenders to call their victims without displaying their caller ID. Using three-way calling, an offender can call a friend, put the friend on hold, and then call the victim, who will see the friend's number on the caller ID and not the offender's.

There are also services that unmask blocked numbers. Many victims have their phone numbers blocked in an effort to keep their locations private and maintain their safety. A subscription service called TrapCall makes it easy for perpetrators to unmask blocked calls and expose the callers' blocked numbers, and sometimes their names and addresses. Subscribers push a button on their phones when



they receive a call from a blocked number, and TrapCall unblocks the number within seconds, without any notice to the caller. This service and others like it pose a serious threat to domestic violence victims who may need to contact their abusers to discuss court-mandated child visitation or other matters, but who have blocked numbers to protect their safety.

LOCATION AND SURVEILLANCE TECHNOLOGIES

GLOBAL POSITIONING SYSTEMS (GPS)

Perpetrators are increasingly misusing GPS to monitor and track the precise, real-time physical locations of victims, thus putting victims' safety at great risk. This misuse of technology is not new. For example, in December 2002, a Wisconsin man secretly installed a GPS device under the hood of his ex-girlfriend's car and stalked her for months.

GPS devices are now cheaper, smaller, and more accessible than ever. Many GPS packages that can be installed on vehicles come with companion software that abusers can use on their own computers to track every movement of their victims' cars. Some packages even give abusers the power to control their victims' vehicles—locking the doors, flashing the lights, or even completely disabling a vehicle's engine with just the click of a mouse. Geofencing, part of many of these packages, allows users to assign a physical parameter around a town or city, designating where a person's vehicle can and cannot go. If a vehicle goes beyond this parameter or to a location designated "off limits," the service will notify the user via email or text message.

HIDDEN CAMERAS

Small, wireless, high-resolution cameras can be hidden or purchased already installed in a wide array of items, including smoke detectors, lamps, clocks, and teddy bears. Many cameras can be activated remotely, providing offenders with real-time surveillance of their victims.

COMPUTER AND INTERNET TECHNOLOGIES

COMPUTER MONITORING SOFTWARE

Although often marketed for monitoring children's computer use, abusers are increasingly using computer monitoring software, or "spyware," to track their victims' computer activity, including all emails or instant messages, websites visited, programs launched, and keystrokes typed (which gives abusers access to passwords). Some programs even allow abusers to remotely activate computers' web cams and take pictures of their victims' rooms. Spyware can be installed on a computer either directly or remotely, through an attachment in an email or instant message. All of this occurs without notification to victims or victims' awareness.

KEYSTROKE LOGGING HARDWARE

In addition to software programs, stalkers can use hardware devices called "keystroke loggers" which are inserted between keyboard cables and the backs of computers. These tiny devices contain small hard drives that record every key typed, including all passwords, personal identification numbers, and website and email addresses. Abusers with physical access to their victims' computers can install and check these hidden devices.

These technologies provide perpetrators with detailed information regarding their victims' everyday activities and lives. Many offenders have used information they have gathered, such as email account passwords, to commit identity theft or to impersonate victims by sending inappropriate emails to family, friends, or coworkers, causing victims harm and trauma.

EMAIL

Anonymous email services are marketed for users to "confess your love to someone," "contact someone who has blocked your email address," and "email people without leaving a trace." These services appear on websites, often advertised as "revenge" sites, and allow perpetrators to harass victims and to anonymously publicize personal information (accurate or not) about them, ultimately making it more difficult, although not impossible, to identify the perpetrators and hold them accountable for their actions.

Disappearing email services allow abusers and stalkers to send harassing or threatening emails to victims that essentially "self-destruct" after they're read, leaving no trace of the emails. Some of these services go even further, offering additional "tracking" features that inform senders of when attachments are opened, if they are forwarded to anyone else, and where the email recipients are located. These services and features obviously pose a great risk for victims wishing to stay safe by keeping their locations hidden.

