



American Probation and Parole Association • Special Issue • 1994

PERSPECTIVES





Alan M. Schuman

PRESIDENT'S MESSAGE

The victims' movement has brought the needs of crime victims to the attention of many in the field of criminal justice. Although there have been efforts to include victims in the criminal justice process up through the prosecutorial stage, many times victims find it difficult to remain informed and involved once the offender has been prosecuted. The field of corrections, including probation and parole, tends to focus mainly on the rights and needs of the offenders. Unfortunately, this can be at the expense of those most directly affected by offenders' actions--victims. Therefore, if victims are to be involved at the level they deserve throughout the criminal justice process, probation and parole must respond by "picking up the ball" after the prosecutorial stage in order to keep victims involved and informed.

Overall, victims have a powerful and strong voice in the community. They have the ability to affect the public's views and opinions of community corrections. A considerable amount of time, energy and resources has been spent by victims' organizations, the media and other interest groups to bring to focus the attention of the community on the ever-increasing problem of crime in America. The increasing awareness and fear of crime and violence among the public is causing the criminal justice system to be scrutinized more closely than ever. If probation and parole is to flourish in this time of budgetary and legislative constraints, it is imperative that we, as community corrections professionals, work to reshape the public's perception of community corrections. Providing meaningful victim services can only support our cause and provide another linkage with the community.

We have more direct contact with the offender than most other professionals in the criminal justice system. It is essential that we realize our obligation to protect the safety of society extends beyond that of providing services to the offender. It is our duty to convey to the public that we are sensitive to the victims of the offenders we supervise, and that we recognize that they too are consumers of the service that we render. Implementing victim service programs within probation and parole is a difficult task considering the limited amount of financial and human resources. However, as a result of recent legislation, responding to victims' needs is not only the "right thing to do," it is now being mandated. A new way of thinking about probation and parole, as well as creative and innovative methods in designing victim service programs, will be necessary to meet the requirements outlined in the laws. The American Probation and Parole Association has been a leading

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force in striving for increased services for victims within the probation and parole setting. APPA's *Offender Supervision and Victim Restitution Project*, sponsored by the Office for Victims of Crime, was designed to improve the response of probation and parole professionals. The project focuses on meeting the needs of crime victims by incorporating services into actual case management. Through its training curriculum, training seminars and technical assistance, the project stresses

two main components of victim service programming-victim notification and restitution collection. In 1991, APPA formed a Victim Issues Committee comprised of representatives from probation and parole, the judiciary and criminal justice, as well as victims of crime and victim service providers. This committee is dedicated to improving victims' rights and services in probation and parole agencies, and to seeking opportunities to build strong alliances with victims and victim service pro-

viders. In yet another effort to promote victim services, APPA has developed this special issue of *Perspectives* to provide you with information on current theories, concepts and programs in the victim services area as they relate to probation and parole. I hope that you will find this issue informative and will utilize it as a resource to help stimulate ideas or responses that you can implement for victims in your own jurisdictions in order to meet the challenging goal of serving victims.

Information For Perspectives Contributors

The American Probation and Parole Association's publication, *Perspectives*, disseminates information to the Association's members on relevant policy and program issues and provides updates on activities of the Association. The membership represents adult and juvenile probation, parole and community agencies throughout the United States and Canada. Articles submitted for publication are screened by an editorial committee and, on occasion, selected reviewers, to determine acceptability based on relevance to the field of criminal justice, clarity of presentation, or research methodology. *Perspectives* does not reflect unsupported personal opinions. Submissions are encouraged following these procedures:

Articles should be submitted in ASCII format on an IBM-compatible computer disk, along with five hard copies, to the chairman of the editorial committee (see below), meeting the listed deadlines:

Fall 1994 Issue	June 21, 1994
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Spring 1995 Issue	December 12, 1994
Summer 1995 Issue	March 21, 1995

Unless previously did with the editors, submissions should not exceed 10 typed pages, numbered consecutively and double-spaced. All charts, graphs, tables and photographs must

be of reproduction quality.

Optional titles may be submitted and selected after review with the editors.

All submissions should be in English. Footnotes should be used only for clarification or substantive comments, and should appear at the end of the text

References to source documents should appear in the body of the text with the author's surname and the year of publication in parentheses, e.g., (Jackson, 1985). Multiple references to sources by the same author should be labeled alphabetically with each year, e.g., (Jackson, 1985a). If the same source is cited more than once, indicate the various pages of the source with each reference, e.g., (Jackson, 1985: 162-165). Alphabetize each reference at the end of the text using the following format:

Anderson, Paul J. "Salary Survey of Juvenile Probation Officers." Criminal Justice Center, University of Michigan (1982).

Jackson, D.J. "Electronic Monitoring Devices." Probation Quarterly (Spring, 1985): 86-101.

While the editors of *Perspectives* reserve the right to suggest modifications to any contribution, all authors will be responsible for and given credit for final versions of articles selected for publication. Submissions will not be returned to contributors.

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Tracy Godwin

Letter from the Editor

by Tracy Godwin, Victim Services Specialist, APPA

One of the greatest challenges facing community corrections in the 1990s is the issue of providing victim services. Crime victims are speaking out and they are being heard by their legislators and the public. If community corrections is going to survive and flourish in the coming decade, it is imperative that concerted efforts are made to respond to the needs of the victims of the offenders in this system.

APPA is attempting to assist probation and parole agencies who are committed to implementing victim services. Through its Offender Supervision and Victim Restitution Project, sponsored by the Office for Victims of Crime, APPA has developed a comprehensive resource manual, *A Guide to Enhancing Victim Services Within Probation and Parole*, and has provided training seminars and technical assistance on the issue of enhancing victim services within probation and parole agencies. This special issue of Perspectives is yet another product of this project designed to educate and encourage agencies to respond to victims of crime.

Anne Seymour, a consultant for criminal justice and victim issues, contributed our guest editorial on the necessity for community corrections personnel to understand the dynamics of victimization. She offers practical suggestions for probation and parole professionals who work with victims of crime.

We have included in this issue the APPA Position Statement on Victims, as approved by the Board of Directors at their meeting in Cincinnati, Ohio on February 13, 1994. It is being presented in this special issue in order to seek comments and feedback from the general

membership prior to requesting final approval at the membership meeting in Phoenix on September 14, 1994.

The second article was written by Thomas Ann Hines, chairperson for People Against Violent Crime. Ms. Hines' son was a homicide victim, and she details her experiences with the criminal justice system following this tragic event. She appeals to all criminal justice professionals for increased understanding and sensitivity to the needs of crime victims.

"APPA's Public Hearings Explore Probation and Parole," is an account of the two APPA public hearings which were conducted in St. Louis and Philadelphia. Jim Sinclair recounts testimony given by victims of crime describing the frustration they encountered in attempting to decipher the criminal justice system. He then outlines responses that probation and parole agencies can make in serving crime victims.

The next articles discuss the need to re-examine the focus of the criminal justice system in order to shift from a retribution and risk management approach to a restorative justice approach to supervision. Gordon Bazemore, Ph.D., of Florida Atlantic University, outlines and discusses the concept of restorative justice as a means to link the more traditional approaches to probation and parole with that of victim-oriented practices. He offers considerable insight into this issue and discusses the need for probation and parole to have a more "balanced mission."

Mark Umbreit, Ph.D., of the School of Social Work at the University of Minnesota, reports on the first large cross-site evaluation of victim offender media-

tion programs to occur in the United States. He discusses the policy and program implications that emerge based upon the conclusions in the study.

The sixth article, by Hon. Myron Steele and Thomas J. Quinn! examines the history of the victim's role in the criminal justice process and provides some examples of programs which adhere to a restorative justice concept. They also describe the necessity for utilizing informal mechanisms for solving disputes and crimes.

In our seventh article, Vincent Del Castillo and Charles Lindner examine the issue of victimization of probation and parole officers. They outline controversy surrounding studies on this issue, and conclude with suggestions for agency responses to staff victimization.

The eighth feature, 'An Introduction to the Management and Collection of Restitution,' provides an overview of obstacles to the management and collection of restitution and highlights strategies and innovative methods to facilitate more effective restitution collection.

Finally, we received several submissions that describe the various efforts that probation and parole agencies across the nation are making to serve victims of crime. We have compiled these articles in one section to provide you with a sample of these innovations. The programs featured are making significant strides toward incorporating victim services into their departments.

We hope that this special issue will serve as a valuable resource and provide you with some background on the rationale behind the necessity for delivering services to crime victims.

GUEST EDITORIAL

Crime Victims and Community Corrections: Searching for Common Ground

by Anne Seymour

Anne Seymour is a consultant in criminal justice and victim services. She is Sub-chair of APPA Victim Issues Committee, chairs the American Correctional Association Victims Committee, and is a member of the Association of Paroling Authorities, International Victims Committee.

What do crime victims want? What do crime victims need? Perhaps most important, what can probation and parole officers do—personally and professionally—to meet the needs of their victim clients?

These three important questions comprise the nucleus of APPA's long-standing efforts to improve victims' rights and services within the jurisdiction of community corrections. While the questions appear to be simple, the answers are a bit more complex.

I was fortunate to be part of the

crime victims. Participants agreed it was an important, necessary and long overdue effort, and one which would help them pave the path of the relatively new road to improved victim services in community corrections.

As I launched into my detailed overview of victims' rights, services and needs, a pall was cast over the audience. A trainer's nightmare of "not reaching your audience" became my painful reality. The missing link became crystal clear when a probation officer raised his hand and said, "I just don't know how to talk to victims."

In a matter of seconds, I tossed my overhead transparencies, training outline and other teaching aids aside. Switching gears immediately, I launched into a basic - yet crucial - overview of how probation and parole officers can better communicate one-on-one with victims of crime.

I learned a valuable lesson that day; the chasm between community corrections and crime victims too often resembles the Grand Canyon. Yet the real lesson is that by working together, these two very different constituencies can fill in the gap by sharing basic information, resources and strategies that recognize mutual concerns and needs.

At the APPA public hearing on vic-

tims' issues held in St. Louis in 1992, APPA Victim Issues Committee member Ted Poe, a Houston judge, noted that "probation, parole and corrections: to victims, them's fighting words!" Yet the concept of the "fighting words" was softened somewhat by Committee witness Kathy Tofall, a St. Louis victim advocate, who said simply that "if we (victim advocates) knew more about probation and parole, we could become advocates for both systems." It is this mutual understanding of the dynamics of victimization, along with the demands placed on probation and parole officials, that provided a strong foundation for building useful guidelines to help community corrections professionals address victims' rights and needs.

The impromptu curriculum thrown onto flip charts at the APPA training conference in Chicago has since been refined into comprehensive, and hopefully helpful, "do's and don'ts" for probation and parole officials who deal with crime victims. The following suggestions I developed are based on the four basic needs of victims developed by Dr. Marlene Young, Executive Director of the National Organization for Victim Assistance and a long-time advocate of victim services in corrections.

What do victims **want and need**?

I learned a valuable lesson that day; the chasm between community corrections and crime victims too often resembles the Grand Canyon.

training team that conducted the Association's initial pilot training program for the U.S. Department of Justice, Office for Victims of Crime-sponsored project entitled, **Offender Supervision and Victim Restitution**. In August 1991, over 50 probation and parole professionals from across the country met in Chicago to listen, learn and evaluate the training modules designed by APPA to improve probation's and parole's response to

1. Safety and Security

Since crime victims' very basic senses of safety and security are often destroyed by criminal acts committed against them, it is imperative to learn all you can about different crimes, and the range of possible victim reactions - both short- and long-term. APPA can provide quality referrals for information and resources that address these important issues.

Probation and parole officers must always individualize each crime, crime victim and ensuing situations that arise from a crime. While there are often common reactions to being victimized, individuals react uniquely and differently based on a variety of factors.

It is important that victims know who you are, your role in their case, your agency's role and functions, and your personal and agency relationship to the offender. Before meeting with victims, explain:

- where you are ("a safe environment");
- who they can bring;
- what they should bring related to their case or victim impact statement;
- how long the meeting will take; and
- clearly define the purpose of the meeting, whether it is to elicit VIS information, PSI information or a parole hearing.

Give victims as much control and decision making power as possible relative to their cases. Validate their ability to have control and to make decisions related to their case. Since victims did not control the criminal act, nor decide to be victims, these professional considerations are very crucial.

Never assume the victim will know the offender will not be present.

Verify this factor early on in your conversations with victims.

Recognize that you may be a "trigger" for victims, as you may represent the crime, the criminal and, in some cases, what the victim perceives as unfair treatment by the criminal justice system.

Explain any victims' rights related to their personal safety and security, including but not limited to: protective orders; protection from intimidation, harassment or harm; and anti-stalking laws.

Last but not least, always provide your name and telephone number in case the victim has follow-up questions or needs referrals.

2. Ventilation and Validation

Probation and parole officers should always allow victims to talk, ventilate and express their feelings. Their very personal input can provide probation and parole officials with important facts and opinions relevant to PSIs and VIS. Reinforce that victim input is important to you professionally, as well as important to case disposition. Also, acknowledge any past difficulties the victim may have had with the criminal justice system ("the system isn't perfect") and possible trauma they maybe enduring.

When eliciting victim impact information, always ask up-front, "How did the crime affect you and your family?" This open-ended approach provides victims with an opportunity to give important details about the aftereffects of the crime, and also establishes your concern for their plight.

Never say "I understand." These two seemingly harmless words can be terribly traumatic to victims whose very personal pain and anguish are extremely difficult to comprehend, much less understand.

Practice active listening skills, which

include looking directly at the victim, nodding and summarizing the victim's statement, and clarifying what you think you heard from the victim. Allow room for correction and clarification.

One of the most important things a probation or parole officer can do for victims is to help them understand what the future holds for them.

Also practice basic victim validation skills, which include:

- giving your name;
- using the victim's name (clarifying early on how the victim would like to be addressed);
- saying "I'm sorry;"
- saying "It's not your fault;" and
- verifying that the victim's input is valued and important.

3. Prediction and Preparation

To the extent possible, one of the most important things a probation or parole officer can do for victims is to help them understand what the future holds for them. A good start is to simply ask victims, "What do you want to happen?" While their desires cannot match the realities of the criminal justice system, it provides a good starting point for discussion of post-sentencing possibilities for both victims and offenders.

Crime victims seldom understand the options that are related to offender supervision. It is imperative to explain the parameters of offender supervision (or commitment), when correctional supervision ends, and any of the unrelated rights. Encourage the victim's input, and validate that input.

For many victims, probation and parole are synonymous. It is helpful to:

- explain the difference between probation and parole;
- identify who the probation or parole officer is;
- provide the victim with the offender's name, address and telephone number; and
- explain the conditions of probation and parole, including: the location of the offender; applicable treatment programs; restitution; issues related to victim protection; what happens in cases of probation or parole violation; and any victims' rights related to probation and parole.

Restitution remains, in the realm of criminal justice, the "black hole" of victims' rights. Realistic problems associated with restitution should be explained—clearly and concisely—to victims. It is also helpful to let victims know:

- who collects restitution;
- who disburses restitution;
- what the proposed payment schedule is;
- what happens in cases of non-

payment; and

- who victims can call with questions or concerns about restitution or non-payment.

By encouraging and validating crime victims' short- and long-term concerns, probation and parole officials can help their victim clients feel they are important, involved and integral contributors to their cases.

4. Information and Education

Probation and parole officials must recognize that many victims do not understand the criminal justice system and, in particular, the corrections system. You can help remedy these situations by providing information about:

- the system in general;
- different agencies within the system, including roles and responsibilities of each agency, and how they interact (if applicable); and
- key "players" within the criminal justice and corrections systems.

Always put this information in writing (for victims' future reference), and keep it in layperson's terms!

