

Promising Victim Related Practices in Probation and Parole

Participant Manual

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

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

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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

Training on Promising Victim Related Practices in Probation and Parole

Training Purpose and Agenda

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 – 9:15 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

Faculty Information
[Customize as Necessary]

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The Role of Community Corrections in Victim Services

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

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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.

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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

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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/PHVPPRR.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/JRGT6BM>.

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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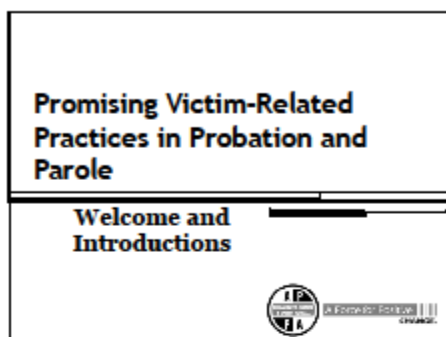
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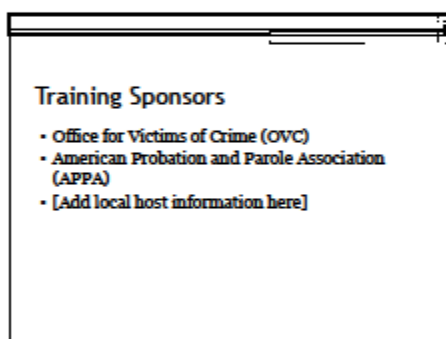
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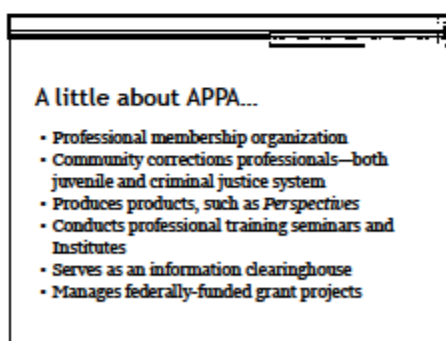
Source for Video Clips: The American Probation and Parole Association gratefully acknowledges the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice, for allowing us to reproduce, in part or in whole, the videos entitled Unit 3: Burglarly-Leanna; Unit 4: Assault-Alan; 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

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4/19/2012







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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

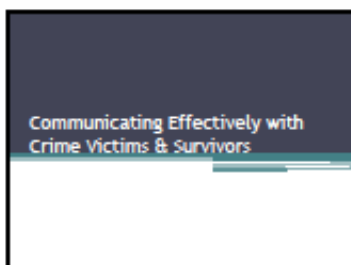
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Introduction Exercise

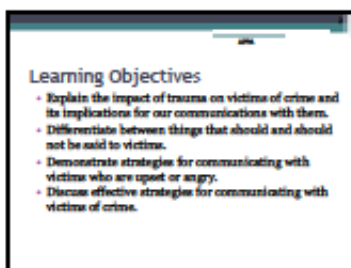
- State your name
- Indicate what you do for your agency
- Answer the question,
 - By the end of this seminar, I hope to learn...
- Tell us the strangest thing that is currently in your refrigerator.

Questions?

Slide 1



Slide 2




Slide 3



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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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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

4/19/2012

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.

7

4/19/2012

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.*



4/19/2012

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."

4/19/2012

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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4/19/2012

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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4/19/2012


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.....

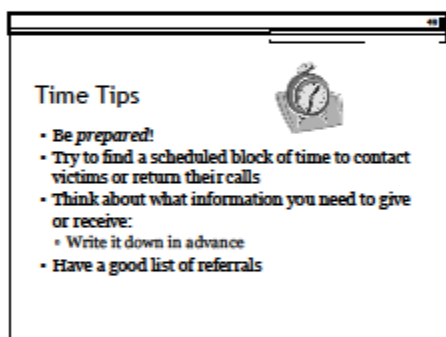
What are some
BAD THINGS
you should *never* say to
crime victims and survivors?

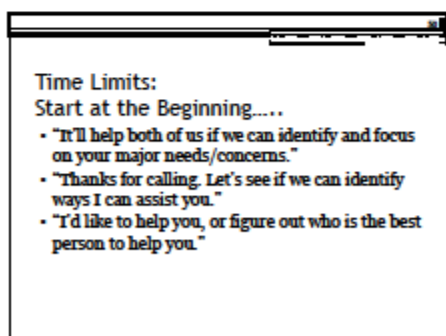


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Time Limits:
Start at the Beginning....

