

Promising Victim Related Practices in Probation and Parole Training Curriculum

**Prepared by:
American Probation and Parole Association**

**With funds from:
The Office for Victims of Crime**

February 2013

This curriculum was produced by the Council of State Government/American Probation and Parole Association under Cooperative Agreement Number 2009-SZ-B9-K001, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this document are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice

About this Training

This training curriculum was developed the Council of State Governments/American Probation and Parole Association (CSG/APPA) with funds from the Office for Victims of Crime. Carrie Abner, APPA Research Associate, served as the project manager and coordinated the compilation of this training curriculum. The following individuals served as the primary subject matter experts for individual modules contained in the curriculum:

Anne Seymour

National Victim Advocate

Module 2: Communicating Effectively with Crime Victims

Jill Weston

Parole Agent, California Department of Corrections and Rehabilitation

Module 3: Incorporating Victim Input throughout the Community Corrections Process

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Executive Director, Durham Crisis Response Center

Module 4: Victim Notification

Julie Begonia

Private Consultant

Module 5: Enhancing Restitution Collection and Management

Training Goal & Learning Objectives

The goal of this training program is to provide community corrections officers with information on strategies they can use to enhance their interactions with and services to crime victims. By the conclusion of this training participants will be able to:

- Describe the impacts and implications of crime on its victims.
- Demonstrate skills for communicating effectively with crime victims.
- Identify 4-5 approaches for obtaining victim impact statements, and 3-4 appropriate types of information to request through victim impact statements.
- List 4-5 points in the community corrections process that officers should provide notification to victims.
- Demonstrate 2-3 strategies for increasing restitution collection among supervisees.

The Way the Training is Organized

The training is designed as a 2-day seminar to be delivered to front-line staff in community corrections agencies. Prior to the onsite training, participants should complete a one-hour online lesson on “The Role of Community Corrections in Victim Services.” A transcript of this lesson is included in the instructor’s and participants’ manuals. The onsite training curriculum is divided into 5 modules:

- Module I: Welcome and Introductions
- Module II: Communicating Effectively with Crime Victims
- Module III: Incorporating Victim Input throughout the Community Corrections Process
- Module IV: Victim Notification
- Module V: Enhancing Restitution Management and Enforcement

Lesson plans for each module, handouts, and other supplemental materials are provided.

Questions about this curriculum should be directed to:

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Training on Promising Victim Related Practices in Probation and Parole

Training Purpose and Agenda

[Location]

[Date]

Training Goal: The purpose of this training program is to build capacity and enhance victim services in community corrections settings by training probation, parole and other community justice professionals on how they can be more effective in their response to and provision of services to crime victims.

Training Objectives:

- Describe the impacts and implications of crime on its victims.
- Identify the specific rights of victims, and describe the role of community corrections staff in implementing victims' rights.
- Demonstrate skills for communicating effectively with crime victims.
- Identify 4-5 approaches for obtaining victim impact statements, and 3-4 appropriate types of information to request through victim impact statements.
- List 4-5 points in the community corrections process that officers should provide notification to crime victims.
- Demonstrate 2-3 strategies for increasing restitution collection among supervisees.

AGENDA

Day 1

8:00 – 8:45 Module 1: Introduction and Welcome
8:45 – 9:50 Module 2: Communicating with Victims
9:50 – 10:00 Break
10:00 – 12:00 Module 2: Communicating with Victims (cont.)
12:00 – 1:15 Break for Lunch
1:15 – 3:30 Module 3: Victim Input/Impact
3:30 – 3:45 Break
3:45 – 5:00 Module 3: Victim Input/Impact (cont.)

Day 2

8:00 – 8:15 Recap of Day 1
8:15 – 9:45 Module 4: Victim Notification
9:45 – 10:00 Break
10:00 – 11:45 Module 4: Victim Notification (cont.)
11:45 – 1:00 Break for Lunch
1:00 – 3:00 Module 5: Enhancing Restitution Collection and Management
3:00 – 3:15 Break
3:15 – 4:45 Module 5: Enhancing Restitution Collection and Management (cont.)
4:45 – 5:00 Closing & Evaluations

Training to Improve Restitution Management in Community Corrections
[Location] • [Date]

Faculty Information
[customize as necessary]

Training on Promising Victim Related Practices in Probation and Parole

[Location]

[Date]

Participant List

[Customize for the jurisdiction]

The Role of Community Corrections in Victim Services

Online Pre-Requisite for Promising Victim-Related Practices in Probation and Parole Training

Course Author: Carrie Abner, Research Associate, American Probation and Parole Association

Course Instructional Technologist: Tracy G. Mullins, Deputy Director, American Probation and Parole Association

Date of Release: April 2012

This course serves as a pre-requisite for the pilot *Promising Victim-Related Practices in Probation and Parole* training program. This lesson was developed by the American Probation and Parole Association with funding by the Office for Victims of Crime.

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Section 1: Introduction

About This Lesson

This lesson is designed to provide you with some background information about the role that community corrections agencies play in providing services and support to those victimized by crime and the strategies that can be used by individual officers to assist crime victims. The information presented in this lesson serves as the foundation for understanding the concepts and applications that will be discussed and demonstrated during the on-site training you will receive.

Learning Objectives

After viewing this course, you should be able to:

- ❖ Discuss the impact of crime on victims.
- ❖ Describe ways the justice system can re-victimize crime victims.
- ❖ List the most common rights of victims, as recognized by state and Federal legislation.
- ❖ Identify why probation, parole and other community corrections programs play an important role in the implementation of victims' rights.

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Section 2: Impact of Crime

The Problem

Millions of Americans are victimized by crime each year. According to the Bureau of Justice Statistics, 18.7 million people were victimized by a violent or property crime in 2010, and nearly 29% of individuals victimized by violence that year—or more than 1 million people—sustained an injury as a result of the crime committed against them.

As a direct result of the crimes committed against them, victims may suffer from losses from property theft and damage, stolen cash, medical expenses, and lost pay due to injuries that may keep them from working or activities related to the crime like court hearings, etc.

The losses just described, however, are only the beginning of the many short- and long-term implications of crime on victims. Crime is intrusive. It creates a pervasive fear and mistrust. It holds people captive in their homes and negatively affects their overall quality of life.

Victims Speak

On the next few screens, you will watch clips from the Victims Speak video series produced by the Office for Victims of Crime, and hear firsthand about the impacts of crime on those who are victimized. After watching the clips, you will be asked a few brief questions about what you learned while watching the videos.

Note: To watch the videos online when you are not taking the course, you can go to the following links:

Leanna-Burglary

Alan-Assault

Amy-Homicide

Victims Speak Quiz

1. Only victims of violent crimes experience emotional trauma as a result of the crime committed against them.
 - a. True (Incorrect. Victims of non-violent crimes can experience emotional trauma. In one of the clips, Leanna, a victim of burglary, described how the non-violent crime committed against her family was emotionally traumatic, resulting in feelings of insecurity, vulnerability, and violation.)
 - b. False (Correct. Victims of non-violent crimes can experience emotional trauma, as Leanna, a victim of burglary, described in the clips.)
2. According to the video clips, victims of crime can experience physical ailments or sickness as a result of the emotional trauma caused by their victimization.

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- a. True (Correct. Amy indicated how her physical health suffered as a result of the emotional trauma from their victimization.)
 - b. False (Incorrect. Physiological ailments, such as intestinal problems, sleep disorders, hyper vigilance, and other disorders are commonly associated with emotional trauma.)
3. Crimes' impacts often have implications beyond the immediate victim.
- a. True (Correct. Crimes rarely impact only the immediate victim involved in a crime. Rather, family members, friends, and loved ones often suffer from the crime committed.)
 - b. False (Incorrect. Crimes rarely impact only the immediate victim involved in a crime. Rather, family members, friends, and loved ones often suffer from the crime committed, and the impacts can be life-changing for these individuals. Amy articulated how the murder of her sister, Jill, has forever changed her life and the lives of her family members as a result of that crime.)

Common Types of Impact

As you have now heard, the impacts of crime on victims can be varied, and can include: physical, emotional, spiritual, and financial implications. Please take a moment to explore these different categories of the impacts of crime by clicking on each of the tabs. Once you have finished exploring each tab, click the Leave Interaction button on the top right corner of the slide.

Physical impacts of crime: The physical impacts of crime may include, among others, physical injuries sustained during the criminal act; permanent disabilities or disfigurement resulting from the crime; physiological symptoms resulting from increased stress or anxiety following the crime; sleep disorders; or, for victims of sexual assault, exposure to sexually transmitted diseases or unwanted pregnancy.

Emotional impacts of crime: Crime can pose a variety of short- and long-term emotional impacts for victims, including: shock or fear following the crime; feelings of numbness; anger; grief; confusion; anxiety or anxiety disorders; social withdrawal; depression; or suicidal ideation.

Financial impacts of crime: Crime victims often experience financial implications of their victimization, which may include: medical bills and/or prescription drug costs; physical therapy; mental health counseling; loss of wages due to an inability to work, rehabilitation, or participation in the justice process; crime scene cleanup costs; higher insurance premiums; funeral expenses for families of homicide victims; or loss of or damage property.

Spiritual impacts of crime: While often overlooked, the spiritual impacts of crime can also have a significant impact on victims, with victims looking to spiritual beliefs to better understand why they were victimized. Alternatively, crime victims may turn away from previously held spiritual beliefs as a result of the crime.

Victimization by the “System”

Compounding the trauma many victims experience as a direct result of the crime committed against them, some victims are further victimized by a criminal justice system that may be ill equipped to meet—or is indifferent to—their needs.

Meet Sarah

Sarah was mugged in the parking garage of her office building, as she left late one evening after finishing her shift as a janitor. The assailant took her purse, which contained \$1,500 in cash that she had withdrawn that day from her bank, as she prepared to go on a cruise the next day to celebrate her 40th Anniversary with her husband. When she held on to her purse, the perpetrator pushed her down, causing her to break her leg in three places. Luckily, her cell phone was in her pocket, which she was able to use to call the police.

Due to Sarah’s description of the assailant, police were able to quickly make an arrest in her case. During the trial, however, Sarah had to take unpaid leave to attend the hearings, as she had used all of her sick time at work while she recovered from her broken leg. The perpetrator was found guilty and ordered to serve one year of probation and to pay \$1,500 in restitution to Sarah for the cash that was stolen during the crime.

Unfortunately, Sarah’s once-in-a-lifetime cruise to celebrate her 40th wedding anniversary never happened, and because they bought non-refundable tickets, she lost all the money that she had used to purchase the tickets for herself and her husband. Sarah and her husband had saved up for that trip for 10 years.

After the crime, Sarah was afraid every time she left the restaurant after the late shift. Unfortunately, she often left alone, which only heightened her fear. She found it difficult to sleep at night once she returned home from work and she struggled to keep up with her job due to chronic pain in her leg resulting from the badly broken bone that never properly healed.

Despite the order for restitution, Sarah never saw a penny from the offender. When she called the probation office to inquire about the restitution payments, the supervising officer rarely answered the phone or returned her voice mail messages. When he did, he simply said that the offender in her case was a low-level offender, and they simply didn’t have the means to enforce every restitution order, particularly for smaller cases. During one of those conversations, the officer said snidely, “Wasn’t it only \$1,500 he owed you?”

Although Sarah had requested notification when the offender was released from probation supervision, the probation office did not notify her upon his completion of probation sentence. She only learned of his release from probation supervision when she called to make another complaint of his failure to pay

restitution, and the officer noted that his case had been released from probation supervision over a month prior.

Sarah Quiz

How did the justice system re-victimize Sarah in this case?

- a. Failure to acknowledge the full financial impact of the crime. (Incorrect: This is not the only way in which the justice system re-victimized Sarah in this case.)
- b. Failure to enforce the restitution ordered by the court. (Incorrect: This is not the only way in which the justice system re-victimized Sarah in this case.)
- c. Insensitivity shown by justice system staff in conversations with Sarah about the crime. (Incorrect: This is not the only way in which the justice system re-victimized Sarah in this case.)
- d. Failure to notify the Sarah of important events in the justice process. (Incorrect: This is not the only way in which the justice system re-victimized Sarah in this case.)
- e. All of the above. (Correct: The justice system re-victimized Sarah at several points within the process.)

Section 3: Basic Needs of Crime Victims and Survivors

Basic Victim Needs

Victims of crime, like Sarah, have a variety of needs, some of which may evolve throughout the criminal justice process—from arrest to trial to sentencing and beyond (e.g., arrest, pretrial, prosecution, sentencing, community supervision, incarceration, release).

Needs at the Community Corrections Stage

When defendants or convicted offenders are placed under any form of community supervision – including pre-trial release, probation or parole – victims of crime often share many of the same needs.

Victims need information on the:

- status of their case
- status and location of the perpetrator
- conditions of community supervision
- Assistance and referrals to address personal safety and security concerns.
- Guidance on what happens in cases of violations of the conditions of community supervision.
- Acknowledgement and enforcement of their rights as victims in accordance with state law.
- Restitution to cover monetary losses incurred as a result of the crime.

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Victims as Clients

Historically, community corrections practices have focused primarily on the perpetrators of crime and have ignored or passively responded to the concerns of crime victims. To effectively implement services to crime victims within probation and parole, community corrections agencies, and the officers who work in the agencies, need to view victims as “clients”. When victims are considered clients of the community corrections process, they are more likely to be informed and involved, and to receive information about and access to community- and system-based services that can help them in the aftermath of a crime.

Learning from Victims

On August 18, 2010, the American Probation and Parole Association sponsored a Public Hearing on Victim Issues in Probation and Parole, through support from the U.S. Department of Justice, Office for Victims of Crime (OVC) to learn firsthand from victims about their most significant needs when an offender is placed on community supervision and to help increase community corrections professionals’ knowledge and appreciation of what crime victims and survivors experience when involved in the justice system.

The hearing featured a witness panel comprised of six survivors of crime and a victim advocate who testified about their experiences with the justice system and highlighted a number of strategies for how community corrections agencies and staff can play a more active role in the provision of support and services to crime victims.

Public Hearing Recommendation Report

Please take a few moments to download and read the summary report of this public hearing at <http://www.appa-net.org/eweb/docs/APPA/pubs/PHVIPP88.pdf>. After reading the report, you will be asked a series of questions to assess your understanding of the document. Questions from the report also will be included in the final exam for this course.

Recommendation Report Quiz

1. According to the report recommendations, “victim notification should provide victims with time to prepare for an offenders entry or reentry into a community, with efforts to ensure the _____ of such information.”
 - a. Timeliness
 - b. Management
 - c. Accuracy (correct)
 - d. Efficiency

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2. The report indicates that which of the following is the primary concern of victims
 - a. Autonomy
 - b. Safety (correct)
 - c. Shelter
 - d. Resources
3. What types of information are needed by victims through the community corrections process?
 - a. Status and location of the offender.
 - b. Information about the community corrections process and victims' rights.
 - c. Violations of conditions of supervision.
 - d. All of the above. (correct)

Victims' Rights Relevant to Community Corrections

There are over 32,000 laws that define and protect victims' rights at the federal, state and tribal levels. These laws vary across jurisdictions, so it's important to know about your own jurisdiction's laws, and any responsibility you may have, as a community corrections professional, for implementation and enforcement of victims' rights.

Victims' Rights

Generally, however, victims' rights relevant to community supervision include the following:

- **Victim information and notification** (keeping victims informed about the status of their case; and providing them with information about their rights and services available to help them).
- **Victim participation** (in pre-trial, sentencing, parole and revocation hearings, among others).
- **Victim Input** (through victim impact statements, pre-sentence investigation [PSI] and pre-parole investigation [PPI] reports, and at parole release and parole/probation revocation hearings).
- **Protection** (from unwanted contact, harassment, threats or any potential harm by the defendant and/or convicted offender; and the use of protective orders and safety planning to enhance victim security).
- **Victim Restitution** (to help pay for pecuniary losses resulting from a crime).
- **Victim Compensation** (in cases involving violent crimes, this is a state fund that helps victims pay for the costs resulting from a crime, and that may require referrals from community corrections officials to state victim compensation programs).
- **Enforcement** (increasingly, states are passing laws that provide recourse for victims who feel their statutory and/or constitutional rights were purposefully or willfully neglected).

The Role of Probation and Parole

Probation and parole agencies and officials have important obligations to assure victims' rights are maintained and victims' needs are addressed. This doesn't mean that you, as a supervision officer, have

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to provide all of these services in their entirety alone. However, you do need to be aware of these basic needs and be prepared to respond in some way—if not through direct service and assistance to the victim, then through appropriate referrals to other helpful organizations.

Implementing Victims' Rights and Services

Strategies to implement victims' rights and services in community corrections settings may vary from jurisdiction-to-jurisdiction, depending on the specific legal rights of crime victims that exist within a jurisdiction, the type of community corrections program or agency (pre-trial services, probation, parole, etc.), and the resources available within the community corrections agency.

The Use of Dedicated Victim Services Staff

For instance, in some jurisdictions, community corrections agencies may have a staff person or unit dedicated solely to the delivery of services and programs to victims of crime. Community corrections victim services staff provide a one-stop shop for crime victims and survivors throughout the community corrections process.

These individuals provide critical services such as:

- ❖ explaining the community corrections process;
- ❖ identifying the community corrections officer who will provide supervision for the perpetrator;
- ❖ notifying the victim of changes in the case and/or upcoming hearings or other case-related events;
- ❖ facilitating the submission of victim input through the Victim Impact Statement and other related processes;
- ❖ informing victims of available services in the community that can assist in meeting their unique needs; and
- ❖ referring victims to community-based victim advocates.

Victim Services within a General Caseload

Many community corrections agencies, however, lack the resources necessary to establish and maintain dedicated victim services staff; therefore, responsibilities for fulfilling crime victims' rights and addressing victims' needs may fall to individual community corrections officers. In these cases, it is very important for front-line officers and first-line supervisors within a community corrections agency to be aware of their obligations to enforce victims' rights.

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At a minimum, community corrections officers should be prepared to undertake the following activities:

- ❖ Inform the victim about the community corrections process and how the victim can contact the supervising officer;
- ❖ Provide information about the submission of victim input through the Victim Impact Statement and other related processes;
- ❖ Provide notification to the victim about significant changes in the case and upcoming hearings or other case-related events;
- ❖ Refer the victim to appropriate programs and services provided through community-based victim service providers or other justice programs;
- ❖ Provide information to the victim about crime victim compensation programs that may be available; and
- ❖ Enforce any restitution orders imposed by the court for the offender, and hold offenders accountable for noncompliance with restitution orders.

Reflection Activity

It's time for a quick reflection activity to help you assess how well you and your agency are addressing and responding to victims' rights and needs.

To access the activity, go to <https://www.surveymonkey.com/s/JRGT68M>.

Section 4: Importance of Partnerships

Importance of Partnerships

Understanding the variety of needs and concerns of victims of crime and upholding and enforcing victims' rights while also carrying out responsibilities to supervise defendants or offenders can often seem overwhelming to community corrections professionals. Luckily, there are people in our communities who can help us in this effort.

In many jurisdictions, local victim advocates and community corrections professionals work together to:

- ❖ Explain what the actual sentence or paroling authority decision is and means to victims; and any conditions of community supervision that are relevant to the victim.
- ❖ Provide victims with 24/7/365 contact information for their perpetrator's supervising officer or unit, and guidelines about when and how to contact them.

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- ❖ Ensure that victim impact information is included in and addressed through the community supervision process and associated programming.
- ❖ Conduct initial safety planning for victims that identifies any safety or security concerns they may have, and address them through victim protection and case supervision strategies.
- ❖ Help victims prepare for, attend and deliver victim impact statements at probation and parole revocation hearings.
- ❖ Ensure that victims are aware of local, state and national victim assistance services that can assist them.

Location of Victim Service Providers

It is important to know the victim advocacy organizations in your own community and to be aware of the many ways in which victim advocates can help you and your agency uphold key victims' rights.

The Office for Victims of Crime hosts a free online resource to locate providers in your jurisdiction that provide

You can search the directory by location, type of victimization, service needed, and agency type.

To access the directory, go to <http://ovc.ncjrs.gov/findvictimservices/>.

Section 5: Conclusion

Course Review

You are now finished reviewing the course content. You should have learned the following:

- ❖ the ways in which crime impacts victims, including physical, emotional, financial, and spiritual implications;
- ❖ the needs of crime victims throughout the community corrections process;
- ❖ key crime victims' rights as mandated by state and federal laws; and
- ❖ the role that community corrections agencies and staff can play in upholding key victims' rights through the community corrections process.

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References

Edmunds, C., and Seymour, A. (2006). Victims' Rights and Laws in the United States. *National Victim Assistance Academy: Participant Text*. Washington, D.C.: Office for Victims of Crime, U.S. Department of Justice.

Seymour, A. (unpublished). *The role of community corrections in victim services and benefits of engaging victims in the process: A factsheet*. Lexington, KY: American Probation and Parole Association.

Truman, J. L. (2011). *Criminal Victimization 2010*. Washington, D. C.: Bureau of Justice Statistics, U. S. Department of Justice.

Source for Video Clips: The American Probation and Parole Association gratefully acknowledges the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice, for allowing us to reproduce, in part or in whole, the videos entitled Unit 3: Burglarly-Leanna; Unit 4: Assault-Alan; and Unit 12: Homicide – Amy excerpted from the *Victims Impact: Listen and Learn* Curriculum. The full text is available online by visiting the OVC TTAC Web site at www.ovcttac.gov/victimimpact/presenters_toolbox.cfm

Instructor Guide

Instructor Script	Media Activities	Time
Lesson I: Welcome and Introductions		Total time: 30 minutes
<p>Purpose of Lesson: To introduce and set the stage for the training program and clarify participants' expectations.</p> <p>Learning Objectives: By the conclusion of this lesson, participants will be able to:</p> <ul style="list-style-type: none">• List the sponsors of and faculty for the training seminar.• Recall the purpose of the training program.• State their expectations for the training program.• List ground rules for the training program.		
<p>Equipment and Materials Needed:</p> <ul style="list-style-type: none">• LCD projector/laptop and PPT slides (or Overhead projector with slides made into transparencies)• Chart pad, easel, markers, masking tape• Handouts to include in the Participant Manual<ul style="list-style-type: none">○ Slides printed 3 per page○ Agenda○ Faculty contact information and biographical sketches○ Participant list		

I. Welcome and Introductory Remarks

Welcome everyone to the Training on Promising Victim-Related Practices in Probation and Parole seminar.

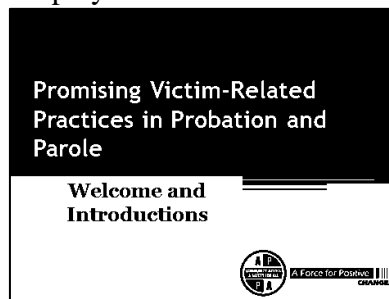
Introduce yourself and other faculty members by providing a brief overview of each person's background, experience, etc.

Inform participants the curriculum this training is based on was created by APPA with funds from the Office for Victims of Crime.

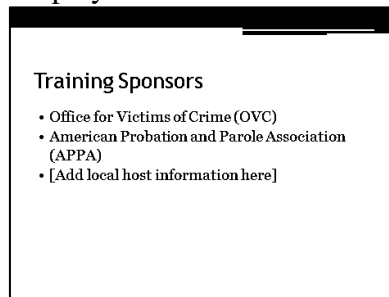
Provide a brief overview of the American Probation and Parole Association. Let participants know that APPA is a professional membership organization for community correctional professionals and its membership is comprised of professionals in the United States, territories and Canada. All levels of government including local, state/provincial, legislative, executive, judicial, and federal agencies are counted among its constituents. As a membership organization it produces a quarterly journal, *Perspectives*; delivers specialized training programs and two professional training institutes per year; and serves as a clearinghouse for information on issues of importance to community corrections.

Lecture

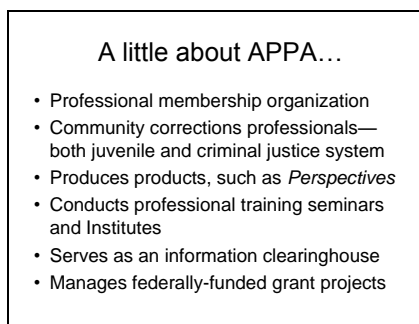
Display slide 1



Display slide 2



Display slide 3



8 minutes

In addition to its membership services, the American Probation and Parole Association (APPA) receives funds from federal agencies and private foundations to conduct research and training projects on a variety of subject areas related to juvenile and criminal justice issues. Typical products from research/grant projects include program development and implementation guides, training curricula and monographs, and the delivery of training seminars, audio and satellite teleconferences, and technical assistance. Remind participants again that this training curriculum was developed and tested as part of a past OVC-funded project. If they want to get an idea of other types of projects we have and access information, resources and training that may be provided through other grant-funded APPA projects, they can look on the APPA website (www.appa-net.org) for a listing of current (and past) projects.

Provide a brief overview of the Office for Victims of Crime. The Office for Victims of Crime (OVC) was established by the 1984 Victims of Crime Act (VOCA) to oversee diverse programs that benefit victims of crime. OVC provides substantial funding to state victim assistance and compensation programs—the lifeline services that help victims to heal. The agency supports trainings designed to educate criminal justice and allied professionals regarding the rights and needs of crime victims. OVC also sponsors an annual event in April to commemorate National Crime Victims Rights Week (NCVRW). OVC is one of five bureaus and four offices with grant-making authority within the Office of Justice Programs, U.S. Department of Justice. Acknowledge OVC’s contribution and support to the community corrections field and crime victims through the funding of the project that resulted in this training curriculum.

If applicable, invite a representative from the hosting agency to provide a welcome message at this time (determine in advance if they want to do this and who will be making remarks). Thank the hosting agency for providing the support for this training to come to this area and acknowledge our happiness at being able to provide this training today.

Display slide 4

A little about OVC...