Learn as much as you can about vic-

tims' rights and services in your state. These are readily available from your attorney general's office or from local victim service agencies.

It is important to explain what you—as a probation or parole officer—will or can do for victims. Never assume that a victim of crime knows this!

One of the best services you can provide to victims is a quality and timely referral for additional information or assistance. A variety of national organizations are available to offer this valuable information, a few of which are listed below.

Conclusion

APPA has provided tremendous leadership in efforts to promote mutual understanding among crime victims and their advocates, and probation and parole officials. Forging common ground among these important disciplines is not only a necessity; it is an honor.

Clearly, an important first step toward meeting the needs of crime victim clients is to treat them with understanding and empathy. It is these very attributes that APPA seeks to promote through its comprehensive efforts to improve victims' rights and services in community corrections.

Justice Statistics Clearinghouse	800-782-3277
Juvenile Justice Clearinghouse800-638-8736
Mothers Against Drunk Driving	800-438-6233
National Center for Missing and Exploited Children	800-843-5678
National Clearinghouse on Child Abuse and Neglect Information	703-385-7565
National Criminal Justice Reference Service	800-851-3420
National Organization for Victim Assistance202-232-6682
National Victim Center800-FYI-CALL
Parents of Murdered Children513-721-5683
Remove Intoxicated Drivers	518-393-4357

APPA Position Statement: Victims

The following position statement *on* victims was approved by the Board of Directors at their *meeting in Cincinnati* on February 13, 1994. The APPA Constitution stipulates that positions and resolutions must next be submitted to *the general* membership for adoption at *the* membership *meeting*. Approval of *the* position statement will *be* requested at the membership meeting in Phoenix on September 14, 1994. *The purpose* of *pre* *sending this position statement* in Perspectives is to seek comments and feedback from the member hip *before seeking such approval*. *It* is important that *members wishing to submit* comments *on t* *is* position statement *forward them by July 1, 1994 to:*

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Introduction

The American Probation and Parole Association (APPA) is committed to promoting services and programs that meet the needs and interests of crime victims. Inherent in this commitment is the belief that victims have an integral and important role that contributes to the effectiveness of the criminal justice system.

Probation and parole agencies are in a unique position to make key contributions that address victims' needs and interests. Community sanctions often provide offenders with the opportunity to be held accountable for the harm inflicted on victims and, in some cases, to provide reparation to victims and to society as a whole.

However, APPA realizes that victims have myriad needs and interests, and that not all of their needs or concerns can be addressed solely by probation and parole professionals. When those needs are wholly, or in

part, outside the mandate of community corrections, agency staff should endeavor to coordinate services with appropriate victim service, government or allied criminal justice agencies that are best suited to the particular needs of the victims. APPA commits its e rgies and resources to being an in egral component of a multidisciplinary approach (within the paramet rs of our mandates) to providing comprehensive services that help victims in the reconstruction process.

Position

The American Probation and Parole Association strongly supports the provision of effective community-based correctional intervention and supervision that are critical to reduce the risk of further victimization. Moreover, probation, parole, and other community-based correctional professionals should be acquainted with and sensitive to the needs of

victims while performing their primary service responsibilities to the public and to offenders. This acquaintance and sensitivity must be reflected in agency programming, particularly as mandated by law.

Discussion

Presentence reports should contain information regarding losses suffered by the victim, including financial, psychological and physical losses. Restitution and/or other compensatory sanctions are still, in many jurisdictions, the primary services performed for the victim. Consequently, these services must receive high enforcement priority, and hopefully, be augmented by other victims services.

Community service is regarded as an excellent victim restoration model that can benefit individual victims or society in general. Specific reparation/restitution programs in which the offender performs a service

directly to the victim or with the assistance of a victim service program should be encouraged. APPA also endorses community service as a condition of supervision for offenders selected for participation in community-based correctional programs, including fine option and parole release programs.

Probation and parole agencies should also develop strategies that provide in-service training regarding victims' rights, issues and needs at the time of new employee orientation and as a component of ongoing professional development for existing staff.

Victims have a legitimate right and need to know how the criminal justice system works. Public information packages that explain the policies and procedures of probation/parole agencies should be made available to victims and should identify any services that may be available to assist them. Consideration should be given to the appointment of a "Victim Liaison" officer who could ensure that information and assistance is provided to victims and that referrals are provided to other agencies when warranted. Probation and parole agencies should initiate efforts to become involved with victim service agencies and coalitions to improve opportunities for providing quality information and referrals.

Every effort should be made for

Victim Impact Statements to be included in presentence reports for adult as well as juvenile offenders when the victim does not choose to directly allocate in court or in addition to allocution. Victim Impact Statements should be forwarded to correctional authorities in order to assist them in making appropriate classification, programming, and release decisions including restitution and "no contact" orders as conditions of release, upon request from the victim.

Victims have a right to financial restitution and compensation. The absence of resources at the time of sentencing does not excuse the offender from the obligation to repay his/her victim(s).

Particular attention should be given to the needs of victims of family violence, including child abuse and neglect, and elder neglect and abuse. Partner abuse victims should be involved in the supervision process, if they so choose, as they are at extreme risk of further criminal victimization by the same offender.

Victims are entitled to be present at sentencing proceedings. Whenever appropriate or reasonable, victims should be notified prior to probation/parole hearings which concern pardon, release or early termination decisions. Victims should have the option to submit, in advance, a written statement to probation/parole authorities prior to or at these post-sentence considerations as well as have the right to be present as an observer and to provide testimony. Policies and procedures should be implemented that entitle victims to receive, upon request, information concerning the

offender's status in the community and/or institutional release plans.

Innovative programs such as Victim/Offender Reconciliation in which trained mediators help offenders and victims explore issues of accountability and restorative justice to arrive at a settlement acceptable to both should be implemented. It is also recognized that victim/offender reconciliation is not always appropriate and that participation should be mutually agreed upon; either party should have the right to refuse such interaction. This is a critical point with victims of domestic violence where mediation/reconciliation methodologies should never be used.

It is further recognized that in cases where the court mandated no contact with the victim by the offender, it is incumbent upon the probation/parole officer to ensure that enforcement of the condition is kept in strict accordance.

APPA believes that, upon request from the victim, sex offenders should receive mandatory testing for H.I.V., and that victims of these crimes who request test results should receive such notification.

Probation and parole agencies should also develop strategies that provide in-service training regarding victims' rights, issues and needs at the time of new employee orientation and as a component of ongoing professional development for existing staff.

Collaborative relationships that foster cross-training should be established with victim service programs to ensure the promotion of improved services for victims of crime in our society.



Thomas Ann Hines

Repairing the Broken System

by Thomas Ann Hines, State Chairperson, People Against Violent Crime

This article represents one victim's account of her experience with the criminal justice system following the murder of her son.

When the phone rang at 1:50 a.m. on Tuesday, February 19, 1985, I did not know my life was about to suddenly change. The caller asked if I knew a Paul Hines. After my affirmative response, he said, "He was murdered a couple of hours ago. Is he related to you?" "Yes, he's my son," I said. At that point, the caller identified himself as being from the Medical Examiner's Office in Austin, and asked, "Who is there with you?" When I said I was alone, he gasped and said, "Oh, I'm so sorry." "So am I," was my reply.

At the time, I thought he was saying he was sorry that Paul was murdered; however, looking back, I know he was probably voicing his dismay that I was alone. Thus began my journey through the "Victim's Maze."

As a mother of a homicide victim and as the chairperson for People Against Violent Crime, I can relate the total disbelief experienced by survivors when we were first informed of the violent act that changed our lives forever. We remember where we were, what we were wearing and how we reacted. Is it any wonder we remember so vividly the professionals working within the system and how they responded to our feelings?

Perhaps my view is slanted as a result of working in the criminal justice system for the Dallas Police Department for ten years; working on the fringe of the system for six years as a legal secretary; and then becoming a homicide survivor.

I understand why the homicide offi-

cers needed to question me for several hours the day after Paul's body was found. At that point I was numb, so the hours sped by as they questioned me. Then it was time to make decisions about the funeral: movers had to be hired to remove the furniture from his apartment; the college had to be notified; and on it went. Days were hours, and the hours were a daze until the reality of the situation settled into my brain.

Nine days after Paul's murder, homicide detectives called and asked me to come to Austin; they had arrested a suspect who had confessed to Paul's murder. In my naivete, I was elated and felt justice was at hand.

Charges were filed and the case was prepared to be presented to the grand jury. Since the man pled guilty to "intentional murder," there was no doubt we would have enough evidence for an indictment. Contact with police officers was no longer necessary, as the district attorney's office was in charge.

Up to this point, my experience, except for the manner in which I was notified of Paul's murder, had not been more distressing than was necessary. I had no problem with the "system." However, that changed after I tried numerous times to contact the prosecuting attorney. My calls were not answered and my letters failed to evoke a response. Personal visits to the district attorney's office produced the same results: nothing!

During my tenure with the Dallas Police Department, one of the officers

I worked with was Jim Evert. At the time of my son's murder, Jim was chief of police of Austin, Texas. After visiting with him and telling him of my plight, things immediately changed. When he telephoned the district attorney's office, I was contacted by the prosecuting attorney and informed that a pretrial hearing would be held shortly.

This raised a number of questions. What would have happened had I not known someone who could intervene on my behalf? Is this the system we have in place? When you are in a dif-

When I questioned the right of a jury to "try" my son who had never been arrested, received only two traffic tickets and had never been in trouble. I was told that none of that mattered; the defense would "find something and bring out anything they could during the course of the trial."

ficult situation and know the right person, you get action? If you are not one of the lucky ones, what happens?

The prosecuting attorney asked me if I had any idea how much a jury trial would cost and informed me that it might be better to settle for a plea bargain. The prosecutors said I would "really save the taxpayers a lot of money and they would not have to put my son 'on trial.'" In my opinion, the pain of Paul's murder far outweighed any monetary cost, but

money seemed to be an important issue to the prosecution.

When I questioned the right of a jury to "try" my son who had never been arrested, received only two traffic tickets and had never been in trouble, I was told that none of that mattered; the defense would "find something and bring out anything they could during the course of the trial." For example, since he was attending college in Austin at the time of the murder, had he ever been to a party where there was marijuana or any other drugs? The defense would accuse my murdered son of anything to make him seem like an awful person.

I wonder if the murderers are subjected to the same type of treatment that survivors are.

I made many unnecessary trips to Austin to attend court dates. I would take time off from work and fly to Austin, only to discover after I arrived at the courtroom that an "MFNT" had been filed. Although the "Motion For New Trial" had been decided before I made my trip, no one bothered to notify me.

During this time, the prosecuting attorney continued to tell me that my son would be the one on trial if we had a jury trial, and the murderer would probably go free because "juries in Austin were very lenient on teenage murderers." When I questioned why the court would not ask for the death penalty, the prosecution said, "Well, it's his first violent crime. We just never seek the death penalty unless there have been several murders. He is only 17. We have to give up capital murder in order to try him as an adult. Is that okay with you?" Two felony cases combined can be

tried as capital murder. (We ended with a plea bargain of "Guilty of Intentional Murder" and a sentence of 13 years flat time.)

This is what is called the "*criminal* justice system." How very correctly it is named. I wonder if the murderers are subjected to the same type of treatment that survivors are.

After several months, the judge read the plea agreement of "Guilty of Intentional Murder" and sentenced the murderer to serve 13 years within the Texas Department of Corrections. At this point I felt it was all over, and reached my all-time low. At the time of Paul's death, I drew on my survival instincts to handle the arrangements, take care of Paul's things, deal with the murderer; after the sentencing, what else was left to do?

When I asked what my next move should be, the police officers and the DA's office told me I should go home, wait ten years and then contact the Board of Pardons and Paroles. Being a "passive activist" was impossible for me.

Six months after Paul was murdered, I secured an appointment with the Family Information Coordinator for the Texas Department of Corrections. When I arrived, the receptionist gave me forms to complete which required many types of identification and made me feel as if I was the criminal.

The coordinator was very gracious to me, but since he had no training in victim services, he did not know what to do with me! I assured him I would take very little of his time, and I was only there to see that Paul's murderer was kept incarcerated as long as possible.

When the record on the computer showed a release date of 1988, I was stunned. The court had assured me the sentence would be 13 years, not three years. I had made trips to Austin, sat in court and had heard the sentence myself. This could not be!

However, after checking repeatedly, the coordinator confirmed that the release date was 1988.

My response was one of utter disbelief. First, I was told that it would be my murdered son who would be put on trial, and now ten years had been removed from the sentence of the actual murderer. When I asked how the record could have been changed from 13 years to three years, I was told, "I've no idea. This is just what our records show and this is what we have to go by."

There was no offer to contact the court or the records clerk to see how the system had failed. It was my problem, and I would have to take care of it. Again, I was very fortunate to know more about the system than the average citizen.

I thought that perhaps I was mistaken; maybe it was three years. Experiencing a trauma such as the murder of a family member can certainly make one feel disconnected from reality. I consulted the notes that I made during the court proceedings which confirmed that the correct sentence was indeed 13 years.

Again, I visited the district attorney's office and met with the prosecuting attorney, who was not overly eager to assist me. However, persistence pays. I learned I could get a copy of the court proceedings for \$50 (of course, this was at my expense) to be sure that the sentence was "read" properly. In Texas, an "affirmative finding" must include the words "with a deadly weapon" and that automatically adds ten years to a felony sentence.

The interesting thing is that no one felt it was their responsibility to look into this matter! Paul, my only child, had been murdered. Did no one care? The murderer was being taken care of by the "system," but the victim has no court-appointed attorney.

Eventually, the records were changed to show the correct amount of time the

inmate had been originally sentenced to by the court. Without my involvement, this murderer would already be back on the street with an opportunity to victimize others. There should be a way to double check these figures so incidents like this do not happen. We all hear of inmates being released "by accident." No, it is not by accident; it is because of carelessness.

It seemed almost daily I encountered other situations where the criminal was protected and given rights or privileges that no "regular" citizen has. Who pays for the therapy for the homicide victim/survivor? Certainly in reading of the Community Education Programs offered by the Texas Department of Criminal Justice, one is impressed. There is a Substance Abuse Program, Legal Services, Access-to-Court, just to name a few. It makes me very angry to learn of more and more programs that serve the criminals. Yes, it is indeed the "criminal justice system."

However, **blame** is not the issue when you consider the system-change is the real objective. Whether the victims placed themselves in a vulnerable position by action, dress or location, should have no bearing on how they are treated. My 21-year-old son, Paul, gave a ride to a 17-year-old who murdered him in the process of attempting to steal my son's automobile. Assuredly, I could say that Paul should not have been the kind person he was and offered the ride, or he would be alive today. That is not the issue. The reality is that he did extend this kindness and he paid with his life.

I have been told I should not use the term "criminal" - that I should instead say "inmate." I was told, "That's what they prefer to be called." This is another issue that chokes victims! By definition, an "inmate" is "a person confined with others in a prison or institution." In this definition, there is no mention of the word guilt.

When a survivor sits in court and sees the person who killed their son, their daughter or a loved one, and the person charged has confessed to the murder, the survivor sees a criminal, not an "inmate."

I know parole and probation officers have homes, families and interests other than their career. However, they are in a service-oriented business. They should think of it as such and strive to treat all victims as they would want to be treated if they were on the other end of the telephone line or the other side of the desk.

It would be unfair to observe the field of probation and parole and fail to recognize the many true professionals who dutifully handle each and every case as if it involved members of their own family. In fairness to the many who are actively involved in working with victims, for the most part, I feel they do their best given their background, training and the time they have to spend with each offender and victim.

Over the past nine years, I have encountered many frustrations while dealing with the criminal justice system. These are my thoughts on what I feel probation and parole professionals should keep in mind when working with crime victims.