CONCLUSION

Community corrections officers play a crucial role in ensuring offender accountability and enhancing victim safety. Understanding the various technologies that perpetrators may misuse is critical to ensuring the effective and comprehensive supervision of offenders.

The access that community corrections officers may have to offenders' property as part of

THE SAFETY NET PROJECT AT THE NATIONAL NETWORK TO END DOMESTIC VIOLENCE

educates victims, their advocates, and the general public on ways to use technology strategically to help find safety and escape domestic violence, sexual violence, stalking, and abuse. Safety Net also trains law enforcement, social services, and coordinated community response teams on how to identify and hold perpetrators accountable for misusing technology. Local, state, and national policies are reflecting the success of the Safety Net Project's efforts, which include helping courts keep survivors' addresses and photos off the Internet and increasing the security of databases that house vital and confidential information about victims. For more information, visit www.nnedv.org/safetynet or call (202) 543-5566.



their supervision provides a great advantage when investigating possible violations. Proof of technology misuse may be found in Internet histories, USB drives, cell phone call logs, phone records, and credit card bills, among other sources. A radio scanner found under the seat of a car may mean that an offender has been intercepting a victim's phone calls, while a toll-free number that repeatedly shows up on an offender's phone log or bill may turn out to be the number associated with a spoofing service. Probation or parole conditions that allow for regular, unannounced scans of offenders' computers can be very helpful, both in deterring offenders from continuing abuse by misusing technology and in investigating possible violations.

Some states have started training community corrections officers to conduct forensic evaluations of offenders' computers. Other agencies have protocols that utilize their partnerships with law enforcement to conduct forensic evaluations of computers, when needed. Many agencies already have agreements with Internet service providers to track and monitor sex offenders. These agreements can easily be applied to domestic violence or stalking cases to ensure that officers have a direct avenue for obtaining information on offenders' Internet activity. Additionally, many probation and parole officers are in the homes of offenders on a regular basis and are able to communicate with family members, coworkers, and acquaintances. This access into an offender's life and to those close with offenders, combined with the right background information, can prove crucial in determining any technology misuse.

Even before supervision begins, officers can use information from an offender's criminal history, police reports, and conversations with the victim to learn about technologies that the offender has misused. This will help determine what conditions the offender must abide by and supervision level may be necessary. It's important for officers to recognize that many victims might not name specific technologies or particular devices that abusers misused. More often, victims are unsure of how their abusers or stalkers know so much or seem to know where they are at all times.

The Technology Tip Sheet on page 69 can serve as a quick reference when considering how to work with stalking victims and how to determine conditions of supervision and implement supervision strategies that address the potential misuse of technology by stalking offenders.

As we examine the many new tools that perpetrators are using against victims of family violence, sexual assault, and stalking, we must keep in mind that their motivations and overall strategies are "old-fashioned." What is new is that, with technology, perpetrators have easier access to tools, a much longer reach, and more immediate access to victims' lives, drastically escalating the danger posed to victims. For this reason, it is critical that we ensure that all parts of the criminal justice system remain informed and that they continue to adapt to the digital age in which we live. Updating conditions of probation, parole, and supervision to include misuse of technology is, and will remain, an important task. ►►▲

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COMMUNITY CORRECTIONS RESPONSE TO STALKING

TECHNOLOGY TIP SHEET

WORKING WITH VICTIMS

- Advise victims to keep any harassing voicemails and/or email, since they can be used as evidence in violation of probation/parole proceedings or new criminal charges.
- Encourage victims to maintain logs of calls, emails, hang-ups, or other incidents that make them feel threatened. Logs can include the date, time, and location of any incidents, as well as brief descriptions and the names of any witnesses. They can be helpful in identifying the types of technology that offenders may be misusing and in establishing courses of conduct.
- Inform victims of the conditions that their offenders must abide by and the roles of the supervising agencies so they can decide if and when to inform you and law enforcement of possible violations.
- Encourage victims to inform you and law enforcement immediately when their offenders commit a violation, since the window for gathering evidence of many technology misuses is very limited.
- Inform victims of safety and privacy strategies, such as blocking their phone numbers, not opening emails from offenders or unknown parties, and setting the GPS on their cell phones to "E-911" or "911."