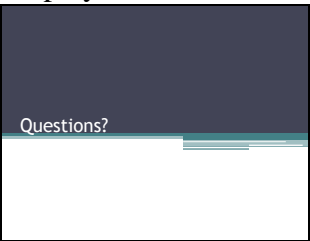
- Established by the 1984 VOCA
- Oversees diverse programs that benefit victims of crime
- Provides funding to state victim assistance and compensation programs
- Supports training on victim issues to justice professionals
- Sponsors NCVRW – every April
- One of 5 bureaus and 4 offices within OJP, DOJ

II. Ground Rules and Logistics

Mini lecture & class discussion

5 minutes

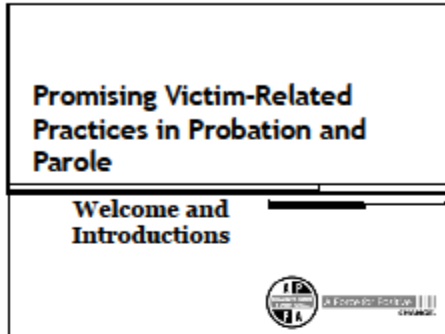
<p>Explain to participants that this training is designed to involve them in the learning process. Therefore, tell participants that before we proceed any further, there are a few ground rules that need to be established in order to make the session more effective and efficient.</p> <p>Write the following ground rules on a flipchart tear sheet and post on the wall (prior to class).</p> <ul style="list-style-type: none">• Respect other participants' ideas and input• Participate actively• Limit side discussions with table mates during lectures and class discussions• Turn off cell phones (or place in vibrate/silent mode)• Return promptly from breaks <p>After briefly reviewing the posted ground rules, ask participants if there are other ground rules they would like to see added to the list. If so, chart their suggestions.</p> <p>Provide a quick overview of the logistics for the training event (e.g., location of bathrooms, places to eat, where participants can smoke, etc.).</p>	<p>Display slide 5</p> <div data-bbox="1297 381 1686 673"><p>Ground Rules</p><ul style="list-style-type: none">• Respect others ideas and input• Participate actively• Limit side discussions• Turn off (or silence) cell phones• Return promptly from breaks• Others???</div>	
<p>III. Training Purpose & Objectives and Participants' Expectations</p> <p>Refer participants to the overall training goal and objectives on the agenda included in their Participant Manual. Explain the purpose of this training program is to provide community corrections officers with information on strategies they can use to enhance their interactions with and services to crime victims. Briefly summarize the training objectives and review the day's agenda. Ask if they have any questions or comments before proceeding.</p> <p>Briefly review how the Participant Manual is structured and explain how it can be used during the session (e.g., to take notes, activity sheets for exercises, handouts, etc.)</p> <p>Introductory Exercise: Explain to participants that you would like to learn about</p>	<p><i>Mini lecture & class discussion</i></p> <p>Refer to training agenda in the Participant Manual</p> <div data-bbox="1297 987 1648 1255"><p>Introductions and Expectations</p></div> <p>Refer to Participant Manual</p> <p>Display slide 7</p>	30 minutes

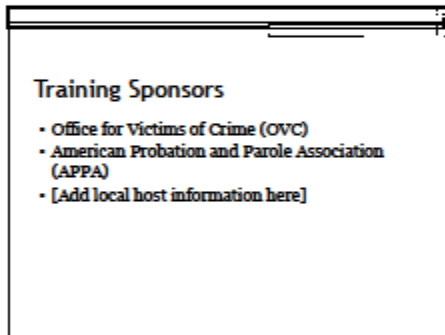
<p>their thoughts and feelings about attending the training session by going around the room and having each person:</p> <ol style="list-style-type: none">1. State their name,2. Indicate what they do for their agency,3. Answer the question, “By the end of this training session, I hope to learn...” <p>To add some levity to the introductory exercise, you can also ask them to identify the strangest thing that is currently in their refrigerator.</p> <p>Chart their responses related to their expectations. If no co-trainer is available, this task can be assigned to a participant. This will help keep the process moving and discussion flowing easier.</p> <p>Inform participants they can repeat someone else’s answers if it expresses their sentiments as well. Display slide 7 during the exercise as a reminder to participants about the information they need to provide during their turn. After everyone has a turn, briefly review the expectations of participants and identify the issues that will or should be covered in the day’s session. Also, identify expectations expressed by participants that are beyond the scope of the day’s presentation. If possible, make suggestions on how they may seek that information through other venues (e.g., websites, publications, follow-up meetings with agency staff, etc.).</p>	<div data-bbox="1297 199 1598 423"><p>Introductions and Expectations</p><ol style="list-style-type: none">1. State your name2. Indicate what you do for your agency3. Answer the question: “By the end of this training seminar, I hope to learn...”4. Best or craziest excuse for not paying restitution</div>	
<p>IV. Conclusion</p> <p>Ask participants if they have any questions or comments before we move to the more content-specific portion of the training. Respond to questions as needed.</p>	<p><i>Question/Answer</i></p> <p>Display slide 8</p> 	2 minutes

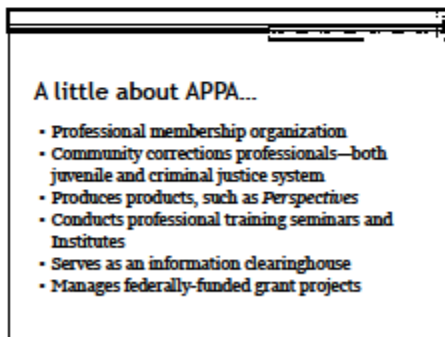
Handouts and Supplemental Resources

Module I
(Welcome and Introductions)

4/19/2012







4/19/2012

A little about OVC...

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

Ground Rules

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

Introductions and Expectations

4/19/2012

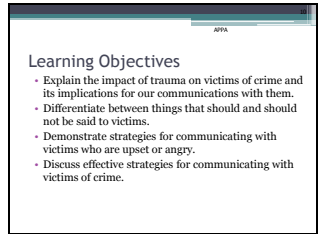
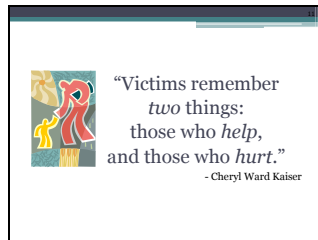
Introduction Exercise


- State your name
- Indicate what you do for your agency
- Answer the question,
 - By the end of this seminar, I hope to learn...
- Tell us the strangest thing that is currently in your refrigerator.

Questions?

Instructor Guide

Instructor Script	Media Activities	Time
Lesson II: Communicating Effectively with Crime Victims		Total time: 3 hours, 20 minutes
Learning Objectives: By the conclusion of this lesson, participants will be able to: <ul style="list-style-type: none">• Explain the impact of trauma on victims of crime and its implications for our interactions and communications with crime victims.• Differentiate between things that should and should not be said when communicating with victims.• Demonstrate strategies for communicating with victims who are upset or angry.• Discuss effective strategies for communicating with victims of crime.		
Equipment and Materials Needed: <ul style="list-style-type: none">• LCD projector/laptop/screen and PPT slides• Chart pad, easel, markers, masking tape• DVD Player, Television• Handouts to include in the Participant Manual<ul style="list-style-type: none">✓ Challenges to talking to victims (activity sheet)✓ Good and Bad things to say to victims (activity sheet)✓ Good things to say to victims (list)✓ My offender is back in the community... (activity)✓ Telephone skills checklist		

Instructor Script	Instructional Strategies/Media	Time
Section: Overview and Icebreaker		20 mins.
<p>Section Outline and Instructor Notes: Review the four learning objectives</p> <ul style="list-style-type: none"> • Explain the impact of trauma on victims of crime and its implications for our interactions and communications with crime victims. • Differentiate between things that should and should not be said when communicating with victims. • Demonstrate strategies for communicating with victims who are upset or angry. • Discuss effective strategies for communicating with victims of crime. <p>ASK: “Is there anything you’d like to learn from this session that is NOT included in these objectives?”</p> <p>If “YES:” Add to “Additional Learning Objectives” tear sheet</p> <p>If it WON’T be covered: Add to “Parking Lot” tear sheet</p> <p>Print out and tell about Cheryl Ward Kaiser’s family victimization in 1991: http://www.giveforgiveness.com/read/2008/06/cheryl-ward-kaiser.php</p> <p>Cheryl has become an outspoken proponent of restorative justice and victim/ offender dialogue.</p> <p>In community corrections, you want to be remembered for <i>helping</i> victims, and not <i>hurting</i> them.</p> <p>Please take three minutes to discuss, based upon your experiences, any challenges you</p>	<p>LEARNING OBJECTIVES, slide 10</p>  <p>Tear Sheet (TS): Additional Learning Objectives TS: Parking Lot</p> <p>KAISER QUOTATION, slide 11</p>  <p>Kaiser’s victimization experience</p> <p>ICEBREAKER, slide 12</p>	

<p>face in talking to victims</p> <p>Reporter to the full group is “the person who woke up earliest this morning”</p> <p>Facilitate full group discussion for five minutes</p>	 <p>Small Group Activity “Icebreak Activity” worksheet</p>	
Section: Victims’ Stress, Crisis and Trauma		60 mins

Section Outline and Instructor Notes:

The National Crime Victim Research and Treatment Center at the Medical University of South Carolina (<http://colleges.musc.edu/ncvc/>) is our Nation's leading research institution on victimology. Its rich body of research over the past 25 years has identified five factors related to victim trauma and how it affects survivors' interactions with the justice system:

- Trauma can reduce victims' willingness to participate in the CJS
- When trauma is recognized and addressed, it can improve cooperation
- It can also improve their perception of community corrections (and the victim's *perception is your reality!*)
- Can reduce the "secondary trauma" that often results from having to think about, recall and speak about the crime
- Can improve victim input through things like PSIs and VIS

Divide participants into five groups, and pass out the worksheet

Instruct them to take seven minutes to discuss "victims' major concerns" for each of five categories on the worksheet, and prioritize the three most important concerns.

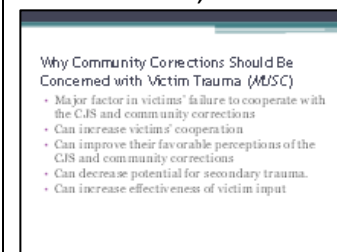
Facilitate a report-out to the full group for ten minutes

Victim Stressors: Discuss the five stressors on this slide and ask: "What can YOU do to possibly mitigate the victim's stress?"

Possible responses:

- Treat him/her with respect
- Validate any concerns the victim may have
- Help identify the most important needs that can be addressed
- Offer information that can be immediately helpful to the victim

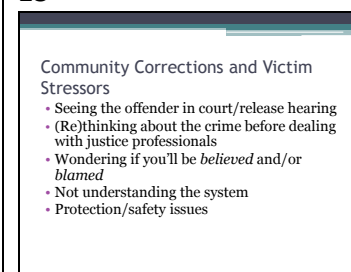
WHY SHOULD YOU BE CONCERNED?, slide 13



SMALL GRP ACTIVITY: VICTIMS CONCERNS, slide 14



"Victims' Concerns" wrksh
Five tear sheets, each with
"concerned about ____"
written on the top
VICTIM STRESSORS, slide 15



Tear sheet: Mitigating

Trauma Factors: Read the Slide

Crisis Theory: Read the slide and describe crisis theory

Definition of Crisis: Read the definition of “crisis,” and note that Albert R. Roberts is a *Professor of Criminal Justice, Livingston College Campus, Rutgers, the State University of New Jersey; and a nationally-recognized expert in crisis and crisis theory.*

Victim Stressors

TRAUMA FACTORS, slide 16

Factors that Affect Trauma

- Existing stressors in one's life
- Past traumatic experiences, including prior victimization
- Treatment by others (including family members, friends and justice professionals)
- Mental health and supportive services

CRISIS THEORY, slide 17

Crisis Theory

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

DEFINITION OF CRISIS, slide 18

Definition of Crisis

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

Immediate Crisis Reactions

Describe immediate reactions:

- Terror and fear from the unexpected nature of being victimized
- Shock at the sudden, sometimes violent nature of the crime
- High anxiety that results from not being able to immediately cope with the crisis
- Victims can't believe the crime is happening, AND happening to THEM
- Physiological arousal, where certain senses may kick in, i.e., heightened sense of smell, sight, touch, etc.

Short term trauma:

Short-term trauma is defined as that which occurs during or immediately after the crime until about three months post-crime. This time frame for short- versus long-term trauma is based on several studies showing that most crime victims achieve significant recovery sometime between one and three months after the crime:

- Few crime victims are anticipating a violent assault at the time it occurs; so most are shocked, surprised, and terrified when it happens.
- Crime victims often have feelings of unreality when an assault occurs and think, "This can't be happening to me."
- People who have been victimized in the past are at greater risk of developing emotional problems than newly victimized individuals. Victims do not "get used to it."
- Many violent crime victims describe experiencing extremely high levels of physiological anxiety, including rapid heart rate, hyperventilation, and stomach distress.

COMMON IMMEDIATE REACTIONS, slide 19

Common Immediate Reactions

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

COMMON SHORT-TERM REACTIONS, slide 20

Common Short-term Reactions

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

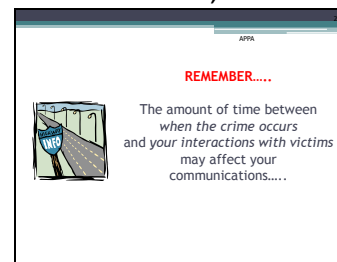
- Crime victims often experience cognitive symptoms of anxiety including feeling terrified or helpless, guilty, out of control.

Such physiological and emotional reactions are normal “flight or fight” responses that occur in dangerous situations. In the days, weeks, and first two or three months after the crime, most violent crime victims continue to have high levels of fear, anxiety, and generalized distress. The following are examples of distress that may disrupt violent crime victims’ ability to concentrate and to perform simple mental activities requiring concentration:

- They are preoccupied with the crime (i.e., they think about it a great deal of the time; they talk about it; they have flashbacks and bad dreams about it).
- They are often concerned about their safety from attack and about the safety of their family members.
- They are concerned that other people will not believe them or will think that they were to blame for what happened.
- Many victims also experience negative changes in their belief systems and no longer think that the world is a safe place where they can trust other people and where people get the things they deserve out of life.
- For victims of some crimes, like child abuse or domestic violence, the trauma occurs many times over a period of weeks, months, or even years. Victims in such cases often experience the compounded traumatic effects of having to always worry about when the next attack will occur. (NVAA 2000 Text, Chapter 6.1)

Say, “Time does NOT always heal all wounds, and if a victim has not received supportive services or (if needed) counseling, he or she may experience long-term reactions long after the crime has occurred (which may be just around the time of their interactions

REMEMBER, slide 21



with YOU!)”

It is helpful to determine:

When the crime occurred

- Whether or not the victim has received any supportive services, including victim assistance and mental health counseling
- If the victim is experiencing any long-term trauma (see slide 15)

Long Term RX and PTSD:

The presenter should be familiar with crime-related PTSD; a brief overview is available from the NCVC at

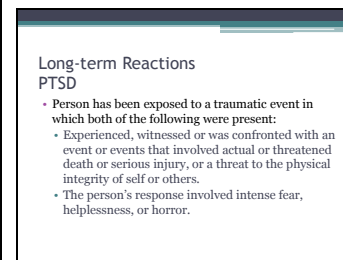
<http://www.ncvc.org/ncvc/main.aspx?dbName=DocumentViewer&DocumentID=32364>

Long-term, crime-related psychological trauma is not limited to PTSD. Compared to people without a history of criminal victimization, those who have been victimized have significantly higher rates of major depression, panic symptoms, and substance use. For example, using National Women’s Study data from sexual and/or physical assault victims, Kilpatrick, Edmunds, and Seymour (1992) and Acierno, Byrne, Resnick, and Kilpatrick (1998) found the following:

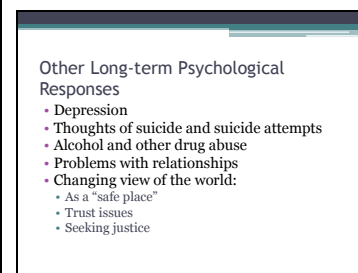
- One-third to one-half of assault victims develop *depression*.
- Risk of *alcohol abuse* is increased by a factor of 4.
- Risk of *drug use* is increased by a factor of 3.5.
- Ninety-five percent of a clinic sample with *panic disorder* had a victimization history. Seventy percent of treatment-seeking trauma victims reported four or more panic symptoms.

These findings have been identified in a number of studies including (Sorenson et al. 1987; Atkeson et al. 1982; Ellis, Calhoun, and Atkeson, 1980; Kilpatrick, Edmunds, and

LONG-TERM RX AND PTSD, slide 22



OTHER LONG TERM RX, slide 23



Seymour, 1992; Frank and Stewart 1984; Saunders et al. 1992). The following studies have found these mental health problems as a result of criminal victimization:

- Thoughts of suicide (Kilpatrick et al. 1992; Saunders et al. 1992; Kilpatrick et al. 1985).
- Attempting suicide (Kilpatrick et al. 1985; Kilpatrick et al. 1992; Saunders et al. 1992).
- Developing alcohol or other drug abuse problems (Burnam et al. 1988; Cottler et al. 1992; George and Winfield-Laird 1986; Kilpatrick et al. 1994; Sorenson et al. 1987).
- Anxiety disorders such as panic disorder (Burnam et al. 1988; Saunders et al. 1992), agoraphobia (Burnam et al. 1988; Saunders et al. 1992), and obsessive compulsive disorder (Burnam et al. 1988; Saunders et al. 1992).

In addition to these mental disorders and mental health problems, violent crime often results in profound changes in other aspects of the victim's life. Many victims experience problems in their relationships with family and friends. Among the relationship problems they can experience is difficulty in sexual relations with their partner (Becker et al. 1982; Becker et al. 1986; Resick 1986; Saunders et al. 1992). Often because of their high levels of crime-related fear, many victims change their lifestyles substantially and restrict their usual activities. Moreover, negative belief systems and attributions present shortly after the crime endure and become problematic over time (i.e., Kilpatrick and Otto 1987; Resick 1993; Resick and Schnicke 1993). Compared to non-victims, crime victims also experience increased risk of future victimization (Kilpatrick, Resnick, Saunders, and Best 1998).

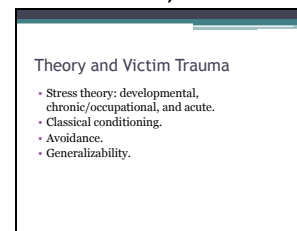
(NVAA 2000 Text, Chapter 6.1)

Stress theory: Print out description of different types of stressors from the American Psychological Association at <http://www.apa.org/helpcenter/stress-kinds.aspx>.

On a tear sheet:

- Draw a circle with “developmental stressors” in the middle, and explain that these are stressors that happen to EVERYONE (we are born and we will die; we are likely to experience some health problems in our lives, etc.). Most people can adapt to

THEORY AND VICTIM TRAUMA, slide 24



Tear sheet to draw “stress
theory”

developmental stressors and maintain their equilibrium.

- Draw another circle around the first one, and write “chronic stressors” – ask people to describe types of chronic stress in their lives (job, family, health, etc.). Most people can adapt to chronic stressors and maintain their equilibrium.
- Draw a final circle around the first two ones, and write “acute stressor.” Explain: With acute stressors, which are sudden and unexpected and, in the case of victims, often violent, some people can no longer adapt and maintain their equilibrium.

Classical conditioning: The Russian physiologist, Ivan Pavlov, first described a basic type of learning called classical conditioning (Pavlov 1906). Briefly described, classical conditioning occurs when a neutral stimulus is paired with a stimulus that produces a particular response. For example, if food is placed in a dog’s mouth, a salivation response naturally occurs. If the neutral stimulus of a bell ringing is presented to the dog at approximately the same time that the food stimulus is presented, the bell stimulus (conditioned stimulus) will acquire the capacity to produce a conditioned response of salivation similar to the unconditioned response of salivation produced by the unconditioned stimulus of food. What does this have to do with crime-related mental health problems or the criminal justice system?

- Kilpatrick, Veronen, and Resick (1982) noted that a violent criminal victimization is a real life classical conditioning experience in which being attacked is an unconditioned stimulus that produces unconditioned responses of fear, anxiety, terror, helplessness, pain, and other negative emotions.
- Any stimuli that are present during the attack are paired with the attack and become conditioned stimuli capable of producing conditioned responses of fear, anxiety, terror, helplessness, and other negative emotions.

Classical conditioning theory predicts that any stimuli present at the time of a violent crime are potential conditioned stimuli that will produce conditioned fear, anxiety, and other negative emotions when the victim encounters them. Thus, *characteristics of the assailant* (i.e., age, race, attire, distinctive features), or *characteristics of the setting* (i.e., time of day, where the attack occurred, features of the setting) might become

conditioned stimuli.

Classical conditioning theory also suggests that negative emotional responses conditioned to a particular stimulus can generalize to similar stimuli. Thus, a woman who exhibits a conditioned fear response to the sight of her rapist might also experience fear to the stimulus of men who resemble the rapist through the process of *stimulus generalization*. Eventually, this stimulus generalization process may result in the rape victim showing conditioned fear to all men. (NVAA 2000 Text, Chapter 6.1)

Avoidance: The most common response to crime-related conditioned stimuli is *avoidance behavior*. Thus, there is a natural tendency for crime victims to avoid contact with crime-related conditioned stimuli and to escape from situations that bring them in contact with such stimuli. (NVAA 2000 Text, Chapter 6.1)

Generalizability: This occurs when victims begin to “generalize” things related to their personal experience, such as the gender and culture of the offender.

Read the slide, and ask: “Where do community corrections professionals obtain information about the victim and the case?”

Possible responses:

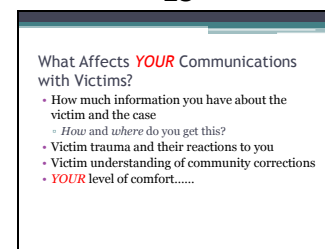
- Direct communications with the victim
- Pre-sentence or pre-parole investigation report
- Victim impact statement

Record participant responses on a tear sheet

Review the slide, and provide a definition of “vicarious trauma:”

Charles R. Figley, co-author of *Compassion Fatigue: Coping With Secondary Traumatic Stress Disorder in Those Who Treat the Traumatized*, states that, “there is a cost to caring. Professionals who listen to clients’ stories of fear, pain, and suffering may feel similar fear, pain, and suffering because they care. Sometimes we feel we are losing our

WHAT AFFECTS
COMMUNICATION, slide
25



Tear sheet: “Where Do You
Get Information?”

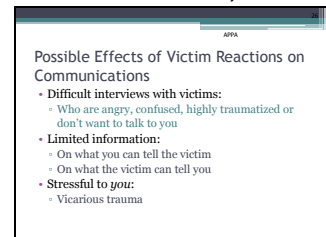
sense of self to the clients we serve. Therapists who work with rape victims, for example, often develop a general disgust for rapists that extends to all males. Those who have worked with victims of other types of crime often ‘feel paranoid’ about their own safety and seek greater security. Ironically, the most effective therapists are most vulnerable to this mirroring or contagion effect. Those who have enormous capacity for feeling and expressing empathy tend to be more at risk of compassion stress.”

How CF can detrimentally affect communications with victims:

- May cause focus to be self-centered, rather than victim-centered
- Mistakes increase
- Morale drops
- Social withdrawal is common
- The ultimate effect can be a “loss of compassion”

More information is available from the Figley Institute at <http://figleyinstitute.com/>.

VICTIM REACTION, slide 26



Section: Effective Communications

105 mins

Section Outline and Instructor Notes:

Read the factors that discourage communications.

Ask the full group to “shout out” community corrections jargon that might be confusing to victims, and record their responses on a tear sheet.

Review the slide

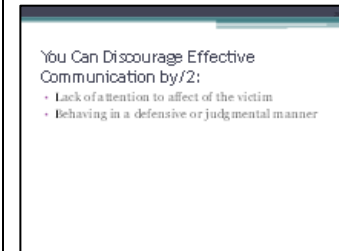
Review the slide and bring your own perspective to what helps “encourage communications” with victims.

DISCOURAGING COMMUNICATIONS, slide 27

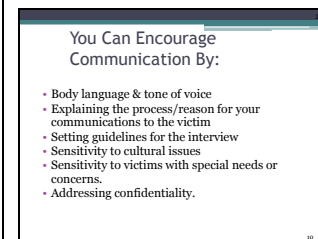


Tear sheet: “Our Jargon”

DISCOURAGING/2, slide 28



ENCOURAGING COMMUNICATIONS, slide 29



OVC VIDEO, slide 30

In advance of the session, visit <http://www.ovc.gov/library/videoclips.html#scv> to download OVC's discussion guide for "Listen to My Story: Communicating with Victims" within the "Gaining Insight, Taking Action" compilation package; and use the Guide to facilitate a discussion following the film. You can also ask:

- "Were there any tips in this video that were particularly helpful for community corrections professionals?"

Review the five foundation skills, and let participants know that they will learn more and be able to practice these skills

Emphasize that BOTH people must agree on the meaning of the messages they are attempting to convey to each other

OVC Video

*Listen to my Story:
Communicating with Victims of Crime*



OVC Video and Discussion
Guide

EFFECTIVE
COMMUNICATION, slide
31

Effective Communications with Victim
Survivors

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

EFFECTIVE
COMMUNICATIONS/2,
slide 32

Effective Communication

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



Divide the full group into dyads, and have them number off into “1” and “2”. Review the slide

Review the slide

Exercise/Role Play:

Keep slide on screen:

Dyad partners #1 will role-play the victim/survivor

Dyad partners #2 will role-play the community corrections professional

Allow three minutes for dyad role play.

After three minutes, ask #1 partners to identify “things that s/he said that indicated active listening.” Process in the full group.

ACTIVE LISTENING, slide 33

Active Listening

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

HOW TO PRACTICE, slide 34

How Do You Practice Active Listening?

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

EXAMPLE/ACTIVITY ROLE PLAY, slide 35

Active Listening Example

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

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

Review the slide. Emphasize that one can NEVER fully understand how a victim/survivor feels, but one can TRY to understand, and convey this through paraphrasing.

Review the slide.

Keep slide on screen:

Dyad partners #2 will role-play the victim/survivor

Dyad partners #1 will role-play the community corrections professional

Allow three minutes for dyad role play.

After three minutes, ask #2 partners to identify “things that s/he said that indicated paraphrasing.” Process in the full group.

PARAPHRASING, slide 36

Paraphrasing

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

HOW TO PARAPHRASE, slide 37

How Do You Paraphrase?

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

EXAMPLE/ACTIVITY ROLE PLAY, slide 38

Paraphrasing Example

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

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

Reflective Listening: Review the slide.

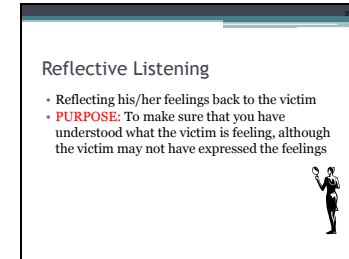
ASK: “What are the qualities YOU value in a good listener?” and process participant answers.

Reflective Listening Techniques: Review the slide.

Affirmation: Review the Slide

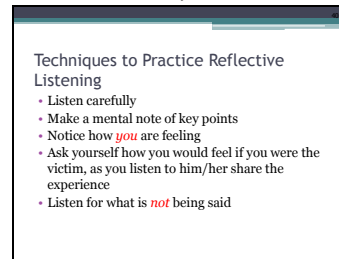
Keep AFFIRMATION slide on screen:

REFLECTIVE LISTENING, slide 39

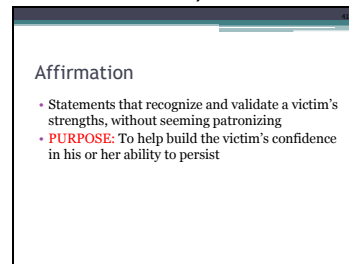


Tear sheet: “Qualities of a Good Listener”

REFLECTIVE LISTENING TECHNIQUES, slide 40



AFFIRMATION, slide 41



Dyad partners #1 will role-play the victim/survivor
Dyad partners #2 will role-play the community corrections professional

Allow three minutes for dyad role play.
After three minutes, ask #1 partners to identify “things that s/he said that were affirming.” Process in the full group.

Review TYPES OF QUESTIONS slide.

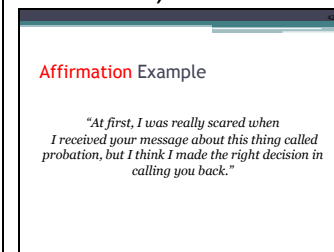
Ask: “Is it easier for victims to answer open-ended or closed-ended questions?”

ANSWER: Closed-end questions (process that these questions will NOT always elicit the information that community corrections needs to receive).

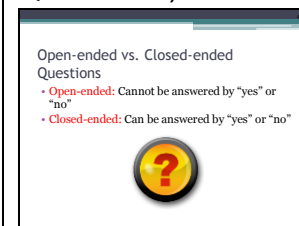
Review GET INFO WITH ANSWERS slide and emphasize:

- Be prepared and identify what YOU need to know
- Think about referrals you can provide
- Be linear – ONE question at a time!

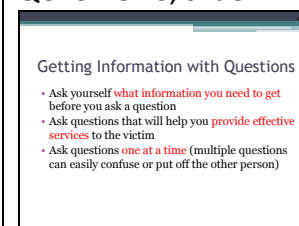
EXAMPLE/PRACTICE ROLE PLAY, slide 42



OPEN/CLOSED –ENDED QUESTIONS, slide 43



GET INFO WITH QUESTIONS, slide 44



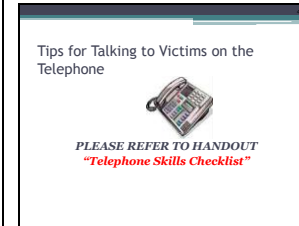
Provide handout and briefly review.