1. Remember that crime is an action of choice. We all make decisions daily, even hourly, that affect our life and our quality of life. Keep this in mind as you hold criminals responsible for their actions.

2. Remember that the victims do not have the benefit of receiving parole or probation because of the loss they have sustained. Victims are not "released" after two years, five years or even nine years. My son was murdered nine years ago, and though much time has passed, I can recall the events surrounding his death as vividly as if it were yesterday. Yet, it seems like forever since I've seen him,

hugged him or heard his voice; these are things that I will never have again. The criminal will eventually have his/her freedom.

Blame is not the issue when you consider the system-change is the real objective.

3. Remember that no length of time in prison, no amount of restitution and no type of punishment will bring the dead back to life. Is it supposed to be "easier" on the victim because they do not have a choice? They just have to "accept" the situation? Each time I pay my taxes I realize I am feeding, clothing and furnishing medical supplies to the man who killed my child. Can you imagine how this makes me feel?

Can you know the anger we feel as we struggle to pay college costs for our children, knowing we are educating criminals at no cost to them? A college student sometimes works two jobs to get money for an education. Perhaps they should choose to become "inmates" and receive it free.

4. The criminal has a predetermined length of time to "pay" for his criminal activity. How long do you grieve for a murdered child? On the first anniversary of Paul's death, I really thought I should not be in such pain. "After all," people said to me, "It's been over a year, you really have to go on with your life." How I wanted to be able to go on with my life. But my life will never be the same. There is no Paul, no son in college, no phone calls from Austin ... but I have to go on with my life?

5. Victims have already suffered because of the violent deed of the criminal. Do not subject them to any unnecessary pain to accommodate the criminal in any way or to appease

the system. Victims are in emotional pain, sometimes physical distress and in financial straits because of the criminal's activity.

**There is no Paul, no son in college,
no phone calls from Austin ... but I
have to go on with my life?**

6. We speak of rehabilitating the criminals, yet we are going so far as to name this process the "criminal justice system." A more fitting name (and goal) would be the "citizen justice system."

7. *Think of it this way-you could be the next victim!*

Change comes so very slowly when there is injustice in the world. It is my

wish that each person would see himself as an individual who is responsible for his own actions, and therefore, the consequences of those actions. Not until we hold everyone responsible and accountable for their actions will the situation change. It is possible that we rehabilitate a few; I will not argue that point. However, to blame cruel deeds on a person's abusive past or a person's parents is shifting the responsibility from where it belongs.

History has proven time and again that people can rise above the cruelty and maltreatment they may have suffered as children to become productive, contributing members of society. Until that is made clear to the criminals, I do not expect them to change.

It has been said that probation and parole "is a dirty job but someone has to do it." I work with many peo-

ple in the criminal justice system who are good and caring people. I appreciate the parole and probation officers devoting their life to working with the people who have been assigned to their care. I would feel better, though, if they were more considerate of the crime victims and more sensitive to their needs and their pain.

Prison is not punishment; it is more of an inconvenience to the criminal. Burying your child is punishment. I'm not sure when I will "get over" Paul's murder. I'm not sure when the pain will stop. I don't think it will ever stop completely. What I am sure of is that his murderer will again walk the streets to victimize someone else. I have no other children, no parents, but I have those I love very deeply. They are at risk. And so am I.

Crime Victims' Bill of Rights

As a victim of a violent crime, the guardian of a victim or the close relative of a victim, you have certain rights in the Texas criminal justice system.

You have the right:

1. to protection from threats of harm, arising from cooperation with peace officers or prosecutors.
 2. to have your safety, and that of your family, taken into consideration when bail is being considered.
 3. to be informed about court proceedings, including whether they have been canceled or rescheduled.
 4. to information about procedures in criminal investigations.
 5. to information about procedures in the criminal justice system, including plea bargaining.
 6. to complete a Victim Impact Statement, detailing the emotional, physical and financial impact that the crime has had on you and your family, and to have that statement considered by the judge at sentencing and by the parole board prior to taking any parole action.
 7. to be informed about the Crime Victims Compensation Fund, the payment of certain medical expenses for victims, and of the availability of social service agencies that may provide assistance.
 8. to be notified about parole proceedings.
 9. to include information in the defendant's file to be considered by the Board of Pardons and Paroles.
 10. to be present at all court proceedings related to the offense if the presiding judge approves.
 11. of the victim or witness to be provided with a separate and secure waiting area while waiting to testify.
 12. to prompt return of any property of the victim when the need for that property has passed.
 13. to have the prosecutor notify the employer of the need for the victims' cooperation during the investigation and trial.
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APPA's Public Hearings Explore Probation and Parole's Response to Victims of Crime: Speakers Call For A New Approach to Victim Issues

By Jim Sinclair, Member, APPA Victim Issues Committee

Crime victims, their advocates, and concerned public officials sounded a wake-up call for probation and parole at public hearings held in conjunction with the APPA Annual Training Institutes in St. Louis and Philadelphia. Sponsored by the APPA Victim Issues Committee, the hearings sought to increase awareness of the victim's experience with corrections, as well as to help develop recommendations and strategies which can be pursued by community corrections to enhance victim services within systems.

Powerful testimony drove home the message that all is not well with the relationship between crime victims and corrections. Speaker after speaker recounted the devastating effects of brutal crime, which were then magnified and compounded by an insensitive and seemingly uncaring justice system. Confused, frustrated and angry survivors of crime found no solace or peace of mind upon completing their journeys through the institutions of justice.

APPA's public hearings exposed significant flaws in corrections' approach to and interactions with victims of crime. But at the same time, many positive and creative solutions were aired, urging not only procedural change, but a shift in focus away from the narrow perspective of "the way we've always done it," and toward a comprehensive model of community justice. The material which follows basically summarizes the dichotomy evident throughout the two public hearings: how the justice system in general, and corrections in particular,

have failed crime victims and perpetuated suffering; and what can be done by the corrections system to ameliorate the problem and to progress in its views and treatment of victims of crime.

What Are the Shortcomings and Failures of Current Practices?

Victims view corrections as being concerned only with offenders' rights, to the exclusion of those of victims:

Crime victims question the equity of a system which goes to great lengths and expense in guaranteeing the offender his or her constitutional and procedural rights, while not, in many cases, giving any consideration to the plight of the victim. Speakers at the hearings suggested that the justice system has given them the impression that involvement of and input from victims in correctional processes is not wanted; while at the same time extreme care is taken to give the defendant access to legal help, grievance procedures, and the like. Confidentiality laws and policies which shield the offender may result in placing the victim at further risk of harm from that offender; for the victim cannot find out where the offender is. Furthermore, while probation and parole place a plethora of educational, counseling and social services at the disposal of the offender, little is done to reach out to crime victims with services they may desperately need.

- Victims' contacts with probation and parole agencies are frequently negative:

Large bureaucratic organizations

such as probation and parole departments may strive to treat all members of the public equally; but in doing so, they often project an impersonal and rigid approach which can be hurtful to victims. Several speakers made the point that their efforts to obtain information from the correctional system were met with resistance and an unwillingness to share this information. Insensitivity further victimized one family, for example. Having arrived at an institution for a parole hearing, they were ushered into a waiting room, only to come face to face with the inmate's family already seated there.

- Few efforts are made to educate

Many positive and creative solutions were aired, urging not only procedural change, but a shift in focus away from the narrow perspective of "the way we've always done it," and toward a comprehensive model of community justice.

crime victims about probation and parole:

Several of those testifying at the hearings recounted their experiences of being informed that the defendant had received a lengthy prison term, only to learn later that a parole release policy had drastically reduced that prison term. Victims also spoke of the arduous ordeal of having to educate themselves about the entire criminal justice

system, while at the same time attempting to cope with the experience of victimization. It seems that very few probation and parole agencies provide even basic information to crime victims about the agency, its role, and probation/parole procedures.

- Opportunities for crime victims to

Victims, and the public, not only want to know the length of an offender's sentence, but more importantly, how much time s/he will serve in prison, and when early release consideration will begin.

be heard and to participate in corrections are often extremely limited or non-existent:

Even in states where victims are allowed to participate in certain correctional processes (e.g., victim impact statements, sentencing, parole hearings), the level of such participation is low. Speakers at the hearings wondered if agencies expend much effort to contact victims and extend to them their legal opportunities for participation. An even greater dilemma exists in jurisdictions where the correctional door is completely closed to victims of crime. Victims in these states are not even afforded the opportunity to tell their stories to the decision-makers charged with determining the fate of the offender. As a result victims feel (and are) powerless to influence outcomes which affect them directly and immediately.

- The justice system does little to hold offenders personally accountable for their actions:

The depersonalized mechanisms of corrections fail to deliver the message to the offender that by his/her actions s/he has harmed another human being; and that part of the offender's

habilitation or rehabilitation should be geared toward making the victim whole again. The evolution of the criminal justice system in this country has resulted in a de-emphasis on the responsibility of the offender toward the victim(s) of his/her wrongful acts. Victims feel that the current orientation serves to deny consideration of what they have experienced, as a component of correctional philosophy and practice.

In summary, testimony from participants at APPA's public hearings painted the picture of a justice system in which crime victims and their concerns are routinely excluded. Speakers emphasized that the degrading and often debilitating effects of criminal victimization do not vanish magically once the prosecution and trial of the offender are concluded. While probation and parole agencies are certainly not the only justice system components criticized for an inadequate response to crime victims, these are of special significance due to their long-term involvement with the offender.

How Can the Treatment of Victims Be Improved By Probation and Parole?

- Give victims of crime the opportunity to be present and heard:

Many of the participants in the hearings urged that legislation and policy be effected to open the correctional system for victims. Such an open system would allow victims to:

- be present and speak at criminal sentencing;
- be present and speak at parole hearings; and
- participate in the setting of restitution

Victims want an active role in the above and other justice processes, and an opportunity to tell their stories to responsive decision-makers. Several testifying at the public hearings urged passage of state constitutional amend-

ments which would guarantee victims of crime the right to be present and to be heard.

- Provide information to crime victims:

As evidenced by the testimony offered at both hearings, information received by victims from probation and parole is typically minimal at best. Departments should routinely provide both general and offender-specific information to victims of crime. Failure to do so may have departments and officers exposed to legal liability. Counsel should be sought on this issue. Victims urged that they be notified of the movement of an offender and any changes in his/her legal or custodial status. Probation and parole agencies should tell the victim who the offender's assigned probation or parole officer is, and how to contact the officer. Departments were also urged to develop and distribute to victims of crime, information concerning the operations of that particular agency, explanations of the rules by which the offender must live, and guidance regarding appropriate contact people who can answer victims' questions.

Victims want to be notified of restitution awards and how those monies will be collected and disbursed.

Finally, it was strongly recommended that probation and parole agencies reach out to victims through public education, and the sharing of information with victims advocacy groups. Victims' groups stated that they welcome contact with probation and parole departments, and are eager to initiate productive two-way dialogue.

- Enact "truth in sentencing" legislation:

Victims, and the public, not only want to know the length of an offender's sentence, but more importantly, how much time s/he will serve in prison, and when early release consideration will begin. Participants in the

hearings urged that new laws be enacted, or current statutes changed, to allow disclosure of early release policies at the early stages of the judicial process.

- Compensate victims for their losses due to crime:

While many jurisdictions do provide crime victim restitution, others do not. Victims want offenders to pay back what they took. In some cases, monetary restitution may not be practical or feasible; here offenders could perform unpaid work or community service to give back some of what they have taken through their criminal acts. Victims urge that courts order restitution in all applicable cases.

- Hold offenders accountable for their actions:

Probation and parole officers are charged with the responsibility of enforcing the terms and conditions of supervised release. It is imperative that offenders be held accountable for their activities through diligence in enforcement of supervision rules. Violations should be reported promptly to the court or paroling authority. Officers should discharge their duties with the ideal of public safety as an uppermost priority. Further, probation and parole officers should attempt to educate offenders about the harm caused to victims as a result of criminal activity.

- Treat victims of crime with respect and dignity:

In the crush of daily business, it is easy for probation and parole officers to handle a contact from a victim as just "one more phone call." It is equally as easy to lose patience with the victim who calls continuously, complaining of uncollected restitution, or the offender's good fortune in "only" being on probation or parole. Corrections professionals should keep in mind that the crime victim has not aspired to that status, and his/her approach to the probation or parole officer has likely been conditioned by treatment received previously through other components of the justice system.

- Train probation and parole personnel in victim issues:

Perhaps the greatest barrier toward more effective interaction between victims of crime and probation/parole, is a lack of understanding of the victimization process, and both its short and long-term effects. Probation and parole agencies should sponsor continuous in-service training which will acquaint line personnel with salient victim issues, and equip them with strategies for dealing empathetically with victims of crime. Victim advocacy groups express eagerness to participate in such training ventures.

- Encourage and support creative and innovative programs which involve victims in probation and parole:

Across the country, novel means of involving crime victims directly in probation and parole are being explored. There is a dire need for the creativity and talents of community corrections professionals to be harnessed in pursuit of the goal of opening the door of corrections to victims. Participants presenting testimony at the public hearings mentioned several areas of innovation currently under way in some jurisdictions:

- use of victim impact panels to educate offenders about the experience of criminal victimization;

- victim-offender mediation (conciliation), which brings an offender and his/her victim(s) together for a face-to-face meeting and subsequent resolution of issues;

- designation of victim services officers within probation and parole agencies;
- innovative programs of community service restitution, which require offenders to pay back to victim(s) or society part of what they have taken, through the performance of unpaid work;
- with victim approval, the offender writes a letter of apology to the victim;
- formation of multi-agency victim assistance teams;
- interaction between victim advocacy groups and probation/parole professionals.

Conclusion

Throughout both APPA public hearings, two significant ideals emerged. The first came from victims of crime who guided the audience through a justice system which is currently unbalanced. The very scales of justice were portrayed as lopsided and weighted against the victim. Yet, despite every slight and every inequitable treatment by the system, victims testifying held hope that through the efforts of dedicated men and women in community corrections, some balance can be restored to the justice system. Victims spoke more of healing than of retribution, more of fairness than revenge? and more of accountability than of punishment.

Secondly, victims of crime and their advocates embraced enthusiastically an ongoing and constructive dialogue with probation and parole. If such dialogue only goes so far as to strip away probation and parole's historically defensive veneer concerning victims, it is worth every energy expended. Of course, it can do so much more.

There is a dire need for the creativity and talents of community corrections professionals to be harnessed in pursuit of the goal of opening the door of corrections to victims.

As the American Probation and Parole Association continues to facilitate the profession's involvement with victims of crime! many benefits will accrue, most of which might be accounted for in numbers of transactions, measures of satisfaction, or money. But no price can ever be attached to the ultimate reward which probation and parole can realize through services to victims: the unique opportunity to help make whole again what crime has broken.

Developing A Victim Orientation for Community Corrections: A Restorative Justice Paradigm and a Balanced Mission

By Gordon Bazemore, Ph.D., School of Public Administration, Florida Atlantic University

Introduction

Initiated in the late 1970s and early 1980s in partial response to an increasingly vocal victims' movement (Elias, 1993), the victims' focus in probation and community corrections has a short and ambivalent history. Many departments appear to have been led (or forced) to implement at least token efforts to demonstrate concern for victims issues; others were more proactive in piloting innovative new practices. The latter departments did so primarily by developing one or more specialized programs such as restitution, victim service units, victim offender mediation and victim awareness education (Schneider, 1985; Galaway and Hudson, 1990).