DETERMINING CONDITIONS AND SUPERVISION LEVELS

- Contact victims during pre-trial or pre-sentence investigations to ask about their offenders' tactics, level of violence, and any misuse of technology. Remember that victims know their offenders best and can provide information that can be extremely helpful in determining conditions and supervision levels.
- In cases that include violence and stalking, always choose a level of supervision that provides you with physical contact with offenders.
- If conditions don't already include a prohibition against technology misuse, think of conditions that can be applied to technology misuse or request specialized conditions in the event that technology misuse becomes an issue.
- Update conditions to include technology misuse.
- If available in your jurisdiction, utilize tools such as GPS, cameras, or computer monitoring software to monitor offenders' activities. Partnerships with law enforcement may enhance access to these specialized resources.

SUPERVISING OFFENDERS

- Continue to supervise in a way that allows you to gather information from victims without putting them at risk for retaliation by offenders.
- Establish protocols for working collaboratively with law enforcement so that if offenders misuse technology and compromise victims' safety, responses can be immediate.
- Investigate all possible violations of probation or parole immediately, since the window for obtaining proof of some types of technology misuse can be small.



COMMUNITY CORRECTIONS OFFICERS: A KEY RESOURCE IN THE BATTLE AGAINST STALKING

BY JODI RAFKIN AND ELIZABETH JOYCE

Stalking presents unique and vexing challenges to the criminal justice system. Although in a one-year period, 3.4 million people are stalked in the United States (Baum, Catalano, Rand, & Rose, 2009), both public and law enforcement officials may underestimate the seriousness of the crime and the relentlessness of stalkers. Stalkers often continue their crimes after they have been charged, prosecuted, convicted, and released. For that very reason, community corrections professionals play a crucial role in preventing future crimes and promoting victim safety.

CHALLENGES TO LAW ENFORCEMENT

While precise legal definitions vary from state to state, stalking is a course of conduct directed at an individual that causes a reasonable person fear or emotional distress. Stalking may involve many different types of behavior (e.g., following, frequently calling, text messaging, or e-mailing, and monitoring the computer activity of a victim), and stalkers may commit a number of different crimes against their victims (e.g., harassment, property crimes, assault, or even murder). Many stalking behaviors, such as leaving a note on a victim's windshield, are not crimes in and of themselves, but when viewed as part of a pattern of behavior that may terrorize the victim, they constitute the crime of stalking. Stalkers are difficult to deter, even by such conventional sanctions as protection orders, and they often cross jurisdictional lines to monitor, harass, or commit violence against their victims. These factors make stalking cases difficult to investigate and prosecute, and they make protecting victims of stalking particularly challenging.

USING PROBATION AND PAROLE TO PREVENT STALKING

Despite the difficulty of deterring stalkers, community corrections officers are uniquely situated to reduce the amount of stalking by offenders on probation or parole—whether those offenders were convicted of stalking or some other crime. By carefully reviewing these offenders' cases for evidence of stalking, subjecting convicted or suspected stalkers to the highest levels of supervision, requesting information from victims about stalking incidents, and seeking to revoke probation and parole at the first sign of stalking, community corrections officers can significantly control stalkers under their



supervision and enhance the safety of stalking victims in their communities.

Probation and parole agencies in places such as California, Washington, and Westchester County, New York have introduced efforts to reduce stalking by using the highest level of supervision with offenders and by implementing systematic contact with victims (Stalking Resource Center, 2003). In Minnesota, the Domestic Abuse Supervision Unit of the Hennepin County Department of Community Corrections and Rehabilitation devised a growing set of practices for probation and parole officers to use in supervising stalkers.