Pass out worksheet, and follow instructions on worksheet.

Pass out worksheet, and follow instructions on worksheet.

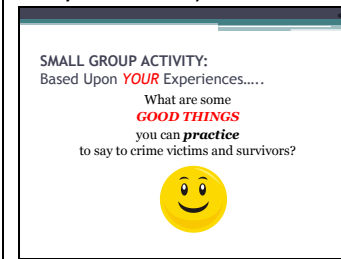
After processing group's response, pass out "Good & Bad Things to Say to Victims" handout.

TELEPHONE TIPS, slide 45



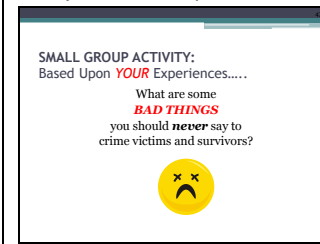
"Telephone Skills Checklist" handout

GOOD THINGS TO SAY/ACTIVITY, slide 46



"Good and Bad Things to Say" worksheet
Tear sheet: "Good Things to Say..."

BAD THINGS TO SAY/ACTIVITY, slide 47



Note that “your time may be limited, so it’s important to use your time talking to victims in the most efficient and effective manner.”

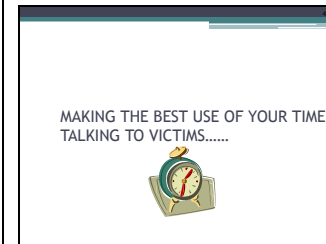
Advance to TIME TIPS Slide. Emphasize:

- Preparation
- Finding scheduled, quiet time to talk to victims
- Have a good list of local, state and national referrals

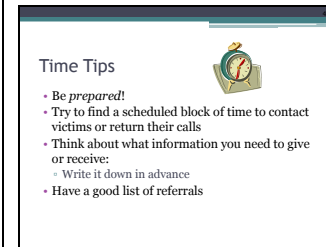
Advance to TIME LIMITS slide. Emphasize “be positive”

“Good and Bad Things to Say” worksheet
Tear sheet: “Bad Things to Say...”
“Good & Bad Things to Say to Victims” handout

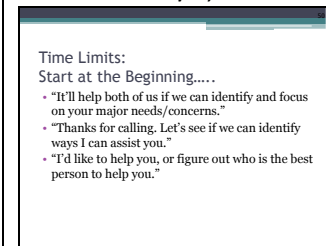
MAKING THE BEST USE OF TIME, slide 48



TIME TIPS, slide 49



TIME LIMITS/1, slide 50



Emphasize:

- It's okay to let victims know if your time is limited.
- Set boundaries based upon what you CAN and CANNOT do!

Provide referrals

Emphasize: Always end on a positive note!

Emphasize action steps:

- The victim/survivor can take
- You can take

Discuss why victims may be angry:

- Frustration with the CJS
- Lack of information
- Victim trauma

TIME LIMITS/2, slide 51

Time Limits:
Start at the Beginning....

- "I only have 5 minutes. I wish I had more time, but let's see what we can do to meet your needs in this timeframe."
- "I am not a counselor, but can offer you referrals if you need more help."
- "My job is to _____. It sounds like you need to talk to someone with the experience to help you. Can I offer you a referral?"

TIME LIMITS/3, slide 52

Time Limits:
Ending A Conversation

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

TIME LIMITS/4, slide 53

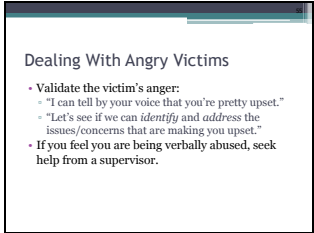
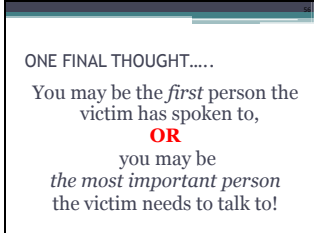
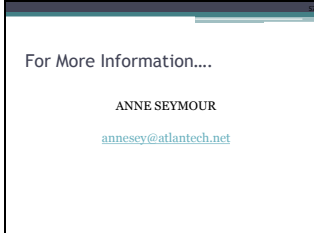
Time Limits:
Ending A Conversation

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

ANGRY VICTIMS/1, 54

Dealing With Angry Victims

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

<p>Emphasize that there is usually a good reason WHY victims are upset or angry, and it's helpful to identify that reason.</p> <p>Emphasize “validation” skills.</p> <p>Also emphasize that nobody deserves to be verbally abused, especially helping professionals!</p> <p>“Never assume that the victim has had communications with ANYONE else in the justice system!”</p>	<p>ANGRY VICTIMS/2, 55</p>  <p>FINAL THOUGHT, slide 56</p> 	
<p>Section: Conclusion</p>		15
<p>Section Outline and Instructor Notes:</p> <p>Provide a quick summary of key points in this lesson and ask participants if they have any comments or questions.</p>	<p>Classroom discussion/Q&A CONTACT, slide 57</p> 	

4/19/2012

Communicating Effectively with Crime Victims & Survivors

PRESENTED BY:
Anne Seymour
Member, APPA Victim Issues
Committee
annesey@atlantech.net

Learning Objectives

- Explain the impact of trauma on victims of crime and its implications for our communications with them.
- Differentiate between things that should and should not be said to victims.
- Demonstrate strategies for communicating with victims who are upset or angry.
- Discuss effective strategies for communicating with victims of crime.



"Victims remember
two things:
those who *help*,
and those who *hurt*."

- Cheryl Ward Kaiser

4/19/2012

Small Group Activity
ICEBREAKER




What are some of the
CHALLENGES
you face in talking to crime victims?

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

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

SMALL GROUP ACTIVITY

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



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Community Corrections and Victim Stressors

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

Factors that Affect Trauma

- Existing stressors in one's life
- Past traumatic experiences, including prior victimization
- Treatment by others (including family members, friends and justice professionals)
- Mental health and supportive services



Crisis Theory

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

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Definition of Crisis

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

Common Immediate Reactions

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


Common Short-term Reactions

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

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APPA

REMEMBER.....



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

Long-term Reactions
PTSD

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

Other Long-term Psychological Responses

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

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Theory and Victim Trauma

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

What Affects *YOUR* Communications with Victims?

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


Possible Effects of Victim Reactions on Communications

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

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You Can Discourage Effective Communication by:

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



WHAT ARE SOME EXAMPLES OF
"COMMUNITY CORRECTIONS JARGON"
THAT CRIME VICTIMS & SURVIVORS MIGHT NOT UNDERSTAND?

You Can Discourage Effective Communication by/2:

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


You Can Encourage Communication By:

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

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OVC Video

*Listen to my Story:
Communicating with Victims of Crime*




Effective Communications with Victim Survivors

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

Effective Communication

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



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Active Listening

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

How Do You Practice Active Listening?

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

Active Listening Example

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

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

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Paraphrasing

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

How Do You Paraphrase?

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

Paraphrasing Example

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

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

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Reflective Listening

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



Techniques to Practice Reflective Listening

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

Affirmation

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

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Affirmation Example

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

Open-ended vs. Closed-ended Questions

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




Getting Information with Questions

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

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Tips for Talking to Victims on the Telephone



PLEASE REFER TO HANDOUT
"Telephone Skills Checklist"


SMALL GROUP ACTIVITY:
Based Upon *YOUR* Experiences.....

What are some
GOOD THINGS
you can *practice*
to say to crime victims and survivors?



SMALL GROUP ACTIVITY:
Based Upon *YOUR* Experiences.....

What are some
BAD THINGS
you should *never* say to
crime victims and survivors?



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



Time Tips



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

Time Limits:

Start at the Beginning....

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

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Time Limits:

Start at the Beginning....

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

Time Limits:

Ending A Conversation

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

Time Limits:

Ending A Conversation

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

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Dealing With Angry Victims

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

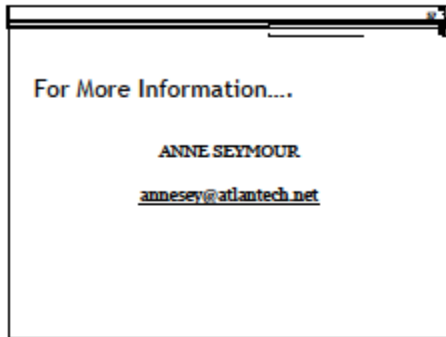
Dealing With Angry Victims

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

ONE FINAL THOUGHT.....

You may be the *first* person the victim has spoken to,
OR
you may be
the *most important person*
the victim needs to talk to!

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ICEBREAKER

SMALL GROUP ACTIVITY

What are some of the *CHALLENGES* you face in talking to crime victims?

Please take *three minutes* in your small group to discuss the challenges you may face in your interactions with victims, and list them below:

1.

2.

3.

ONE-MINUTE “ROUND ROBIN” REPORT-OUT TO THE FULL GROUP

Your “reporter” to the full group is **your small group member who woke up earliest this morning** (and if he or she doesn’t want to report out, the “second earliest”)



VICTIMS' CONCERNS WORKSHEET



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

GROUP #	CONCERNS	PLEASE LIST THREE CONCERNS
1	INFORMATION	1. 2. 3.
2	SAFETY	1. 2. 3.
3	OFFENDER ACCOUNTABILITY	1. 2. 3.
4	MY RIGHTS	1. 2. 3.
5	OTHER ISSUES	1. 2. 3.

SMALL GROUP ACTIVITY

Following a five minute discussion, list the:

- **Three BEST things** you can say to victims to *encourage* positive communications
- **Three WORST things** one could say to *discourage* positive communications

<i>GOOD THINGS TO SAY TO VICTIMS/SURVIVORS</i>	<i>BAD THINGS TO SAY TO VICTIMS/SURVIVORS</i>
	
<p>1.</p> <p>2.</p> <p>3.</p>	<p>1.</p> <p>2.</p> <p>3.</p>

Your “reporter” to the full group is **your small group member whose birthday is *closest* to TODAY** (and if he or she doesn’t want to report out, the “second closest birthday to today”

GOOD THINGS TO SAY TO VICTIMS & SURVIVORS

- ✓ How can I help you?
- ✓ What can I do for you?
- ✓ I'm sorry.
- ✓ What happened is not your fault.
- ✓ I believe you.
- ✓ Your case is important/unique.
- ✓ Are you safe?
- ✓ Do you have any concerns about your safety?
- ✓ Who else have you spoken to?
- ✓ Would you like a referral for further victim assistance?
- ✓ Can I make any calls for you?
- ✓ Do you need anything else?
- ✓ If you do, contact me at....
- ✓ I'm sorry to bother you.
- ✓ I know this is one more interruption in your life.
- ✓ If you have a serious problem or crisis, dial 911.
- ✓ You are not going crazy.
- ✓ I can't imagine, but...
- ✓ I can't possibly understand what you are going through, but I'm going to try and help you.
- ✓ I don't know, but I'll find out.
- ✓ How are you doing?
- ✓ Let's see if we can figure out your most important needs right now.
- ✓ I'm glad you called.

BAD THINGS TO SAY TO VICTIMS & SURVIVORS

- ✓ I know how you feel.
- ✓ I understand what you're going through.
- ✓ Why???
- ✓ Why were you....didn't you...?
- ✓ Your case reminds me of another victim I dealt with...
- ✓ As a general rule of thumb...
- ✓ It's God's will (or any religious platitude).
- ✓ Move on, put it behind you.
- ✓ You need to get over it/ get on with your life.
- ✓ I can promise you that will happen for sure.
- ✓ If I were in your shoes....
- ✓ You're so strong...
- ✓ You're so lucky...
- ✓ At least you weren't hurt..
- ✓ You should forgive.
- ✓ Time heals all wounds.
- ✓ Why didn't you.....?
- ✓ It could be worse.
- ✓ What you need is.....
- ✓ Drunk driving "accident."
- ✓ You're not the only victim I'm trying to help.
- ✓ Offenders aren't really bad people...
- ✓ The poor defendant had a really tough childhood....
- ✓ Nothing at all.
- ✓ Avoid using generalizations.
- ✓ Avoid comparisons with other victims or cases.

Telephone Skills Checklist



- ✓ Use proper greeting to client (asking how he or she would like to be addressed)
- ✓ Maintain friendly, calm tone of voice
- ✓ Listen without interrupting or assuming
- ✓ Check for understanding of the client's key concerns or problems
- ✓ Ask questions for clarification
- ✓ Provide as much detail as the client requires
- ✓ Verify the client's identification
- ✓ Avoid technical jargon
- ✓ Match client's communication skills
- ✓ Offer alternative solutions
- ✓ Demonstrate a good working knowledge of victims' rights and services within your agency, and in allied professional agencies
- ✓ Close conversation by asking if anything further could be done
- ✓ Initiate follow-up documentation, and offer to make additional contacts for further information and victim assistance
- ✓ Thank the client for calling
- ✓ Emphasize the importance and value of the client's involvement in the justice process

Adapted from "Telephone Skills" found at www.changedynamics.com, January 2001



TEN TIPS

FOR COMMUNITY CORRECTIONS PROFESSIONALS TO ENHANCE CRIME VICTIM/SURVIVOR ASSISTANCE

1. Know and collaborate with community- and system-based victim assistance professionals in your jurisdiction – they are “on the front line assisting victims of crime,” and are a valuable resource for you!
2. Be aware of victims’ statutory and constitutional rights in your state, especially those specific to community corrections (you can visit <https://www.victimlaw.org/> for quick access by types of law and/or jurisdiction).
3. Make sure that crime victims on your caseloads know how to contact you by telephone and email, and that you have their most current contact information for ongoing communications, as needed.
4. Be knowledgeable about the types of information victims need to know – about their rights, available services, and what community supervision entails – and consider developing a “FAQs” for a victim brochure or your agency website.
5. Learn as much as you can about the impact of crime on victims – victim trauma in the aftermath of criminal victimization will affect how they react to involvement with justice processes, as well as their interactions with you.
6. Obtain information about the impact of the crime on the victim through victim impact statements at sentencing and parole, and pre-sentence and pre-parole investigative reports. It’s not only helpful in victim assistance; it can also contribute to more effective offender management in the community.
7. Determine the types of information that you *can* and *cannot* tell victims about their case and convicted offender, and be prepared to explain why some offender information is confidential.
8. Remember that *victim safety is paramount!* You can work with victim advocates to *assess* and *address* victims’ needs for safety and security, and help them with personal safety planning.
9. Treat victim restitution as a *right*, and *not* a “*recommendation*”! Restitution and other legal/financial obligations (such as child support) are critical to helping victims recover from the financial impact of the crime, and to holding offenders accountable for their actions.
10. Understand that while assisting victims takes time and sometimes proves to be stressful, it is one of the most important aspects of your work. Remember that “victims remember *TWO things*: those who *help*, and those who *hurt*.”

Information for Victims of Crime *Available from the* West Virginia Division of Corrections/Parole Supervision

*While there is some information about convicted offenders that is **not** accessible under law to victims of crime in West Virginia, there is much information that **can** be shared with them. This document highlights what information can be shared with victims, and what information is confidential by law.*

(NOTE: THIS INFORMATION WILL VARY STATE-TO-STATE DEPENDING UPON STATE LAW AND AGENCY POLICIES)

What Information *Can* Be Shared With Victims of Offenders Who Are Under Our Supervision

General Information

- Anything that is considered “public record” relevant to criminal justice or parole.
- The offense of conviction.
- Information about and referrals to the WV DOC Victim Assistance Program.
- Information about and referrals to the WV Parole Board.
- Information about and referrals to the WV Child Support Division.
- Court-ordered conditions of the sentence, and how to access this information from the court of commitment or magistrate.
- Standard basic rules and regulations of parole supervision, *without* the offender’s name and/or contact information.
- The types of offender programming, including treatment, which are available to offenders under our supervision (without disclosing *actual participation* of a specific offender).
- Efforts by the WV DOC to hold offenders accountable for their crimes.
- Contact information for the supervising parole officer and office.
- Information about and referrals to system- and community-based victim assistance programs (including crime victim compensation).

Victims' Rights Information

- Whether or not the offender is incarcerated, or is under parole supervision.
- If the offender is incarcerated:
 - The location and contact information of the prison.
 - For commitments to jail, provision of the regional jail web site (that includes status information and a current photograph) – (*include URL here*).
- For cases involving custody in the DOC, information about how to register with the VINE program for victim notification and information.
- Length of the sentence and information related to parole eligibility.
- Whether or not a protection order, or “no contact” order, has been issued.
- Information related to parole violations, or if the offender has absconded.
- Victim restitution:
 - The amount that was ordered (if a specific amount was included, or information about restitution orders that are “to be determined” by the court).
 - The role of Court Clerks in collecting and distributing restitution, and contact information for Court Clerks.
 - Information about what victims can/should do if they have *not* received court-ordered restitution, or if a restitution payment is late.
- In cases where the offender wants to move to another state, compliance with the provisions of the Interstate Compact that notify the victim that the offender is seeking to move, and notification that s/he has *actually moved* to another state.

What Information *Cannot* Be Shared With Victims of Offenders Who Are Under Our Supervision

- Whether or not offender is participating in BIPPS (this information *can* be provided by BIPPS to a community-based victim assistance program and, then, to the victim).
- Whether or not the offender is complying fully with the conditions of parole supervision..
- Parole agreement (except information specifically about a “no contact” order).
- Alcohol or other drug use by the offender.
- Progress in any treatment programs (although you can provide information in general about the *availability* of treatment programs).

Sample Conditions of Offender Community Supervision Relevant to Crime Victims¹

(These conditions can be adapted for bail release, pre-adjudication, diversion or incarceration)

- Release of information relevant to conditions of supervision and/or violations of such conditions to the victim, upon request from the victim.
- Obey all laws.
- Obey all conditions of supervision, such as “no contact” orders.
- Cannot possess weapons.
- Seek or maintain employment (i.e., so that fines, fees, orders of restitution, and child support can be paid).
- Upon request from the victim, no contact with the victim, his or her family, and others designated by the victim (for a specified period of time, or permanently) in person, by telephone, fax or e-mail, or through a third party.
- Upon request from the victim, submit to geographical restrictions that preclude living or working within a designated distance from the victim’s home or place of employment.
- Agree that offender status and progress information can be shared for the purposes of case management by (supervising officer/treatment provider(s)/ victim advocate/others).
- Restrictions on movement and location (specifically those that involve contact with potentially vulnerable populations, such as children [at home, schools or day care centers], elderly persons, or persons with disabilities).
- Participate in any offense-specific treatment program deemed appropriate by the supervising agency, with victim input (i.e., substance abuse treatment, sex offender treatment, etc.)
- Participate in victim/offender programming that reinforces offender accountability, such as victim impact panels or victim awareness classes.
- Make full restitution to the victim(s), with the ability to travel out-of-state or end community supervision dependent upon full payment.
- If there is no restitution order, be provided with the opportunity to make voluntary restitution to the victim(s) or a victim assistance program designated by the victim.
- Pay fines and fees that support victim assistance programs, including victim compensation.
- Submit to warrantless search and seizure.
- Do not use alcohol and/or other drugs.

¹ Anne Seymour, Justice Solutions, [Sample Conditions of Offender Community Supervision Relevant to Crime Victims](#) (unpublished document available on file at Justice Solutions, Washington, D.C.).

- Submit to random alcohol and other drug tests.
- Pay for the cost of urinalysis.
- Submit to polygraphs.
- Perform restorative community service as recommended by the victim or victim surrogate (such as a victim assistance agency).
- Must attend education or awareness programs, such as alcohol/drunk driving education, victim impact panels, or victim awareness classes.
- Electronic monitoring.
- Intensive supervision.
- In cases involving drunk driving, restrictions on ability to drive, and/or agreement to have an alcohol ignition interlock device placed on their vehicles that detects alcohol use, and prevents the offender from driving if he or she has been drinking.
- In cases involving sex offenders and/or computer crimes, no access to computers or the Internet.
- Notification to the victim if there is any hearing related to the violation by the offender of the conditions of supervision.

Additional Conditions for Inter-familial/Family Violence Cases²

- No further abuse.
- Pay child support and restitution.
- Pay attorney fees for victims.
- Abide by all court restrictions and directives.
- Supervised child visitation and/or public drop-off/pick-up point.
- Cooperation with child/adult protective services.

² American Probation and Parole Association, Intervening in Family Violence p. 204 (1996).

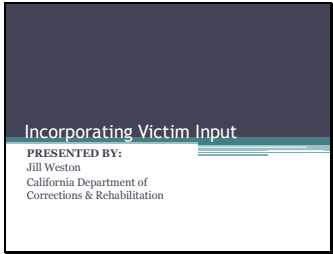
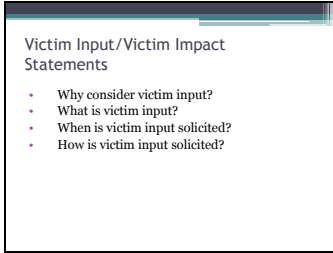
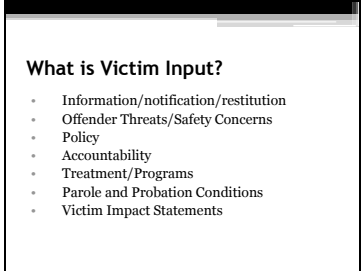
National Information and Referral Resources for Crime Victim/Survivor Assistance
(UPDATED FEBRUARY 2012)

AGENCY	TOLL-FREE NUMBER AND TTY/TDD	HOURS OF OPERATION	WEBSITE URL
American Domestic Violence Crisis Line (for American citizens victimized abroad)	866-USWOMEN	24/7/365	www.866uswomen.org
Battered Women's Justice Project	800-903-0111	Monday – Friday 10:30 am – 6:30 pm EST	www.bjwp.org
Childhelp USA National Child Abuse Hotline	800-4-A-CHILD TDD 800-2-A-CHILD	24/7/365	www.childhelp.org
Identity Theft Hotline, Federal Trade Commission	877-ID-THEFT TTY 866-653-4261	24/7/365	http://www.ftc.gov/bcp/edu/microsites/idtheft/
Mothers Against Drunk Driving	877-MADD-HELP	24/7/365	www.madd.org
National Center for Missing and Exploited Children	800-843-5678 TDD 800-826-7653	24/7/365	www.missingkids.com
National Children's Alliance	800-239-9950	Monday – Friday 9:00 am – 5:00 pm EST	http://www.nationalchildrensalliance.org/
Substance Abuse and Mental Health Services Administration	800-729-6686 TDD Hotline 800-487-4889 Español 877-767-8432 Treatment Referral Line: 800-662-4357 Suicide Prevention Hotline: 800-273-8255	24/7/365	http://www.samhsa.gov/
National Crime Prevention Council	202-466-6272	Monday – Friday 8:00 am – 4:30 pm EST	www.ncpc.org

National Domestic Violence Hotline	800-799-7233 TTY Hotline 800-787-3224	24/7/365	http://www.thehotline.org/
National Human Trafficking Hotline	888-373-7888	24/7/365	http://www.polarisproject.org/
National Organization for Victim Assistance	800-879-6682	Monday – Friday 9:00 am – 5:00 pm EST	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	800-656-4673	24/7/365	www.rainn.org
Resource Center on Domestic Violence: Child Protection and Custody	800-527-3223	Monday – Friday 11:00 am – 8:00 pm EST	http://www.ncjfcj.org/content/view/129/250

Instructor Guide

Instructor Script	Media Activities	Time
Lesson III: Incorporating Victim Input throughout the Community Corrections Process		Total time: 3 hours, 30 minutes
<p>By the conclusion of this lesson, learners will be able to:</p> <ul style="list-style-type: none">▪ Describe why victim input is important throughout the community corrections process.▪ Discuss types of victim input including victim impact statements.▪ Identify how agencies solicit victim input/victim impact statements and how to overcome common challenges.▪ List four common elements of victim impact statements.▪ Describe four methods of delivering victim impact statements.▪ Discuss the benefits of victim input to crime victims, offenders and agencies.		
<p>Equipment and Materials Needed:</p> <ul style="list-style-type: none">• LCD projector/laptop/screen and PPT slides• Chart pad, easel, markers, masking tape• Handouts to include in the Participant Manual<ul style="list-style-type: none">✓ “Case Scenarios”✓ “Types of Victim Impact Statements”-APAI 2010 National Survey of Parole Board Members Special considerations for conducting VIS with particularly vulnerable victim populations✓ “Integrating Victim Impact Statement Issues Into Offender Casework”✓ “Victims Speak”✓ Kentucky Office of the Attorney General child VIS		

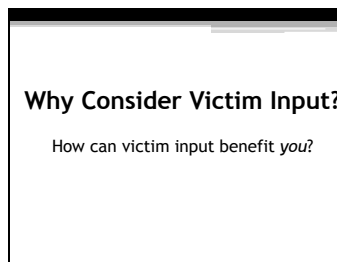
Instructor Script	Instructional Strategies/Media	Time
<p>I. Why Consider Victim Input In the Community Corrections Process? Instructor Note: In this session, discuss the importance of soliciting victim input. Reference the learning gained in the morning session: Communicating with Victims. The lesson plan is formatted in a “Why, What, When and How” of Victim Input/Victim Impact Statements. The primary focus is one type of victim input: Victim Impact Statements.</p> <ol style="list-style-type: none"> A. After learning or brushing up on skills to better communicate with victims, participants will apply those skills in this module. B. This module focuses on incorporating victim input into parole and probation functions. C. “Point of View” activity <ol style="list-style-type: none"> 1. See Appendix 2. Debrief activity <ol style="list-style-type: none"> a. Probation and parole staff have varying roles and levels of responsibility in the area of correctional victims services. b. Assess participants’ role, amount of victim contact and level of expertise in victims’ services. 	<p>Mini-lecture PP Slide #58</p>  <p>Slide #59</p> 	<p>1:15-1:35 20 min</p>
<p>II. What is Victim Input?</p> <ol style="list-style-type: none"> A. Victim input includes: <ol style="list-style-type: none"> 1. Requests for information/notification/ restitution. 2. Requests for response to offender threats and general safety concerns. 3. Input on policies related to victims services and offender status. 4. Input on accountability/programs/treatment/parole and probation conditions. 5. Victim impact statements 	<p>Mini-lecture PP Slide #60</p> 	<p>1:35-1:45 10 min</p>

Instructor Note: Inform participants the primary focus of this lesson will be victim impact statements.

I. Why Consider Victim Input?

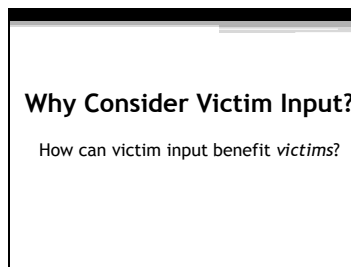
- A. How victim input can benefit parole/probation staff.
 - a. Offender assessment /disposition/ treatment/ placement
 - i. Offender's behavior
 - 1. Aggressive
 - 2. Under the influence
 - 3. Sexual overtones
 - 4. Mental health issues
 - 5. Desensitized/apologetic
 - ii. Level of violence/threats
 - iii. Relationship to victim
 - b. Victim safety
- B. How input can benefit victims.
 - a. Opportunity to voice their wants, needs and concerns.
 - b. Some victims may find being heard and included as “helpful”, “therapeutic” or “empowering.”
 - c. Gain knowledge of system.
- C. How victim input can benefit offenders.
 - a. More factual account of their behavior.
 - b. Clarifies victims’ financial losses resulting in restitution order/compensation responsibilities.
Threats/safety issues from victim.