Some of these departments appear to have abandoned this focus as federal grant funds became increasingly scarce (Harland and Rosen, 1991); others found ways to provide continuing support for programs at reduced levels. Few probation or community corrections departments, however, have been able to move beyond a specialized programmatic emphasis to develop a comprehensive victims' focus for community corrections. Such a focus would recognize victims as a priority "client" in the departmental mission. Unfortunately, victim oriented programs and practices remain on the margins of the "mainstream" work of probation and community corrections in most jurisdictions, and too often there is little coordination

between programs such as restitution, victim services, and victim offender mediation which should have a common agenda.

There are no doubt many practical and logistical reasons why most probation departments have been unable to develop a comprehensive victims' orientation. One primary barrier to such development, however, is that victim-focused programs and practices are typically implemented in a conceptual and philosophical vacuum. In the absence of performance objectives derived from an overall mission for community corrections, victim-oriented practices must compete with more traditional probation functions for the time and resources of community supervision staff. Moreover, lacking an alternative philosophical framework and value-based guidelines, the nature and quality of the victim focus is more likely to reflect the currently dominant retributive justice paradigm rather than alternative victim-centered perspectives (Shapiro, 1990).

The purpose of this paper is to outline an alternative philosophical framework which seems capable of linking victim-oriented practices more closely to probation's traditional sanctioning, supervision and rehabilitative objectives for offenders and to its overall community mission.¹ This framework, restorative justice, also seems to provide a policy "umbrella" for coordinating a variety of practices and programs which may not now be integrated within jurisdictions in

a manner that serves the interests of victims and facilitates victim involvement and empowerment.

Old Probation, New Probation and Victims

Regardless of shifts in emphasis from treatment to surveillance and sanction enforcement, probation has retained an offender-focused mission. Victim oriented practices and programs are often incongruent with both the traditional and the emerging mission of probation and community corrections.

Tension has always existed between this rehabilitative focus as a primary orientation toward providing treatment and services for the offender and a "get tough" or enforcement-oriented approach.

Since its origins in the early part of the century, probation has emphasized offender rehabilitation and has attempted to provide a "second chance" alternative to prison sentences (Rothman, 1980). Tension has always existed between this rehabilitative focus as a primary orientation toward providing treatment and services for the offender and a "get tough" or enforcement-oriented approach. In various eras, including the 1960s and much of '70s

the more empathetic, treatment emphasis was predominant (Cullen and Gilbert, 1982); in other eras, the enforcement orientation has prevailed, but the treatment goal and concern with rehabilitation as an outcome remained a strong focus.

In the 1980s, federal and increasingly retributive state sentencing policies made their influence felt on probation and community supervision by bringing about a qualitative shift in policy and practice from a primarily rehabilitation-focused paradigm to a surveillance and sanction enforcement model. Adding an array of new surveillance-focused technologies accompanied by a new anti-treatment ideology (Byrne, Lurigio and Petersilia, 1992), this paradigm shift appears to have even changed what were formerly indicators of failure (i.e., high revocation rates) into success outcomes (Petersilia, 1993).

Increased frustration with the choice between being “for the victim or for the offender” (Lawrence, 1991), is also now helping to set the stage for the emergence of a new paradigm for community corrections.

Unfortunately, this new tougher attitude toward offenders (and new ideology to support it) has had little positive impact on victims or victim services (Elias, 1993). In fact, it could be argued that responsibility for more intensive offender surveillance-coupled with the influence of higher case load-has decreased time available for community supervision staff to attend to such responsibilities as victim notification, restitution and the like. Currently, as we appear to be moving in at least some jurisdictions toward a renewed emphasis on providing treatment (Byrne, Lurigio, Petersilia, 1992), the surveil-

lance requirements have not in turn been dropped from the agenda. What seems most likely to be sacrificed is the modest victim emphasis that has developed in the past decade.

Fortunately, an increasing number of observers of community corrections, and many more practitioners, are beginning to recognize that both the surveillance/retributive focus and the treatment/services focus are practically and conceptually flawed even as models for guiding intervention with offenders. Neither focus alone, nor both combined, is capable of sustaining public support for a viable community corrections system, and as Byrne (1989, p. 487) has observed, both treatment and retributive models are inadequate because of their one-dimensional focus: “...offender based community control strategies are incomplete, since they take a ‘closed system’ view of correctional interventions change the offender and not the community.”

In targeting only offenders for intervention, both the surveillance and individual treatment models ignore two primary “clients” or constituents of community corrections-victims and the community-and offer weak choices to criminal justice decision makers. Victim and offender are placed in passive roles. Victims are afforded few opportunities to receive reparation or to become involved in the justice process, and offenders are seldom required or given opportunities to actively make amends for the harm caused by their offense. Rather, offenders are viewed as the object of treatment or services on the one hand, and punishment and surveillance on the other. The choice between punishment and treatment is often a limited and unsatisfactory one. As one juvenile court judge expressed it: “my options seem to be sending the kid to jail or sending him to the beach.”

A victims’ perspective seems equally incompatible with both retributive and traditional individual treatment val-

ues-as well as with the new merger of these agendas now appearing in probation casework. No community corrections mission targeting only the offender for intervention and change, and ignoring the needs and input of victims, will ever be capable of achieving public support. Fortunately, increased frustration with the choice between being “for the victim or for the offender” (Lawrence, 1991), is also now helping to set the stage for the emergence of a new paradigm for community corrections.

Restorative Justice as a New Philosophical Paradigm

Given the current amalgam of retributive values on the one hand and offender-focused treatment values on the other, a philosophical paradigm shift may ultimately be needed to ensure that a true victims’ perspective can survive and expand in community corrections. Despite victims’ legislation and the expansion of corrections policy regarding victims, a victims’ orientation is not self-implementing. Part of the problem is that the question of what purposes are to be served by a victim focus in a system driven by other priorities has not been answered.

In a system governed by retributive values, the main objective is to ensure that offenders are effectively punished. If they are under supervision in the community, they are required to be “accountable” to community corrections agencies by submitting to monitoring, surveillance, and whatever sanctions are imposed. Adding a treatment overlay will add more work and responsibility for probation staff and decrease the likelihood that victims’ services will receive priority.

What the philosopher Thomas Kuhn called a “paradigm shift” occurs at a time of crisis brought on by the failure of the current **paradigm** to facilitate understanding of problems and provide guidance toward reasonable progress in solving the problem. As Dilulio (1993:5)

observes, the function of a new paradigm is to:

"orient general understanding to historical, empirical, or normative realities that a prevailing paradigm has arguably de-emphasized, devalued, or simply ignored. In essence, to call for a new paradigm is to appeal for new concepts and categories of thinking about a given subject."

For some, the needed paradigm shift to make possible a more effective merger of the interests of victims, the community and offenders is already occurring. One such philosophical paradigm, restorative justice, provides a coherent alternative to the increasingly retributive focus of current sanctioning and supervision processes, while also moving beyond the limits of individual treatment based on the "medical model." Restorative justice is based on a unique value orientation and on the primary assumptions that: crime results in injuries to victims, communities and offenders; all parties should be included in the response to crime-victim, offender and community; government and community play complementary

roles in that response; and accountability is based on offenders' accepting responsibility and repairing the harm done (McLagan, 1992). As such, restorative justice philosophy gives equal weight to the concerns of victims and the community, as well as offenders, as primary clients or constituents of the juvenile justice system; it requires a rethinking of the correctional process that contrasts sharply with the now dominant retributive justice philosophy (Zehr, 1990; Umbreit, 1991).

While retributive justice is focused on public vengeance, deterrence and incapacitation and the provision of appropriate punishment ("just deserts") through an adversarial process, the primary concern of restorative justice is with repairing the damage or harm done to victims and the community through a process of victim involvement, mediation and reparation. In addition, in contrast to the limited focus of the individual treatment approach on providing services to offenders, restorative justice is concerned with the broader relationship between offender, victim and the community (Lawrence, 1991; Zehr, 1990).

Based on ancient concepts and values

Restorative justice also evolved out of a sense of failure and frustration with the current system and its detachment from the real problems of victims, offenders and communities.

long since abandoned by the justice system, restorative justice also builds on current thinking on equity, human relationships and human behavior (Prank, 1993). Emerging in recent years from the victims' movement and the experience with reparative sanctions and processes (e.g., restitution, victim offender mediation) (Galaway and Hudson, 1990; Schneider, 1985), restorative justice also evolved out of a sense of failure and frustration with the current system and its detachment from the real problems of victims, offenders and communities.

As a "new paradigm," restorative justice presents a clear alternative to sanctioning and supervision based on either retributive or traditional treatment assumptions. Restorative justice offers a

PARADIGM ASSUMPTIONS

Beliefs of Current System	Beliefs of Restorative Justice
Crime is an act against the state, a violation of a law, an abstract idea	Crime is an act against another person or the community
Punishment is effective <ul style="list-style-type: none"> a. threat of punishment deters crime b. punishment changes behavior 	Deliberate infliction of pain does not contribute to community harmony
Criminal justice system controls crime	Crime control lies primarily in the social/economic system
Accountability equals suffering	Accountability defined as taking responsibility and taking action to repair harm
Victims are peripheral to the process	Victim is central to the process of resolving a crime
Offender is designed by deficits	Offender is defined by capacity to make reparation
Crime is an individual act with individual responsibility	Crime has both individual and social dimensions of responsibility
Source: Minneapolis Citizens Council, 1993	

different "lens" for viewing the problem of crime and provides a new outlook on the public response to the harm that results when an offense is committed (Zehr, 1990). The preceding table contrasts the assumptions of this new paradigm with those of the "old paradigm" based on retribution, and illustrates assumptions and practices of the current system which have most clearly led to its estrangement from those individuals who should be its primary constituents.

Neither punitive nor lenient in its focus, restorative justice has as its primary objectives reparation of harm or damages done to victims; recognition by the offender of harm caused by the offense; conciliation; and reintegration of the offender into the community.

A key principal underlying the growing restorative justice movement is the need to overcome the tendency of the current system to respond to the needs of everyone else but victims (Reeves, 1993). The interests of prosecutors, judges, defense attorneys and rehabilitation programs (e.g., in winning cases, processing offenders or securing clients) all appear to take precedence over the needs and concerns of victims. Ironically, despite frequent complaints about the inability to collect restitution, for example, some jurisdictions have been highly successful in collection of offender fines and fees to support correctional services (Byrne, Lurigio, & Petersilia, 1992) while victim compensation and collection of restitution have fallen by the wayside.

While victim needs are sometimes met in the current system, often they are not because they are not a priority of retributive justice. A restorative justice model would thus devote primary attention to ensuring that the needs of

victims are acknowledged, and that victims be allowed to participate in the criminal justice process and to be given a decision-making role within this process. Further, restorative justice would establish a new hierarchy between competing objectives which would, for example, attach a higher priority to restoration of the victim than punishment of the offender, and attach a higher priority to acceptance of responsibility and completion of reparation by the offender than on completion of treatment programs. Ultimately, the change in priorities sought is one of: victims over the state, the aims of restoration over vengeance or bureaucratic concerns, and an active role for offenders in making amends versus submitting to treatment and surveillance.

Practice in Search of Theory and Philosophy: Restorative Justice as a Policy "Umbrella" and Value-Base for Victim-Focused Practice

The "good news" for those who support a victim orientation for community corrections is that, despite the dominance of the counter-trends described earlier, programmatic innovation in victim-focused sanctions has continued through the 1980s and into the '90s. Victim-offender mediation has gained increasing credibility in recent years as a process demonstrated to increase the likelihood of restitution and overall victim satisfaction with the justice system (Umbreit, 1993). Victim awareness education is becoming increasingly popular in correctional programs-holding promise as a vehicle for injecting the victim's perspective into offender rehabilitation agendas (English & Crawford, 1989). In jurisdictions where they are given priority and assigned adequate resources, restitution, restorative community service programs and other reparative sanctions continue to provide creative options for community corrections (Bazemore & Maloney, 1994). Moreover, victims services and compensation

programs have become far more self-critical in assessing the extent to which they are really serving the interests of the state, offenders, or bureaucratic convenience rather than the needs of victims (Reeves, 1993).

The "bad news" is that these innovative programs remain small and disconnected from each other as well as from mainstream community corrections. While they contain the "seeds" of a new intervention paradigm for community supervision they are viewed by most probation departments as "add-ons" and typically have little impact on "business as usual."

As an overall philosophy for community corrections, restorative justice can provide critical guidance to the system in use of sanctions and supervision strategies which, depending on emphasis and implementation, may have retributive consequences and actually detract from system goals of efficiency and fairness. Specifically, restorative justice philosophy:

- * gives meaning to effective sanctions such as restitution and community service which, without a restorative understanding, can be viewed as clerical in nature and may be used for punitive or bureaucratic ends; and
- * links practices such as restitution, victim services, victim offender mediation, community service and dispute resolution together as part of a restorative agenda for community corrections.

Within a restorative framework, powerful sanctions such as restitution and victim-driven service can be an effective means of holding offenders accountable to victims and the community and could not be used simply as punishment. Ideally, all reparative sanctions would be tied directly to the nature of the harm resulting from the offense and, whenever possible, carried out in the offender's own community.

Neither punitive nor lenient in its focus, restorative justice has as its primary

objectives reparation of harm or damages done to victims, recognition by the offender of harm caused by the offense; conciliation; and reintegration of the offender into the community. While the victim focus of the paradigm is predominant, other underlying assumptions and principles of restorative justice speak directly to the societal response to criminal behavior and to offenders. First, reparative sanctions such as restitution, mediation and community service fulfill what some regard as a fundamental need of communities to denounce criminal behavior and send a message to the offender and would be offenders that such behaviors are unacceptable (Braithwaite, 1989; Wright, 1991). On the other hand, restorative justice also speaks directly of the need for societies to make allowances for offender repentance or forgiveness (Wright, 1991; Zehr, 1990) or, more concretely, to make possible and encourage offender reintegration following denunciation of his crime or what one writer has called a "shaming" process (Braithwaite, 1989). In an important sense, restorative justice is a community solution since, as Braithwaite notes:

Crime is best controlled when the community are the primary controllers through active participation in shaming offenders, and, having shamed them, through concerted participation in integrating the offender back in to the community. Low crime societies are societies where people do not mind their own business, where tolerance of deviance has definite limits, where communities prefer to handle their own problems.

Discussion

Adopting a restorative framework provides probation and community corrections managers with a conceptual and value base for promoting a strong victims' focus for the community supervision mission. Restorative justice also

provides a strong practical basis for arguing that programs and practices such as victim offender mediation, victim support services, restitution, victim awareness education and even restorative community service (Bazemore and Maloney, 1994) should be integrated as part of a victims' component of community corrections. While victim oriented practice under one policy "roof" is not necessarily desirable, coordination could help victim programs by making possible greater sharing of resources and strengthening coalitions to increase funding for victims' services and improve awareness of victims' concerns. Most important, better coordination would serve the interests of victims for a central point of contact with criminal justice bureaucracies and facilitate victim involvement.

Whether adopting the restorative philosophy and mission will help community corrections become more victim focused is ultimately an empirical question that must be answered by victims themselves. The hypothesis that it will help, however, is somewhat grounded in reality based on the experience of probation, community corrections departments and other criminal justice agencies which have advanced significantly in the direction of a victims' orientation. Probation departments such as Quincy, Massachusetts; Ventura County, California; and Dakota County, Minnesota have developed effective networks of victim-oriented practices and programs and provide coordination, direction, and leadership to these programs. The Sheriff's department in Genesee County, New York has adapted restorative justice as the philosophy which has united a wide array of victim and offender services funded and coordinated by the department. To one degree or another, each of these agencies have been programmatically successful because they have also changed the values, priorities and the mission of community corrections.