- "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.

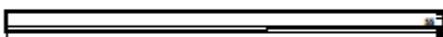
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4/19/2012




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.



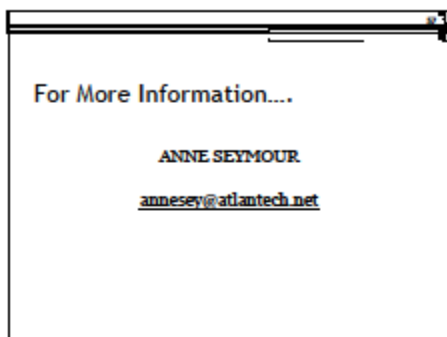
ONE FINAL THOUGHT.....

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!

4/19/2012



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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.....

| GRO UP # | CONCERNED ABOUT.... | 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. |



“GOOD” AND “BAD” THINGS TO SAY TO VICTIMS.....

SMALL GROUP ACTIVITY

Please discuss for *five minutes* in your small group the “good things” you can say to crime victims and survivors, and the “bad things” you should *avoid* saying.

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

| GOOD THINGS TO SAY TO VICTIMS/SURVIVORS  | BAD THINGS TO SAY TO VICTIMS/SURVIVORS  |
|---|--|
| 1. | 1. |
| 2. | 2. |
| 3. | 3. |

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

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”.....)

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

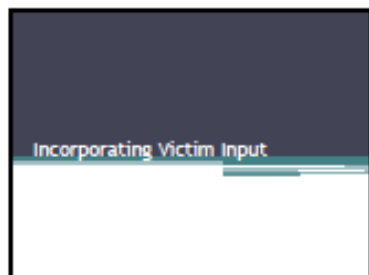
- Whether or not offender is participating in BIPPS (this information *can* be provided by BIPPS to a community-based victim assistance program and, then, to the victim).
- Whether or not the offender is complying fully with the conditions of parole supervision..
- Parole agreement (except information 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).

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

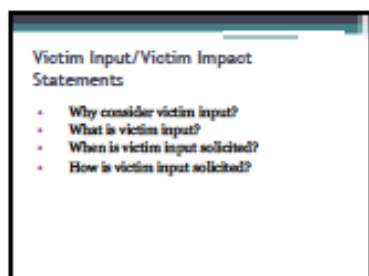
| AGENCY | TOLL-FREE NUMBER AND TTY/TDD | HOURS OF OPERATION | WEBSITE URL |
|--|---|---|---|
| American Domestic Violence Crisis Line (for American citizens victimized abroad) | 866-USWOMEN | 24/7/365 | www.866uswomen.org |
| Battered Women's Justice Project | 800-903-0111 | Monday – Friday 10:30 am – 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 |

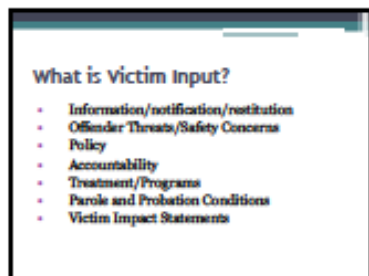
Slide 1



Slide 2



Slide 3



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?

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

5/14/2012

Challenges in Soliciting VISs

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

Case 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 Casework¹

- 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

¹

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.

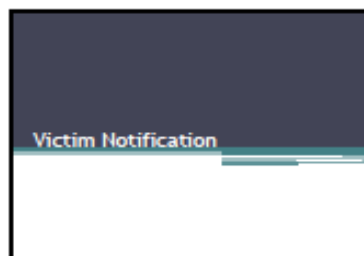
Revised 9/12/02

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.

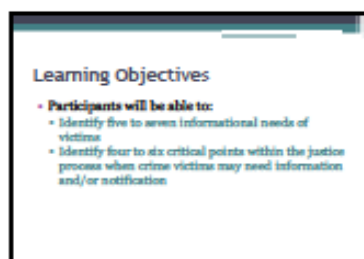
Now that you have told the Judge about your feelings, what would you like to see happen to this person so you will be safe?