PP Slide #61



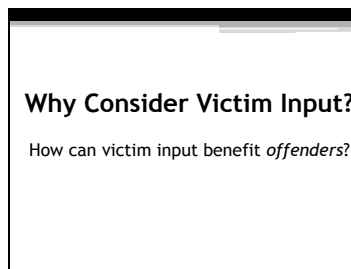
Solicit Responses

PP slide #62



Solicit Responses

PP Slide #63



Solicit Responses

II. When Do Agencies Solicit Victim Input and VISs?

- A. Agencies should request victim input at the following times:
 - 1. Pre-sentence investigation and pre-parole investigation.

Mini-lecture

PP Slide #64

1:45-2:00
15 min

<ol style="list-style-type: none"> 2. Prior to or at sentencing and prior to and at parole hearings. 3. In some states, prior to or at probation or parole revocation hearings. 4. Victims should be encouraged and allowed to update VISs as the offender moves through the system and as time passes. <p>B. Victims may have a need or want to have input at different times in the CJS process.</p> <ol style="list-style-type: none"> 1. A victim may not focus on fear of the offender until pre-release. 2. A victim's feelings about financial harm may change as the offender makes or fails to make restitution payments. 3. A victim's health declines in direct correlation to the crime. <p>Instructor Note: Solicit input from the group. When else might victims be interested in having input?</p> <ul style="list-style-type: none"> ▪ Restitution hearings ▪ Discharge hearings ▪ Offender is awarded financial reparation ▪ Media coverage ▪ Death of offender ▪ Change in jurisdiction 	<div data-bbox="1373 196 1719 464"> <p>When to Solicit Input?</p> <ul style="list-style-type: none"> • Pre-sentence investigation • Sentencing • Parole hearings • Discharge hearings • Restitution hearings </div> <p>Mini-discussion</p>	
<p>III. How Do Agencies Solicit Victim Input?</p> <p>A. Train and assign staff to provide services to victims.</p> <p>B. Policy and Procedure</p> <ol style="list-style-type: none"> 1. Policies and procedures should be in place detailing the agency's role and responsibilities in soliciting victim input to ensure enforcement of victims' constitutional and statutory rights as well as addressing victims' needs. 2. Policies and procedures promote consistency in how victim input is obtained and shared within the justice system. 3. Policies and procedures should address: <ol style="list-style-type: none"> a. Who is eligible to submit VIS. b. Acceptable VIS formats. c. At what point in proceedings can victims participate. d. How VIS are solicited and updated. 	<p>Mini-lecture</p> <p>PP Slide #65</p> <div data-bbox="1373 1008 1719 1297"> <p>Agencies should solicit input by...</p> <ul style="list-style-type: none"> • Locating victims • Establishing policy/procedure/practices • Training staff • Building relationships • Encouraging participation </div>	<p>2:00-2:15 15 min</p>

<ul style="list-style-type: none"> e. Who is the responsible staff. f. Timelines for submitting VISs. g. Confidentiality/storage issues/database use. h. Integration into case management for offender accountability and victim safety. <p>Instructor Note: Solicit participant input regarding the status of participants' policies/procedures. Encourage participants to consider new methods.</p> <ul style="list-style-type: none"> C. Agencies must exercise due diligence. <ul style="list-style-type: none"> 1. Locate victims <ul style="list-style-type: none"> a. Police reports b. Court documents c. Victim service providers/advocates d. Driver's license bureau e. Internet search engines f. Media g. Voter registration bureau h. Social Security Administration i. Utility companies 2. Encourage participation <ul style="list-style-type: none"> a. Inform victims of their information, notification, safety and restitution rights. b. Make input/participation "user friendly". c. Establish victim advisory boards. d. Establish agency relationships with other CJS partners, including Victim Witness/Assistance. <p>Instructor Note: Inform participants that challenges specifically related to soliciting victim impact statements will be discussed later in the lesson.</p>	Mini-discussion	
<p>IV. Victim Impact Statements</p> <ul style="list-style-type: none"> A. What are VISs? <ul style="list-style-type: none"> a. VISs are a victim's written or oral account that relays the harm 	Mini-lecture	2:15-3:30 75 min

- and impact caused to the victim by the offender.
- b. Impact of the crime on the victim, their family and their loved ones.
- c. Includes the physical, psychological/emotional, financial, social and spiritual effects.
- d. Short and long term effects.
- e. Impact on decision making, lifestyle changes, life goals, life perspective.
- f. Safety concerns
- g. Request for protective orders.
- h. References to prior threats/harassment.
- i. Request for notification.
- j. Request for restitution.
- k. Request for specific treatment for offender i.e. mental health, sex offender, violence, substance abuse.
- l. Victim's interest in participating in an agency's advisory committee or victim-focused offender programming.

B. Challenges in soliciting VISs

Instructor Note: Discuss challenges and elicit responses for solutions to each type of challenge presented. See Instructor handout #1 for prompts.

- 1. Victim's emotional state
- 2. Language barriers
- 3. Cultural barriers
- 4. Intimate partners
- 5. Children/Elderly
- 6. Fearful victims
- 7. Personal/Lifestyle Issues-victim reluctant due to the impact statement revealing the following:
 - a. Illegal Immigrant status
 - b. Illegal activity
 - c. Lifestyle/sexual orientation
 - d. Gang affiliation

C. Legal Considerations

PP Slide #66

What is a Victim Impact Statement?

PP Slide #67

Victim Impact Statements

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

PP Slide #68

Victim Impact Statements

- Harm/impact
- Needs/concerns
- Participation interests

Instructor Note: Encourage participants to research local and State statutes and court practices.

1. Does a VIS violate offenders' constitutional rights?
2. The victim alleges behavior that the offender denies.
3. Can the offender challenge the facts in the statement?
4. The victim becomes a source of determining the level of harm and seriousness of offense.
5. Disposition hinges on moral character of the victim i.e. victim killed or harmed is a father of two, faith leader and "Citizen of the Year" vs. victim killed or harmed is on probation, homeless and was under the influence.
6. Confidentiality of some or all victim information.
7. Can a minor victim deliver an oral VIS?

Mini-discussion or group work

V. Methods for Delivering Victim Impact Statements

Instructor Note: There are several methods to deliver victim impact statements. Agency's policies should balance victims' needs with agency requirements or limitations.

- A. Victims choose various delivery methods based on decisions such as: emotional needs, comfort level, ability to attend proceedings, distance, time constraints, and financial limitations.

Instructor Note: Solicit input from participants on the pros/cons of each method of delivering VISs. See Instructor handout #2 for pros/cons.

- B. Written VIS-Victim provides input on an agency VIS form or victim writes a free form statement/letter.
- C. Oral VIS (allocation)-Victim personally addresses the sentencing court or parole/probation/commutation/clemency hearing panel.
- D. Audiotaped VIS-Victim input is recorded.
- E. Video/DVD VIS-Victim input is recorded.
- F. Close circuit television/Video conference/Phone conference-Victim input is "live" however victim is not present in hearing room with offender.
- G. Personal meetings with probation/parole staff, victim advocate and/or hearing panel member(s).

Instructor Note: Wisconsin allows victim to meet with Parole Board members

- H. Community impact statements-Affected neighborhoods submit statements in Federal cases involving drugs and/or gang activities regarding how the quality of life in neighborhoods and homes has been affected.
- I. Agencies may choose to only accept VIS on agency forms or allow victims to write statements in a free form method.
1. Some professionals believe using a form with pre-determined questions or prompts molds victims' responses.
 2. VIS forms should facilitate the victim relating their personal and unique thoughts and feelings as to how they were harmed and impacted by the offender's actions.

Mini-lecture
PP Slide #69

3:30-3:45
15 min

Victim Impact Statements

How are VISs delivered?

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

PP Slide #70

Challenges in Soliciting VISs

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

Mini-discussion or group work

Write website references

<ul style="list-style-type: none"> ▪ “Types of Victim Impact Statements”-APAI 2010 National Survey of Parole Board Members Special considerations for conducting VIS with particularly vulnerable victim populations ▪ “Integrating Victim Impact Statement Issues Into Offender Casework” ▪ “Victims Speak” ▪ Kentucky Office of the Attorney General child VIS 	<p>on tear sheet</p>	
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Handouts and Supplemental Resources

Module III

(Incorporating Victim Input throughout the
Community Corrections Process)

5/14/2012

Incorporating Victim Input

PRESENTED BY:
Jill Weston
California Department of
Corrections & Rehabilitation

Victim Input/Victim Impact Statements

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

What is Victim Input?

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

5/14/2012

Why Consider Victim Input?

How can victim input benefit *you*?

Why Consider Victim Input?

How can victim input benefit *victims*?

Why Consider Victim Input?

How can victim input benefit *offenders*?

5/14/2012

When to Solicit Input?

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

Agencies should solicit input by...

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

What is a Victim Impact Statement?

3

5/14/2012

Victim Impact Statements

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

Victim Impact Statements

- Harm/impact
- Needs/concerns
- Participation interests

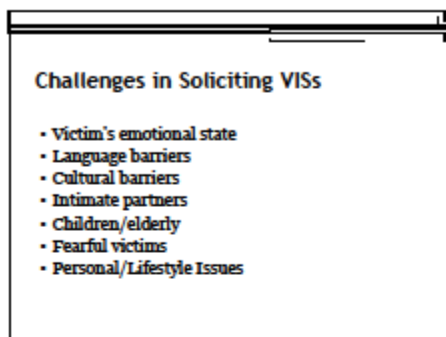
Victim Impact Statements

How are VISs delivered?

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

4

5/14/2012



Point of View Activity³

Instructor Note: The goal is for participants to understand the value of blending information and perspectives from offender, victim and case reports.

Prior to beginning the module select three participants to pre-read the offender's point of view, the case report and the victim's statement.

Create the following diagram on a tear sheet or white board.

- Write the questions across the top before participants read their assigned information.
- Have the first participant read the offender viewpoint.
- Fill in the "offender's view" on the chart and facilitate the group to answer all four questions ONLY based on the offender's view.
- Have the second participant read the case report information.
- Fill in "case report information" on the chart and facilitate the group to answer all four questions ONLY based on the case report information.
- Have the third participant read the victim's statement.
- Fill in the "victim's input" on the chart and facilitate the group to answer all four questions ONLY based on the case report information.

	Did Jones plan the burglary?	Were threats involved?	Who was victimized?	What was the impact?
Offender's View				
Case Report Information				
Victim's Input				

³ Weston, Jill (2008) Consultant. Sacramento, CA.

Offender's Point of View:

“Man, all I know is I was drinking a little bit and messing around and I went by this house, so I thought I’d just go check it out. The person got all scared and started acting crazy.

I was trying to get out of the house and get away from them. I thought I was going to get hurt.

It was done for me when the police caught me. The crazy person told the police it was me and because of them I’m locked up. I don’t even think about them, I’m just worried about getting this charge off my record. If the judge puts me on probation it’s going to really mess me up. I was just about to get a job and buy a car. Me and my girl were just getting back together and she’s pregnant. These charges are really not helping me out at all.

Case Report:

Jones was arrested for assault and burglary and is out on bail. He entered an occupied home and took an unidentified amount of jewelry and miscellaneous camera equipment. No money was taken.

Jones is not currently on probation or parole. He was on probation supervision as a minor for 2 burglaries. He completed a substance abuse program as a minor.

Jones has a high school diploma and is a skilled plumber. Jones was last employed 6 months, with a favorable work history until he was laid off due to the employer's economic issues.

Jones has no reportable medical or mental health issues.

Jones has an on again/off again relationship with an age appropriate woman who has 3 children and is pregnant with Jones' child. Jones lives with the woman in a 2 bedroom apartment.

The victim alleges Jones had a gun however police did not find a gun. Jones denies having a gun.

Victim's Statement

This may be just a burglary to some people but to me it's more. July 24th.....I remember that night clearly. I heard the neighbor's dog bark off and on for about a half hour, which is unusual for the dog. I checked outside a few times but didn't see anyone.

A little later I heard footsteps in the house and it wasn't either of my kids. I ran to the kids' room and woke up Kenny who is 2 and Sherry who is 6. I told them to get in the closet and not to move. They were terrified. I begged them to stop crying so no one would find them. I left them in the closet so I could try to protect them. I didn't know if I would see my kids again.

I heard a noise in the master bedroom. I started dialing 911 and looking for something to protect myself with. This guy comes out of the bedroom with a big bag and a gun in his hand. I backed up and told him to take the stuff and get out. He came toward me instead of leaving. He pointed the gun at me and was cursing. He was acting like he was drunk or high. He pushed me on the floor and ran out.

I called 911 and got my kids. I waited at my neighbors for two hours for the police. They took me to the emergency room. I had a broken wrist and a huge hospital bill.

My landlord charged me for the screen door that the guy cut to get in. I couldn't do my regular job with a broken wrist, but luckily my boss found other duties for me. The stolen DVDs were borrowed from a co-worker and I'll have to save to pay her back. Some of the DVDs had been given to her by her brother who died last year. The jewelry wasn't expensive but some of it was special to me.

I'm scared and I've gotten a dog. This guy knows where I live and I'm scared he'll come back. I don't know what to tell my kids....it's hard. Kenny asked me to promise him that "the bad man" wouldn't come back but I couldn't promise him.

No one has told me what is going on and I don't know who to call. I saw the guy at a neighborhood convenience store...at least I think it was him. He stared back at me.

Case Scenarios

Instructor Note: During this 1 hour segment, the goal is for participants to apply their learning about soliciting VISs and assisting victims in completing statements. Remind participants to use skills gained in the morning session: *Communicating with Victims*. Have participants use the APAI 2010 Survey handout.

Scenario Exercise:

Seven scenarios are available. The same scenario can be given to multiple groups to compare/contrast the statements they develop.

15 minutes:

In small groups, participants will read a scenario and identify:

Delivery method victim would most likely choose.

Areas of impact victim would most likely discuss.

10 minutes:

Have groups report back to larger group.

Role-play Exercise:

Instruct participants to sit in pairs. One participant will be a probation or parole staff and the other participant will be a victim with varying levels of trust, understanding or ability to respond to questions. Encourage participants to respond spontaneously without a given script. Participants will switch roles.

15 minutes:

Participants will role play an ineffective or effective pre-sentence or pre-release interview.

20 minutes:

Participants will report back to large group.

Scenarios:**A**

Sonia is a 35 year old married mother of two children. She was robbed as she was getting out of her car at the grocery store. Her children ages 3 and 8 were in the car. A female offender distracted her and a male offender robbed her at gunpoint. The offenders stole her purse, \$75.00 cash as well as a work bag.

B

Mr. Sanders is elderly, lives alone and is estranged from his adult children who live in a different state. Mr. Sanders is physically active and involved in community activities. He returns home, opens the door and interrupts a burglar. The startled offender runs past Mr. Sanders who tries to give chase but slips and falls, breaking his hip. His daughter insisted on Mr. Sanders moving in with her during his recovery.

C

A 16 year old is raped by a classmate at a party. The victim and offender dated for six months before breaking off their relationship. The assault was videotaped and posted on the Internet as well as being the focus of a television investigative news show.

D

10 year old Sara is placed in emergency foster care after being treated at a hospital for injuries, allegedly from being hit and kicked by her mother. Sara has younger siblings at home and no alternative family placement. She tells her caseworker that she is afraid of her Mom and that she loves her Mom.

E

10 years ago, a man was shot and killed in a gang related shooting. The media blamed the victim who was on probation for drug use. One of the offenders will appear before a parole board/commission. The man's widow requested notification at time of sentencing but the notification has been sporadic. She has been threatened by the offenders throughout the years with little follow up from corrections. She is notified too late to attend the proceedings due to her financial constraints but wants to be heard. She intends to request special conditions of parole.

F

Juan, a husband and father of two children was seriously injured by a drunk driver and remains in a wheelchair. He has a management job but must return to work soon or lose his job and his medical insurance. He has \$30,000 in stock holdings. He has a mortgage and car payments.

G

While working in a restaurant, a 60 year old man is beaten during the robbery. The man has no medical insurance and is not a legal resident. He has two prior arrests and one deportation.

APAI 2010 National Survey of Parole Board Members

Describe the impact of crime (emotional/financial/physical/social/spiritual), including the short-and long-term impact of the crime:

- Need for counseling
- Any psychological intervention/therapy required
- Inability to relate to others
- Impact on day-to-day functioning
- Changes in marital or family status
- Inability to work, or loss of work
- Changes in employment
- Loss of property
- Costs incurred for medical/psychological treatment
- Description of injuries sustained and/or medical needs following the crime, i.e. hospitalization, surgery, ongoing medical treatment, etc.
- Was hospitalization required
- Description of any physical limitations that have occurred as a result of the crime
- Does the victim require any medication or ongoing treatment to help deal with the effects of the crime?
- Impact on family members and friends
- How and whether the victim is healing today
- Any changes they have made to cope with the issues of being a victim
- Any residual harm of the crime

Other types of “Most Helpful” information:

- Relationship between the victim and the inmate
- Details about the crime (“the victim should describe the crime himself/herself)
- The way(s) the crime changed the victim’s life (:insights into the victim’s life now”):
 - “How has the victim recovered” OR “has the victim recovered?”
 - “Has the crime caused great pain and suffering over a long period of time?”
- Input into any special conditions of release

Source: Association of Paroling Authorities International (APAI), 2011 (unpublished)

Integrating Victim Impact Statements into Offender Casework⁴

- Compare the offender's version of the offense with the victim's statement and other information in the pre-sentence investigation report.
- What information is the offender omitting?
- What information does the offender need to learn about the impact of the crime on the victim?
- Was the victim physically injured?
- Did the victim require medical attention, counseling, or hospitalization?
- Is the victim afraid, or does the victim have any concerns for his/her safety and security?
- Is the offender aware of his/her primary victim? Secondary victims? Others who may have been affected by the offense?
- What issues do you believe the victim would like to have the offender address?
- What behavior(s) would the victim want the offender to change?
- Keep the offender focused on the ways victims are affected — financially, physically, emotionally, and spiritually.
- Educate offenders about the “longevity” of the impact of crime on victims and the community.
- Focus on what offenders are responsible for; and to whom they are accountable.
- Is the offender verbally and/or physically harming others?
- Is the offender's behavior indirectly a continuation of disregard for the rights of others?
- Does the offender owe the victim restitution?
- How can the offender be reminded of these obligations?
- Does the offender understand the purpose and value of restitution?
- Remind the offender that he/she can pay voluntary restitution.
- Remind offenders of the importance and value of community service and “giving back.”
- Encourage community service to be served in a way that heals the harm to the community affected by the crime.
- Encourage the offender to write a letter of apology that addresses the fact that the offender recognizes the impact the crime has had on the victim (such letters should only be given to the victim if it is desired; otherwise, it can be maintained in the offender's case file).

Weston, Jill (1999) “Integrating Victim Impact Statements into Juvenile Offender Casework.” Sacramento, CA: California Youth Authority, Office of Prevention and Victims Services

Victims Speak

“I want these offenders to know what they have interrupted in my life.”

Robbery and homicide survivor who made impact statements, participates in victim impact classes and Victim/Offender dialogue with some of the offenders

I felt the feeling of loss as a “protector”, not being able to care and guard my family, wife and home. I felt I let my family down.

Burglary and auto theft victim

When we see our son limp, see his scars or drive by the incident area or see someone who looks like criminals, we are still very upset and angry.

Parents of assault victim

In court, these guys had all kinds of reports written on them from psychologists, medical doctors; their pastors and family members wrote letters of support for them; attesting to their unfortunate upbringing and their poor “choices” that day. I want everyone to know who those offenders were that day when they hurt me.

Assault victim

We don’t buy anything now because we don’t want to have anything taken again. If the burglar comes back here, we don’t have anything so he can’t take anything from us.

Home Robbery victim (5 years after crime)

I’m not the straight “A” student, I’m not the girl with the pretty smile, I’ve become the “dead guy’s girlfriend.”

Fiancé of drunk driving victim

Compiled from crime victims and victim impact statements (2007-2010)

CHILD'S VICTIM IMPACT STATEMENT

To the parents: If your child is too young to read, you need to help him/her fill out the victim impact statement. When helping your child you should: read the directions aloud; talk about what feelings are (happy, sad, mad, scared, or any other feelings you think are appropriate); and discuss with your child what he/she might want to think about when drawing or writing on the statement. Please do not tell your child what to draw or write. This is your child's chance to tell the judge how he/she feels about what happened. If your child would rather draw a picture of a bird, a boat or write a story about bumblebees, this is okay as well. Should your child become uncomfortable in any way while completing the victim impact statement, reassure him/her that filling out the form is voluntary, and the decision to do so or not is completely up to him/her.

What is your name?

(It's okay if your parents help you write your name)

How old are you?

If you go to school, what grade are you in? _____

How do you feel about what happened to you (you may circle as many as you like).



Happy



Sad



Mad



Scared



Other

(Turn Page)

Revised 9/12/02

If you were the judge, what would you do to _____?

(Circle as many as you like)

- A. Send to jail
- B. Pay some money
- C. Go to a doctor to get help
- D. Nothing
- E. Stay away from kids
- F. What else? Put your own idea here.

If you would like, you may use this page to draw a picture, write a poem, tell a story, or anything else you would like to do to tell the judge about how you feel about what has happened to you. If you don't want to write or draw anything, that's okay too. You can use the back of this page or add more paper if you run out of room.

Revised 9/12/02

VICTIM IMPACT STATEMENT FOR THE SCHOOL-AGED CHILD

What is your name? _____

How old are you? _____

What grade are you in? _____

Please write or draw anything you would like the judge to know about how you feel because of what has happened to you. You may want to write about anything that has changed in your life or in your family. You can even tell a story or write a poem. You can add more paper if you run out of room.

Revised 9/12/02

Please write or draw anything you want the judge to know that may be different at school, in your neighborhood or with your friends because of what has happened to you. You may add more paper if you run out of room.

Now that you have told the Judge about your feelings, what would you like to see happen to this person so you will be safe?

Revised 9/12/02

Instructor Note #1

Challenges in Soliciting Victim Impact Statements

Instructor Note: Discuss challenges and elicit responses for solutions to each type of challenge presented:

1. Victim's emotional state
 - a. Be accepting of the victim's emotional state and put aside expectations.
 - b. Through crisis intervention techniques and/or motivational interviewing techniques assist victim in submitting a VIS.
 - i. Establish rapport.
 - ii. Listen. Listen. Listen.
 - iii. Validate emotions.
 - iv. Avoid attempting to "fix" the situation.
 - c. Assure victim that the interview can be continued at a different time.
 - d. Encourage victim to have a support person present.
2. Language barriers
 - a. Have an interpreter present, preferably with experience assisting victims.
 - b. Provide victims with translated forms.
 - c. Provide translated instructional DVD prior to interview.
3. Cultural barriers
 - a. Verify cultural barriers vs. assuming appropriate interviewer responses.
 - b. Research any special needs or customs prior to interview.
 - c. Provide reasonable accommodations.
 - d. Solicit assistance or research needs to reach a minimum level of cultural competence.
 - e. Acknowledge local issues i.e. recent law enforcement incidents, community concerns.
4. Intimate partners
 - a. Become familiar with generic intimate partner/family dynamic issues with the assistance of other professionals.
 - b. Elicit information from victim regarding their specific relationship dynamics.
 - c. Address safety concerns. Avoid making promises to victim regarding their safety.
 - d. Acknowledge any conflicted love/hate feelings. Avoid blaming or counseling victim.
 - e. Inform victim of confidentiality/no confidentiality policies as to what information will or will not be shared with offender.
5. Children/Elderly
 - a. Encourage victim to have a support person present.
 - b. Through crisis intervention techniques and/or motivational interviewing techniques assist victim in submitting a VIS.
 - i. Establish rapport.
 - ii. Listen. Listen. Listen.
 - iii. Validate emotions.
 - iv. Avoid attempting to "fix" the situation.

- c. Assure victim that the interview can be continued at a different time.
 - d. Use alternate appropriate methods i.e. art work, games, journaling.
 - e. Use alternate interviewing strategies i.e. tape recorder, video recording.
6. Fearful victims
- a. Elicit information from victim regarding basis of fear and attempt to verify victim's concerns with other CJS partners.
 - b. Validate victim's fear.
 - c. Inform victim of confidentiality/no confidentiality policies as to what information will or will not be shared with offender.
 - d. Read final VIS carefully and assist victim in editing statement to ensure their safety is not further compromised i.e. indications of relocating to a specific area, current job location, redact addresses on hospital bills, funeral home invoices, account numbers on hospital bills.
7. Personal/Lifestyle Issues-victim reluctant due to the impact statement revealing the following:
- a. Illegal Immigrant status
 - i. Encourage victim to have support person present.
 - ii. Inform victim of verified local or federal reporting statutes.
 - iii. Encourage victim to submit VIS.
 - b. Illegal activity
 - i. Inform victim of verified local or federal reporting statutes.
 - ii. Encourage victim to submit VIS.
 - c. Lifestyle/sexual orientation
 - i. Encourage victim to have support person present.
 - ii. Through crisis intervention techniques and/or motivational interviewing techniques assist victim in submitting a VIS.
 - a. Establish rapport.
 - b. Listen. Listen. Listen.
 - c. Validate emotions.
 - d. Have referrals available.
 - d. Gang affiliation
 - i. Inform victim of verified local or federal reporting statutes.
 - ii. Validate victim as a victim, avoid blame.
 - iv. Encourage victim to submit VIS.
 - v. Inform victim of confidentiality/no confidentiality policies as to what information will or will not be shared with offender.

Instructor Note #2

Methods for Delivering Victim Impact Statements

Instructor Note: There are several methods to deliver victim impact statements. Agency's policies should balance victims' needs with agency requirements or limitations.

Victims choose various delivery methods based on decisions such as: emotional needs, comfort level, ability to attend proceedings, distance, time constraints, and financial limitations.

Instructor Note: Solicit input from participants on the pros/cons of each method of delivering VISs

Written VIS

Pros:

- May be “therapeutic” for some victims to write/journal.
- A form with prompts ensures critical issues are commented upon.
- Written document can be placed in offenders' files for use throughout system.
- VIS can be read into record if victim cannot be present at proceeding.
- Fearful victims do not have to appear at proceedings.
- Elderly/Child victims do not have to appear at proceedings.
- Victims do not have to incur financial costs to attend proceedings.

Cons:

- Some victims may have difficulty putting thoughts to paper.
- Victims with language or literacy barriers may require additional assistance.
- A form with pre-determined questions may constrict victims to commenting only on those prompted items.

Oral VIS

Pros:

- Oral testimony is very vivid and compelling.
- May be “therapeutic” for some victims.
- Victim can mix the delivery of their VIS; reading from the VIS and speaking “free form” based on their comfort level.

Cons:

- Appearing before the court, parole board and/or offender may be intimidating for some victims.
- Policy may call for a limited amount of time for victim to deliver oral VIS.
- Victim may have to take time off from work, arrange daycare and incur other costs to attend proceedings.
- Victim may be unexpectedly unable to attend proceedings and VIS is not heard.
- There may be no written record to place in offenders' files.

Audiotaped VIS

Pros:

- VIS is delivered in victims' own words and voice.

Fearful victims do not have to appear at proceedings.
Elderly/Child victims do not have to appear at proceedings.
Victims do not have to incur financial costs to attend proceedings.

Cons:

In person delivery of VIS is more vivid and compelling than audio-taped version.
Tape may not be clear.
Equipment may malfunction.
There is no written record to place in offenders' files.

Video/DVD VIS**Pros:**

VIS is delivered in victims' own words and voice.
Fearful victims do not have to appear at proceedings.
Elderly/Child victims do not have to appear at proceedings.
Victims do not have to incur financial costs to attend proceedings.

Cons:

In person delivery of VIS is more vivid and compelling than audio-taped version.
Video/DVD may not be clear.
Equipment may malfunction.
There is no written record to place in offenders' files.