These practices emerged, in part, through collaboration with the Stalking Response Program, a victim support effort begun at the Cornerstone Advocacy Service in Minneapolis and reestablished as a statewide program at the Battered Women's Legal Advocacy Project. The program, led by director Deirdre Keys, responds to at least 150 stalking victim contacts a year and trains criminal justice system and other community partners. Keys advocates for a coordinated community response to stalking by victim service and criminal justice agencies and, in November 2008, the program published its Stalking Response Protocol for law enforcement, prosecution, victim services, and judicial stakeholders. Hennepin County Corrections unit supervisor Nancy Halverson, who was in the process of establishing her agency's practices for supervising stalkers, teamed up with Keys and wrote the corrections section of the protocol.

"People in the system tend to focus on investigation, prosecution, sentencing, and then move on to the next case," says Halverson. "But stalkers are alarmingly recidivistic, and as soon as the sentencing 'light' is off, they go back to committing the crime. So we need to change how we look at stalking and how we supervise stalkers."

Halverson recommends the following supervision strategies:

- **Use a containment model of supervision:** Stalkers need an intense risk- and accountability-oriented (rather than needs-based) supervision style. Officers should forcefully challenge the rationalizations stalkers use to justify their crimes.
- **Pay strict attention to violations:** Return stalkers to court for even small, technical violations to make them accountable and to increase authorities' awareness of their actions.
- **Look for patterns of stalking:** Examine all law enforcement reports on stalkers, reports of traffic accidents near victims' homes, or "suspect gone on arrival" reports after complaints by victims that may suggest active stalking.
- **Collect and document all evidence of violations:** Vigilance pays. One offender was reincarcerated because police, alerted by a probation officer, got fingerprints from letters and phone records of a stalker operating from a county detention facility.



- **Require stalkers to write and sign summaries of no-contact order conditions or geographic restrictions:** Prosecutors can use such statements (in offenders' own handwriting and words) to prove deliberate violations of probation or parole.
- **Use technology to track stalkers:** Monitor their computers and cell phones for social networking activity, emails, and text messages. These records may yield evidence of acts of intimidation that are part of a pattern of stalking.
- **Keep law enforcement posted:** Regularly alert duty sergeants and other officers who can focus attention on stalkers. Also encourage officers to give victims information about how to access victim services.
- **Develop strategic revocation practices:** Develop post-conviction relationships with prosecutors, to ensure evidence collection (e.g., through subpoenas of witnesses) about violations, and with victim service providers, to help ensure that victims document stalking. Assemble and frame this information (e.g., by using a timeline to show why seemingly innocuous behavior is part of a pattern) to lead the court to see the seriousness of violations and, when appropriate, revoke probation or parole.
- Systematically involve victims in the process:
 - ◆ **Contact victims:** Contact victims, urge them to report incidents, and encourage them to view probation and parole officers as resources and allies.
 - ◆ **Connect victims to services:** Make sure victims have advocates' support for safety planning, keeping stalking logs, and accessing other critical community support.
 - ◆ **Limit offenders' access to their victims:** Request that the court impose restrictions¹ (e.g., geographic limits on offenders' mobility) to keep offenders away from victims.
 - ◆ **Respect victims' need for confidentiality:** Community corrections officers may have to choose between protecting victims' confidentiality and seeking prosecution of violations when victims report stalking violations but fear retaliation. Because victims' fears of retaliation are usually justified, corrections officers—when possible—should try to prove violations without involving victims (e.g., by proving that offenders are missing counseling sessions or violating jurisdictional conditions or by finding other evidentiary sources for the information provided by victims).

A PROMISING PATH

"Managing stalkers is complicated, time-consuming, and hard," says Halverson. Yet when determined stalkers are sent back to prison and victims can feel somewhat less fearful, or even when stalkers feel that they are at greater risk for being apprehended, her department's hard work pays

off. Through the practices emerging from the Hennepin County's Department of Community Corrections and Rehabilitation Domestic Abuse Unit—intensively supervising offenders and maintaining contact with victims—probation and parole officers can make strong contributions to public safety and victims' lives. >>>▲

ENDNOTES

¹ Courts can order geographic limits in protection orders and as part of the conditions of probation or parole.