Revised 9/12/02

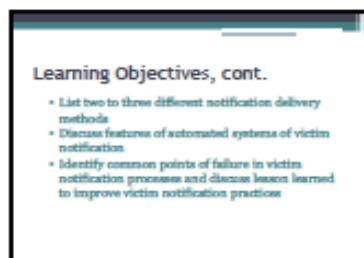
Slide 1



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
 - 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 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 victims 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 70 opportunities have been documented where victims are receive notification.
- How many on 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

- 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

Slide 17

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

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, agging 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 | | |

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.

Exhibit 8-1

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

Detention Information Form

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:

☐ New Victim Info Faxed to Jail? ☐ Yes by: _____ Phone # _____
☐ Updated Victim Info ☐ No Date/Time _____

Name of Arrested Person _____

SIP Case # _____

Name of Victim _____

Victim's Home Address _____

Victim's Telephone Number(s) Home _____
Work _____

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

ADULT DETENTION DIVISION USE ONLY

Victim Notification

1st try _____ (time) 2nd try _____ (time) 3rd try _____ (time)

Was victim notified? Yes _____ at _____ (time) No _____

Comments _____

Date and time of mail notification _____

Notifying CRC/Deputy _____ Date and time _____

Entered into JMS by _____

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.)

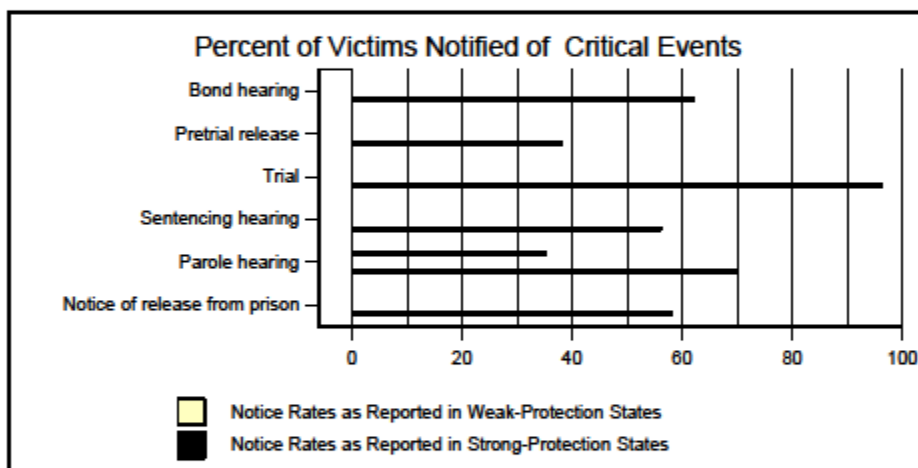


Chart 1

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

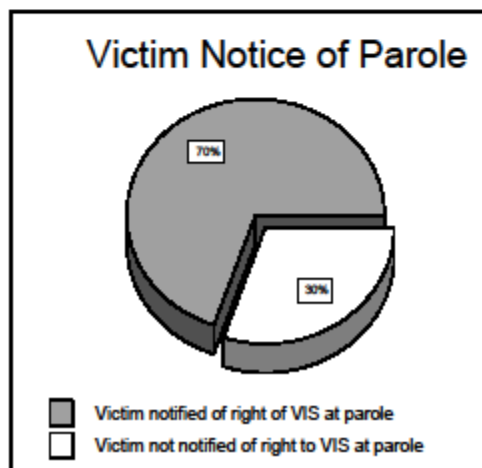


Chart 2

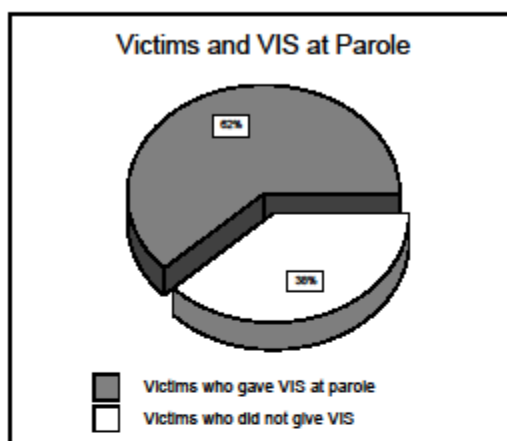


Chart 3

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

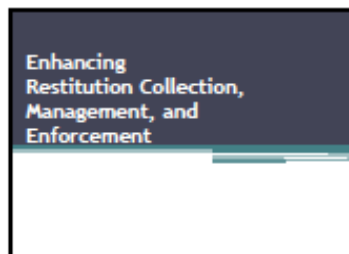
1. David Beatty, Dr. Dean Kilpatrick, and Susan Smith Howley. (December 1998). *The Rights of Crime Victims – Does Legal Protection Make a Difference? NLJ – Research in Brief*. Washington, D.C.: National Institute of Justice, U.S. Department of Justice. (Copies of this *NLJ Research in Brief* and the 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.

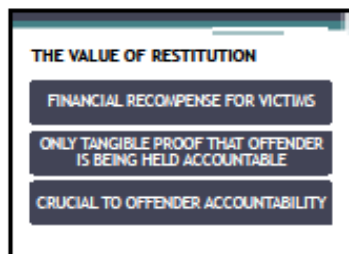
Slide 1



Slide 2



Slide 3



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

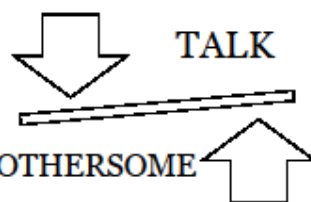