Close circuit television/Video conference/Phone conference-Victim input is "live" however victim is not present in hearing room with offender.**Pros:**

Fearful victims do not have to be in close proximity to offender.
Elderly/Child victims do not have to be in close proximity to offender.
For video/phone conferencing, victims do not have to incur financial costs to attend proceedings.

Cons:

Equipment may malfunction or connection may be unclear.

Personal meetings with probation/parole staff, victim advocate and/or hearing panel member(s).**Pros:**

VIS is delivered in victims' own words and voice.
May be validating for some victims to meet personally.
Elderly/child/fearful victims may feel more comfortable and safe.
Victims do not have to incur financial costs to attend proceedings.

Cons:

There may not be a written record to place in offenders' files.
Victim may have to take time off from work, arrange daycare and incur other costs to attend proceedings.
Victim may be unexpectedly unable to attend meeting and VIS is not heard.

Community impact statements

Pros:

Community members feel included in the CJS process.

The far reaching affect of crime is validated.

Cons:

Due to time constraints individual community members' statements may not be all presented.

More difficult to facilitate the collection of multiple VIS or to consolidate individual VISs into a community statement.

Instructor Guide

Instructor Script	Media Activities	Time
Lesson IV: Victim Notification and Information		Total time: 3 hours, 30 minutes
Learning Objectives By the conclusion of this lesson, participants will be able to: <ul style="list-style-type: none">• Identify five to seven informational needs of crime victims• Identify four to six critical points within the justice process when crime victims may need information/notification• List two to three different notification delivery methods• Discuss features of automated systems for victim notification• Identify common points of failure in victim notification processes and discuss lessons learned to improve victim notification practices.		
Equipment and Materials Needed: <ul style="list-style-type: none">• LCD projector/laptop/screen and PPT slides• Chart pad, easel, markers, masking tape• Handouts to include in the Participant Manual<ul style="list-style-type: none">✓ LE & Corrections Notification Form [see: Guidelines for Community Supervision and Enforcement in DV]✓ “Implementing Victims’ Rights: Why Correction Professional Should Care”✓ Ten Important Reasons for Notifying Victims & Witnesses		

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Discuss the terms safety and security with the participants and why information is critical to promote safety and security for crime victims

- List of primary victim rights
 - Victim should be
 - Identified
 - notified and
 - asked to register
- Importance of information (general & individual) that can help victims (system vs. individual)
- Lead a class discussion to provide overview of the need for victim notification and informational services. Ask participants what kinds of information they have that victims may need. Write responses down on flip chart paper.
- **Information:**
 - Victim Rights
 - Probation & Parole process & contact information
 - Available services
 - Notice of sentencing & conditions
 - Offender status
 - Restitution information
 - Contact info for local victim service providers

Slide 74

Safety & Security

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

Slide 75

Information

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

Slide 76

Information

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

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Victim Impact & Information

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

Slide 78

The Importance of Notification

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

Slide 79

Importance of Providing Information

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

Divide the participants into small groups and ask them to **discuss the types of information that crime victims commonly need, particularly as it pertains to community supervision of their perpetrators**. Ask each group to assign a recorder. Following the small group discussions, ask each group to report back on the types of information they identified. Record all groups' responses on flip chart pad.

Compare responses and compile for one document for each participant.

- Map the Justice System Process – 72 opportunities for victim to be notified.
- Key notification points:
 - Bond hearing
 - Pretrial release
 - Trial
 - Sentencing hearing
 - Parole hearing
 - Notice of release from prison
 - Death of inmate

Slide 80

Activity

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



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Vital Information for Victims

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

Slide 82

Activity



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

- Share ways the information can be provided:
 - Written
 - Telephone
 - Automated voice response
 - In-person

- A Victim's Search for Information Group Exercise

Each group should read the scenario and identify who the victim(s) are. Then, viewing the exercise from the victim(s)' perspective, they are to complete a chart that identifies the type of information the victim(s) may want/need at various times following the crime, as well as the agency (or agencies) within the CJ system that might be able to provide that information to the victim.

Note: Emphasize safety and confidentiality

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Activity

Group Exercise

"A Victim's Search for Information"

Section 2: Methods of providing victim information and notification

Section Outline and Instructor Notes:

- a. Provide an overview of the various methods that are commonly used to provide victim notification/information in jurisdictions across the country, including both low- and high-tech methods.
 - **Brochures, flyers, handbooks, websites**
 - **Toll free numbers**
- b. Provide copies of sample methods (handbooks, web pages, etc.) that jurisdictions have used to provide information to victims, particularly

Slide 84

The Importance of Notification

More than the submission of then Victim Impact Statement

- Provides crucial information that addresses victim safety
- Information can be general or offender-specific in nature

10 min

examples that require few resources to implement/deliver.

- Reminder to make written material easy reading level; victim-friendly
- Available in several languages
- Ensure that information is culturally and linguistically appropriate

c. Provide an overview of the automated notification systems that exist across the country, and how those systems typically operate. Discuss important features of automated notification

- SAVAN/ VINE
- Phone, web

d. Ask participants how they are currently providing information to crime victims and when they provide such information.

Lead a class discussion to provide overview of the need for victim notification and informational services. Ask participants what kinds of information they have that victims may need. Write responses down on flip chart paper.

- *Location of offender (death, illness)*
- *Court disposition and sentencing*
- *Restrictions on contact*
- *Restitution*

Slide 85

10 min

Key Elements of Notification & Informational Services

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

Slide 86

10 min

Key Elements of Victim Notification & Informational Services

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

10 min

Slide 87

50 min

Opportunities for Registration

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

- e. Small Group Discussion on the Failures in Victim Notification. Ask small groups to read through their assigned scenario, identify the point of failure and discuss that point of failure and its implications for their own jurisdiction.

Ask groups to brainstorm ways to avoid and/or overcome the problems identified in the scenarios.

Following the small group discussions, ask each group to report on their scenario, identified problem and solutions. Debrief with the entire class and

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Information to Offer Victims

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

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Information to Offer Victims

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

Slide 90

Examples of Automated Victim Notification

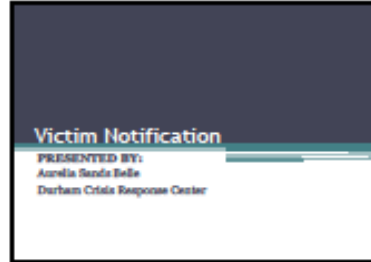
- Victim Information & Notification Everyday [VINE]
- Statewide Automated Victim Assistance & Notification [SAVAN]

<p>share suggested solutions to common notification problems.</p> <ul style="list-style-type: none">• Stress the importance of working with victim service agencies <p>Option: allow participants to share a true story</p> <p>Exercise:</p> <p>Participants can openly share what strategies and methods they are currently using; identify any problems or concerns. Share their experiences with the systems they identify</p>		
Section 3: Special Victim Populations		
<p>Section Outline and Instructor Notes:</p> <p>Participants should be knowledgeable about the relationship of the offender and victim to ensure timely response, especially in cases involving domestic violence. They should also be knowledgeable about other vulnerable populations</p> <ul style="list-style-type: none">• <i>Working with children</i>• <i>Secondary & tertiary victims</i>• <i>Special issues – elderly, non-English speakers, cultural considerations, etc.</i>• <i>Victims of Domestic Violence and/or Sexual Assault</i>		30
Section 4: Conclusion/Closing		
<p>Section Outline and Instructor Notes:</p> <ul style="list-style-type: none">a. Close by asking if there are any questions or commentsb. Wrap-up comments about the importance of notification		15

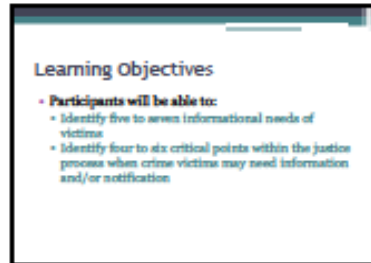
Handouts and Supplemental Resources

Module IV
(Victim Notification and Information)

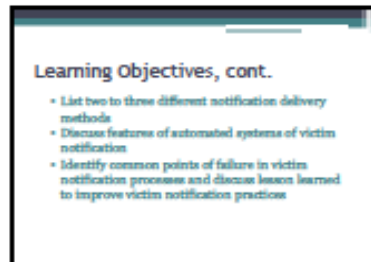
Slide 1



Slide 2



Slide 3



Slide 4

Safety & Security

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

Slide 5

Information

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

Slide 6

Information

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

Slide 7

Victim Impact & Information

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

Slide 8

The Importance of Notification

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

Slide 9


Importance of Providing Information

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

Slide 10

Activity

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



Slide 11

Vital Information for Victims

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

Slide 12

Activity



- At least 75 opportunities have been documented where victims can receive notification.
- How many can your group identify?

Slide 13

Activity

Group Exercise

"A Victim's Search for Information"

Slide 14

The Importance of Notification

More than the submission of the Victim Impact Statement

- Provides crucial information that addresses victim safety
- Information can be general or offender-specific in nature

Slide 15

Key Elements of Notification & Informational Services

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

Slide 16

Key Elements of Victim Notification & Informational Services

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- Agencies should design processes that are simple and safeguard confidentiality
- Information about how notification works within probation & parole should be distributed to all local & state victim advocates

Slide 17

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

Slide 18

Information to Offer Victims

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

Slide 19

Information to Offer Victims

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

Slide 20

Examples of Automated Victim Notification

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

Crime Scenario #1

Residential Burglary

The Facts

Time: 2:00 p.m.

Place: Mike and Sarah Patterson's residence – single family dwelling, quiet residential street in upscale neighborhood.

Method of Entry: Pried door lock from backyard patio.

Offense Details:

- Living room and master bedroom ransacked, drawers pulled out, contents dumped on floors
- Stereo components pulled from entertainment unit but not taken
- Back door damaged and lock/knob destroyed

Stolen:

- Two small jewelry boxes containing rings, watches, diamond necklace, gold cufflinks bracelets, some heirloom pieces from Sarah's grandmother – value of jewelry, approximately \$6,700.
- Hand held calculator and pocket video game – value \$100.
- .39 Caliber S&W pistol – value \$600.00

Total loss: \$7,400.

Insurance: Covers losses minus \$500 deductible. Damage to home also covered.

Offense discovered by: Tim Patterson 17 y.o.a. – Patterson's oldest son, upon returning to home after school.

Defendants:

- Billy Moore – 20 y.o.a., unemployed, 10th grade education, amphetamine user. Prior record: public intoxication, petty theft.
- Larry Milton – 15 y.o.a., high school dropout, amphetamine user, Prior record: assault with bodily injury, attempted robbery, theft, possession of controlled substance (all juvenile offenses). Currently on juvenile probation for attempted robbery.

Crime solved by: Tracing pieces of stolen jewelry to a pawn shop – Moore appears on in-store video, gives up Milton.

Property recovered: Three ladies rings, and the video game.

CRIME SCENARIO # 2

Homicide

The Facts

Time: 1:30 a.m.

Place: Lisa Miller's apartment

Victim: April Weston - age 20

Details: Lisa Miller is 19 years old. Lisa rents an apartment in a "singles" complex; she has had many friends in the area. Toward the end of the summer, Lisa throws a party on Friday night. The apartment is quickly overrun by partygoers, many of whom are loud and intoxicated.

Lisa's best friend, April Weston, tries to convince Lisa to end the party as things are getting out of hand. Lisa has been drinking heavily and tells April she'll clear the place out. At that, Lisa goes to her bedroom and returns with a pistol. She screams at the guests to leave and brandishes the weapon. Fearing that Lisa will harm herself, April tells her to put the gun down. Lisa walks toward April, but stumbles. As she falls to the floor the gun discharges and a round strikes April in the chest. April dies minutes later.

Offense Charged: Criminally Negligent Homicide

Defendant's Prior Arrests: D.W.I., Public Intoxication

Victim Survived by: Mother, 2 younger brothers (ages 16 and 12)

Victim's background: Part-time college student, full time clerk at clothing store in the mall.

CRIME SCENARIO # 3

Family Violence

The Facts

Time: 6:00 p.m.

Place: Sam and Jodie Parker's apartment

Victim: Jody Parker - age: 23

Defendant: Sam Parker - age: 27

Details: Jodie Parker arrives home from work at 5:00 p.m. with her infant son, Josh, whom she has just picked up from day care. She feeds Josh then starts supper for her husband, Sam, and herself. At 5:45 p.m. Sam comes home from his job and tells Jodie that he is leaving right away, a make-up softball game has been scheduled. Sam plays softball three nights a week. An argument ensues as Jodie complains that she is too often left along with the baby while Sam is playing ball and going out for a few beers after the games. The argument escalates as Jodie and Sam throw in all their gripes about one another. Finally, after several minutes of yelling and cursing, Sam slaps Jodie across the face, leaving a large red mark.

Defendant's Prior Offenses: No prior charges or convictions, although police have been called to the household on 2 prior occasions by concerned neighbors.

CRIME SCENARIO # 4**Assault on Teacher****The Facts**

Time: 2:30 p.m.

Place: Rogers Jr. High School

Victim: Jerry Sommers - age: 32

Defendant: Alfred Baines - age: 13

Details: Jerry Sommers is a physical education teacher and coach at Rogers Jr. High; he has been employed there for 9 years. On Tuesday afternoon, just 15 minutes prior to dismissal for the day, Jerry is finishing with his seventh period P.E. class. He has had problems with Alfred Baines all class period. Alfred is talking, cutting up, egging on other students. Jerry finally tells Alfred that he is going to send him to the vice-principal's office. Jerry's patience with Alfred is spent as Alfred had been in and out of school for 3 months now, spending a few weeks at a therapeutic community for emotionally disturbed adolescents. Alfred curses at Jerry and tells him that he's not about to go to the office; he knows that another suspension awaits. As Jerry walks to the front of the gym to call the vice-principal, Alfred rushes from behind catching Jerry unaware, and shoves him forcefully. Jerry stumbles, and as he falls, his head hits the wood bleacher steps. Jerry is rendered unconscious. Other students run out and tell a teacher what happened. Police are summoned and Alfred is arrested for Assault-Bodily Injury. Jerry sustains a concussion and is off work for 6 days. Alfred is taken to the Juvenile Detention Center, pending a hearing.

Defendant's Prior Offenses: Assault on a Family Member at 12 years of age (dismissed)
Truancy at 12 years of age (dismissed)
Obscene Phone Calls at 11 years of age (dismissed)



A VICTIM'S SEARCH FOR INFORMATION

Instructions: Identify the victim(s) in the scenario. Approaching this exercise from the victim(s) perspective, write the type of information the victim(s) may need or want during the various times following the crime and then identify from which agency(-ies) (e.g., law enforcement, prosecutor's office, probation department, Department of Corrections, victim service organizations) they would more than likely get that information.

Who is the victim(s)? _____

TIME FRAME	INFORMATION NEEDED/WANTED	INFORMATION SOURCES
Immediate Aftermath of Crime		
Homicide cases		
Defendant Makes Bail		

Pretrial		
Trial		
Post-trial		

Probation		
Prison		
Parole		

VICTIM NOTIFICATION EXERCISE

Time Frame	Information Needed	Information Sources
Immediate Aftermath of Crime	<ul style="list-style-type: none"> • who the defendant is • was the defendant arrested • where is the defendant now? • Can the defendant get out of jail? • What is the bail amount? • Have charges been filed? • What if s/he comes back? • Can I get emergency assistance? • How can I apply for crime victims' comp.? • Who will pay my hospital/doctor bills? • Who will take care of my children? • Where can I stay? • Is my loss covered by insurance? • What does my insurance cover? • Was any property recovered? 	<ul style="list-style-type: none"> • police • police • police/jail • jail • jail • police/jail/D.A. • police • police/victim assistance • police/cv comp/D.A. • victim assistance • victim assistance • victim assistance • victim assistance/insurance co. • victim assistance/insurance co. • police/victim assistance`
Homicide cases	<ul style="list-style-type: none"> • Where is the victim? • How did s/he die? • What does s/he look like? • What did s/he say? • Who else was there? • Will there be an autopsy? • When can I see him/her? 	<ul style="list-style-type: none"> • police/victim assistance (VA) • medical examiner/police/VA • medical examiner/police/VA • police/VA • police/VA • medical examiner/police/VA • medical examiner/police/ VA
Defendant Makes Bail	<ul style="list-style-type: none"> • Where is the defendant now? • Can s/he come around me? • What if I am threatened? • How much was bail? • Is s/he being supervised? • What are his/her bail conditions? • What is the charge? 	<ul style="list-style-type: none"> • jail/D.A. • D.A. • police/D.A. • jail/D.A. • D.A./pretrial release • D.A./ pretrial release • D.A.
Pretrial	<ul style="list-style-type: none"> • How long until the trial? • What is the charge? • What is the punishment range? • When will I be contacted? • Will I have to testify? • What if I can't testify? • What if I change my mind? • Will I be notified of a plea bargain? • Can I make a statement at trial? • How do I make a victim impact statement? • What can I expect from the trial? 	<ul style="list-style-type: none"> • D.A. • D.A. • D.A. • D.A. • D.A. • D.A. • D.A. • D.A. • D.A. • D.A./ Presentence investigation • D.A.

	<ul style="list-style-type: none"> • Will restitution be required? 	<ul style="list-style-type: none"> • D.A.
Trial	<ul style="list-style-type: none"> • What is the charge? • Where is the trial? • Will I be notified? • How long will the trial be? • Am I safe in the courthouse? • How do I testify? • What is the punishment? 	<ul style="list-style-type: none"> • D.A. • D.A. • D.A. • D.A. • D.A. • D.A. • D.A.
Post-trial	<ul style="list-style-type: none"> • What if s/he contacts me? • Can I get my property back? • Will s/he pay restitution? • Who is s/he eligible for parole? • What if s/he contacts me? • Who is his/her probation officer? • Will I be notified of a violation? 	<ul style="list-style-type: none"> • D.A./police • D.A. • D.A./probation • D.A./parole • probation • probation • probation/parole
Probation	<ul style="list-style-type: none"> • What are the conditions of probation/parole? • Will I be notified if s/he is revoked? • What if s/he contacts me? • What if s/he doesn't pay restitution? • Where does s/he live? • Where does s/he work? • Is s/he in treatment? 	<ul style="list-style-type: none"> • probation/parole • probation • probation • probation/D.A. • probation • probation • probation
Prison	<ul style="list-style-type: none"> • Where is s/he? • What kind of prison unit? • Is s/he earning good time? • When is s/he eligible for parole? • Will I be notified of parole hearings? • Can I testify? • When will s/he be released? • What if s/he contacts me? • What kind of inmate is s/he? 	<ul style="list-style-type: none"> • DOC • DOC • DOC • DOC/parole • DOC/parole • DOC/parole • DOC/parole • DOC • DOC
Parole	<ul style="list-style-type: none"> • To where is s/he being released? • Who is his/her parole officer? • What are the conditions of parole? • Will I be notified of a violation? • What if s/he contacts me? • Will I be notified if s/he's revoked? • Will s/he pay restitution? • When will s/he be off parole? • Where does s/he work? • Is s/he in treatment? 	<ul style="list-style-type: none"> • parole • parole • parole • parole • parole • parole • parole • parole • parole • parole

Module 4: Victim Notification

Failures in Victim Notification Training Scenarios

1. The perpetrator of an aggravated assault is released to probation supervision after a period of incarceration. The probation agency has no dedicated victim services unit, but the supervising officer makes contact with the victim in the case. The assault victim was seriously injured in the crime and has had significant medical and mental health costs, as well as costs for ongoing physical therapy. Despite the significant financial impacts of the crime on the victim, the victim is never informed of his eligibility for state victim compensation funds. Ultimately, the victim claims bankruptcy as a result of his medical bills.
2. Following a serious domestic violence incident in which the victim was battered and choked by her historically abusive husband, the husband was arrested, convicted and sentenced to one year incarceration and 3 years of probation. After two months, he is released from jail and begins probation. When the probation officer attempts to make contact with the victim to provide general information about probation and opportunities for ongoing notification of the case status, he finds that she is no longer at the residence indicated in the case file. The victim is never located or provided with information about the status of her abusive husband's case.
3. The victim of a brutally violent crime, during which she was stalked, kidnapped, raped and nearly killed, came home on a Sunday afternoon to find her phone ringing incessantly and her voicemail box full of messages. The state automated victim notification system had repeatedly called and left (inaccurate) messages that her offender would have a parole board hearing in 30 days. The victim panicked because she thought her offender would not be eligible for parole for another 5 years. In the meantime, she tried to reach an operator to stop the repeated calls, but was unable to reach anyone until regular business hours.
4. The elderly victim of home invasion was traumatized by the crime committed against him, as he lived by himself, was very feeble, and he feared that his offender would one day return to his home out of revenge for his testimony in court. The one form of relief this victim had was the notification he received on the status of the case. The man convicted of burglary in this case had recently been released from incarceration and was on parole supervision, when a major hurricane hit the area. The state parole agency facility was flooded during the storm, wiping out the information and communication system used to provide much of the agency's automated victim notification services. Many of the city's residents fled the area prior to and immediately following the hurricane and little information was available on the location of offenders on supervision. The elderly victim panicked when he learned about the impact of the storm on the parole agency, and panicked that he was no longer safe.

FOR LAW ENFORCEMENT AND CORRECTIONAL FACILITY PURPOSES ONLY
CRIMES OF VIOLENCE VICTIM NOTIFICATION

Per Minnesota State Statute 629.73sl, "Notice to crime victim regarding release of arrested or detained person." The following must be completed for the agency having custody of the arrested person:

If victim is incapacitated, the next of kin, or if victim is a minor, the victim's parent or guardian must be provided above.

Revised in JMS by _____

Implementing Victims' Rights: Why Corrections Professionals Should Care

Corrections professionals have always carried a seemingly overwhelming burden of responsibilities from provision of housing and supervision of incarcerated offenders at various levels of security to provision of multiple programs and treatment for offenders to supervision of offenders in the community. Given such a burden, why should corrections professions shoulder yet another duty such as the implementation of victims' rights?

One reason might be because it's the "right thing to do." A second reason is illustrated by the fact that a growing number of corrections professionals have concluded that addressing victim issues and interests in the context of the corrections system benefits not only the victim, but also benefits the process. For example, parole hearings, where the victim is notified and present to provide an impact statement, actually provide parole boards a fuller understanding of the facts surrounding the crime — beyond offering a sense of the true magnitude and impact of the crime.

There is a third reason that corrections professionals should "care" about and enforce victims' rights — *it's the law*.

Corrections-related Victims' Rights

Over the last 20 years, more than 30,000 victim-related laws have been passed at the state and national level. Thirty-two states have even gone so far as to pass amendments making victims' rights part of their constitutions. While not all rights relate to the corrections process or are the responsibility of corrections professionals, there are many victims' rights that are solely their responsibility.

Right to Notice

The victim's right to notice is considered by many to be the most important because it is the "threshold" that allows victims to access the other rights. Victims cannot, as a practical matter, exercise the right to attend a hearing and provide an impact statement if they are never informed of the place, date and time of the hearing. Thus, notification is the one affirmative victim right that requires a proactive approach on behalf of the notifying agency.

Moreover, studies have shown that victims rate "being informed [of various developments regarding the case]" as more important than any actual outcome of the case, such as the length of the sentence.¹

Historically, such information was provided on an informal basis, but with the advent of recent victim legislation, providing victims with the right to be informed of critical correctional proceedings is most likely mandated by state law and protected as a matter of right. Though state laws differ, most assign corrections professionals the duty to notify victims of hearings related to the offender, such as parole hearings. Many state statutes have also mandated that correctional agencies provide victims with "offender status" information including escape, recapture, permanent transfers between facilities, temporary release (e.g., furlough), parole and permanent release. A few states even require correctional agencies to inform victims with a best estimate of

the earliest date that the incarcerated offender would be eligible for release.

Notice Implementation Strategies

Corrections have adopted various strategies to carry out their duty to provide victims with notice, both of events and inmate status. The most common approach typically entails notice by mailed letters — often registered mail. Others rely primarily on telephone calls made directly to victims by staff. In recent years, some have employed a high tech approach by implementing automated notification systems, which utilize computers to make telephone calls informing victims of the time and place of hearing. But even in the case of automated systems, corrections personnel charged with the duty to provide notification must still possess the skills, the bills, and most importantly, the will to effectively implement these strategies.

Implementation Issues — Skills, Bills and Wills

Both empirical and anecdotal examination of the victims' rights implementation process highlight with clarity the important role *skills* play in implementation — skills, both in terms of knowledge and ability.² If a corrections professional is unaware of their duty to carry out the implementation of a victim's right, it is a virtual certainty that victim will be effectively denied that right. By the same token, if a corrections professional lacks the ability to create and maintain a case status tracking system cross-referenced to relevant victims, it is not likely that the notice, no matter what form it takes, will ever find its way to the victim.

Even the most efficient schemes still involve considerable resources — most often taking the form of human resources. While automated systems can save substantial amounts of staff time by helping to track case status, cross reference the case with victim contact information, and even generate the notice via letter or voice, the cost of these systems pale in comparison with the labor cost involved with the “human aspect” necessary to operate the system. Cost is often cited as the reason correctional agencies are unable to fulfill their notice responsibilities.³ Yet, the relative cost of each notification is dwarfed when compared with the amount spent to incarcerate and rehabilitate offenders — to say nothing of the human cost that may result as a consequence of failing to implement a basic victim right (i.e., a stalking offender who murders a victim who was never notified of his release). Even so, those who allocate resources within the correctional agency will have to come up with a few more resources to pay the *bills* involved, no matter how modest.

Finally, for victims to consistently be granted their statutory and constitutional rights in the context of the corrections system, professionals responsible for the operation of that system must have the *will* to carry them out. Obviously, it takes will to secure both the skills and the bills necessary for implementation of victims' rights. But beyond the skill and the bills, it takes a commitment to create and maintain the systems that deliver on the promise made to crime victims by the elected officials (in the case of statutes) or the people (in the case of constitutional amendments) when they made such mandates the law of the land. To the uninitiated, the passage of such legal mandates would seem to settle and solve the issue of victims' rights in the criminal and juvenile justice system. Those who work within the system, and most certainly victims themselves, know the facts to be otherwise.

Implementation Rates of Victims' Rights in the Criminal and Juvenile Justice System

Study after study have consistently shown that rights of crime victims within the criminal and juvenile justice system are not consistently observed within the system despite clear statutory and constitutional mandates by states.⁴ In fact, the most comprehensive multi-state study conducted in recent years — *Statutory and Constitutional Protection of Victims' Rights: Implementation and Impact on Crime Victims*, funded by the National Institute of Justice, U.S. Department of Justice — indicated that basic victims' rights are observed less than 50 percent of the time.⁵

Even in states with the strongest statutory and constitutional protections, substantial numbers of victims reported that they had not been notified of critical events in the process. (See Chart 1.)

