



VICTIM INFORMATION AND NOTIFICATION

The criminal justice system can be confusing and frustrating, even to the professionals who work in it. So, it is no surprise that the system often is viewed as an enigma by the millions of crime victims and survivors who try to find their way through its maze each year. Information about the status of a case and the disposition of the offender(s) within the criminal justice system demonstrates to the victim on a basic level that justice has been served—but many victims want and need more. The type of information victims receive, as well as the opportunities they have to participate in the justice process, can play a key role in their mental and emotional reconstruction and help them put their lives back together in the wake of victimization. For some victims, having accurate and up-to-date information about the offender's status and location is important, if not downright essential, for their personal safety.

When offenders are released to any form of community supervision, victims often have concerns and questions that probation and parole agencies can and should address. Crime victims have the right to be notified about the status of their case and offender, as provided by law in all 50 states, the District of Columbia, U.S. Territories, and within all other Federal and tribal jurisdictions. Many probation and parole agencies also have policies and protocols that define the agency's roles and

FIGURE #1

VICTIMS' STATUTORY RIGHTS TO NOTICE: 72 RIGHTS, HEARINGS, AND EVENTS

NOTIFICATION OF RIGHTS

- Right to compensation (in cases involving violent crimes)
- Right to restitution
- Right to notice of events and proceedings
- Right to a speedy trial
- Right to attend proceedings
- Right to be heard at proceedings
- Right to consult with prosecutor
- Right to protection from offender
- Right to information on how to request or exercise the above rights
- Right to information on how to obtain information about case status
- Right to the name and telephone number of contact persons in the system
- Right to referrals to victim assistance services
- Right to an explanation of the legal process and/or justice proceedings

NOTIFICATION OF HEARINGS

- Victims have the right to attend and participate in:
 - Bail hearings
 - Bail review/modification hearings
 - Grand jury hearings
 - Other pre-trial hearings
 - Hearings on acceptance of diversion for the offender
 - Hearings on acceptance of a plea bargain
 - Trials
 - Sentencing
 - Post-sentencing hearings
 - Restitution hearings
 - Appellate proceedings
 - Probation revocation hearings
 - Probation modification hearings
 - Temporary release hearings
 - Parole hearings
 - Parole revocation hearings
 - Parole modification hearings
 - Pardon/commutation proceedings
 - Hearings on the defendant's competency to stand trial
 - Hearings on the defendant's release from mental institution

responsibilities for victim information and notification and the scope of services provided.

While specific laws may differ, their intent is to ensure that victims receive notification of the legal status, location, and/or supervision requirements of the perpetrator. This information can be of critical importance in helping victims make decisions about their personal safety and their lives. Statutory requirements for notification also can be helpful to justice system agencies because they proactively engage victims in criminal and juvenile justice proceedings, including those related to probation and parole supervision.

The notification and informational needs of victims extend beyond the basic step of informing victims of their right to submit or update a victim impact statement. Probation and parole officers have access to a variety of both general and offender-specific information that can be helpful in meeting the concerns of crime victims. Figure 1 provides a list of 72 notification rights of victims in the three categories of general legal system process, case-specific hearings, and other case actions and events.

It is important for probation and parole officials to be knowledgeable about victims' notification rights in their own states in order to be able to enforce them effectively. Officials should also understand that providing general information about the community supervision process often is enough to ease the fears and frustrations of victims, and they should be prepared to share this type of information with victims.

KEY ELEMENTS OF VICTIM INFORMATION AND NOTIFICATION

Probation and parole agencies should consider four key principles when developing victim notification and informational services. These principles relate to the agency's communications with the victim and with the victim services community.

PROVIDING INITIAL NOTIFICATION AND EXTENDING THE OPPORTUNITY FOR ONGOING NOTIFICATION

Initial victim notification and orientation. After the offender is placed on probation or parole, the victim should be provided written information that explains his or her rights and how to stay involved and informed. During the initial

victim notification, the victim should be informed about the status of the case and receive an explanation about the sentence imposed, including conditions of supervision. The victim should receive information about victims' rights, an offer to provide any additional information about the case/offender, an offer of referrals to victim assistance services in the community, and contact information (telephone numbers, email addresses, and website URLs) for the supervising agency and officer.