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A VICTIM-CENTERED APPROACH TO SUPERVISING INTERNET HARASSMENT OFFENDERS

BY ART BOWKER

The Internet has blossomed into a modern-day necessity. Its uses are expanding exponentially and include banking, shopping, education, job searches, and social interaction. Online victimization, such as that experienced when one inadvertently downloads a virus or has one's credit card information stolen through a phishing scheme, tends to make one more cautious about how they use the internet. However, serious online victimization, such as cyberharassment, cyberbullying, and cyberstalking, may have a more chilling effect on one's use of this modern-day necessity. The negative impact can be even more frightening when online harassment transcends into real-world contact. Former vice president Al Gore observed, "Make no mistake. [Online] harassment can be as frightening and as real as being followed and watched in your own neighborhood or in your own home" (U.S. Department of Justice, 1999, p. 1).

Approximately 3.4 million people are stalked annually; one in four victims reports that the offense includes a cyberstalking act (Baum, Catalano, & Rand, 2009). Law enforcement estimates that electronic communications are a factor in 20% to 40% of all stalking cases (National Conference of State Legislatures [NCSL], 2009). Forty-seven states explicitly include electronic communications with stalking and harassment laws (NCSL, 2009).

Cyberstalking victims report that 83% of the perpetrated acts are via e-mail and 35% are via instant messaging (Baum, Catalano, & Rand, 2009). Offenders use computer spyware¹ in 33.6% of the cases where they employ electronic monitoring to follow their victims' movements (Baum et al., 2009).

Many correctional methods currently used to prevent offenders from having real-world contact with their victims, such as location monitoring or victim alerts, cannot prevent cyberstalkers from using the Internet to research and/or strike at their victims. Eliminating stalkers' Internet use or computer access seems, to some, to be the logical solution. However, such drastic measures fail to take into account how integrated Internet use has become in our society. Job searches, job applications, and posting résumés online are today's realities, and studies demonstrate that stable employment is one factor consistently associated with avoiding subsequent criminal behavior (Gendreau, Little,



& Goggin, 1996). The effects of prohibiting juvenile cyberbullies from using the Internet, which they often require for educational purposes, can be equally problematic. These blanket prohibitions may have the effect of making victims and our communities even more unsafe. Additionally, there is a growing body of case law demonstrating that courts are not always supportive of blanket Internet bans for all offenders (Bowker & Thompson, 2001; Miller, Maulupe, Nikiund, & Shetty, 2006; Blaisdell, 2009). Instead, monitoring computer use is recommended as an additional supervision strategy. Computer monitoring in this context focuses on protecting current victims and preventing future ones.

DEFINITIONS

Cyberstalking can be defined as “the repeated use of the Internet, e-mail, or related digital electronic communications devices to annoy, alarm, or threaten a specific individual or group of individuals” (D’Ovidio & Doyle, 2003, p. 10). *Cyberharassment* is the use of the electronic communications (e.g., e-mail, Internet, social networking sites) where there is no specific threat to the victim, for example, posting unwanted, off topic, and/or unflattering comments on a social networking site, in a blog, or in a chatroom. Another example is sending excessive unwanted e-mails to the victim. Spam, which is unwanted e-mail advertisements, is not cyberharassment. The reason is the victim is not specifically targeted by spammers for harassment and there are ways to “opt out” or block these messages. That said, some offenders will sign their victims up to receive unwarranted e-mail solicitations as a way to harass them. Cyberharassment

encompasses a wide variety of behavior from annoying up to and including that of more threatening nature. Some of these behaviors may easily fall into the more serious offense of cyberstalking, which involves a credible threat of harm. *Cyberbullying* is the term that is usually used for cyberharassment when both the victim and the offender are juveniles. It encompasses not only harassment activities but veiled threats. Unfortunately, cyberbullying, even without obvious threats, has resulted in teen victims committing suicide. The three offenses, cyberharassment, cyberbullying and cyberstalking, are collectively referred to as *Internet harassment* (Smith, 2008).