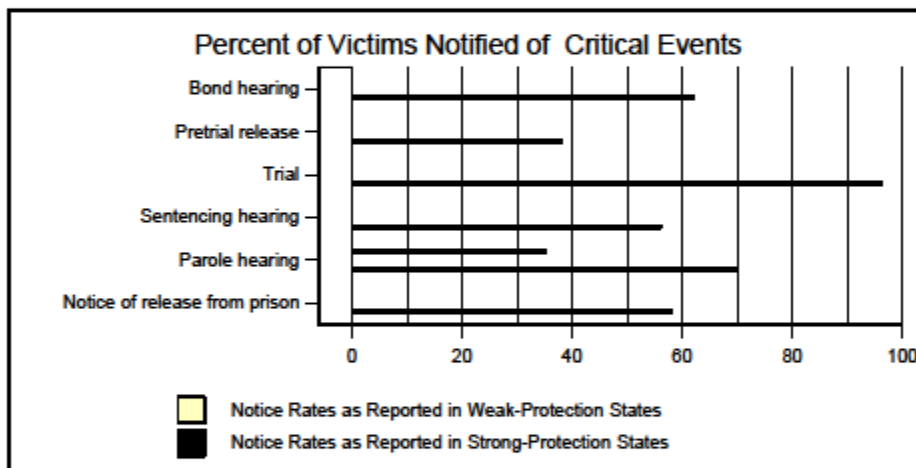


Chart 1

Victims in states with weaker mandates reported much lower notification rates. For example, notice of parole hearings in weak-protection states were a full 50 percent lower. Even while correctional agencies in the states surveyed seemed to be doing a better job of providing notice of parole hearings than their counterparts with respect to other hearings, still nearly 1 in 3 victims was not notified. (See Chart

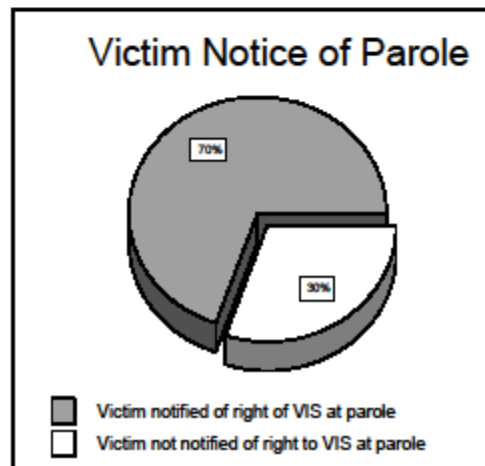


Chart 2

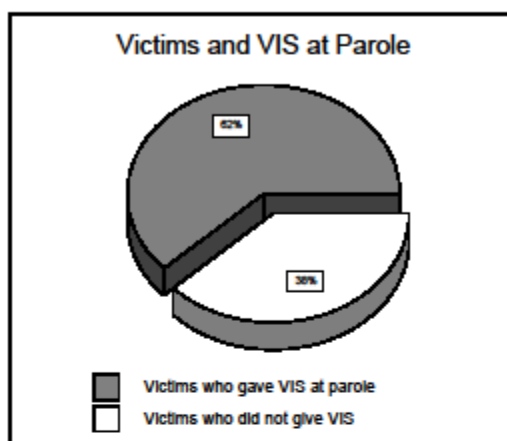


Chart 3

The study asked criminal justice professionals, including corrections officials, the reason victims did not receive the notice that was their duty to provide. The answers were similar to those already mentioned — they lacked the skill, the bills, and/or the will.

How might these barriers to implementation best be addressed? As far as skill is concerned, the answer is education and technical assistance. Educating corrections professionals regarding their notice responsibilities as required by law might be as simple as an annual training or as comprehensive as an implementation manual. However, creating the process that assures notice to victims is more likely an issue of developing the policy and establishing the infrastructure which may require technical assistance from victim services and corrections professionals who have already developed such processes for other jurisdictions.

Finding the resources necessary to establish and maintain a notification system is never an easy task — no matter how modest these expenses may be. Nevertheless, a growing number of jurisdictions are using creative means to both reduce overhead costs (e.g., automated notification) and secure the additional funding necessary. Some simply found the money by shifting priorities within their own budget; others looked for support from victim-specific funding sources. More than a few correctional agencies have created victim service provider positions within the agency itself. Having such a full-time staff position(s) that focuses exclusively on meeting the legal mandates of the law concerning crime victims, in addition to addressing their broader needs, is proving to be one of the most effective means to accomplish both, while at the same time building collaborative partnerships with victim service programs throughout their jurisdiction. Yet again, each of these solutions depend on the willingness of corrections professionals to implement them.

But what if the professional charged with the duty has the skill and the bills, but simply lacks the

1.)

About the same percentage were notified of their right to provide an impact statement at parole hearings. (See Chart 2.) Interestingly, of those who were provided with such notice, the vast majority actually exercised their right to provide an impact statement. (See Chart 3.) The implication is clear — when given the opportunity, most victims choose to exercise their rights regarding parole.

Overcoming Implementation Barriers

will? For whatever reason, they simply refuse to carry out their responsibility toward victims and their rights. What can the victim or anyone else do about it?

The effort to address this question is ushering in what many regard as the second wave of the victims' rights revolution. After 20 years, victim policy leaders at the state level are shifting their focus away from passing statutes toward finding the means to enforce victims' rights statutes.

Enforceable Victims' Rights

Policy leaders in some states have actually found the solution in more statutes. Colorado, for example, passed an enforcement statute that allows victims, who feel they have been denied their rights, the option of filing a complaint with a statewide Victim Board. If the Board cannot mediate a mutually-acceptable solution, they can refer the case to the Colorado Attorney General, who can then choose to file a suit against the non-complying official — an option he has yet to find the need to exercise. Wisconsin has taken the concept even further, allowing its Review Board to bring enforcement proceedings that can include fines for unrepentant non-compliance.

Arizona has taken a different approach. The State Victim Assistance Agency regularly conducts victims' rights compliance audits of agencies charged with implementation. Though virtually all result in mutually agreed upon strategies to assure compliance, the State Victim Assistance Agency retains the power to curtail or withdraw funding from agencies that refuse to comply.

Note that each of these enforcement schemes relies on the actions of some third party to compel compliance. Yet, this is not the only recourse available to victims. Victims, victim advocates and their legal advisors are beginning to undertake enforcement measures that rely solely on the victim's legal standing to petition the courts for a remedy when their rights have been trampled. Some statutes specifically provide for such standing, but most rights — particularly constitutionally-granted rights — carry with them the implied standing necessary to enforce them. Such "self-enforcing" rights are serving as the basis of a growing number of legal actions brought by, or on the behalf of, crime victims. While some of these suits have resulted in adverse rulings for victims, and ever-increasing number of courts are upholding victim rights' and remedies. In a few cases, courts have actually invalidated hearings where authorities failed to observe the rights of the victims affected.

State ex rel Hance v. Board of Pardons and Paroles – A Precedent or Prognostication?

The most renown case of such court action occurred in Arizona.⁶ A young woman was brutally attacked and left for dead in the Arizona desert. She survived, and her attacker was sentenced to a lengthy term of imprisonment. After serving several years, he was granted parole. The Parole Board made no attempt to notify the victim who was on record. However, before the offender was released, the victim and the prosecutor learned of his impending release and filed with the court to overturn the Parole Board's decision. Citing the Board's failure to provide the victim

with notice of the parole hearing and her right to attend and provide an impact statement, the Arizona Supreme Court, ordered a new parole hearing. At the second hearing, the victim was present and provided an impact statement. The Parole Board then reversed itself, denying the offender's release.

Conclusion

Despite the legal mandates, victims' are routinely denied their rights in every phase of the criminal and juvenile justice process. While corrections professionals have always had the option to observe victims' rights because they viewed victims as clients of corrections and victim safety as public safety, trends in statutory and case law are making compliance with the law less of an "option," and more of the mandate that lawmakers had intended. Though some may view this as yet another unfunded, unrealistic burden, it should be noted that state justice agencies, including many correctional agencies, around the country have managed to find a way to develop the skills and pay the bills. But they cannot do either without first finding the will!

Why should corrections professionals care about victims' rights? Because it's not only the victim's right, it is corrections' duty. In fact, it is their sworn duty.

Endnotes

1. David Beatty, Dr. Dean Kilpatrick, and Susan Smith Howley. (December 1998). *The Rights of Crime Victims – Does Legal Protection Make a Difference? NLJ – Research in Brief*. Washington, D.C.: National Institute of Justice, U.S. Department of Justice. (Copies of this *NLJ Research in Brief* and the full report, *Statutory and Constitutional Protection of Victims' Rights: Implementation and Impact on Crime Victims* are available from the National Criminal Justice Reference Service. (NCJRS). Through NLJ's Data Resources Program, the data generated by the study have been deposited with the National Archive of Criminal Justice Data (NACJD) and are publicly available. The data can be accessed at the website of the Inter-university Consortium for Political and Social Research (ICPSR), which administers the NACJD: <http://www/icpsr.umich.edu/NACJD/archive.html> or by contacting ICPSR, University of Michigan, Institute for Social Research, P.O. Box 1248, Ann Arbor, MI 48106-1248 (phone: 734-998-9900).
2. *Ibid.*, p. 9.
3. *Ibid.*, p. 9.
4. *Ibid.*, note 1.
5. *Ibid.*
6. *State ex rel Hance v. Board of Pardons and Paroles*, 875 P. 2d 824 (AZ CT APP 1993).


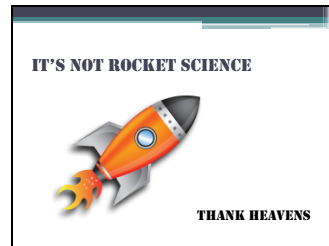
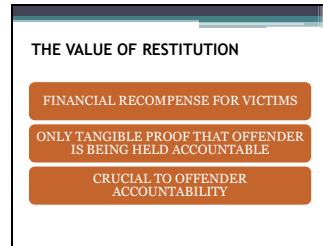
Ten Reasons to Notify Victims & Witness

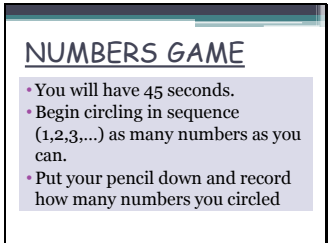
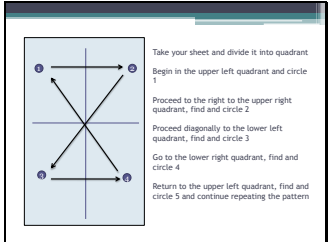
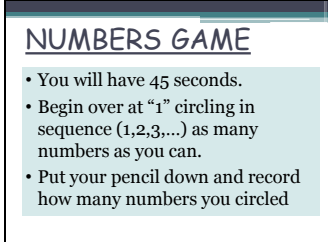
Notification laws, policies, procedures and programs serve ten important purposes for crime victims and witnesses. They:

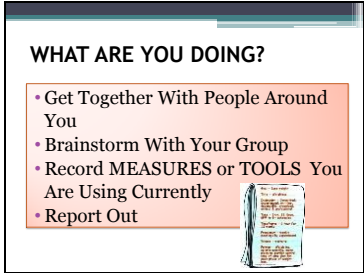
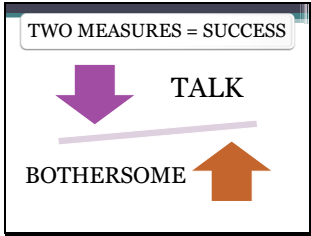
1. Inform victims of the scope and breadth of services available to them from the justice system, as well as from community-based victim assistance programs.
2. Link victims to information about enforcing their other core rights, including participation, victim impact statements, protection, restitution, and information/referrals.
3. Empower victims with vital information that allows them to know the status and location of their alleged or convicted offender.
4. Enable victims to make informed decisions as to how they can prepare for release hearings, as well as for the offender's potential or eventual release.
5. Inform victims about criminal justice and corrections officials whom they can contact for information about rights and services.
6. Provide victims with information, resources and specified professionals who can help them address issues related to personal safety and security.
7. Ensure that correctional agencies are in full compliance with constitutional and legislative mandates specific to victims' notification rights.
8. Increase the number of options that victims can pursue related to the status and location of their offender.
9. Give victims a measure of control over their lives, and the crucial decisions they must make as they seek to reconstruct their lives in the aftermath of crime.
10. Inform victims of opportunities available to them to improve our nation and communities' approach to justice and victim assistance.

Instructor Guide

Instructor Script	Media Activities	Time
Lesson V: Enhancing Restitution Management and Enforcement		Total time: 3 hours, 30 minutes
Learning Objectives: By the conclusion of this lesson, participants will be able to: <ul style="list-style-type: none">• Identify techniques to use to increase an offender's likelihood to pay restitution.• List 2-3 new strategies and techniques that can be used to encourage offenders to pay court ordered restitution.• Demonstrate the "Broken Record" technique.• Describe effective investigation techniques that assist in enforcement of restitution orders.• Identify the ways a "Payment Ability Evaluation" can be utilized.• Describe how progressive sanctions can be used to increase an offender's likelihood to pay restitution.		
Equipment and Materials Needed: <ul style="list-style-type: none">• LCD projector/laptop/screen and PPT slides• Chart pad, easel, markers, masking tape• Handouts to include in the Participant Manual<ul style="list-style-type: none">✓ Broken Record✓ Numbers Game✓ Payment Ability Evaluation✓ Common Strategies✓ Tips and Techniques✓ Action Plan✓ Guide to Intermediate Sanctions✓ Financial Compliance Cheat Sheet		

Instructor Script	Instructional Strategies/Media	Time
Section I: Introduction		30 mins
<p>Section Outline and Instructor Notes:</p> <ol style="list-style-type: none"> Remind learners that understanding the importance of restitution to victims and recognizing the critical role that probation and parole plays in restitution enforcement and collection is just the first step. To be effective in restitution enforcement and collection, probation and parole officer must have tools, tricks, resources, etc. to encourage offender compliance with restitution orders. 	<p>Mini-lecture</p> <p>Slide #92</p>  <p>Slide #93</p>  <p>Slide #94</p> 	
<ol style="list-style-type: none"> Acknowledge the difficulty that many probation and parole officers encounter getting offenders to pay. <p>Have participants call out their “favorite” reason an offender has used to “justify” not making the Court ordered payment</p>	<p>Mini-lecture and class discussion.</p> <p>List on a Flip Chart the “Favorite” reasons</p>	

c. Conduct number exercise		
i. Refer participants to Number Exercise handout in their Participant Manual	Class exercise using handout.	
ii. Provide directions	Class exercise using handout. Slide #95 	
iii. Conduct exercise. This is a timed exercise with 2 rounds, so while participants are doing the exercise, the instructor will keep time, providing intermittent “Time Remaining” announcements to the class. After the first round, show PPT slide that shows the “secret” to the exercise. Participants will then be instructed to do the exercise again to see if their results change. Instructor should keep time again during Round 2.	Individual exercise using handout Slide #96  Slide #97 	
iv. Debrief exercise by explaining that collecting restitution is similar to completing this exercise successfully. Once you know the tricks of the trade, it is easier to get better results.	Class discussion.	

Section II: Current Practice in Restitution Management, Collections, and Enforcement		45 mins
<p>Section Outline and Instructor Notes:</p> <ol style="list-style-type: none"> Lead small group activity on Current Practices in Restitution Collection, Management, and Enforcement. Break participants into small groups based on their agency/jurisdiction to answer the following question: What are your current practices in the collection of restitution for victims? <p>Responses from small groups will be used as a springboard for the lecture and group discussion on effective restitution enforcement techniques described below.</p>	<p>Small group activity Debrief with mini-lecture and class discussion</p> <p>Slide #98</p> 	
Section III: Key Restitution Enforcement Strategies		120 mins
<p>Section Outline and Instructor Notes:</p> <ol style="list-style-type: none"> Direct participants to the handout on “Enhancing Restitution Tips and Techniques You Can Implement without Additional Resources,” in their participant manual. 	<p>Lecture</p>	
<ol style="list-style-type: none"> Underlying Premises of Restitution Collection Present participants with the two underlying premises of restitution collection: <ul style="list-style-type: none"> If you make restitution a priority, the offender will make it a priority. When it becomes too uncomfortable or bothersome for the offender not to pay restitution, he/she will pay restitution. 	<p>Mini-lecture Slide #99</p> 	

Slide #100

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

- If you make it a priority...so will the offender
- Prompt follow-up necessary on missed and/or partial payments

Slide #101

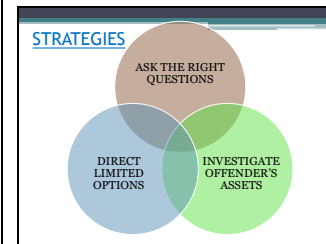
Tip #2: Address restitution during every contact with the offender.

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

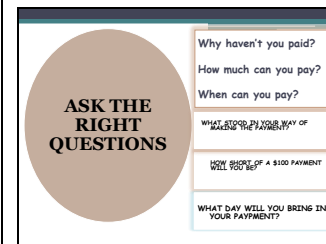
c. Knowing How to Ask the Right Questions (How much? When?)

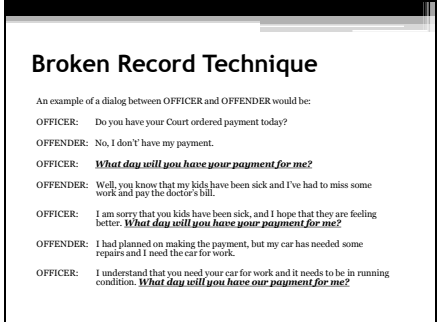
Mini-Lecture

Slide #102



Slide #103



<p>d. Sample Role Play: Instructor and Participant Model the Broken Record Technique for participants.</p>	<p>Role Play Slide #104</p>  <p>Broken Record Technique</p> <p>An example of a dialog between OFFICER and OFFENDER would be:</p> <p>OFFICER: Do you have your Court ordered payment today?</p> <p>OFFENDER: No, I don't have my payment.</p> <p>OFFICER: <i>What day will you have your payment for me?</i></p> <p>OFFENDER: Well, you know that my kids have been sick and I've had to miss some work and pay the doctor's bill.</p> <p>OFFICER: I am sorry that you kids have been sick, and I hope that they are feeling better. <i>What day will you have your payment for me?</i></p> <p>OFFENDER: I had planned on making the payment, but my car has needed some repairs and I need the car for work.</p> <p>OFFICER: I understand that you need your car for work and it needs to be in running condition. <i>What day will you have your payment for me?</i></p>	
<p>e. Broken Record Role Play Have participants divide into pairs. Distribute the Broken Record Handout. Review from the Tips and Techniques lecture the two important components of the Broken Record technique. Have each pair begin by choosing who will be the person establishing the statement and who will be responding. Have the pairs conduct the Broken Record exercise using the following scenarios (reversing roles for the second scenario):</p> <ul style="list-style-type: none">• Attend weekly substance abuse treatment program.• Pay monthly restitution payment. <p>Instructor to circulate to ensure that the technique is being properly employed. Debrief following the exercise.</p>	<p>Pair Role Play Exercise</p>	
<p>f. Using Limited Options Briefly describe the Limited Options technique for combating resistance among offenders delinquent on restitution payments.</p> <p>Following the description of the technique, provide participants with a scenario/situation, and ask for a volunteer to come up with an appropriate response using the limited options technique.</p>	<p>Mini-lecture</p> <p>Note on Flip Chart the Limited Options provided by the participants</p>	

g. Investigating Offenders Assets

Instruct participants on two strategies for investigating offenders assets during supervision in order to more effectively enforce restitution orders.

- The first strategy is using routine contacts to investigate offender assets. LOOK and SEE.
- The second strategy is using the "Payment Ability Evaluation"—PAE.

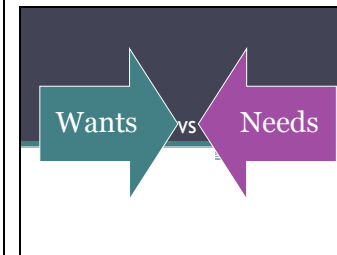
Describe each strategy, and ask for any comments, ideas, or success stories using these strategies from participants

Mini-lecture, class disc.

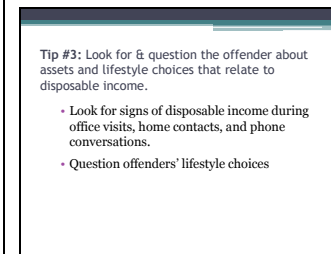
Slide #105



Slide #106



Slide #107



Slide #108



h. Progressive Interventions.

Direct participants to the Progressive Interventions handout in their participant manual.

Review the handout to illustrate how the techniques that have been discussed are used in a progressive or graduated sanctions approach to address noncompliance issues.

Refer participants to payment Ability Evaluation in materials

Slide 109



Slide #110

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

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

Slide #111

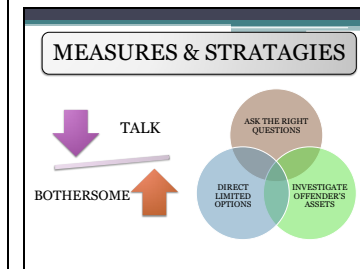
SANCTIONS	REWARDS
<ul style="list-style-type: none"> • MORE FREQUENT REPORTING • SUSPEND TRAVEL PERMITS • WRITE A LETTER TO THE JUDGE OR VICTIM EXPLAINING FAILURE TO PAY • COMPLETE PAYMENT ABILITY EVALUATION W/ VERIFICATION • DIRECT TO BUDGET CLASS • ACCELERATE DEFERRED JAIL 	<ul style="list-style-type: none"> • REPORT LESS /MAIL-IN STATUS • GRANT TRAVEL PERMITS • PRAISE OFFENDER FOR PAYMENTS MADE • EARLY TERMINATION • DELETION OF DEFERRED JAIL SENTENCE

Slide 112

Tip #5: Leverage support from others

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

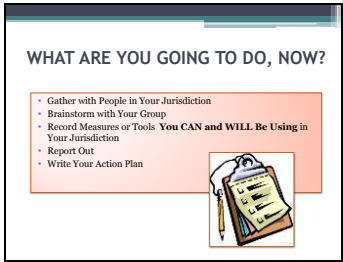
Slide #113



Slide #114

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

- Document all intermediate sanctions such as:
 - Written directives
 - Signed Payment Ability Evaluation
 - Attendance at budget class
 - Case note for each contact with the offender
 - Payment history or lack of payment history
- Helps show court (if necessary) willful noncompliance

<p>i. Progressive Interventions activity</p> <p>Divide participants into small groups of 4-5 participants, with each team comprised of individuals from the same jurisdiction (if possible or of like jurisdictions). Have each team review the Progressive Interventions handout and the Tips and Techniques handout and reflect on what they have learned today.</p> <p>Ask each team to identify interventions/strategies/techniques that can be implemented in their jurisdiction immediately when they return home.</p> <p>Then have them determine which ones they may be able to implement in 30 days, and 6 months. Have the small group fill out an ACTION PLAN for implementing the identified strategies.</p> <p>Following small group discussions have each team report back and lead a debriefing with the entire class.</p>	<p>Small group exercise Large group debrief.</p> <p>Each group to complete ACTION PLAN for their respective jurisdictions to take with them upon returning home.</p> <p>Slide #115</p> 	
Section IV: Conclusion		15 mins.
<p>Section Outline and Instructor Notes:</p> <p>a. Provide a quick summary of key points in this lesson and ask participants if they have any comments or questions.</p>	Class discussion/Q&A	

Handouts and Supplemental Resources

Module V
(Enhancing Restitution Management and
Enforcement)

4/25/2012

**Enhancing
Restitution Collection,
Management, and
Enforcement**

PRESENTED BY:
Julie Begoña

IT'S NOT ROCKET SCIENCE



THANK HEAVENS

THE VALUE OF RESTITUTION

FINANCIAL RECOMPENSE FOR VICTIMS

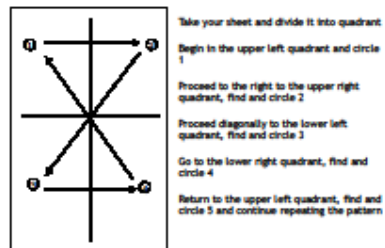
ONLY TANGIBLE PROOF THAT OFFENDER
IS BEING HELD ACCOUNTABLE

CRUCIAL TO OFFENDER ACCOUNTABILITY

4/25/2012

NUMBERS GAME

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




NUMBERS GAME

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

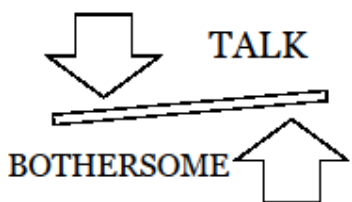
4/25/2012

WHAT ARE YOU DOING?

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



TWO MEASURES = SUCCESS



TALK

BOTHERSOME

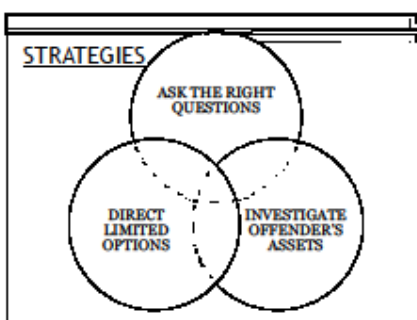
Tip #1: Treat payment of restitution the same as other court-ordered conditions of supervision.

- ☐ If you make it a priority...so will the offender
- ☐ Prompt follow-up necessary on missed and/or partial payments

4/25/2012

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

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



ASK THE RIGHT QUESTIONS

- Why haven't you paid?
- How much can you pay?
- When can you pay?
- WHAT STANDS IN YOUR WAY OF MAKING THE PAYMENT?
- HOW MUCH OF A \$100 PAYMENT WILL YOU PAY?
- WHAT DAY WILL YOU MAKE PAY YOUR PAYMENT?

5/14/2012

Broken Record Technique

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

OFFICER: Do you have your Court ordered payment today?

OFFENDER: No, I don't have my payment.

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

OFFENDER: Well, you know that my kids have been sick and I've had to miss some work and pay for the doctor bills.

OFFICER: I am sorry that your kids have been sick, and I hope that they are feeling better. What day will you have your payment for me?

OFFENDER: I had planned on making the payment, but my car has needed some repairs and I need the car for work.

OFFICER: I understand that you need your car for work and it needs to be in running condition. What day will you have your payment for me?

**INVESTIGATE
OFFENDER'S
ASSETS**

Look around

**Payment
Ability
Evaluation (PAE)**

Wants vs Needs

4/25/2012

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

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

NEEDS

- FOOD
- SHELTER
- CLOTHING
- COURT ORDERED RESTITUTION

DIRECT LIMITED OPTIONS

You can make a payment or ...

Sanctions and Rewards

4/25/2012

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

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

SANCTIONS

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

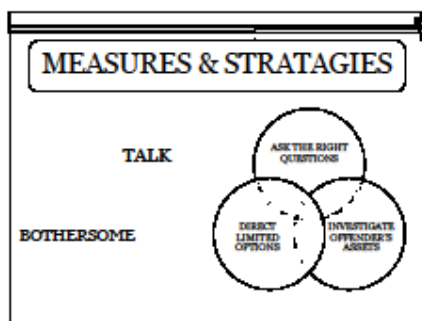
REWARDS

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

Tip #5: Leverage support from others

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

4/25/2012



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

☐ Document all intermediate sanctions such as:

- ✓ Written directives
- ✓ Signed Payment Ability Evaluation
- ✓ Attendance at budget class
- ✓ Case note for each contact with the offender
- ✓ Payment history or lack of payment history

☐ Helps show court (if necessary)

WILLFUL NONCOMPLIANCE

WHAT ARE YOU GOING TO DO, NOW?

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

BROKEN RECORD TECHNIQUE

Measures to Maintain Focus

When an officer deals with an offender concerning a particular issue of compliance, the offender will sometimes attempt to refocus the conversation away from the specific topic. In compliance matter pertaining to restitution orders of the Court, the offender may attempt to skirt the issue by brandishing excuses or by changing the topic.

To maintain the focus on the issue of payment of Court ordered restitution, the technique known as “**Broken Record**” can prove to be successful. This technique is used in such areas as sales and counseling. By repeating a simple, direct statement, you are able to maintain control of the conversation and retain the focus on the matter at hand.

BROKEN RECORD TECHNIQUE:

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

OFFICER: Do you have our Court ordered restitution payment today?

OFFENDER: No, I don't have my payment.

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

OFFENDER: Well, you know that my kids have been sick, and I've had to miss some work and pay the doctor's bill.