Figure 2 identifies common types of justice system and case-specific information that victims may need. Agencies can incorporate this information, as appropriate, in letters, brochures, fact sheets, websites, and other communication tools.

Offer of ongoing notification. The initial notification also should include information about how the victim can receive ongoing notification about the case while the offender is on probation or parole. State and local jurisdictions employ a wide range of victim notification procedures and processes. Probation and parole agency staff should be familiar with these processes in order to be able to explain them to victims. In some cases, victims will not want to continue to be notified of their offender's status. If they indicate they do not want to receive further notification, their request should be documented and respected, and they should be given a way to opt out of receiving future information.

Methods for providing information and notification. General methods for notifying victims include:

- Personal contact from probation or parole officers;
- Telephone;
- Letter;
- Email;
- Automated technology; and
- A combination of the above.

For example, if an offender poses an immediate threat to an individual victim, a personal telephone call is usually the mode of communication and is made in addition to routine or automated contacts. In this way, agency staff can

- Cancelled or rescheduled hearings
- Execution (in capital cases)
- Right to Notice of Case-Related Events
- Arrest of the offender
- Bail or other pre-trial release of offender, and conditions of release
- Status of any offender who is in justice system custody or under supervision
- Confirmation of the offender's receipt of a protective order
- Indictment
- Dismissal of charges
- Dropping of case
- Plea negotiations
- Plea bargain
- Outcome of trial
- Sentence of the offender
- Appellate request (by offender or by the state) for convicted offender's DNA testing
- Filing of an appeal
- Outcome of appeal
- Location of incarcerated offender
- Earliest possible release date for incarcerated offender
- Probation of the offender
- Probation revocation/reinstatement of suspended sentence
- When the offender is in "out to court" status
- Transfer of offender from corrections to another jurisdiction (e.g., mental institution, Immigration and Customs Enforcement custody, etc.)
- Request for Interstate Compact transfer
- Confirmation of Interstate Compact transfer and location of the offender
- Furlough
- Work release
- Transfer from one prison facility to another
- Change of security status
- Parole
- Parole revocation
- Pardon
- Clemency
- Commutation
- Deportation
- Escape
- Recapture
- Death of offender
- Execution of offender (in capital cases)
- Offender's release from mental institution

FIGURE 2

KEY VICTIM INFORMATIONAL NEEDS

Victims are likely to need a wide range of information about the justice system. Aspects that are specific to probation and parole include:

- What “probation” and “parole” supervision are known as in the jurisdiction or state, if the name is atypical (such as community supervision or supervised release);
- The difference between probation and parole supervision;
- Victims’ statutory rights relevant to probation and parole;
- Information about the presentence investigation or pre-parole investigation process;
- How to submit a victim impact statement;
- Specific information that can enhance a victim’s personal safety (such as methods for obtaining protective orders or referrals to victim assistance services for safety planning);
- Any financial obligations ordered by the court or parole board (such as restitution or child support) and how to collect it;
- Information about crime victim compensation programs (in violent crime cases);
- Explanation of the sentence and what it means;
- Explanation of any conditions of supervision;
- Status of probation/parole supervision;
- Any hearings or events for which the victim has the right to participate and/or provide input;
- Offender’s request for Interstate Compact transfer (see more about the Interstate Commission for Adult Supervision at <http://www.interstatecompact.org>);
- Contact information for the supervising agency and officer; and
- What to do in cases of emergency. (The answer: “Call 911.”)



be certain that the information is received. Community corrections professionals should be aware, however, that some methods of notification could present a danger to victims, particularly in cases involving intimate partner abuse. Figure 3 presents more information on notification methods that promote victim safety in cases that involve domestic violence.

PROVIDING APPROPRIATE, ONGOING NOTIFICATION FOR VICTIMS WHO OPT TO RECEIVE IT

The majority of states now use automated victim notification systems that provide victims with near-real-time updates about the status and location of their offender. For cases on probation and parole, such notifications usually are generated when the offender is returning to the community or has been re-arrested for a violation or new crime and returned to custody. Automated victim notification systems allow the victim to choose from several notification methods —by telephone, email, text/SMS, letter, or access to a secure website with information about the status of the offender. Services are free, confidential, and available 24 hours per day, 365 days per year. More information about automated victim notification is available at the Statewide Automated Victim Information and Notification (SAVIN) website at www.savinonline.org.