The Internet is often a stalker’s harassment vehicle, either directly, such as through e-mails or instant messages to victims, or indirectly, by posting false or misleading information about victims in chatrooms, social networking sites, and so on. Stalkers also use the Internet to influence and encourage *others* to harass victims, such as in cyberbullying cases. In addition, they create bogus social networking profiles—impersonating victims—to harass or gain even more information about their targets.

Stalkers use advanced technologies to do more than harass or threaten. They use the Internet to research their victims. If any information about victims has been posted on the Internet—either willingly by victims, such as in social networking profiles, or innocently by friends, employers, schools, churches, or others—stalkers can find it. Once the information is posted online, it is very difficult to contain.



Stalkers also use computer spyware to learn more about their victims and to follow their online and real-world activities. Spyware does not require a great deal of sophistication to deploy or use, and it is readily available on the Internet for a nominal fee. Offenders can send innocent looking e-mails containing malicious programs to their victims. Victims open the e-mails and inadvertently install spyware on their computers. In cases where stalkers gain access to victims' computers, they may directly install spyware themselves. The installed spyware usually reports back to the stalkers via the Internet, and stalkers can review the results at their leisure. Depending on the spyware, stalkers may collect an amazing amount of personal information and details from their victims' computers. Some spyware can capture the users' webcam activity or even activate users' webcams, forwarding victims' images to the stalkers.

Stalkers can obviously use computers to store research about their victims. In cases where stalkers are under community supervision, they can hide this information during home visits unless, of course, an officer conducts a computer search.

DEPLOYING MONITORING SOFTWARE

Community corrections officers have used monitoring software for some time particularly when supervising sex offenders. All monitoring software records, in some manner, users' computer activity. Some monitoring software captures only Internet activity; some captures everything, including offline activity, such as writing a hard-copy letter; and some records only those events identified, at the time of

installation, as being important. The monitoring software that community corrections officers use works best if key words, phrases, and websites are identified at the outset. The items become "alerts," which trigger a predefined software action. The action varies depending on the program deployed. Sometimes the program will notify the officer via an e-mail message that a key word or phrase has been detected. This signifies that an officer needs to take a look at the offender's actions, specifically the computer and/or raw monitoring data for clarification of what transpired. Additionally, some software will stop the process that generated the alert and notify the officer that an attempt was made to violate the restrictions. For example, the key phrase "I am going to kill you" might be identified as an alert item. If this phrase appears the software sends a message to the officer via e-mail. Additionally, depending upon the software, it closes the program, such as e-mail, where the phrase appears before the threatening message is actually sent.

The process of developing excellent alert items requires obtaining information about the offenses, the offenders, and the victims themselves. The key is to include words or phrases that Internet harassers could use either to complete research on their victims (such as to find them) or to harass or threaten them. A particular offender may use standard threats or may have favorite catch phrases. These should be identified as potential alert items. Obviously, victims' name should be included as alert items. The names of their significant others, close family members, and friends might also be included. Their current employer, school, address, home and cell phone numbers,

and Internet identifiers are also appropriate to consider as alert items. In addition, some officers include their own personal information in case offenders decide to target them.

Once officers generate a list of alert items, they should also broadly rank the items in two categories. One category requires immediate action, such as in-person contact with offenders. The second category requires a less assertive response, such as checking monitoring results. For instance, if an officer is supervising a stalker whose victim is a celebrity, the officer might expect to receive quite a few alerts since the celebrity's name is likely to appear often in various Internet news articles. The offender might be doing nothing more than visiting a news site in which the celebrity's name happens to be mentioned. The officer can easily clear up these alerts by reviewing the monitoring results to determine what the offender was doing and what the context of the alerts was. However, direct officer contact with the offender would clearly be warranted if the stalker did something affirmatively reflecting an attempt to research or contact the victim, such as typing the celebrity's name into a web browser, e-mail, or Word document. Additionally, some alerts may relate to information so sensitive, such as a victim's unlisted cell phone number or current address, that they always require in-person contact if detected by monitoring software.