OFFICER: I am sorry that your kids have been sick, and I hope that they are feeling better. **What day will you have your payment for me?**

OFFENDER: I had planned on making the payment, but my car has needed some repairs and I need the car for work.

OFFICER: I understand that you need your car for work and it needs to be in running condition. **What day will you have you payment for me?**

The conversation continues as the OFFICER acknowledges the OFFENDER'S statements, and repeats the “**Broken Record**” statement until the OFFENDER commits to a date that the payment will be made.

A 10x10 grid of numbers from 1 to 80. The number 1 is circled. The numbers are arranged in a non-sequential, scattered pattern across the grid.

		45							42
		21		37	22	26	10		
	33	61		30	16	62	70	46	
29	5	47	65	14		58	2		
53	57	77		38		78	74		
13	17	69	25		66				
73	49	9		34	50		18	54	
67	23	73	27	8	40	32	68	44	
7			37	56					
39	79	59		12	60	76			
	3	35	63		64				
									36
			75	24		4			
7	55	15		72					
					52		76		
11									28
79	77	51	20	80					
			48						

MARICOPA COUNTY ADULT PROBATION DEPARTMENT
"PAYMENT ABILITY EVALUATION"
 (If self-employed, full out supplement)

Name: _____ CR: _____
 Date: _____ CR: _____

MONTHLY INCOME

Source of Income	Self	Spouse/Other
1. TAKE HOME SALARY/WAGES	\$	\$
2. COMMISSIONS/BONUSES	\$	\$
3. TIPS	\$	\$
4. UNEMPLOYMENT COMPENSATION	\$	\$
5. SOCIAL SECURITY INCOME	\$	\$
6. DISABILITY	\$	\$
7. AFDC	\$	\$
8. FOOD STAMPS	\$	\$
9. VETERAN'S BENEFITS	\$	\$
10. WORKMAN'S COMPENSATION	\$	\$
11. RETIREMENT PENSION INCOME	\$	\$
12. INTEREST INCOME	\$	\$
13. I.R.A. PAY OUTS/DIVIDEND INCOME	\$	\$
14. CHILD SUPPORT	\$	\$
15. SPOUSAL MAINTENANCE	\$	\$
16. INSURANCE SETTLEMENT ANNUITY	\$	\$
17. ALLOWANCE	\$	\$
18. TRIBAL ENTITLEMENTS	\$	\$
19. RENTAL PROPERTY INCOME	\$	\$
20. STOCKS, BONDS, INSURANCE POLICY	\$	\$
21. CASH OWED TO YOU BY ANOTHER	\$	\$
22. LOTTERY ANNUITY	\$	\$
23. GIFTS/INHERITANCE	\$	\$
TOTAL	\$	\$

TOTAL MONTHLY INCOME

INCOME/SELF: \$ _____
 INCOME/SPOUSE/OTHER: + _____
 TOTAL HOUSEHOLD INCOME: = \$ _____
 Total number of adults _____ & children _____ in household

ASSETS

	<u>SELF</u>	<u>SPOUSE/ OTHER</u>
• Vehicles: Cars, trucks, motorcycles, RV, boats, etc., <u>ANY TYPE of vehicles which are required to be licensed:</u>		
<u>Year</u> <u>Make</u> <u>Model</u>		
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
Bank Accounts/Current Balance:		
Checking Account (# _____)	\$ _____	\$ _____
Savings Account (# _____)	\$ _____	\$ _____
• Cash on hand	\$ _____	\$ _____
• Credit Card(s):		
(circle one:)		
VISA, AMEX, DISCOVERY, MASTERCARD, DINERS CLUB, DEPARTMENT STORES, GASOLINE, ETC.		
1.) _____	\$ _____	\$ _____
Credit Limit: \$ _____		
Balance Amount: \$ _____		
(circle one:)		
VISA, AMEX, DISCOVERY, MASTERCARD, DINERS CLUB, DEPARTMENT STORES, GASOLINE, ETC.		
2.) _____	\$ _____	\$ _____
Credit Limit: \$ _____		
Balance Amount: \$ _____		
(circle one:)		
VISA, AMEX, DISCOVERY, MASTERCARD, DINERS CLUB, DEPARTMENT STORES, GASOLINE, ETC.		
3.) _____	\$ _____	\$ _____
Credit Limit: \$ _____		
Balance Amount: \$ _____		
List any additional credit cards on back:	\$ _____	\$ _____
• Real Estate (Equity in Home)	\$ _____	\$ _____
• Stocks, Bonds, Trust Funds or Investments	\$ _____	\$ _____
• Retirement Fund	\$ _____	\$ _____
• Life Insurance	\$ _____	\$ _____
• Deferred Compensation/401K	\$ _____	\$ _____
Total:	\$ _____	\$ _____
GRAND TOTAL/Self + Spouse/Other	\$ _____	

MONTHLY EXPENSES

Superior Court/Probation Fees	Court: _____	CR: _____	\$ _____
City Court Fines	Court: _____	CR: _____	\$ _____
Justice (JP) Court Fines	Court: _____	CR: _____	\$ _____

HOUSING

Mortgage: _____ 1 st Mortgage	Company: _____	\$ _____
_____ 2 nd Mortgage	Company: _____	\$ _____
Home Equity Loan	Company: _____	\$ _____
Homeowner's Association Fee	HOA: _____	\$ _____
Other Home Expenditures	Explain: _____	\$ _____
Home Insurance	Company: _____	\$ _____
Rent	Landlord: _____	\$ _____
Renter's Insurance	Company: _____	\$ _____

UTILITIES

Electric (<i>Check One</i>)	S.R.P. _____ or A.P.S. _____	\$ _____
Gas		\$ _____
Waste (Garbage)		\$ _____
Water & Sewage		\$ _____

FOOD/SUPPLIES

Food	\$ _____
Household Supply	\$ _____
Medications	\$ _____
School Lunches	\$ _____
Bottled Water Delivery	\$ _____
Meals Outside Home	\$ _____

COMMUNICATION

Telephone/Basic Service	\$ _____
Features:	
Call Waiting	\$ _____
Caller ID	\$ _____
Call Forwarding	\$ _____
Voice Messaging	\$ _____
Three-Way Calling	\$ _____
Premium Package	\$ _____
2 nd Telephone Line	Features: _____
Long Distance	Company: _____
Pager	\$ _____
Pager with Voice Mail	\$ _____
Cellular Phone	\$ _____
Subtotal	\$ _____

CLOTHING

Clothing for self		\$	_____
Clothing for spouse/other		\$	_____
Uniforms/Work clothing	Self	\$	_____
Uniforms/Work clothing	Spouse/Other	\$	_____
Shoes for self			\$ _____
Shoes for spouse/other			\$ _____
Children/Other clothing		\$	_____
Shoes for Children			\$ _____
Laundry Cleaning		\$	_____
Dry Cleaning			\$ _____

TRANSPORTATION

Car payment/Lease payment	Self	\$	_____
Car payment/Lease payment	Spouse/Other	\$	_____
Car Insurance	Full or Liability?	\$	_____
	Uninsured		\$ _____
	Underinsured		\$ _____
	Medical Reimbursement		\$ _____
Bus Fare	Monthly Pass	\$	_____
	Per Ride		\$ _____
Taxi Fare			\$ _____
Car Repair(s)		\$	_____
Car Maintenance		\$	_____
Car Wash	(check if waxed _____)		\$ _____
Gasoline		\$	_____
Motor Club (AAA)	Company: _____		\$ _____
Parking Fees			\$ _____
Towing			\$ _____
Other	Explain: _____		\$ _____

MEDICAL

Medical Insurance		\$	_____
Doctor visit copay: \$	Total	0 0 0 0 0	\$ _____
Prescription copay: \$	Total	0 0 0 0 0	\$ _____
Dental Insurance		\$	_____
Dental visit copay: \$	Total	0 0 0 0 0	\$ _____
Prescription copay: \$	Total	0 0 0 0 0	\$ _____
Vision Care (check one) 0	Glasses _____ Or Contacts _____		\$ _____
	Colored Contacts		\$ _____
	Subtotal	\$	_____

CHILD CARE

Day Care	Name: _____	\$ _____
Private sitter	Name: _____	\$ _____
		\$ _____
School Tuition	Name: _____	\$ _____

LOANS

Personal Loans	Name: _____	\$ _____
Student Loan/Lending Inst.	Name: _____	\$ _____

MISCELLANEOUS

Rent to Own	Explain: _____	\$ _____
Cable/Satellite TV		
Features:	Basic	\$ _____
	Premium Channels	
	(How many? _____)	\$ _____
	Cable Box	\$ _____
Computer	Cable Remote Control	\$ _____
	Internet Service/Provider	\$ _____
	Website Home Page	\$ _____
	Internet purchases/downloads	\$ _____
Check: Hair-cuts _____ Styling _____	Self	\$ _____
Check: Hair-cuts _____ Styling _____	Spouse/Other	\$ _____
Check: Hair-cuts _____ Styling _____	Children	\$ _____
Veterinary Expenses	Name: _____	\$ _____
Newspapers		
Magazines		
Book/Craft Clubs		
Entertainment	Video Rental/Purchase	\$ _____
	Movies	\$ _____
	Home Delivery Food/Pizza, Chicken, Chinese, Mexican	\$ _____
	Golf, Mini Golf, Arcade, Amusement Park	\$ _____
	Concerts/Sporting Tickets	\$ _____
Personal	Cigarettes, Cigars, Chewing tobacco, Pipe tobacco, Liquor, Beer, Wine, Non-alcohol beverages	\$ _____
	Nails/Manicure & Pedicure	\$ _____
	Mail Orders/QVC Purchases	\$ _____
	Health Club Membership Dues	\$ _____
	Lottery Tickets/Gambling	\$ _____
	Gifts for self or others	\$ _____
	Subtotal	\$ _____

WORKSHEET

Name: _____
Date: _____
Verified by: _____

CR: _____
CR: _____

Income Grand Total from page 1 \$ _____
Assets Grand Total from page 2 \$ _____

Total \$

Fixed Expenses

Grand Total from page 5/Left column

Subtotal from page 3 \$ _____

Subtotal from page 4 \$ _____

Subtotal from page 5 \$ _____

Grand Total \$ _____ *~~~~~* \$ _____

Disposable Income

Grand Total from page 5/Right column

Subtotal from page 3 \$ _____

Subtotal from page 4 \$ _____

Subtotal from page 5 \$ _____

Grand Total \$ _____ *~~~~~* *~~~~~* \$ _____

INCOME DISTRIBUTION

\$ 	\$
FIXED	DISPOSABLE

Monthly Court Fees

\$ _____

Total Ordered \$ _____

Total Paid (-) \$ _____

Delinquent/Balance Court Fees \$ _____

Disposable Income \$

SELF-EMPLOYED INCOME SUPPLEMENT

Name: _____ CR: _____

Name of business: _____

Type of business entity (circle one): S CORP C CORP PC LLL SOLE PROPRIETOR

Title: _____

State and date of Incorporation: _____

Principal Business Address: _____

Business Telephone: _____

Percent Ownership: _____

Number of shares of stock: _____

Total issued and outstanding shares: _____

Nature of business: _____

Specify perquisites ("perks")

Do you use a company car for personal business? ☐ Yes ☐ No \$ _____

Does the company pay your gas/oil/maintenance charges? ☐ Yes ☐ No \$ _____

Does the company pay your dues to any club or social organization? ☐ Yes ☐ No \$ _____

Does the company own a home, townhouse, or condo that is or may be available for your use? ☐ Yes ☐ No \$ _____

Did your company have net earnings in the last fiscal year that were not distributed to owners or shareholders or the business? ☐ Yes ☐ No \$ _____

Monthly premium for life insurance paid by business for your benefit: \$ _____

Monthly premium for retirement benefits, 401K, I.R.A., and/or profit sharing \$ _____

Annual travel expense (including lodging, travel, meals, etc.) for business promotion education, professional development, etc.: \$ _____

GROSS SALES \$ _____

COST OF SALES \$ _____

TOTAL \$ _____

EXPENSES

Automobile Expense \$ _____

Bank Charges \$ _____

Insurance \$ _____

Payroll \$ _____

Rent \$ _____

Repairs & Maintenance \$ _____

Taxes & Licenses \$ _____

Travel \$ _____

Utilities \$ _____

Other Expenses (List) \$ _____

Total Expenses \$ _____

TOTAL NP or (LOSS) \$ _____

Your annual salary/compensations: _____

Your dividends or other profit distribution in the last 12 months: _____

Annual bonus if not included above: _____

Annual value of perquisites ("perks") _____

COMMON STRATEGIES

WARNING LETTERS:

- Work with specific demographic groups that respond to a warning letter.
- If the letter results in a payment, then continue to use them.
- If the letter does not result in a payment, discontinue use of warning letters. You are wasting time and money.
- Many offenders will simply throw away any letter that has a return address of a probation or parole department.
- Warning letters work most effectively when followed up with a phone call.
- Phone calls alone are more effective than warning letters.

VIOLATION NOTICES:

- Violation notices are only effective if you are actually taking the offender back to court for probation or parole violation proceedings; or, if the notice is part of building a case to return the offender back to court.
- If the violation notice is means of building a case to return the offender to court for probation or parole revocation proceedings, having the offender sign the violation notice is sometimes effective.
- When using violation notices, ensure that the offender understands that subsequent violation behavior/non-payment will result in an immediate return to court for revocation proceedings.

AMINISTRATIVE MEETING WITH OFFENDER AND PROBATION/PAROLE OFFICER'S SUPERVISOR:

- By having the supervisor, or anyone impersonating a supervisor for that matter, can serve to ratchet up the importance of the offender not making a payment. This can go something like this..."Well you haven't made a payment and it looks like I am going to have to call in my supervisor to see if there is any chance that you won't have to go back to court on violation proceedings...."
- You can also talk about transferring the offender to the caseload of an officer who specializes in chronic non-payers. Use the caveat that this officer works on fast tracking offenders back to court for revocation to prison for willful non-payment of restitution or other court ordered financial sanctions.

WAGE GARNISHMENT/VOLUNTARY WAGE ASSIGNMENT:

- Wage Garnishments are cumbersome and punitive to employers. A Wage Garnishment is usually not an effect means to obtain mandatory payments.
- Voluntary Wage Assignments work better than Wage Garnishments.
- Voluntary Wage Assignments work like the same arrangement use in child support payments.
- Voluntary Wage Assignments must be a mutual agreement between the offender, his/her employer and the Clerk of the Court (the body of the court that deposits restitution payment for the court in your jurisdiction). The offender must be in agreement to let his/her employer to know that he/she is on probation/parole. The employer must be in agreement to direct a payment taken out of the employee's/offender's paycheck to the Court. The Clerk of the Court must have a means by which the employers can send the payment to the

court—a P.O. Box where payments are sent, an account where payments are sent; payment are sent and identified with the offenders case number and name.

- Voluntary Wage Assignments can be terminated at the request of the employer or the offender at anytime.

ABILITY TO PAY WORKSHEET/PAYMENT ABILITY EVALUATIONS:

- The payment ability worksheet serves to identify disposable income and actual expenses.
- This worksheet can illustrate to an offender where he/she is spending money and how that money can be redirected to pay restitution and other court ordered financial sanctions.
- We know that if a person owns an amount of money and does not have the full amount, the individual will pay nothing because he/she does not have the full amount. Even if the individual has a portion of the payment, he/she will still pay nothing because he/she does not feel that the payment can be made. The individual will not entertain making a partial payment.
- By using a payment worksheet/payment ability evaluation, the probation/parole officer can establish a new payment based on what the offender can actually pay based on disposable income. After defining the actual ability of the offender, the actual payment, the offender must be held to make payments in that newly defined amount.
- Payment ability is a dynamic issue and must be evaluated periodically to ensure that the amount of the payment is realizable. Events in the offender's life can serve as a catalyst to complete a new payment ability evaluation; i.e., change in jobs, birth or death in the family, marriage, divorce, etc.

EMPLOYMENT ASSISTANCE:

- Often offenders have difficulty finding a job. If your department can compile a list of employers that offer jobs to offenders, the list can be used to direct offenders to locations where the offender can obtain employment.

HOME VISITS TO DETERMINE OFFENDER'S SPENDING HABITS:

- Increased home visits can serve as a means to make offenders feel uncomfortable and coerce him/her to make a payment. Having a probation/parole officer come to an offender's home with frequency and unannounced can be felt to be a nuisance/bothersome to the offender. This is consistent with one of the two precepts for improving payments.
- By making home visits, the probation/parole officer has the opportunity to see and evaluate the assets of the offender. It also allows the probation/parole officer to question the assets/things that the offenders have and use the strategy of employing limited options; i.e., "You turn off your cable TV or we can return to court on probation/parole violation proceedings."

EXPENSE VERIFICATION:

- Expense verification serves to identify actual expenses.
- It is important that the offender provides the actual bill to verify all of the household and personal expenses.

CREDIT CARD PAYMENTS:

- Some demographic groups on probation and parole are appropriate for credit card payment.

- With credit card payments, you must take into account that each payment is subject to a surcharge rate of 3% to 7% and a transaction fee that usually is about \$.25 to \$.45 per payment.
- For the offender, credit card payments can lead to interest rates of APR of up to 38%. Your department will need to decide whether or not they choose to subject offenders to deferred payments owed to a credit card company with high interest rates.

TAX INTERCEPT PROGRAM:

- If your state participates in intercepting state tax returns, ensure that you department or court participates.
- Tax Intercept programs capture the state tax refund of the offender before he/she receives it. A tax intercept filing remains in effect until the full debt owed is satisfied. That is to say that for all future state tax refunds will be intercepted by the state and sent to the victim or the court.
- Tax Intercept programs are currently only in effect for state tax refunds not for federal tax refunds.
- The average state tax refund is approximately \$300.
- Tax Intercept Programs normally intercept lottery winning as well as state tax refunds.

FILING CIVIL JUDGEMENTS

- Civil Judgments generally remain in effect until satisfied.
- A civil judgment will appear on an individual's credit report as a judgment. This will affect an individual's credit rating.
- Civil judgments usually appear on real property documentation. If an individual is selling a piece of real property the judgment will appear on the closing documents with the same impact as a lien.
- Filing liens on real property can impact an offender when there is a sale of real property. Keep in mind that many offenders do not own real property. Filing a lien on real property may be non-productive in that real property changes hands infrequently.
- Auto liens are more effective than real property liens. People sell cars more often than houses or property. Property liens are only good in the county that they are filed in. Auto liens are good for the entire state. Auto liens are filed with the Department of Motor Vehicles.

REVENUE RECAPTURING:

- See TAX INTERCEPT PROGRAMS.

PAYMENT PLANS:

- Payment plans allow the offender to make partial payment throughout the month in order to meet the ordered monthly payment; i.e., paying \$25 each week to make a total of \$100 in lieu of making a single payment of \$100.
- Payment plans allow the offender to make a payment that is achievable and therefore collectable/payable.

REVOCATIONS:

- In order to be successful in the filing of a revocation proceeding, you must have sufficient documentation to prove willful non-compliance of a court order.

- To prove willful noncompliance of a court ordered restitution, you will need to prove to the court that the offender willfully failed to comply with making payments despite the imposition of progressive intermediate sanctions.
- Documentation of each failed progressive intermediate sanction must be completed at each step

COLLECTION AGENCIES:

- Organizations that refer their collections to outside collection agencies have no control over how accounts will be managed.
- Collection agencies charge around 28% service charge to collect the debt. This serves to increase a debt of \$1000 to \$1280.
- When an Individual has been turned over to a collection agency, this fact will appear on a person's credit report. The fact that it appears on the credit report will influence that individual's ability to borrow money at reasonable lending rates. Instead of paying 8% on a car loan, the car loan will be around 28%.

EXTENSION OF PROBATION:

- Some jurisdictions will extend the term of probation for a probationer who has failed pay the ordered restitution in full before the end of the original probation grant. Extensions of probation for felony offenses can vary from one year to five years depending on the jurisdiction.
- Extension of probation can serve as an incentive for an offender to pay off restitution during the original probation grant.

EARLY TERMINATION OF PROBATION:

- Some jurisdictions can termination the original probation grant early when a probationer pay restitution in full prior to the expiration date of the probation grant
- Early termination can serve as an incentive for probationer to make all payment and make additional payment to pay restitution in full.

RESTITUTION PLACED A FIRST PRIORITY IN PAYMENT:

- Most jurisdictions make payment of victims the first priority when money is received by the court and it is then allocated and paid out. Victims are paid first after probation fees and fines.
- If your jurisdiction does not have restitution as a first priority, you will need to address the legislature to establish by statute that restitution be a first priority.

DIRECT BILLING:

- Direct billing will work for some demographic groups. Just like most of us, we wouldn't pay the electric bill unless we received a monthly electric bill.
- Direct billing does not work for all offenders. Some mailed bills will end up in the garbage.

DIVERTING PAYMENT TO RESTITUTION:

- Some payments can be redirected to pay restitution. If an offender is making a car payment, one month's payment can be deferred to the end of the car loan without any penalty. That payment can then be redirected to pay restitution or any other court ordered financial sanction.

- Ensure that any redirected payments are not those that are for true expenses.

QUASHING BENCH WARRANTS:

- An officer can request that the court quash a bench warrant if an offender makes a significant restitution payment.

DENY TRAVEL PERMITS:

- An offender can be denied a travel permit for failure to make restitution and other court ordered financial sanctions.
- Failure to make a court ordered payment is the same as violating any other court order. Violation of any order of probation is of equal value whether is for financial sanction or any other order.

OFFENDER REPORTING:

- Increasing the frequenting of an offender reporting to the probation/parole office can serve as a nuisance to serve as an incentive to begin making payments. More frequent report can mean that the offender reports weekly or daily until payments are made. The more frequent the report the more likely the offender will begin to pay to avoid the discomfort or reporting. This strategy ascribes to the premise that the more uncomfortable that it is not to make payments the more likely it is that the offender will make payments.
- Just as when an offender fails to make payments, the offender should report more frequently. When an offender is making regular payments, the reporting requirement can be relaxed or reduced.

FIELD CONTACTS WITH THE OFFENDER:

- Making field contacts at the offender's home is an invasive act to the offender. If the offender is not making payments, more frequent home contacts can stimulate the offender to begin making payments.
- Contacts at the offender's home also allow the probation/parole officer to engage the cooperation of the offender's family.
- Making contact at the offender's home also affords the probation/parole officer the opportunity to see and assess the assets that the offender has.

TELL THE OFFENDER THAT THE VICTIM IS CALLING:

- Some offender may be influenced by information that the victim is call about the fact that no payments have been received.
- Most offenders will not be influenced by the fact that the victim is calling.
- Some offenders know their victims and have a contentious relationship with them. The fact that the victim is calling, will only influence the offender not to pay. This approach is counterproductive for the victim and the offender.

ADVISE THE OFFENDER THAT THE JUDGE RECEIVES REPORTS OF PAYMENTS:

- Just as for notice that the victim is calling, the fact that the sentencing judge is receiving information as to whether or not an offender is making payments, can either work to influence the offender to make a payment or to not make a payment out of defiance.

- Notice to the judge as to non-compliance with court ordered financial sanctions should be formalized and used as a measure to establish an intention to file a petition to file a revocation of probation or parole.

DELIQUENCY LETTERS/NOTIFICATION:

- Delinquency letters are analogous to warning letters. See WARNING LETTERS.
- Delinquency letter can inform the offender of the amount that is owed and the amount that is delinquent.
- Notification of accrued delinquencies can help the offender put in perspective the amount of money that is still owed.

LETTER TO THE VICTIM:

- If the offender has failed to make restitution payments, it is effective to have the offender write a letter to the victim or the Court/Judge explaining why he/she has failed to make payments. Most people hate to write thank you notes or letters. Having to write a letter serves as nuisance to the offender. This nuisance can serve as a limited option strategy; i.e., “You can make a payment or write a letter to the victim explaining why payments have not been made.” The letter can or need not be sent.

BUDGET CLASS/BUDGET ASSISTANCE:

- A budget class can serve as a progressive intermediate sanction to influence the offender to begin making payments.
- Budget class/budget assistance will aid offender in better managing their money and assets in order to comply with court ordered restitution and other financial sanctions. Budget class/assistance will help to identify disposable income and expenses.
- Budget class/assistance can be employed as a strategy for limited options; i.e., “You can make a payment or attend budget class/assistance.”

OFFENDER FAMILY INVOLVEMENT:

- In some instances it is advisable to have the offender’s family involved.
- The offender’s family can serve as a support system to aid the offender in complying with the order of the court, including the financial sanctions.
- As the probation/parole officer, you will need to assess whether or not the offender’s family involvement is a positive or negative influence to encourage compliance with court orders.

TIMING OF PAYMENT AND CONTACTS TO OBTAIN PAYMENTS:

- Sometimes it is important to time contacts with the offender around paydays, in order to pick up a payment or encourage the offender to make the payment.
- Having the offender report on payday can sometimes result in a payment.

EXPLANATION OF FINANCIAL ORDERS:

- It is important that the offender has a clear understanding of what the monthly obligation is for the payment of restitution and other financial sanctions.
- Make the explanation real. Rather than talking about large totals, make the discussion involve the monthly payment that is more realistic. This will aid the offender in beginning to make arrangement to meet the monthly obligation.

SECOND JOB:

- Some offenders will need to obtain a second job in order to meet the order payment of their probation or parole.
- Placement on probation is a radical change in circumstances for an offender. The probation officer needs to emphasize to the offender that court ordered payments are now a priority in his/her life. Payment of court ordered financial sanctions can make a difference in an offender's freedom status. Willful non-compliance with ordered financial sanctions can result in jail terms or revocation of probation. Payment does equal freedom.

INTERSTATE TRANSFER:

- Make it clear to offenders that transfer to reside in another state is not a possibility if restitution payments are not paid in full or current.
- While the Interstate Compact dictates who can be accepted by the receiving state, the sending state or department can make it a requirement that restitution be paid in full or be current.

PAYMENT, PARTIAL PAYMENT:

- Make it clear to offenders that payment must be made, whether it is a full or partial payment.
- Use a payment ability evaluation form to aid the offender to see what he is truly able to pay by redirecting disposable income to restitution and other court ordered financial payments.
- Remember if an offender doesn't believe he/she can make a full payment, he/she will make not payment at all. Show the offender that he/she can make a payment, albeit a partial payment. Then ensure that the offender continues to make the partial payment.
- When circumstances change in the offender's life, reassess ability to pay and determine what partial payment can be made.

TIPS AND TECHNIQUES

- ♦ The more you talk about payment, the more payments are made.
- ♦ Failure to address payment of Court ordered financial sanctions, guarantees nonpayment.
- ♦ When the Probation Officer makes payment of Court ordered monies a priority, the defendant will make payment a priority.
- ♦ Address payment of Court ordered monies at every contact with the defendant; if the defendant made his/her payment, give the defendant plaudit; if the defendant failed to make his/her payment, emphasize the important of paying Court ordered financial sanctions.
- ♦ Question the defendant about lifestyle choices, i.e.; pager, cell phone, cable television, smoking, jewelry, acrylic fingernails, designer clothing, new vehicles, vacations, gifts purchased by others for the defendant, electronic and/or furniture rentals, non-paying roommates, etc.
- ♦ Make contact with the defendant and spouse at their home to discuss the importance of Court ordered financial obligations.
- ♦ Make contact with the defendant at his/her work, preferably on payday. Be discreet so the defendant's job is not jeopardized.
- ♦ Ask a peer to help in the discussion of payment obligations with difficult defendants.
- ♦ Ask a supervisor to sit in and provide support during discussions with difficult defendants.
- ♦ Ask a supervisor to meet with the defendant to serve as a higher authority to address the obligation to pay Court ordered financial sanctions.
- ♦ Direct the defendant to report in person the next day with a full payment.
- ♦ Direct the defendant to make a partial payment each payday to meet his/her full monthly payment.
- ♦ Direct the defendant to write a letter to the victim(s), in the case of restitution, or to the Court explaining his/her failure to pay the Court ordered financial sanctions.
- ♦ Direct the defendant to complete a new/current Payment Ability Evaluation (PAE) and scrutinize all questionable expenses.
- ♦ Direct defendant working part-time to obtain full time employment and/or obtain a second job.
- ♦ Probe all nonpayment excuses with in depth questions.
- ♦ Promptly follow up on missed and/or partial payment and obtain a promise to pay date. Follow up to verify that the payment was made on the promised date.
- ♦ Offer incentives for prompt payment: travel permits, less frequent reporting, deletion of deferred jail terms, transfer to Reduced Supervision Caseload, early termination.