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Despite the growing use of automated victim notification systems, however, non-automated victim notification is still used in many jurisdictions, and some states continue to offer non-automated notification to crime victims as an alternative to automated notification. Non-automated notification generally shares the same types of information provided by automated systems, but it may be delivered by agency staff via mail, phone, email, or in person. It is important that staff members who are charged with providing victim notification through these methods are adequately trained in communicating effectively and appropriately with victims of crime. Whatever the method of delivery, ongoing notification to victims of crime consists of similar types of information. Examples include:

- Change in the offender's status;
- Transfer of the offender to another jurisdiction;
- Death of the offender;
- Pardon of the offender;
- Notice of pending parole hearing or review, and the outcome of the hearing or review;
- Transfer of the offender to work release;
- Conditions of community supervision;
- Revocation of community supervision; and
- Termination of community supervision.

FIGURE 3

VICTIM NOTIFICATION IN DOMESTIC VIOLENCE CASES

Victim notification in cases involving intimate partner domestic violence can be critical to the victim's ability to make well-informed decisions regarding her or his safety. At the first contact and throughout the supervision period, community corrections professionals must provide domestic violence victims with information and notification that is consistent with victims' rights in that jurisdiction. This often includes notification of changes in the offender's status. If the community corrections professional learns that risk to the victim has escalated, the officer must attempt to notify the victim of the potential danger. Offenders should be told initially and reminded throughout supervision that the supervising officer's contact with victims is a standard part of community supervision and they are not to interfere with this contact.

Certain forms of victim notification and communication can actually put a domestic violence victim at greater risk of harm.

- Telephone communication should be used with care. Technology such as caller identification ("caller ID") may make it impossible to contact victims without the offender knowing, at the time of the call or later, that a call has been received from the supervising officer's number. The community corrections agency may be able to block its phone number from appearing on the receiver's caller ID. However, even if this precaution is taken, offenders may be suspicious of any incoming calls. If officers contact victims by telephone, they should do so with full consideration of the safety risks and plan accordingly.
- It is not recommended for community corrections professionals to send email communications to domestic violence victims. Neither the sender nor the receiver can reliably control who will be able to access the message.
- If written information is sent by mail or other delivery methods, it may be best to use plain envelopes without a return address. However, if this practice is followed, the community corrections professional has no way of knowing whether the victim has actually received the correspondence.
- The best recommendation is that community corrections officers should ask domestic violence victims what the safest method of notification is and follow the victim's lead.