Ultimately, although it holds firm in its commitment to the core values of the need for restoration and conciliation, a restorative justice approach is also a prescription for radical compromise. Neither traditional offender advocates who adhere to an individual treatment model, nor attorneys focused on winning cases through an adversarial process that puts victim and offender on the sidelines, nor victims' advocates more influenced by the politics of retribution than an understanding of victims' needs for restoration and closure will be completely comfortable with a restorative approach. There is, however, a greater possibility for real compromise, around the values of restorative justice, between interested parties who have often been at odds over community corrections and criminal justice policy. Though restorative justice is first and foremost victim-centered, a restorative framework for community corrections is most consistent with a "balanced" mission responsive to the needs of victims, offenders and community members as equal clients (Maloney, Romig and Armstrong, 1988; Bazemore, 1992). From this central value, a balanced mission, and a restorative philosophy for community corrections would develop unique performance objectives and practices responsive to the needs of each client.

Although it holds firm in its commitment to the core values of the need for restoration and conciliation, a restorative justice approach is also a prescription for radical compromise.

From the vantage point of a retributive system steeped in supportive legal traditions and institutional frameworks, the goals and values of restorative justice are idealistic and utopian. At the same

time, such goals and values may be critical to ensure that balanced criminal justice reform proceeds in a positive direction:

Giving priority to reparation rather than retribution calls for a change in social ethics and a different ideology of society. That means a society governed with the aims of individual and collective emancipation, in which autonomy and solidarity are not seen as diametrically opposed, but as mutually reinforcing principles. A society doing its utmost to avoid exclusion of its members, because it is a society which draws its strength not from fear but from the high social ethics by which it is governed... Is this Utopia? Yes, but we need a utopia to motivate us and provide guidance for our actions in society. There is nothing more practical than a good utopia. (Walgrave, 1993).

Endnote

1. Many of the examples are based on the author's experiences with victim-oriented practices in juvenile justice. The general value of a victim-centered paradigm for community corrections however, applies equally for criminal justice, and the experience of adult community corrections does not contradict the basic conclusions of this paper.

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Victim Empowerment Through Mediation:

The Impact of Victim Offender Mediation in Four Cities

By Mark S. Umbreit, Ph.D., School of Social Work, University of Minnesota

The process of allowing certain crime victims to meet face-to-face with their offender, in the presence of a trained mediator, is now being offered in a growing number of communities throughout North America and Europe. There were only a handful of victim offender mediation programs in North America in the early to mid 1970s. Today, there are over 100 programs in the United States and 26 in Canada. The field of victim offender mediation is actually growing more rapidly in Europe, where it began to develop in the mid-1980s.

In most victim offender mediation programs, the process consists of four phases: case intake from referral sources; preparation for mediation, during which the mediator meets separately with the offender and the victim; the mediation session, which consists of a discussion of what occurred and how people felt about it, followed by negotiation of a restitution agreement; and follow-up activities such as monitoring restitution completion. Victims have the opportunity to get answers to any lingering questions and to let the offender know how the crime affected them. Offenders learn the real human impact of their behavior and can take direct responsibility for making things right with their victim. The victim has direct input into holding the offender accountable. Cases in victim offender mediation programs are referred both pre- and post-adjudication with adults and juveniles. Through the mediation process, victims are empowered to become actively involved in the jus-

tice process and the resolution of their emotional and material needs related to the crime (Umbreit, 1985; Zehr, 1990).

This article reports on the first large cross-site evaluation of victim offender mediation programs to occur in the U.S., involving multiple data sets, research questions, comparison groups and multiple quantitative and qualitative techniques of analysis (Umbreit and Coates, 1992, 1993). The study was initiated by the Citizens Council Mediation Services in Minneapolis, through a grant from the State Justice Institute in Alexandria, Virginia. It was conducted in cooperation with the School of Social Work at the University of Minnesota, with Dr. Mark Umbreit serving as the principal investigator.

Program sites examined worked closely with juvenile courts in Albuquerque, New Mexico; Austin, Texas; Minneapolis and St. Paul, Minnesota; and Oakland, California. Issues related to the mediation process and outcomes, client satisfaction, perceptions of fairness, cost implications, restitution completion and recidivism were examined. No study to date has examined the impact of victim offender mediation upon successful completion of the offender's restitution obligation to their victim. Nor has any study in the U.S. examined the cost implications of operating these programs or examined their impact, through the use of comparison groups, upon victims and offenders in multiple sites representing different geographical regions of the country.

Conclusions

An enormous amount of both quantitative and qualitative data has been collected from a total of 1,153 interviews with crime victims and juvenile offenders in four states, review of program and court records, interviews with court officials and program staff, and observation of 28 mediation sessions. The conclusions that emerged from analysis of these many data sources are first identified below. While these conclusions cannot be generalized to represent all victim offender mediation (VOM) programs, they do provide important insight into the growing international field of restorative justice and mediation.

Offenders learn the real human impact of their behavior and can take direct responsibility for making things right with their victim.

1. Victim offender mediation results in very high levels of client satisfaction (victims, 79 percent; offenders, 87 percent) and perceptions of fairness (victims, 83 percent; offenders, 89 percent) with the mediation process for both victims and offenders. This is consistent with a number of previous studies (Coates and Gehm, 1989; Digman, 1991; Marshall and Merry, 1990; Umbreit 1988, 1989, 1990, 1991).

2. The victim offender mediation process has a strong effect in human-

izing the justice system response to crime, for both victims and juvenile offenders. This is consistent with the findings of prior studies (Coates and Gehm, 1989; Marshall and Merry, 1990; Umbreit, 1991).

3. The process of victim offender mediation has a more significant differential effect upon crime victims (when examining comparison groups), even though both victims and offenders indicate very high levels of satisfaction and perceptions of fairness with mediation.

There is strong evidence that a victim's sense of vulnerability and anxiety can be reduced following a direct mediation session with their offender.

4. Victim offender mediation makes a significant contribution to reducing fear and anxiety among crime victims. Prior to mediation, nearly 25 percent of victims were afraid of being victimized again by the same offender. After mediation, only 10 percent were afraid of being revictimized.

5. Juvenile offenders seem to not perceive victim offender mediation to be a significantly less demanding response to their criminal behavior than other options available to the court. The use of mediation is consistent with the concern to hold young offenders accountable for their criminal behavior.

6. Victim offender mediation has strong support from court officials, both judges and probation staff, and is increasingly becoming institutionalized into the juvenile court system.

7. Mediation is perceived to be voluntary by the vast majority of juvenile offenders who participated in it. Pro-

grams in this study appear to have done a better job of presenting victim offender mediation (VOM) programs as a voluntary choice to the offender (81 percent of offenders) than indicated in prior research (Coates and Gehm, 1989).

8. Mediation is perceived to be voluntary by the vast majority of victims who participated in it. Although 93 percent of victims felt they voluntarily chose to participate in mediation, a small number of victims (7 percent) felt that they were coerced into participating in the victim offender mediation program. Whether this perception of coercion was a function of the program staff, mediators, court related officials or even parents (of juvenile victims) is unclear.

9. Considerably fewer and less serious additional crimes were committed within a one-year period by juvenile offenders in victim offender mediation programs, when compared to similar offenders who did not participate in mediation. Consistent with two recent English studies (Marshall and Merry, 1990; Digman, 1991), this important finding, however, is not statistically significant because of the size of program samples.

10. Victim offender mediation has a significant impact on the likelihood of offenders successfully completing their restitution obligation (81 percent) to the victim, when compared to similar offenders who completed their restitution (58 percent) in a court administered program without mediation.

11. As the field of victim offender mediation expands and becomes more institutionalized, a danger exists that VOM will alter its model to accommodate the dominant system of retributive justice, rather than influencing the present system to alter its model to incorporate a more restorative vision of justice upon which vic-

tim offender mediation is based.

Implications

A number of implications for both justice policy and direct practice are offered, based upon the conclusions that emerged from this extensive two and one-half year, multi-site study of victim offender mediation.

Policy Implications

- Wider public policy consideration should be given to increasing the availability of victim offender mediation services, perhaps even as a basic right for those victims of crime who would find it helpful, assuming the offender agrees to such a meeting and a credible victim offender mediation program is available to both parties.

- Victim offender mediation should be more consistently integrated into the large national network of court-sponsored restitution programs. There is strong evidence that victims of crime are more likely to actually be compensated if the restitution plan is negotiated by the offender and victim.

- Mediating conflict between interested crime victims and their offenders should receive far more attention from the large network of victim advocacy groups throughout the United States. There is strong evidence that a victim's sense of vulnerability and anxiety can be reduced following a direct mediation session with their offender.

Program Implications

- Training of mediators should be enhanced to ensure that an appropriate non-directive style of mediation is used. This style includes the ability to make use of silence during mediation sessions and to avoid missing opportunities to encourage either victim or offender to address emotional issues that are important to them. Emphasis should be placed on demonstrated

skill competency rather than simply completing a set number of hours of mediation training.

- New written and video training resources should be developed to highlight the importance of a non-directive style of mediation. Specific examples of how to avoid "missing opportunities" for greater emotional closure for the victim and offender should be provided.

- Additional attention should be given to ensuring that participation in mediation is voluntary for both parties. This should include training of case developers and mediators to inform both parties of all available options prior to their choice of mediation.

- The appropriate role of parents in the mediation process involving juvenile offenders needs additional clarification. Rather than either a policy of including or not including parents in the actual mediation session, programs should develop policies that identify for whom and under what specific circumstances parents should be allowed in the entire mediation session.

- Case referral criteria in victim offender mediation programs should include both offenders with prior convictions and cases involving more serious offenses, such as residential burglary, robbery, aggravated assaults and negligent homicide.

- Programs should develop an ongoing system for collecting client satisfaction and other related data that is helpful for maintaining high quality control. This should include collecting data related to the participant's perception of voluntary participation and the role and effectiveness of the mediator. A program evaluation kit made available through this study could be helpful with such an effort.

Program Sites

The study was based primarily upon

a thorough examination of three community-based victim offender mediation programs, in Albuquerque, New Mexico; Minneapolis, Minnesota; and Oakland, California. A fourth program, in Austin, Texas operated directly by a probation department, was added much later in the study and required a more limited range of analysis.

Taken together, a total of 3,142 cases involving juvenile offenders and their victims were referred to these four programs for mediation services during calendar year 1990 and 1991. Of these, 83 percent represented property offenses and 17 percent represented crimes of violence. Nearly all of the cases were referred by the local juvenile courts and probation staff. A relatively small number of cases were referred by the prosecuting attorney or police.

Albuquerque

The Victim Offender Mediation Program in Albuquerque, New Mexico was initiated in 1987 as a component of the New Mexico Center for Dispute Resolution. It is co-sponsored by the local juvenile probation department of the state youth authority. In addition to victim offender mediation, the Center operates a parent-child mediation program, a school mediation program, and a mediation program for youth in correctional facilities. During 1990 and 1991, it had a caseload of 591. The program serves a jurisdiction with a population of about 450,000, including large Hispanic and Native American communities.

Minneapolis

The Center for Victim Offender Mediation in Minneapolis, Minnesota was initiated by the Minnesota Citizens Council on Crime and Justice in 1985. The Center is a program of the Citizens Council mediation ser-

vices. Operating within a jurisdiction of approximately two million in the metro area of Minneapolis and St. Paul, it was one of the first such programs in a large urban jurisdiction. The Center for Victim Offender Mediation has the highest volume of case referrals of the three sites, with a total of 903 case referrals during calendar year 1990 and 1991. In addition to the Center, the Citizens Council Mediation Services also has a parent-child mediation program, a school mediation program, and a mediation training program in juvenile correctional institutions. Staff are increasingly providing technical assistance and training for other mediation programs in the state.

Oakland

The Victim Offender Reconciliation Program in Oakland, California serves the East Bay area of San Francisco. It was initiated in 1987 by the Office for Prisoner and Community Justice of Catholic Charities/Oakland Diocese. Both Alameda and Contra Costa counties are served by the program, representing a large urban multi-cultural jurisdiction with a population of nearly two million, adjacent to San Francisco. During 1990 and 1991, the program had a total of 541 case referrals. The Office of Prisoner and Community Justice of Catholic Charities has worked in the criminal justice field for many years, offering a range of services and advocacy for prisoners, ex-offenders and crime victims. The program in Oakland has more recently branched out to provide technical assistance to other newly developing victim offender, as well as school-based mediation programs.

Austin

A fourth site in Austin, Texas was added quite late in the study. This program is operated by the Travis

Crime victims are far more likely to feel they were treated fairly by the justice system if they participated in mediation.

County Juvenile Court Department, in conjunction with the local Dispute Resolution Center. Precisely because all of the initial three sites are sponsored by private agencies, the Austin program offered a unique addition to the original design of the study, by allowing for analysis of any possible affects of a public versus private victim offender mediation program upon client satisfaction and perceptions of fairness. During 1990 and 1991, the program in Austin had a total of 1,107 case referrals.

Conclusion

The process of mediation is not meant for all victims and offenders. There is growing evidence, however, that a large proportion of cases are appropriate for victim offender mediation, particularly property offenses and minor assaults. The experience of programs working with juvenile courts and probation departments in four states indicates that victim offender mediation results in high levels of client satisfaction and perceptions of fairness, as well as successful completion of restitution by the offender. Crime victims are far more likely to feel they were treated fairly by the justice system if they participated in mediation. Victims who met the offender in mediation are also likely to be less fearful of being revictimized. Young offenders are far more likely to actually complete their restitution obligation if they participated in mediation. Instead of placing victims in a passive role with little input related to the disposition of their case, the mediation process

empowers victims to play an active role in the justice process of holding the offender accountable and having their losses restored.

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Dr. Umbreit became an assistant professor in the School of Social Work at the University of Minnesota in the fall of 1990. Prior to then, he was the vice-president of the Minnesota Citizens Council on Crime and Justice in Minneapolis which operates a wide range of programs including community service sentencing, crime victim centers and victim offender mediation.

For the past 13 years, Dr. Umbreit has served as a consultant and trainer for the U.S. Department of Justice, National Institute of Corrections, working in more than 30 states. He is conducting the first cross-national study of victim offender mediation in Canada, England, and the United States. Dr. Umbreit is the author of *Crime and Reconciliation*, numerous articles, and is a practicing mediator in both non-violent and violent offenses.

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Dr. Umbreit's recently published book, *Victim Meets Offender: The Impact of Restorative Justice and Mediation*, is available from *Criminal Justice Press, 124 Willow Tree Road, P.O. Box 249, Monsey, NY 10952, (914) 362-8376.*

Victim Offender Mediation Resources

By Mark Umbreit

Training and Technical Assistance Manuals

The VORP Book: An Organizational and Operations Manual. This manual is the most comprehensive technical assistance manual on initiating and managing victim offender mediation and reconciliation programs. Includes chapters on: an overview of the process; an organizers handbook; volunteer training; case and information management; and moving toward an urban/multicultural setting. Available for \$25 from PACT Institute of Justice, 254 S. Morgan Blvd., Valparaiso, IN 46383, (219) 462-1127.

Victim Offender Mediation *Training Package*. This comprehensive victim offender mediation package includes one trainer's manual, two coach's manuals, ten training and resource manuals, and one training video (60 minutes). The entire package costs \$470 (CN). The cost of the components if purchased separately include: trainer's manual, \$95; coach's manual, \$15; training and resource manual, \$25; and the training video, \$95. Available from Community Justice Initiatives Association, 101-20678 Eastleigh Crescent, Langley, B.C. V3A 4C4, (604) 534-5515.

Training Videos

Center for Creative Justice, 304 Lynn Ave., Ames, IA 50010 (515) 292-3820.

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Resource Organizations

Victim Offender Mediation Association (includes programs throughout North America), c/o PACT Institute of Justice, 254 S. Morgan Blvd., Valparaiso, IN 46383, (219) 462-1127.

Victim Offender Ministries Program, Mennonite Central Committee Canada, 50 Kent Avenue, Kitchener, Ontario N2G 3R1.