Failure to Pay Court-Ordered Financial Sanctions Progressive Interventions

- A. Interventions:** When a probationer fails to make the monthly Court-ordered payment; supervising officer should utilize the following steps to address the noncompliance:
- B. Fifteen (15) Days Delinquent on Payment Due Date on Court-ordered Payments:**
1. Use cognitive tools and techniques
 2. Issue Directive for probationer to pay Court-ordered financial sanctions citing specific payment amounts and payment due dates
 3. Verbally counsel and warn.
- C. Thirty (30) Days Delinquent on Payment Due Date of Court-ordered Payments:**
1. Use cognitive tools and techniques
 2. Verbally counsel and warn
 3. Loss of travel and/or other privileges
 4. Increase all types of contacts
 5. Issue Directive for probationer to fully complete the Payment Ability Evaluation
 6. Review the completed Payment Ability Evaluation with probationer and identify disposable income to be redirected toward Court-ordered payments
 7. Offer probationer limited option to make delinquent payment in full or complete the Payment Ability Evaluation
- D. Sixty (60) Days Delinquent on Payment Due Date of Court-ordered Payments:**
1. Use cognitive tools and techniques
 2. Verbally counsel and warn
 3. Loss of travel and/or other privileges
 4. Increase all types of contacts
 5. Issue Directive for probationer to attend Budget Class
 6. Offer probationer limited option of making two full Court-ordered payments in lieu of attending Budget Class
 7. If delinquency is Restitution:
 - a. Refer probationer to collector for further monitoring
 - b. Submit Memorandum of Restitution Delinquency pursuant to Administrative Order 94-16 to Sentencing Court with a copy to the victim if the victim has opted-in for restitution matters.
- E. Ninety (90) Days Delinquent on Payment Due Date of Court-ordered Payments:**
1. Use cognitive tools and techniques
 2. Verbally counsel and warn
 3. Loss of travel and/or other privileges
 4. Increase all types of contacts
 5. Refer probationer to collector for further monitoring
 6. Offer probationer limited option of making full payment on delinquency in lieu of referral to collector
- F. 180 Days Delinquent on Payment Due Date of Court-ordered Payments:**
1. Use cognitive tools and techniques
 2. Verbally counsel and warn
 3. Loss of travel and/or other privileges
 4. Increase all types of contacts
 5. Arrange for Compliance Facilitation Session
 6. Allow for thirty days for probationer to comply with Compliance Facilitation Agreement
 7. If probationer refuses to participate in Compliance Facilitation or comply with Compliance Facilitation Agreement, the officer should, after staffing the case with a supervisor, initiate a PTR with a summon

FINANCIAL ENFORCEMENT CHEAT SHEET

Tool	Description	Application
Written Directive	Documented directed term of probation relating to Court ordered monies	When defendant fails to pay Court ordered monies within 15 days of payment due date
Payment Ability Evaluation/PAE	Detailed listing of income and expenses used to aid defendant in identifying disposable income that can be redirected to comply with financial sanctions	Upon initial assignment When defendant falls 30 days delinquent on Court ordered monies Whenever there is a change in defendant's financial status
Budget Class	Five(5) week class to aid defendants in establishing a household budget and resume Court ordered payments	When defendant falls 60 days delinquent on Court ordered monies If defendant needs help in establishing a household budget
Collectors	Specialized staff dedicated to work with APO in enforcing Court ordered financial sanctions through establishing payment plans and monitoring payment	When a defendant falls 90 days delinquent of Court ordered monies When an APO needs advice on an approach to enforce Court ordered monies
Compliance Facilitation	Mediation process to reestablish compliance with Court ordered monies	When defendant falls 180 days delinquent and the filing of PTR is imminent
Memorandum of Restitution Delinquency	Memo to Court advising that defendant is two months or the equivalent of two months delinquent on restitution payments	When defendant is two months or equivalent of two months delinquent on restitution payments Copy of memo sent on Opt-In victims
Deadbeat Caseload	Specialized caseload that deals with "Deadbeat" defendants	Caseload designed for defendants who have chronically failed to address Court ordered payments
Voluntary Wage Assignment	Payment plan that enables employer to send Court ordered payments directly to Clerk of the Court out of defendants wages/earnings	At any time defendant opts to participate in program Program is voluntary
Extending Probation	One year or three year extension of probation when there is an unpaid restitution balance at scheduled date of expiration Extend probation grant to maximum length of legal probation term	60 days prior to scheduled expiration date of probation Extend probation term for all grants less than maximum legal term to maximum length to allow defendant to comply with any remaining incomplete terms of probation including Court ordered monies
Criminal Restitution Order	Judgment filed when there is <u>any</u> unpaid balance on Court ordered monies	Upon scheduled expiration of probation and expiration of probation extension in restitution cases
Tax Intercept Program	Program that intercepts any State tax refund defendant may receive and applies refund to monies owed to a Criminal victim or to the State	After Restitution Order has been filed
"Broken Record" Other Collection Tips and Techniques	Tips on maintaining a focus on Court ordered payments to enable the defendant to establish compliance with all terms of probation	At all times

Maricopa County Adult Probation

[7 Return to Index](#)[30.009 ENFORCEMENT OF COURT ORDERED FINANCIAL SANCTIONS](#)[R\ 08-15-99](#)**ENFORCEMENT OF COURT ORDERED FINANCIAL SANCTIONS**

AUTHORITY: Administrative Directive; ARS 13-801 through 13-812, 13-902, 33-967; Administrative Order of the State Supreme Court of Arizona No. 94-16.

FORMS: Directive; Payment Ability Evaluation; Memorandum of Restitution Delinquency; Memorandum to the Court; Petition to Revoke Probation; Petition to Modify Probation; Information Statement of Judgement Creditor; Compliance Facilitation Screening Form; Collector Caseload Referral.

PURPOSE: To enforce the consistent payment of Court ordered financial sanctions as part of a strategy to improve defendant responsibility.

I. Strategies for Successful Collections:

- A. Address the payment of Court ordered financial sanctions at all contacts with the defendant.
- B. Remind the defendant that the Court is his/her single most important creditor.
- C. Promptly follow up on missed or partial payments.
- D. Inform the defendant that his/her signature on the Terms of Probation indicates his/her obligation to pay in full all Court ordered financial sanctions.
- E. Inform the defendant that his/her Terms of Probation require that he/she maintain employment or full time enrollment as a full time student in order to pay all Court ordered financial sanctions. In determining the ability to comply with Court ordered payments and specifically with any order of restitution, all of the defendant=s assets and income shall be considered, including Worker=s Compensation and Social Security benefits.
- F. Inform the defendant that failure to comply with Court ordered financial sanctions will result in additional intermediate sanctions up to and including a Petition to Revoke Probation.
- G. Advise the defendant that a travel permit is granted based on compliance with all Terms of Probation including financial terms.
- H. Inform the defendant that failure to comply with Court ordered financial sanctions

will jeopardize his/her opportunity to successfully complete his/her probation grant.

- I. Advise the defendant that delay of prompt payment of Court ordered financial sanctions will serve to prolong probation supervision, and in the case of an unpaid balance of restitution will result in an extension of probation.

II. Initial Contact with Defendant:

- A. Upon the initial interview with the defendant, the Probation Officer shall review the completed Payment Ability Evaluation the defendant received upon assignment. The Probation Officer will review with the defendant his/her income and expenses to identify items of disposable income, and instruct the defendant to redirect those monies to pay Court ordered financial sanctions.
- B. The Probation Officer shall review all Court ordered financial sanctions with the defendant and make clear for the defendant the total amount ordered by the Court, the total monthly payment amount, the start date for payment, and the subsequent due date of each monthly payment.
- C. The Probation Officer shall advise the defendant of the intermediate sanctions to be imposed when a payment is missed.

III. Monitoring the Payment of Court Ordered Financial Sanctions:

- A. Upon receipt of a new or transfer assignment, the Probation Officer shall review with the defendant all financial Terms of Probation. When payment is not received, the Probation Officer shall impose the following intermediate sanctions within the specified time frames.
- B. Application of Intermediate Sanctions to enforce the payment of Court ordered financial sanction:
 1. The Probation Officer shall address financial Terms of Probation at initial interview with all new and transfer assignments.
 2. If no payment is received within 15 days of payment due date, the Probation Officer shall inform and direct the defendant in writing with a Directive as to the Court ordered financial sanctions, payment amounts, and payment due dates.
 3. If no payment is received within 30 days of the payment due date, the Probation Officer shall direct the defendant to complete a new/current Payment Ability Evaluation(PAE). The Probation Officer shall review the PAE with the defendant and identify disposable income to be redirected to pay Court ordered financial sanctions.
 4. If no payment is received within 60 days of payment due date, the Probation Officer shall direct the defendant with a written Directive to attend Budget Class.

If the 60 day delinquency has accrued on a restitution order, in addition to directing the defendant to Budget Class, the Probation Officer shall complete a Collector Caseload Referral form and refer the defendant to a collector for further monitoring.

5. If no payment is received within 90 days of payment due date, the Probation Officer shall complete a Collector Caseload Referral form and refer the defendant to a collector for further monitoring.
6. If the defendant has been monitored by a collector and no payment is received within 180 days of payment due date, the collector shall complete and forward a Close of Interest form to the Probation Officer and refer the defendant back to the Probation Officer with a recommendation for Compliance Facilitation or a Petition to Revoke Probation. A copy of the Close of Interest form shall be sent to the supervisor of the Probation Officer. The Probation Officer will complete the Compliance Facilitation Screening form and make arrangements for Compliance Facilitation.

Should the defendant refuse to participate in Compliance Facilitation, the Probation Officer shall file a Petition to Revoke Probation based on willful noncompliance with Court ordered financial sanctions.

7. If the defendant fails to fulfill his/her Compliance Facilitation agreement within 30 days of the signing of the agreement, the Probation Officer shall file a Petition to Revoke Probation based on willful noncompliance with Court ordered financial sanctions. The Probation Officer shall file the Petition to Revoke probation with a request for a summons unless otherwise directed by the Court.

IV. Notification to the Court for Noncompliance with Court Ordered Financial Sanctions.

- A. Pursuant to the Administrative Order of the Supreme Court of Arizona No. 94-16, the Probation Officer shall send a Memorandum of Restitution Delinquency to the sentencing Court when the defendant has become delinquent in the amount equal to two full Court ordered monthly payments. The Probation Officer shall indicate to the Court the amount of the delinquency/nonpayment, the duration of the delinquency/nonpayment, and the measures to be taken to correct the delinquency/nonpayment. One copy of the Memorandum of Restitution Delinquency shall be retained in the case file, one copy given to the defendant, and one copy sent to any victim who is Aopt-in³ for post-conviction notification.
- B. In the event that the defendant is hospitalized for a lengthy period of time or suffers an injury or illness which inables the defendant to make Court ordered payments, the Probation Officer shall send a Memorandum to the Court documenting the reason for the hiatus in payment, the duration of the hiatus, and the expected date at which payment will resume.

V. Modification of Payment Orders.

- A. **RESTITUTION:** With the authorization of the Division Director, a Probation Officer may submit a Petition to Modify Probation to the Court if information is received from a victim, the prosecuting attorney, the Clerk of the Court, or the Court which indicates that the original restitution order is to be increased, decreased, updated, or changed in any manner.
- B. **PROBATION SERVICE FEE:** A Probation Officer shall neither request that the Court adjust the payment amount or frequency of payment, nor request that the Court delete or exonerate any delinquency or order of Probation Service Fee during the term of probation. Upon a defendant's reinstatement to probation, the Probation Officer shall recommend to the Court that the total amount of accrued Probation Service Fee delinquency be brought forward and ordered payable as a new term of probation.
- C. **ALL OTHER COURT ORDERED FINANCIAL SANCTIONS:** A Probation Officer may request that the Court adjust the total amount of payment, the monthly payment amount, or the start date of payment provided that the request is not prohibited by statute.

VI. Expiration or Early Termination of Probation.

- A. **RESTITUTION:** If any amount of restitution is outstanding 60 days prior to the scheduled termination of probation, the Probation Officer shall submit to the Court a Petition to Modify Probation requesting an extension of probation. A felony may be extended for up to three years and a misdemeanor may be extended for up to one year beyond the original probation grant. If the victim is Aopt-in= for post-conviction notification of probation matters, the victim shall be contacted by the Probation Officer and advised that an extension of probation has been submitted to the Court. If restitution is still owing at the end of the period of extension of probation, the Probation Officer shall file a Criminal Restitution Order with the Court in favor of each person entitled to restitution in the amount of the unpaid balance of any restitution ordered.
- B. **ALL OTHER COURT ORDERED FINANCIAL SANCTIONS:** If any amount of Court ordered monies remains an unpaid balance or is a delinquent balance upon the expiration of probation, the Probation Officer shall file a Criminal Restitution Order with the Court in favor of the State for any unpaid balance or delinquent monies owed for Probation Service Fees, fines, reimbursement, assessments, or incarceration costs. The Probation Officer shall file a Criminal Restitution Order together with the Information Statement of Judgement Creditor with the Court in the total amount of the outstanding unpaid balance owed to the State.

VII. Tips to Aid Officers in the Enforcement of Court Ordered Financial Sanctions.

See ATips and Techniques sheet.

-END SECTION 30.009 ENFORCEMENT OF COURT ORDERED FINANCIAL
SANCTIONS --

ENHANCING RESTITUTION COLLECTION TIPS AND TECHNIQUES YOU CAN IMPLEMENT WITHOUT ADDITIONAL RESOURCES

Treat payment of restitution the same as other court-ordered conditions of supervision.

- ♦ When the Probation Officer makes payment of Court ordered monies a priority, the offender will make payment a priority.
- ♦ Promptly follow up on missed and/or partial payment and obtain a promise to pay date. Follow up to verify that the payment was made on the promised date.

Address restitution during every contact with the offender

- ♦ The more you talk about payment, the more payments are made.
- ♦ Failure to address payment of Court ordered financial sanctions, guarantees nonpayment.
- ♦ Address payment of Court ordered monies at every contact with the offender; if the offender made his/her payment, give the offender a plaudit; if the offender failed to make his/her payment, emphasize the importance of paying Court ordered financial sanctions.
- ♦ Probe all nonpayment excuses with in depth questions, e.g., What stood in your way of making the payment? What can you do to ensure that you make the payment on (date)?
- ♦ Use the Broken Record technique (*see Broken Record Technique: Measures to Maintain Focus handout*) as a way to challenge offenders' excuses for nonpayment, keep the conversation focused on payment of restitution, and to elicit an agreement to pay from the offender.

Look for and question the offender about assets and lifestyle choices that relate to disposable income that can be tapped for payment of restitution.

- ♦ Be cognizant of an offender's assets and possible sources of disposable income during meetings with the offender in the office and at his/her home. Also be aware of possible disposable income or lifestyle choices during phone conversations, and face to face contacts.
- ♦ Question the offender about lifestyle choices (e.g., pager, cell phone, cable television, smoking, jewelry, acrylic fingernails, designer clothing, new vehicles, vacations, gifts purchased by others for the offender, electronic and/or furniture rentals, non-paying roommates, etc.).

Outline and utilize a system of graduated responses for addressing nonpayment (*see the Progressive Interventions handout for an example for how graduated responses can be outlined in policy*).

- The more uncomfortable you make it for the offender not to pay, the more likely the offender is to make a payment.
- When implementing sanctions, provide the offender with limited options (e.g., You can attend budget class, or you can bring in a full payment.).

Sample sanctions include:

- ♦ Increased reporting.

- ♦ Completion of Payment Ability Evaluation (PAE) with documentation of expenses. Direct the offender to redirect disposable income to Court ordered payments. (*See the Payment Ability Evaluation handout*).
- ♦ Attendance at Budget Class.
- ♦ Transfer to a specialized caseload that deals solely with “deadbeat” offenders.
- ♦ Direct the offender to report in person the next day with a full payment, and, if necessary to continue reporting every day or at some other interval you determine until he or she does bring in a payment.
- ♦ Direct the offender to make a partial payment each payday to meet his/her full monthly payment.
- ♦ Direct the offender to write a letter to the victim(s), in the case of restitution, or to the Court explaining his/her failure to pay the Court ordered financial sanctions.
- ♦ Direct offender working part-time to obtain full time employment and/or obtain a second job.
- ♦ Make contact with the offender at his/her work, preferably on payday. Be discreet so the offender’s job is not jeopardized.

Sample incentives include:

- ♦ Travel permits
- ♦ Less frequent reporting
- ♦ Deletion of deferred jail terms
- ♦ Transfer to reduced supervision caseload
- ♦ Early termination
- ♦ Mail in reporting

Leverage Support from Others

- ♦ Ask a peer to help in the discussion of payment obligations with difficult offenders.
- ♦ Ask a supervisor to sit in and provide support during discussions with difficult offenders.
- ♦ Ask a supervisor to meet with the offender to serve as a higher authority to address the obligation to pay Court ordered financial sanctions.
- ♦ Make contact with the offender and spouse at their home to discuss the importance of Court ordered financial obligations.

Document Steps Taken to Elicit Payment as a Means to Show Willful Noncompliance

- Ensure that you maintain documentation of all intermediate sanction imposed for preparation to take the offender back to Court, such as:
 - Written directives
 - Signed Payment Ability Evaluation (PAE)
 - Attendance at Budget Class
 - Case note for each contact with the offender
 - Payment history or lack of payment history for the offender
- ♦ Keep case notes, copies of the payment availability evaluation, etc. in the file as a way to document willful noncompliance of offenders who you refer to the court for further action.

**Improving Restitution Management
Action Planning
I/We Hereby Resolve...**

Jurisdiction Name: _____

Email Address: _____

We hereby resolve, that we will work toward making the following changes in the ways in which we manage restitution...

Strategy	Tasks	Expected Target Date for Implementation	Notes

**TRAINING ON PROMISING VICTIM RELATED PRACTICES IN PROBATION AND PAROLE
Post-Test**

Participant Name: _____ **Email:** _____
Training Location: _____ **Training Date:** _____

1. Which of the following could be a stressor(s) experienced by a crime victim during the justice process:
 - ☐ Facing the perpetrator in court.
 - ☐ Recalling the crime multiple times in preparation for trial or when dealing with justice professionals.
 - ☐ Concern about being believed by others.
 - ☐ General lack of understanding about the justice system and process.
 - ☐ All of the above.

2. True or False. As a community corrections officer, you are obligated to hold all information provided by crime victims as confidential to the same degree as a private victim advocate.
 - ☐ True
 - ☐ False

3. Identify the five foundation skills of effective communications with crime victims (check all that apply):
 - ☐ Speaking loudly
 - ☐ Active listening
 - ☐ Affirming
 - ☐ Open-ended questions
 - ☐ Closed-ended questions
 - ☐ Being multilingual
 - ☐ Paraphrasing
 - ☐ Reflective listening

4. Please list three methods for delivering victim impact statements:
 - 1.
 - 2.
 - 3.

5. Victim Impact Statements and other input provided by victims provides critical information that can help probation and parole officers:
 - a. Promote the safety of victims
 - b. Better understand and supervise offenders
 - c. Both A & B

6. True or False. Victim impact statements should **only** be taken at the pre-sentence investigation phase of the justice process.
 - ☐ True
 - ☐ False

7. Please list four areas of harm that victim impact statement forms typically include for victim input:
 - 1.
 - 2.
 - 3.
 - 4.

8. Select from below the types of information that victims may receive through victim notification during the community corrections process (please check all that apply):
 - ☐ Release of the offender from an institution to parole supervision.
 - ☐ Transfer of supervision of the offender to another jurisdiction.
 - ☐ Revocation of community supervision.
 - ☐ Notice of pending parole review.
 - ☐ Mental health diagnosis and treatment plan of the offender.

9. True or False. Victim notification is mandatory and automatic for all victims of crime at all points in the criminal justice process. Key information about a case must be provided to the victim, regardless of the victim's desire for such information.
 - ☐ True
 - ☐ False

10. Please list three methods for delivering victim notification.
 - 1.
 - 2.
 - 3.

11. Please identify two special victim populations that may have unique informational needs and/or concerns:
 - 1.
 - 2.

12. The two primary benefits of restitution for victims are that it (check all that apply):

- ☐ Makes the victim feel peace toward the offender
- ☐ Provides financial recompense for losses
- ☐ Rights the wrongs the victim suffered
- ☐ Provides tangible proof or evidence the offender is being held accountable for his actions

13. The first underlying premise of effective restitution management and collection is (fill in the blank):

If you make restitution a _____, then offender will make restitution a _____.

14. The second underlying premise of effective restitution management and collection is (fill in the blank):

When it becomes too _____ not to pay, the offender will pay.

15. The following can be considered disposable income for offenders that can be redirected toward restitution payments (check all that apply):

- ☐ Cable television service
- ☐ Designer clothing
- ☐ Cell phone
- ☐ Groceries
- ☐ Dining out

TRAINING ON PROMISING VICTIM RELATED PRACTICES IN PROBATION AND PAROLE
Post-Test

Participant Name:_____ **Email:**_____

Training Location:_____ **Training Date:**_____

1. Which of the following could be a stressor(s) experienced by a crime victim during the justice process:
 - ☐ Facing the perpetrator in court.
 - ☐ Recalling the crime multiple times in preparation for trial or when dealing with justice professionals.
 - ☐ Concern about being believed by others.
 - ☐ General lack of understanding about the justice system and process.
 - ☒ All of the above.

2. True or False. As a community corrections officer, you are obligated to hold all information provided by crime victims as confidential to the same degree as a private victim advocate.
 - ☐ True
 - ☒ False

3. Identify the five foundation skills of effective communications with crime victims (check all that apply):
 - ☐ Speaking loudly
 - ☒ Active listening
 - ☒ Affirming
 - ☒ Open-ended questions
 - ☐ Closed-ended questions
 - ☐ Being multilingual
 - ☒ Paraphrasing
 - ☒ Reflective listening

4. Please list three methods for delivering victim impact statements:
 Respondents may choose any **THREE** of the following:
 - Written VIS
 - Oral VIS (allocution)/victim personally addresses the sentencing court or hearing panel
 - Audiotaped VIS
 - Video/DVD VIS
 - Close circuit television/Video Conference/Phone Conference
 - Personal meetings with probation/parole staff, victim advocate and/or hearing panel members
 - Community impact statements

5. Victim Impact Statements and other input provided by victims provides critical information that can help probation and parole officers:
 - a. Promote the safety of victims
 - b. Better understand and supervise offenders
 - ✓ c. Both A & B

6. True or False. Victim impact statements should only be taken at the pre-sentence investigation phase of the justice process.

☐ True

☒ False

7. Please list four areas of harm that victim impact statement forms typically include for victim input:
 Respondents may list any FOUR of the following areas of harm generally reflected within the VIS:
 - Physical
 - Emotional/Mental
 - Financial
 - Social
 - Religious/Spiritual
 - Short and long-term impact
 - Lifestyle changes
 - Life perspective

8. Select from below the types of information that victims may receive through victim notification during the community corrections process (please check all that apply):

☒ Release of the offender from an institution to parole supervision.

☒ Transfer of supervision of the offender to another jurisdiction.

☒ Revocation of community supervision

☒ Notice of pending parole review.

☐ Mental health treatment of the offender.

9. True or False. Victim notification is mandatory. Key information about a case must be provided to the victim, regardless of the victim's desire for such information.

☐ True

☒ False

10. Please list three methods for delivering victim notification.
 Respondents may list any THREE of the following delivery methods:
 - Written
 - Telephone
 - Automated voice response
 - In-person

- Brochures,
- Flyers,
- Handbooks
- Web sites
- Email
- Toll-free numbers

11. Please identify two special victim populations that may have unique informational needs and/or concerns:

Respondents may list any TWO of the following populations:

- Domestic violence victims
- Children
- Secondary and Tertiary victims
- Elderly
- Non-English speakers
- Victims of sexual assault

12. The two primary benefits of restitution for victims are that it (check all that apply):

- ☐ Makes the victim feel peace toward the offender
- ☒ Provides financial recompense for losses
- ☐ Rights the wrongs the victim suffered
- ☒ Provides tangible proof or evidence the offender is being held accountable for his actions

13. The first underlying premise of effective restitution management and collection is (fill in the blank):

If you make restitution a _____ priority _____, then offender will make restitution a _____ priority _____.

14. The second underlying premise of effective restitution management and collection is (fill in the blank):

When it becomes too _____ uncomfortable/bothersome _____ not to pay, the offender will pay.

15. The following can be considered disposable income for offenders that can be redirected toward restitution payments (check all that apply):

- ☒ Cable television service
- ☒ Designer clothing
- ☒ Cell phone
- ☐ Groceries
- ☒ Dining out

PROMISING VICTIM RELATED PRACTICES IN PROBATION AND PAROLE
[Training Location] – [Training Date]

Please help us evaluate and improve this training program by giving brief reactions/comments indicating your thoughts about the following.

1. What new content or different ways of looking at things did you learn through this training program?

2. Do you anticipate implementing any changes in your work as a result of this training?

- ☐ Yes
☐ No

If yes, what change will you make?

3. What were the best aspects of this training program?

4. What information provided in this training will be least helpful? Why?

5. How could this training program be improved?

6. What additional help or training do you need related to this topic?

7. Further suggestions or comments:

(Please continue on back)

TRAINING POST-TEST AND EVALUATION FORM

Please rate the following aspects of this training program.	Outstanding	Above Average	Average	Below Average	Poor
Organization of the training session	5	4	3	2	1
Quality of the training (overall rating)	5	4	3	2	1
Content (current, relevant, and useful information)	5	4	3	2	1
Effectiveness of instruction (presenters' skills and organization)	5	4	3	2	1
Group exercises and learning activities	5	4	3	2	1
Opportunities for participation/involvement	5	4	3	2	1
Participant manual and handouts	5	4	3	2	1
Visual aids	5	4	3	2	1
<p>The length of the training in relation to the content covered was: <input type="checkbox"/> too long <input type="checkbox"/> about right <input type="checkbox"/> too short</p> <p>In terms of your understanding of this topic, the material presented was: <input type="checkbox"/> too complex <input type="checkbox"/> about right <input type="checkbox"/> too simple</p>					

Demographic Data

- What is your primary professional work?
 - ☐ Probation
 - ☐ Parole
 - ☐ Probation/Parole (combined)
 - ☐ Pretrial Services
 - ☐ Justice agency-based (public) victim advocate
 - ☐ Community-based (private) victim advocate
 - ☐ Other: _____
- How would you describe your staffing level?
 - ☐ Line officer
 - ☐ First line supervisor
 - ☐ Mid-level supervisor
 - ☐ Administrator
 - ☐ Other: _____
- How many years have you worked in your current field?
 - ☐ Less than 1 year
 - ☐ 1-2 years
 - ☐ 3-5 years
 - ☐ 6-10 years
 - ☐ 11-20 years
 - ☐ 21 years or more
- How did you hear about this training?
 - ☐ CC Headlines
 - ☐ APPA's Website
 - ☐ Email communication
 - ☐ Other (specify) _____

Additional Comments