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WHAT ARE YOU DOING?

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



TWO MEASURES = SUCCESS



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

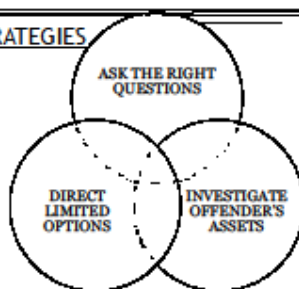
- ☐ If you make it a priority...so will the offender
- ☐ Prompt follow-up necessary on missed and/or partial payments

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

STRATEGIES



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 PAYMENT ON NEXT?

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, my boss that my wife have been sick and I've had to take some work and pay the doctor bills.

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

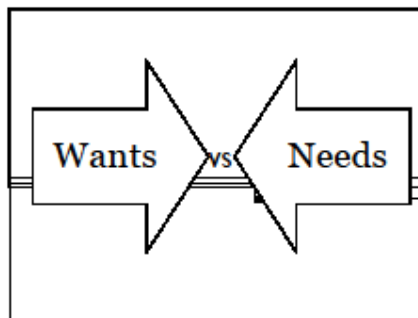
OFFENDER: I had planned on making the payment, but my car has needed some repairs and I need the car for work.

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)**



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

6

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

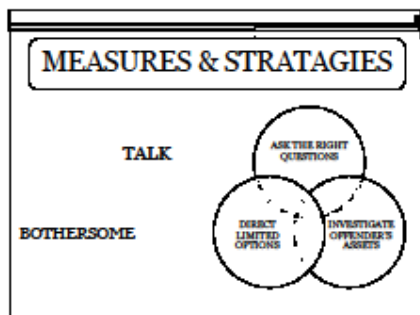
REWARDS

- 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)

WILLEFUL 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 your 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.

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): | | |
| <i>(circle one:)</i> | | |
| VISA, AMEX, DISCOVERY, MASTERCARD, DINERS CLUB, | | |
| DEPARTMENT STORES, GASOLINE, ETC. | | |
| 1.) _____ | \$ _____ | \$ _____ |
| Credit Limit: \$ _____ | | |
| Balance Amount: \$ _____ | | |
| <i>(circle one:)</i> | | |
| VISA, AMEX, DISCOVERY, MASTERCARD, DINERS CLUB, | | |
| DEPARTMENT STORES, GASOLINE, ETC. | | |
| 2.) _____ | \$ _____ | \$ _____ |
| Credit Limit: \$ _____ | | |
| Balance Amount: \$ _____ | | |
| <i>(circle one:)</i> | | |
| 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 | \$ _____ |

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

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.

ADMINISTRATIVE 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 importance 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 |

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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-in² 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: _____
Address: _____

Email

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 |
|----------|-------|---|-------|
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