Office of Criminal Justice, Mennonite Central Committee U.S., 107 W. Lexington Ave., Elkhart, IN 46516.

For additional information related to program development, technical assistance, mediation training or research, contact Mark S. Umbreit, Ph.D., School of Social Work, McNeal Hall, 1985 Buford, St. Paul, MN 55108, (612) 624-4923.

Request for Site Proposals

Bids are open for the following APPA Training Institutes:

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Completed applications to host this Institute must be received by **July 22, 1994**, in order to be considered. The Board of Directors will select this site at their meeting in Phoenix, Arizona, September 11, 1994.

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Including Victims in the Criminal Justice Equation: Community Justice in the Next Century

By Hon. Myron Steele, Vice Chancellor, Court of Chancery, Kent County, Delaware
and Thomas J. Quinn, Executive Director, Criminal Justice Council, Delaware

Background

The demographic and caseload trends across the United States portend more cases, piled on top of already overburdened agencies of justice. It is apparent that the adjudication system as it is now structured will continue to be under stress. Though clearly increases in resources are needed, we cannot foresee the resources increasing sufficiently to meet the need without some structural changes. Despite modest increases in funding, management innovations and a genuine desire to provide a speedy and fair process, there continues to be a delay in bringing offenders to justice and a sense of helplessness on the part of the victims.

The fault may be the focus of the system itself, which now all but ignores victims, when in fact for many purposes they should be the centerpiece of the process. Somehow "justice" and "punishment" have become synonymous. Left largely out of the equation is the victim or the community which has been harmed. Without fundamental changes, these problems will be exacerbated into the next century.

Some agencies of justice have begun to respond to the challenge: to try to better meet the expectations of the public with an emerging community-based philosophy—"restorative justice"—as an adjunct to the retributive

model. In the restorative model, the victim is the paramount concern and the process is geared to making the victim whole, using the offender as the vehicle wherever possible.

In a sense, it is a return to ancient cultures, to the legal systems which form the foundation of Western law, who viewed crime as an intensely personal event. Although crime breached the common welfare so that the community had an interest and responsibility in addressing the wrong and punishing the offender, the offense was not considered primarily a crime against the state as it is today. The offense was considered principally a violation against the victim and the victim's family. Thus, ancient cultures held offenders and their families responsible to settle accounts with victims and their families, as evidenced in ancient legal codes such as the Babylonian Code of Hammurabi (c. 1700 B.C.); the Sumerian Code of Ur-Nammu (c. 2050 B.C.); the Roman Law of the Twelve Tables (449 B.C.); the earliest surviving collection of Germanic tribal laws (the Lex Salica, promulgated by King Clovis soon after his conversion to Christianity in A.D. 496); and the Laws of Ethelbert in Kent, England (c. A.D. 600). Crime was understood to break the peace, thereby destroying amicable relationships within a community and creating harmful ones.

Justice, then, aimed to restore relationships to wholeness (Van Ness, 1989).

The Norman invasion of Britain in 1066 marked the beginning of a "paradigm shift," a turning away from the understanding of crime as a victim-offender conflict within the context of community. William the Conqueror and his descendants found the legal process an effective tool for centralizing their own political authority. They competed with the church's influence over secular matters and effectively replaced local systems of dispute resolution (Berman, 1983).

In the restorative model, the victim is the paramount concern and the process is geared to making the victim whole.

In 1116, William's son, Henry I, issued the *Legis Henrici* which secured royal jurisdiction over "certain offenses against the king's peace, [such as] arson, robbery, murder, false coinage, and crimes of violence" (Day and Gallati, 1978). Anything that violated this peace was interpreted as an offense against the king, and offenders were thus subject to royal authority. Under this new approach, the king became the paramount victim, and the

actual victim was denied any meaningful place in the justice process.

Retributive justice focuses on establishing the guilt of offenders; restorative justice focuses on solving the problems created by crime.

The purpose of criminal justice underwent a parallel shift. Rather than centering on making the victim whole, the system now focused on upholding the authority of the state. Instead of addressing the past harm, criminal justice became future-oriented, attempting to make offenders and potential offenders law-abiding. Punishment in the forms of fines and corporal punishment took the place of restitution. Since these punishments were administered in public (in hopes of deterring would-be criminals), they caused great humiliation as well (Cullen and Gilbert, 1982).

In reaction to the increasingly brutal treatment of offenders, the rehabilitation model and its principal tool, the prison, evolved. Prior to 1790, prisons were used primarily to hold offenders until trial, but the Quakers in Philadelphia converted the local jail into what they called the "penitentiary." They aimed not only to save offenders from de-humanizing punishment, but also to rehabilitate them. Unfortunately, many of the prisoners, completely deprived of contact with their loved ones and the outside world, went mad. The cure proved worse than the disease.

But this did not discourage prison advocates. If isolation did not achieve the goals of repentance and rehabilitation, then perhaps other measures would work.

Succeeding generations moved from

theories of repentance to theories of hard work, then to discipline and training, and eventually to medical and psychological treatment. But this search for an approach that guaranteed that governments would "graduate" all offenders as law-abiding citizens from their prisons has met with disappointing results. In the last 20 years, many criminal justice policy makers have concluded that rehabilitation is simply an impossible goal, a failed policy (Van Ness, 1989).

Treatment programs will play an important role in restorative justice, as we will see. While the rehabilitation model has also used treatment programs, its basic flaws have undermined them, producing a wave of disappointment and disillusionment in the last 20 years.

Unfortunately, the failure of the rehabilitation model has not yet led to a rejection of the current paradigm: that crime is only an offense against the state. Instead, it has prompted governments to impose increasingly repressive and punitive sanctions against those who commit crimes. The goal has become incapacitation. The wave of "get tough" measures has been no more successful than the rehabilitation model in controlling crime, and such measures are actually contributing to the breakdown of the criminal justice system itself.

Re-Emergence of Restorative Justice

Changing the goal of the justice system from rehabilitation to retribution and incapacitation has not solved the crisis in criminal justice, nor will it. Crime is not merely an offense against the state, and justice is more than punishment. Van Ness argues that if we are going to find solutions to this crisis in criminal justice, we will have to start over, beginning with the very foundation of the system.

In the past 15 years, proposals have

evolved which: 1) define crime as injury to victims, 2) include all parties in the response to crimes, and 3) address the injuries experienced by all parties as well as the legal obligations of offenders. Following is an overview of these new proposals.

In his 1977 paper, "Beyond Restitution: Creative Restitution," psychologist Albert Eglash identified three types of criminal justice: retributive justice based on punishment, distributive justice based on therapeutic treatment of offenders and restorative justice. Both the punishment and treatment models, he noted, focus on the actions of offenders, deny victim participation in the justice process, and require merely passive participation by the offender. Restorative justice, on the other hand, focuses on the harmful effects of offenders' actions and actively involves victims and offenders in the process (Eglash, 1977).

Howard Zehr, a pioneer in the victim-offender reconciliation movement, has been a highly influential advocate for a restorative justice paradigm shift. He notes that retributive justice focuses on establishing the guilt of offenders; restorative justice focuses on solving the problems created by crime. Restorative justice requires the participation of all the parties. Furthermore, retributive justice holds offenders accountable for their crimes by punishing them. In restorative justice, said Zehr, offender accountability is defined as "understanding [the] impact of [the offender's] action and helping decide how to make things right" (Zehr, 1985). The process empowers the victim to play a meaningful role in determining the outcome.

Victim-offender mediation (also sometimes called victim-offender reconciliation or VORP) began anew in 1974 in a Kitchener, Ontario program, founded by two Mennonite church members (one a probation officer) who were seeking better means of

dealing with young criminal offenders. The first program in the United States was in Elkhart, Indiana in 1978, through the leadership of the Mennonite church there, acting with a local judge, probation officers, and a local community corrections organization. By 1989, there were at least 171 such programs in the United States (Umbreit, 1993).

In such programs, a referred case is screened for acceptance; it may be rejected, for example, if there is overt hostility between the parties or there is no need for reconciliation or restitution. If accepted, the case is referred to mediation, which may be conducted by a single mediator or a pair of co-mediators. Mediators usually are trained, unpaid volunteers; in difficult cases a paid staff member may take over the mediation or assist the volunteer (Hughes and Schneider, 1989).

In the victim-offender mediation meeting, the mediator explains the process and then encourages each party to relate the facts of the crime from his or her point of view. This is meant to help the victim to understand the offender's motivation and the offender to understand the crime's hurtfulness to the victim, including the victim's physical losses, fear, suspicion and anger (Clarke, 1993). The formal adversarial court system does not allow this level of interaction or this depth of discussion.

Some states have systematically attempted to divert cases from the formal court process. On July 27, 1981, the New York state legislature unanimously passed Chapter 847, Laws of 1981, establishing the Community Dispute Resolution Centers Program (CDRCP).

The program was placed within the Unified Court System under the supervision of the chief Administrative judge of the courts (judiciary law, article 21A). In the first fiscal year, 1981-82, 17 private not-for-profit agencies serv-

ing 15 counties were awarded grants. Over the course of the next seven years, additional agencies were evaluated and awarded grants; currently, there are dispute resolution centers in all 62 New York counties which mediate both misdemeanors and felonies.

In fiscal year 1992-93, the centers served 106,388 people involved in 43,688 cases which were screened as appropriate for direct services by the centers. Indirect services in the form of assistance, referrals to appropriate resources and other helpful information are also provided by the centers each day. In 83 percent of the matters that reached the mediation stage, a voluntary agreement was achieved by the parties. The centers reported \$2,543,692 awarded in the form of restitution and mutual agreements to New York state citizens. The average award per case was \$680. Forty-seven percent (47%) of the referrals to the centers were from the courts. Forty-four percent (44%) of the conflicts involved matters of a criminal nature; 51 percent were civil; and 5 percent involved juvenile problems. Two hundred and seven (207) felony cases were mediated.

It took 15 days from intake to final disposition for the average single-hearing dispute resolution case (16,497 cases) and 46 days for the average multiple-hearing case (802 cases). The average time per mediation/arbitration was one hour and twelve minutes, at an average state cost per individual directly served through the intervention of the mediation program of \$26. The centers are now teaching conflict management skills to young people in many schools across the state.

Tennessee has also recently attempted to institutionalize community-based mediation. The Victim-Offender Mediation Center Act of 1993 makes appropriations to implement this act for fiscal year 1993-1994. Victim-offender mediation centers can meet

the needs of Tennessee's citizens by providing forums in which persons may voluntarily participate in the resolution of disputes in an informal and less adversarial atmosphere. A victim-offender mediation center may be created and operated by a corporation organized to resolve disputes, making use of public facilities at free or nominal cost. The grant from the state of Tennessee may not exceed 50 percent of the approved estimated cost of the program.

Despite the "get tough" attitude prevalent in criminal justice policy and practice, there appears to be widespread support among the public for repaying the community.

Public Support for Community Service/Restorative Justice

Despite the "get tough" attitude prevalent in criminal justice policy and practice, there appears to be widespread support among the public for repaying the community. Four out of five Minnesota citizens favor spending on education, job training, and community programs rather than on prisons in order to reduce crime.

More than four out of five Minnesotans indicate an interest in participating in a face-to-face meeting with the offender in the presence of a trained mediator to let the offender know how the crime affected them, to discuss their feelings and to work out a plan for repayment of losses.

Nearly three out of four Minnesotans chose restitution as more important than jail time in sentencing for a burglary of their own home. The results were consistent across age, income, gender, race and education level sub-

groups (Pranis and Umbreit, 1992).

A public opinion research project conducted in Hennepin County, Minnesota in 1991 by Imho Bae, University of Minnesota, found strong public support for restitution as an alternative penalty to incarceration for property offenders. This research also found a significant lack of awareness by criminal justice officials of public support for restitution and found that crime victims seem to be less punitive than non-victims. Bae concludes that his findings imply that citizens perceive crime issues in a broader social context and independently from reports of the mass media (Pranis and Umbreit, 1992).

In 1991, the Public Agenda Foundation completed a study of public attitudes in Delaware. The public felt that alternatives were a tough, appropriate punishment that would better serve the community, and that alternatives improve the chances of rehabilitation, a principle that Delaware citizens believe in deeply. The specific alternative of community service was well liked because it is seen as a way for offenders simultaneously to learn job skills and internalize the work ethic, thereby improving their chances of rehabilitation. Respondents to the survey also appreciated the fact that work done by the offenders would benefit the community; they saw it as a way for offenders to give something back to society. A number of respondents felt that community service could be a suitable alternative for offenders who are unemployed or otherwise unable to make restitution (Doble, 1991).

Respected researchers and authors, Norval Morris and Michael Tonry, state in their widely acclaimed book, *Between Prison and Probation*: "The services performed by those sentenced in this way are welcomed by the recipients of those services and...the sentenced offenders proved to be more diligent workers than had been antici-

pated." They proffer that community service-either alone or as part of a more complex punishment-provides for an appropriate proportionate sanction in a comprehensive continuum of correctional options, and is growing in popularity across the United States (Morris and Tonry, 1999).

Delaware SENTAC Laws 1984 and 1987

In 1987, the Delaware criminal justice system embraced a philosophy of sentencing and punishment based on the premise that certainty of punishment is more effective in controlling criminal behavior than severity of punishment (66 De1.C. 134). Delaware's system, promulgated by the Sentencing Accountability Commission (SENTAC) and endorsed by the General Assembly, is designed to sentence offenders to the least restrictive (and, therefore, least costly) sanction commensurate with the seriousness of the offense, with consideration to prior criminal behavior, and with due regard to public safety.

The goals of SENTAC (64 De1.C. 402), in order of priority, include:

1. incapacitation of the violence-prone offender;
2. restoration of the victim, as nearly as possible, to his/her pre-offense status; and
3. rehabilitation of the offender.

The early years concentrated on expanding intermediate sanctions, adding rehabilitative programs and refining guidelines. Delaware already had a community service program, as well as a restitution law that requires a judge to order restitution unless a reason is provided on the record why it is not appropriate. In the past two years, they began to focus more clearly on the goal of restoring the victim, by starting with the problems surrounding collection of restitution and other court collectibles.

A committee of SENTAC determined, after a year of planning and testing, that a centralized collection system should be developed to have responsibility and authority over collection of all court-ordered payments. The current system is badly fragmented and inefficient, partly because each court has its own system for tracking and collection of the funds, and partly because almost everyone involved has other primary duties and responsibilities which detract from the effort available to devote to collections. A test project, completed with the assistance of MBNA Corporation, indicated that use of a computerized, proactive collection effort could increase the amount of collections by as much as threefold.

The General Assembly approved the transfer of one position from the Department of Corrections to the Administrative Office of the Courts to administer the collection system; to determine necessary staffing, procedures, training requirements; and to create a central agency which can operate as a proactive collection unit for all court-ordered funds, such as restitution, fines, costs, and surcharges. Over \$600,000 was also appropriated for improving the court information system, including the automation of collections.

With that mechanical progress under way, SENTAC turned to the philosophical underpinnings of our system of justice. Sentac embraced the paradigm shift suggested by Zehr and others cited earlier, and the concept of community justice was discussed with community leaders and criminal justice personnel in Kent County. They found the use of trained mediators to process cases, in place of the formal court process, to be a potential solution to many problems facing the court. Numerous individuals in Kent County, including representatives of community and business organizations, criminal

justice agencies, and private and public social service groups, developed a proposal to begin a pilot, and received federal seed funding from the state Criminal Justice Council. The project will be fully operational by late 1994.