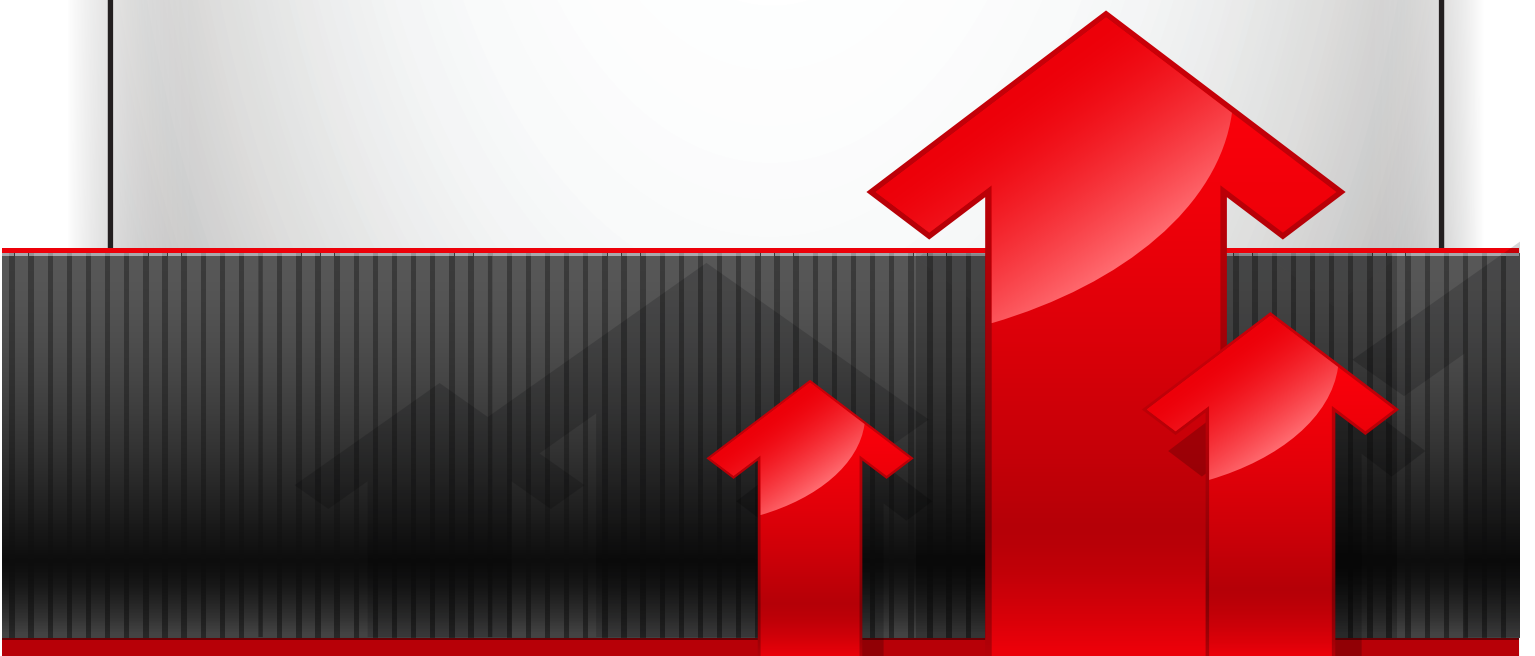
FIGURE 4

ENHANCING NOTIFICATION: RECOMMENDATIONS FROM CRIME VICTIMS

For the past 2 decades, the American Probation and Parole Association (APPA) has committed its mission, membership, and resources to improving victims' rights and services throughout community corrections processes, including pretrial services, probation, and parole. In August 2010, APPA sponsored a public hearing on the needs of crime victims in community corrections settings, an event which was made possible through funding from the U.S. Department of Justice, Office for Victims of Crime. Six survivors and one victim advocate testified at the hearing about their experiences with the criminal justice system and shared suggestions about how community corrections professionals can enhance their victim notification practices.

Several key recommendations and comments were offered by survivors and advocates who testified at the public hearing.

- Victims, survivors, and advocates can help pretrial, probation, and parole agencies in identifying the types of information that are most important to victims.
- Victim information and notification processes should reflect and respect the cultural diversity and unique needs of the victim populations present within a specific jurisdiction.
- Victim notification should be delivered with sufficient advance time to allow victims to prepare for an offender's entry or reentry into a community, and agencies should make every reasonable effort to ensure the accuracy of the information provided.
- A national automated victim information and notification system should be developed specifically to enforce the mandates of the Interstate Compact for Adult Offender Supervision.



RESPECTING THE PRIVACY OF VICTIMS AND MAINTAINING THE CONFIDENTIALITY OF THEIR INFORMATION

Victim notification can be an important tool for promoting the safety of crime victims in the aftermath of a crime, but it is critical that community corrections agencies maintain the confidentiality of victim information to avoid putting them at risk of further harm. Most automated victim notification systems incorporate a variety of security screens to ensure that victim information is viewed only by those who are authorized to access it. Regardless of the notification method used, agencies should incorporate proper safeguards to keep victim information separate from offender information in any community supervision files. Agencies also must ensure that only staff members with designated clearance are able to access victim information.

EDUCATING LOCAL AND STATE VICTIM SERVICE PROVIDERS ABOUT VICTIM NOTIFICATION

Information about how the victim notification process works within probation and parole agencies should be given to all local and state victim service providers. Information can be provided in the form of written materials that victim service providers can distribute to their clients and use for their own internal reference. Networking events, training seminars, and presentations also are effective ways to educate victim service providers about the agency's notification process as well as an opportunity to review other services the agency provides to victims. The key is for probation and parole agencies to be proactive about communicating with victim service organizations and to seek these agencies out.

RESOURCES

Council of State Governments Justice Center. (2005). *The report of the Reentry Policy Council: Charting the safe and successful return of prisoners to the community. Policy Statement 23: Victims, families, and communities*. NY: Council of State Governments. Available at www.reentrypolicy.org/Report/PartIII/ChapterII-D/PolicyStatement23

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