To further protect victims, monitoring software should block offenders' access to sites that allow them to search for addresses, cell phone numbers, e-mail addresses, and so on. Alternatively, the software should generate alerts when offenders access these sites. Social

networking sites should be considered in the same manner. This not only prevents offenders from conducting "victim research," but also from finding new targets for their attention. Additionally, government sites that provide online property information on everyone should be blocked and/or generate an alert.

During the process of creating alert items, officers are encouraged to contact victims to ensure that they have identified all possible words and phrases that offenders might use to find or contact them. This is also an excellent opportunity for officers to discuss additional precautions with victims in cases where stalkers have gained or could have gained access to victims' computers or Internet accounts. Precautions include victims having their computers scanned for malicious software or spyware and changing all computer-related passwords. Victims should be encouraged to select passwords that offenders cannot easily guess. This is especially important in cases where offenders had prior relationships with victims or had been researching them heavily. Additionally, officers may suggest that victims change their e-mail accounts, profiles, and other Internet identifiers. These precautions help ensure that offenders cannot easily locate victims or send them messages. Officers should also encourage victims to forward them any future questionable electronic messages that offenders may send them and to alert them to any other concerns.

SELECTING MONITOR SOFTWARE

In the past, many community corrections officers were forced to use monitoring software originally developed for parents to monitor



their children, employers to monitor employees or spouses to monitor one another. This is no longer the case and there are now monitoring solutions designed specifically for corrections professionals to monitor offender behavior, as well as to monitor cell phone use and conduct computer search services. Officers should educate themselves about these options and pick the services or products that best meet their agency's needs and budget. Whatever service or product is chosen, it should be one that identifies alert items in a way that maximizes supervision efforts without overburdening officers with false positives of noncompliance.

COMPUTER RESTRICTIONS

For monitoring software to be effective, offenders must be required to use only the computer that is being monitored. Employers will sometimes allow monitoring software to be installed on their computers, or they may already have sufficient restrictions or monitoring efforts in place. Likewise, schools can be accommodating. Frequently, offenders can access school services via their assigned monitored computers and the Internet. Any use of a non-monitored computer, without advanced approval, should be considered a violation of supervision terms.

ADDITIONAL CONSIDERATIONS

Officers should not depend solely on monitoring software to supervise Internet harassers. Field work, such as home and community contacts, are still required. In many cases, officers should use location monitoring, such as global positioning systems (GPS), to remain aware of an offender's location in relationship not only to the victim but also to computers that

the offender may use to bypass monitoring software. Officers should also routinely check the Internet to see if offenders are using non-monitored computers. Often offenders will recycle or slightly modify old Internet identifiers (e-mails/profiles) and start posting online. By searching these historical Internet identifiers, officers have, on more than one occasion, detected offenders accessing the Internet from non-monitored/approved computers. In addition, officers can use polygraphs, a tool frequently employed in sex offender management, to detect if offenders have used unmonitored computers or taken some action to locate or contact victims. These supervision efforts must be combined with the appropriate treatment options for stalkers.

CONCLUSION

When supervising offenders, particularly those involved in Internet harassment, community corrections officers cannot rely solely on 20th-century tools. Officers must be willing to extend their supervision activities beyond the "brick and mortar world" into cyberspace. Stalkers will use whatever means necessary, including the Internet, to annoy, harass, and/or threaten their victims or to find new ones. Officers cannot ignore this reality. Computer monitoring of Internet harassers, coupled with other supervision strategies, can help reduce victims' fears and prevent future victimization.

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ENDNOTES

¹ Monitoring software is used legitimately and with authorization. For the purposes of this article, where such software is deployed without authorization, it is collectively referred to as spyware.

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