The vision will hopefully lead to a re-focusing of justice, from the offender in the courts to the victim in the community. The victim will play a much fuller role than is now the case, and the offender will be held accountable to the victim and the community more quickly than the current system allows. This will lead to a greater satisfaction with the justice system on the part of the victim involved, and speedier justice. It will operate similar to victim mediation programs elsewhere, with trained volunteer mediators, operating in conjunction with the police, prosecution, court, probation office and service providers. It is also hoped that by the last month of the project year, it will reduce, by a significant percentage, the monthly cases filed in the Court of Common Pleas and in Superior Court, and increase restitution received by victims by a monthly average of 20 percent.

Funds will be used to hire a coordinator and administrative assistant, purchase curricula, adapt a management information system, and pay for training and administrative costs.

As now envisioned by the planning committee, the cases would be primarily referred by the prosecutor as a form of "Prosecutor's Probation." That is, the defendant, if s/he agrees to enter this mediation process, would waive "speedy trial" and be referred to the mediation center. The victim would likewise have to agree to this process, and would be initially referred by the police or the prosecutor, then screened by the trained staff before the mediation process. In a typical case, this would occur by the time of the preliminary hearing, perhaps on recommendation of the police officer. Within one

week of referral, the center staff would have interviewed both the victim and the offender to verify their willingness to participate in the process, and to further explain it. If screening indicates that either party is inappropriate for the process, the case will be immediately referred back to the prosecutor for normal processing.

The mediation process itself will allow the victim to explain the personal impact of the crime, and to ask questions of the offender. Both parties will be required to treat each other with respect during the process. The mediator will try to fashion a satisfactory agreement that repays the victim either directly or symbolically, restores the community in some symbolic way using the offender as vehicle to accomplish this, and refers the offender to the appropriate treatment program deemed necessary.

Project staff will monitor the agreement and ensure the victim is repaid, and report back to the court. They will also publish monthly reports summarizing the number and nature of cases referred and how they were disposed.

It is expected that while the majority of the referrals initially will come from the prosecutor; some will occur after conviction, if so desired by the victim. In some jurisdictions this mediation can and does take place inside a prison. Victims report it to be very settling for them, as it answers questions that they never could get answered otherwise. At the other extreme, it is expected that some cases will be self-referrals from the community, who are seeking the mediation process to resolve a dispute before it grows into an offense or a court case. The project staff will keep track of these categories separately.

Finally, it is likely that some offenders in need of service will receive it more quickly through this expedited system; however, it will not be tracked beyond referral as it is beyond the scope of this

project.

Thus far, the following agencies have agreed to serve on the advisory committee and cooperate with the program: Superior Court, Attorney General's Office; Delaware State Police; Dover Police; People's Place II, Inc.; Community and Education Foundation, Inc.; Catholic Charities; Chamber of Commerce; Department of Health and Social Services; Division of Consumer Affairs; Office of Probation and Parole; Delaware Council on Crime and Justice; and SENTAC Victims Committee.

The victim will play a much fuller role than is now the case, and the offender will be held accountable to the victim and the community more quickly than the current system allows.

Results of Research and Evaluations

A growing body of research in North America and Europe is finding that the process of mediating conflict between crime victims and offenders provides many benefits to the parties involved, the community and the justice system. It has also been found that many victims and offenders want to meet, when given the opportunity, to work things out in a manner that is perceived to be fair by both parties (Umbreit, 1993).

Preliminary research suggests that "restorative" approaches to justice may serve as effective alternatives to incarceration, which often cost far less than prison, hold offenders personally accountable for the pain they have inflicted and work to repair the economic, psychological and emotional trauma which crime represents to both victim

and community (Pact Institute brochure).

The first large cross-site evaluation of victim offender mediation programs to occur in the United States involving multiple data sets, research questions, comparison groups, and multiple quantitative and qualitative techniques of analysis was initiated by the Citizens Council Mediation Services in Minneapolis through a grant from the State Justice Institute in Alexandria, Virginia (Umbreit, 1992). It was conducted in cooperation with the School of Social Work at the University of Minnesota, with Dr. Mark Umbreit serving as the principal investigator.

Program sites examined worked closely with juvenile courts in Albuquerque (NM), Austin (TX), Minneapolis and St. Paul (MN), and Oakland (CA). The results are encouraging, and are detailed elsewhere in this issue in Dr. Umbreit's article, "Victim Empowerment Through Mediation."

Conclusion

The fear of crime and violence is expected to continue, and the Clinton Administration has plans to increase police manpower on the streets through its Police Supplemental Hiring Program. This can only translate to more arrests, and more cases being placed on the judicial threshold.

This trend will run headlong into the resource limitations necessitated by the budget deficit. No longer can the courts, nor other agencies of justice, expect to take greater than their share of the modest growth available in the state coffers. The public and their elected officials will demand ever greater efficiency, requiring fundamental changes in the way justice is dispensed. Fortunately, other trends are surfacing which should help progressive judicial change agents meet the demands of the next century.

David Osborne, in his popular book, *Reinventing Government*, predicts that the organizations and agencies that sur-

vive in this fast changing world will reflect more flexibility, less bureaucracy, more interdisciplinary collaboration and greater emphasis on solving problems closer to the source. These are precisely the elements of community based mediation which offer hope for dealing effectively with the anticipated caseload growth; they are principles which should drive the courts' preparation for the future. A more complete and rapid sorting of cases will be required, and the traditional hierarchical bureaucracy will no longer suffice.

There is also a growing recognition that prisons do not work for all offenders; that other options can be more effective; that offenders in need of treatment should get that treatment as quickly as possible. These acknowledgments will ease the transition to community-based alternatives to the formal court process, with a concomitant reduction in cost of processing and increase in the speed of disposition, payment of restitution and referral to treatment where needed. The need for such community-based, mechanisms to resolve disputes and informally adjudicate some crimes will become increasingly important, and hopefully increasingly sought by the general public.

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Probation Officers as Victims

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The criminal justice system has long been criticized for its inadequate treatment of crime victims. At times, the victim is virtually disregarded, with almost total concentration focused on the offender. This is especially evident when little assistance is given to the victim, while the offender is provided extensive and expensive social services as part of the rehabilitative process.

Over the last two decades, however, the criminal justice system has become more aware and sensitive to the needs of crime victims. Unfortunately, as with all aspects of a criminal justice system overwhelmed by sheer volume, victim services are frequently unavailable, underfunded or understaffed to adequately meet the needs of crime victims.

A general insensitivity to victim needs combined with a paucity of services may be attributable, at least in part, to the relative inexperience of the criminal justice system in providing assistance to victims. As noted by Karmen (1984) "After centuries of neglect, crime victims are being rediscovered in many societies." As a result, victim services has yet to acquire a theoretical body of knowledge necessary to basic practice considerations including: an accepted definition of who is a "victim;" a service classification system based on differing victim needs; and general agreement as to emphasis to be placed on "making the victim whole again" (Karman, 1984).

The Probation Officer Victim

Whereas under servicing may be endemic to crime victims in general, it may well be especially so to law en-

forcement officials who are victimized in the course of their employment. This appears to be the case of probation officers experiencing on-the-job criminal victimization.

Serious concerns related to probation officer safety did not emerge until the late 1980s. The appearance of a number of articles in professional journals served to heighten our consciousness of the dangerous side of probation work (Brown, 1989 and 1990; Holden, 1989; Jones and Robinson, 1989; Lindner, 1991; Lindner and Koehler, 1992; Martin, 1991; Morrison, 1992; Parsonage, 1990; Smith, 1991). Similarly, several newspaper articles, perhaps even more graphically, conveyed the potential danger inherent in community supervision of the criminal offender (Labaton, 1990; Serant, 1989). At the same time, staff safety concerns became a popular topic for discussion at professional conferences, and at least one probation officers' union sought judicial relief barring home visitation because of the potential for officer victimization (Serant, 1989).

Nationwide, many probation agencies responded to officer victimization concerns with efforts designed to increase staff safety (Sisson, 1991; New York City Department of Probation [DOP], 1988, 1989; U.S. Probation Service, Southern District of N.Y., nd). Accordingly, some agencies permitted larger numbers of officers to carry firearms (Administrative Office of the U.S. Courts [USC], 1983). Others revised field visitation practices by encouraging field visitation (DOP, 1989); allowed

officers to carry capsicum or wear body armor (USC, 1993); and provided staff safety training (Leathery, nd).

However, controversy continues to exist as to whether probation officers really face greater risk of criminal victimization than in the past. Some argue that the issue of staff safety is an exaggerated one, often little more than a self-serving tool designed to gain approval for officers to carry guns, or to gain other benefits in contract negotiations. They argue that nationwide, the number of incidents of serious officer victimization is relatively low, and that officer safety concerns are more likely to result from the perception of danger rather than actual crime.

Many officers now believe their work to be inherently dangerous.

By contrast, many officers now believe their work to be inherently dangerous. They argue that many caseloads have been dramatically transformed from a misdemeanor to a felony population, often comprised of large numbers of drug-related offenders who live and function in a culture of violence. In dealing with this type of violence-prone population, the risk to probation officers is heightened. The sale of drugs, for example, although not a violent act in and of itself, is frequently accomplished with the backing of heavily armed and dangerous drug gangs prepared to do

battle for their territorial rights. In addition, many of today's probationers are more likely to be violence prone, and are placed on probation for crimes for which they would have been incarcerated were it not for prison overcrowding (Stewart, 1986).

Those maintaining that probation work is more dangerous further cite increased street violence, including a proliferation of illegal weapons, and argue that the probation officer is likely to become the victim of a street crime, unrelated to work, while carrying out field duties.

It can also be argued that field work is more dangerous than ever before. Although drug abuse among probationers is not unusual, crack cocaine has, over the past decade, become the drug of choice. Crack cocaine, unlike other substances, can result in violent behavior on the part of the abuser rather than resulting in a sense of euphoria or complacency. An unannounced home visit to an abuser under the influence of crack might compromise the safety of the officer. Moreover, those maintaining that probation work is more dangerous further cite increased street violence, including a proliferation of illegal weapons, and argue that the probation officer is likely to become the victim of a street crime, unrelated to work, while carrying out field duties. Illustrative of the controversy, including the disparate viewpoints and the passions attached, is the published debate between Holden and Schuman over the arming of probation officers (Holden, 1989).

Measuring Probation Officer Victimization

Whether probation work is actually

more dangerous has yet to be definitively established. Arguments offered by both sides tend to be inconclusive, largely impressionistic, and lacking in empirical support. For example, while there is incontrovertible evidence to demonstrate the existence of a new trend toward "felony probation," it does not necessarily follow that the probationer population is now more dangerous. A large percentage of that felony population consists of non-violent offenders, such as white collar criminals, gamblers and pornographers. Although compelling arguments suggest that probation work is more dangerous than in the past, the question of actual risk remains unresolved. Of the tens of thousands of field contacts made annually by probation officers on a nationwide basis, how many have resulted in physical injuries? What are the actual risks of criminal victimization faced by probation officers?

In recent years, several important studies have sought to measure probation officer victimization (Bigger, 1993; Ely, 1989; Parsonage and Bushey, 1988; and Parsonage and Miller, 1990). Their efforts have not, however, shed sufficient light on the question. To begin with, the studies lacked consensus as to a definition of officer victimization.

Difficulties in arriving at acceptable definitional terms are not unique to the question of probation officer victimization. Karmen (1984) notes that:

Once the term "victimology" was coined to refer to the scientific study of victims, a debate erupted over the boundaries of the field. Some want to restrict the focus to people harmed by illegal acts. Others want to go well beyond the limits of crime in order to embrace victims of accidents, illnesses, natural disasters, and socially harmful policies (such as discrimination, political repression, genocide and war).

Similar difficulties are obvious in the

early probation victimization studies. Parsonage and Bushey (1988) defined "victimization" as "any violence, threat of violence, intimidation, extortion, theft of property, damage to one's reputation, or any other act which inflicts damage, instills fear or threatens one's sensibilities."

The Ely (1989) study employed a broad definition of incidents which consisted of experiences categorized as:

... physical (assault, injury, and property loss) or psychological (harassment, intimidation and threats)..." (6) Accordingly, incidents of officer victimization included harassment, coercion, attempted bribery, veiled threats, physical threats, property losses or damages, assaults, assaults with injury, other injury and other (unspecified) acts (Appendix 1; Question 11).

Parsonage and Miller (1990) were especially broad in their working definition in that "victimization" was solely based on the officer's perception of whether an offense did indeed occur:

...hazardous incidents in which people working in probation and parole agencies have been assaulted or threatened in connection with their work. Examples of hazardous incidents affecting staff safety would include: physical assault or harm; threat of physical assault or harm; assault or threat of harm to a worker's family members; harm or threat of harm to one's property; extortion; harm or threat of harm to a worker's reputation; or psychological intimidation.

Bigger (1993), however, concentrated on all violent confrontations resulting in murder, rape, abduction or hostage taking as well as a number of sub-categories of physical assault against probation, pretrial service and parole officers since 1980. Although this national survey of state jurisdictions provided a

more focused definition of victimization, it presented only accumulated data for a period of more than ten years. Consequently, trends in the frequency of victimization over time could not be determined.

The study's results also suggested a lack of uniformity in incident record keeping and reporting among agencies. For example, while Pennsylvania reported 245 unspecified assaults over a 10-year period, 30 other responding jurisdictions did not report a single incident in the same category over the same time period. Moreover, several jurisdictions did not report a single incident of probation, pretrial or parole officer victimization over the 10-year study period (Bigger, 1993).

These studies, taken as a whole, are invaluable in focusing attention on the newly emerging concerns related to probation officer victimization. Not only do they raise essential issues which could have a direct impact on practice, but they serve as an early and necessary foundation for research which will inevitably follow. Nevertheless, as a group, they fail to effectively measure officer victimization or to convincingly demonstrate a trend toward increased victimization.¹

Clearly! concern must be expressed that the operational definition of "victimization" in previous studies may be too broad to provide an acceptable standardized measure of officer risk. Most importantly, the expansiveness of the working definitions of victimization only serves to diffuse the issue at hand, and trivialize serious incidents suffered by officers by combining them with minor incidents.

There is also the obvious danger of over-reporting when "victimization" is defined "... solely upon the officer's perception of whether an offense actually did occur" (Parsonage and Miller, 1990). Perceptions obviously differ, and to some the casual stare of a stranger may be viewed with alarm. Nor should

we equate, at least in terms of policy making decisions, a letter of complaint to an officer's supervisor with a criminal act of physical assault (Parsonage and Miller, 1990). Obviously, a higher reported rate of victimization will result from overly broad operational definitions, such as those which include threats to an officer's reputation or one's sensibilities. As noted by Skogan and Maxfield (1981):

If we ask people what bothers them we will generate a great deal of data on the incidence of street urchins, demonstrators, noisy neighbors and other things which lie outside the purview of the criminal law and beyond the capacity of the police to handle even in an informal manner.

Ely (1989) best describes the danger in over-reporting by calling our attention to two respondents in his survey who reported more than 400 incidents, surely based on very broad personal definitions, whereas the average for the entire group was only 29 incidents per person for the same period.

Agency Responsibilities

The results of the studies cited above have not provided a reliable, consistent account of the extent of probation officer victimization, the degree of risk of victimization faced by probation officers while involved in field visitation activities, or sufficient data to determine whether or not a trend of victimization exists. The importance of understanding the scope of those dangers faced by probation officers cannot be overstated. The growing interest in this subject suggests that future research will eventually resolve those questions. Yet, the fact remains that a substantial number of probation officers have experienced serious criminal victimization. Agency responsibilities in regard to officer victimization are threefold.

First, agencies must recognize that the problem exists. Although many agen-

cies have already responded with policies and practices designed to improve the safety of probation officers, official recognition requires the addition of a formal reporting mechanism for incidents of victimization, including the filing of official crime reports with local police. The gathering of reliable data will provide the basis for the development of sound agency policy, including effective training programs.

The state and local probation agencies should consider the establishment of a network of services unique and exclusive to victimized probation officers.

Second, in addition to formal reporting measures, agencies must provide a climate conducive to reporting incidents of victimization. The dangers involved in probation work may well be "part of the job," but administrators should not consider reports of victimization as complaining on the part of the officer nor should they consider encouraging officers to report incidents as "coddling" the officers. Although officers often provide informal reports of such incidents to their supervisors, those officers should be encouraged to report incidents through official agency mechanisms including the filing of crime reports.

Finally, an important and sensitive issue is whether the victimized probation officer should be provided with specialized services. Probation agencies must recognize their responsibilities to staff, and provide services above and beyond those available through already existing victim services. The state and local probation agencies should consider the establishment of a network of services unique and exclusive to victimized probation officers. Ideally, these services

would focus on the special needs of probation officers, utilize the commonality of experience and serve to augment already existing victim services available to probation officers.

Endnote

1. For a more extensive critique of Parsonage and Bushey, 1988; Ely, 1989; and Parsonage and Miller, 1990, see Lindner and Del Castillo (in press).

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An Introduction to the Management and Collection of Restitution

By Tracy Godwin, Victim Services Specialist, APPA

At a recent training seminar for the American Probation and Parole Association's *Offender Supervision* and Victim Restitution Project, sponsored by the Office for Victims of Crime, the topic of restitution engendered much debate. A great deal of time was spent discussing the many obstacles that inhibit the collection and management of restitution. Among the obstacles discussed were legislative mandates that are out of sync with scarce human and financial resources, and the difficulty of enforcing restitution orders, due in part to the inability of the offender to pay and the system's lack of response for failure to pay.

Legislative Impact

The Final Report of the 1982 President's Task Force on Victims of Crime contained many recommendations for improving the response of the criminal justice system to crime victims. Two of the recommendations were related to restitution and urged that, "legislation should be proposed and enacted to ... require restitution in all cases, unless that court provides specific reasons for failing to require it." It also urged judges to order restitution in all cases in which a financial loss was documented; it was further recommended that if restitution was not ordered that the reasons for not doing so be stated on the record. The rationale behind legislation on restitution began to shift from being seen solely as a means of punishing and rehabilitating the offender to being seen as a way of bringing justice to victims of crime (Hillenbrand, 1990).

Although over the past decade there

have been increases in legislation regarding restitution, little attention has been given as to how these mandates are to be accomplished in practice. Carol Shapiro argues in her article, "Is Restitution the Chameleon of the Victims' Movement?," that legislative mandates, without plans and resources for implementation, help foster an illusion that the criminal justice system is addressing the needs of crime victims. Victims are frustrated when that illusion is distorted or destroyed in actual practice. In order for legislation to be successfully implemented, and for the frustration of victims to be mitigated, there needs to be a legislative focus on how the mandates can be translated into policies, procedures and funds for proper implementation (Shapiro, 1990).

Restitution as a Priority

Although there is a trend toward equalizing the rights of victims and offenders, providing victim services (including the monitoring and/or collection of restitution) can be a very cumbersome process. This can be due, in part, to the bureaucracy that stymies many probation and parole agencies. It can also be problematic that the tasks which accompany the provision of victim services can add to probation and parole officers' already extensive workloads. This may sometimes create resentment when officers are faced with the task of providing services to yet another group of "customers" vying for attention (Beatty, Frank, Lurigio, Seymour, Paparozzi and Macgargle, 1994).

Probation and parole officers have many demands placed on them when

supervising offenders. These competing demands can cause the collection of restitution to be a low priority. In his article, "Restitution As Innovation Or Unfilled Promise?," Burt Galaway states, "Success at implementing a

The rationale behind legislation on restitution began to shift from being seen solely as a means of punishing and rehabilitating the offender to being seen as a way of bringing justice to victims of crime (Hillenbrand, 1990).

restitution program and securing compliance with restitution requirements relates more to the willingness of staff to focus on restitution activities, as contrasted with other activities, than any intrinsic difficulties implementing restitution." (1988) Findings from a study conducted by the American Bar Association (ABA), *Improving Enforcement of Court-Ordered Restitution*, suggest that higher compliance rates result when:

- efforts are made to monitor payments; and
- consistent action is taken to respond to delinquencies.

In order to avoid a pattern of non-compliance, effective monitoring practices should be in place so that delinquency can be detected as soon as it occurs. In the ABA's survey of restitution directors, the directors reported that delinquency in the payment of restitution occurred at the

time of the first payment approximately 50 percent of the time and at mid-sentence the remaining 50 percent of the time. They stated that delinquency rarely occurred at the end of an offender's sentence (Smith, Davis and Hillenbrand, 1989). This suggests that early and effective responses can successfully interrupt a pattern of non-payment.

Enforcement Issues

Probation and parole officers are constantly faced with the difficulty of enforcing restitution orders. Restitution, as a condition of probation and parole, should carry the same weight as other sentencing conditions, all of which must be enforceable. If one of the goals of restitution is to hold the offender accountable for his actions, failure to pay restitution should result in action by the criminal justice system. There needs to be strict accountability for the offender to pay, strict agency accountability for effective and efficient collection and processing of restitution, and a mechanism in place for enforcing the collection of restitution once the offender becomes delinquent (Beatty, et. al., 1994).

In the ABA study, a survey of restitution directors suggested that compliance rates were higher in jurisdictions where the court made an effort to ascertain the offender's ability to pay before the amount of restitution was determined.

One problem which impacts the enforceability of restitution is that of the inability of the offender to pay. In the ABA study, a survey of restitution directors suggested that compliance

rates were higher in jurisdictions where the court made an effort to ascertain the offender's ability to pay before the amount of restitution was determined. When judges order restitution amounts that are unrealistically high, it can result in high rates of non-compliance by offenders. This frustrates both victims and the officials who have the responsibility of collection (Smith, Davis and Hillenbrand, 1989).

In addition, the survey revealed that the ability of offenders to pay was hampered by the imposition of jail time or court costs (Smith, Davis and Hillenbrand, 1989). Generally, restitution is not the only financial obligation offenders are assessed. Other fines, fees and costs compete with offenders' ability to pay restitution (Shapiro, 1990). In order to help alleviate the problem of competing costs, there should be a clear policy that dictates the priority of the collection and disbursement of fines, fees and other assessments.

Some probation and parole agencies have attempted to develop strategies to assist staff in their monitoring and collection efforts. One method which has proved successful for departments with adequate resources has been to allow certain staff to focus more on offenders who owe restitution. This shift from a generalized to a specialized approach in supervising offenders has been quite successful in some agencies. For example, the adult probation department in Los Angeles, California, developed specialized caseloads dedicated to the collection of restitution. They observed that certain probation officers were more successful at collecting restitution, so they assigned cases involving large amounts of money to the those officers. Their experiment yielded such positive results that they

now have restitution officers in each probation office in Los Angeles (Beatty, et. al., 1994).

Another strategy that probation and parole officers can employ is that of developing a case plan which contains a strategy for making the offender a regular payer. For example, if an offender is unemployed, the initial goal would be to help the offender obtain marketable job skills. Once that goal was accomplished the plan would be adjusted to concentrate on making the offender a regular payer (Beatty, et.al., 1994).

Automation can be an important key to success in the collection of restitution. Manual methods of book-keeping and issuance of receipts for payments can be a very cumbersome process. In order for an agency to decrease resistance by officers in the collection of restitution, it is necessary to develop ways of managing restitution collection that will be perceived by staff as effective and efficient. One way to do this is by automating the collection and disbursement of restitution (Beatty, et.al., 1994). An initial investment of time and resources in an automated system sends the message that restitution collection is a high priority.

The Philadelphia Adult Probation and Parole Department is one example of a department which has developed a computerized tracking system. When the department decided to switch to a computerized system, a decision had to be made on what type of accounting package would be used. Staff examined hardware and software packages from various vendors, yet discovered that the cost of those programs exceeded their budget. They then decided to have someone in-house write their restitution accounting program. This alternative allowed them a less expensive means of obtaining a program with the flexibility that they desired (Maiolino,

O'Brien and Fitzpatrick, 1990).

The advantages of automating the restitution process are numerous. Automation can help save time on duties routinely performed by officers; this can result in a greater allocation of staff time for duties that serve victims. Letters informing victims about the restitution process, as well as other available services, can be generated quickly. When victims call for information regarding the status of a case, that information is readily accessible. Warning letters or delinquency notices can be automatically generated to be sent to offenders when they fail to make a payment. In addition, statistical reports that were once very difficult to compile can be generated on the computer in just a few minutes (Maiolino, O'Brien, and Fitzpatrick, 1990).

Innovative Methods of Collection

In addition to some of the strategies described above, some probation and parole agencies are attempting innovative and novel methods of collecting restitution from offenders who fail to pay. For example, in the state of Washington, the court has statutory authority over the offender for 10 years for the purpose of collecting restitution (Beatty, et.al., 1994).

According to statistics from the National Victim Center, as of 1991, 22 states allowed restitution to be enforced as a civil judgment. In most of these states, once there has been a default in payment, a civil judgment can be enforced by placing a lien on the offender's real property, garnishing his/her wages, attaching his/her assets or freezing his/her bank accounts.

In Phoenix, Arizona, a unique restitution collection method exists in which probationers enrolled in intensive supervision programs can be

required to endorse their paychecks and sign them over to the probation department. Another check is then issued to the offender, minus a payment toward victim restitution (Beatty, et.al., 1994).

As of 1991, at least five states utilized restitution centers as an option for collecting restitution. Generally, restitution centers, such as the ones operated by the Texas Department of Corrections, house offenders for a period of six months to one year while they go to work in the community. The director of the center receives the offender's wages and disburses portions of it for expenses, fines and restitution according to a predetermined priority. In the case of the Texas Restitution Center Program, it is successful at "employing residents, collecting and disbursing their wages for living expenses, court and probation fees, victim restitution and dependent support" (Lawrence, 1990).

Conclusion

Restitution plays a key role in the victim's right to be made whole. Granted, restitution cannot undo the damage done by the criminal, but it can, in some small way, facilitate the journey back to wholeness. Despite the best and most conscientious of efforts, restitution will not be collected in every case; however, probation and parole agencies can begin to overcome the obstacles which circumvent the collection of restitution. This will require a careful examination and prioritization of agency resources. Staff can then employ strategies and methods which increase the chance of offender compliance and victim satisfaction.

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Innovations in Victim Services Programming

The following section highlights various efforts incorporating victim services within community corrections, and concludes with an overview of national organizations dedicated to the enhancement of services to victims of crime. We want to thank those who submitted articles describing their agencies' commitment to providing victim services. We encourage you to contact the persons listed at the end of each article and to continue your educate on the many ways that the probation and parole profession can serve victims of crime.

Community corrections must be proactive and progressive in developing and implementing a policy that incorporates deliverable services to victims. Some strategies for effective implementation of victim services programming include:

- addressing personal and professional barriers which inhibit effective victim services and may prevent development of an effective marketing strategy;
- determining the phase in the criminal justice system during which probation and parole provides services to victims;
- assessing and developing interagency collaboration;
- providing internal training;
- providing interagency training and public awareness; and
- providing direct and indirect victim services.

Direct services which should be provided to victims include determining the impact of crime on victims through victim impact statements and/or pre-sentence investigation reports; determining restitution and monitoring its collection; providing basic community corrections information when requested; and keeping victims informed of the offender's status. Progressive community corrections agencies take this a step further and

see their role as also being responsible for educating the community on crime prevention, providing referral information on resources available to assist victims of crime and supplying information to victims on programs providing monetary relief for physical and emotional problems (i.e., victim compensation programs).

One highly effective way to ensure that services are developed, implemented and provided to crime victims is to employ and train specialized community corrections staff who are exclusively responsible for providing services to victims. The avenues that should be explored to initially fund victim services in community corrections include federal (VOCA) and state grants or scholar-

ships. Grant funded programs allow probation and parole agencies the opportunity to lay groundwork which can aid in financially justifying the expansion of victim services programming and assist in generating future funding through state and local government appropriations.

We hope this section will stimulate ideas and challenge you to be creative and innovative in implementing victim services within your jurisdiction. APPA recognizes that the agency programs described in this section represent only a small sample of the many initiatives in place across the country. We would be interested in receiving submissions on other innovative victim services programming for possible inclusion in future issues of Perspectives.

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California Department of Corrections' Victim Service's Program

By Sandi Menefee, Victims of Crime Services Coordinator

The California Department of Corrections' (CDC) Victim Services Program recently marked its five-year anniversary. This innovative program, which serves as a national model, was established as part of a growing commitment to victim awareness and victim assistance. The overall mission of the program is to examine and respond to the various needs of crime victims. It is also responsible for ensuring that inmates/parolees, correctional staff and the general public recognize and understand the impact of crime on victims.

The Victim Services Program receives approximately 150 telephone calls and/or letters per week from crime victims requesting assistance. Program staff provide direct services to victims requesting location of their offender(s); notification of release, death or escape; notification of Board of Prison Terms hearings; special conditions of parole; and assistance when they are threatened or harassed by their offender(s). Staff also provide referrals to appropriate community support organizations and work closely with institution and parole staff in assisting crime victims.

The CDC is a decentralized organization with 26 prisons and four regional parole offices with approximately 110 parole units within the regions. The headquarters office for victim services has the administrative and policy oversight responsibility for the entire department, as well as the direct service component of assisting crime victims. The Victim Services Program is staffed with a full-time supervisor, two full-time associate level analysts, and two college student assistants who each work roughly 1,500 hours per year. In addition, each prison and parole region has designated victim service representatives-another "hat" worn by existing staff. These staff receive guidance, training

and technical assistance from the Headquarters Program on a regular basis and facilitate when problem situations are encountered in the field. They also provide escorts to crime victims coming into the prison or parole facilities to attend parole hearings. In many cases, these are the same staff who coordinate fundraisers and other activities that enhance local victim service agency resources.

CDC developed a "Helping Crime Victims" brochure and video tape to provide crime victims with an understanding of their rights concerning offenders who are under the jurisdiction of CDC. Copies of the film and brochures were distributed to community-based victim service providers, institutions and parole regions along with a notification request form which was developed to assist victims requesting notification/special conditions of parole.

The notification forms are on file in all victim/witness assistance centers, rape crisis, domestic violence and child abuse services agencies in California. CDC provides these forms at no cost to the service agencies on a regular basis with current and updated information on how to use them. It is likely that these service agencies will have contact with crime victims at different times throughout the criminal justice process. All probation departments in California also have the forms or aversion of the information on file, and refer crime victims to the Victim Services Program for additional information and follow-up at the time of adjudication of the case. Victims, witnesses and concerned citizens can further request these forms directly from the department and work with Victim Services Program staff in completing them. The department implemented the inmate restitution fine collection system that enables the department to deduct

20 percent from an inmate's wages to pay court-ordered restitution fines. Since November 1992, over \$1.25 million has been collected from inmate wages. This amount, less administrative costs, was forwarded to the California State Board of Control Restitution Fund. This fund provides reimbursement to qualified victims for expenses that occurred as a result of the commission of a crime.

In addition, offenders in CDC are provided the opportunity to participate in impact of crime on victims training. The training, which is provided in a variety of settings including self-help groups and academic classes, emphasizes the impact of crime on victims and helps to make offenders accountable for their crimes. An "Impact of Crime on Victims Handbook" was developed by Victim Services Program staff in conjunction with the California Youth Authority to be utilized in this training. Impact training exercises include planning a funeral for a hypothetical murder victim, completing an insurance claim form, and viewing films of victims of violent crimes.

Offender participation in the impact classes or group work is strictly voluntary on the part of the offender. It occurs during their "free" time; no time off from school or work is given to participate in these activities. No incentives exist such as letters to parole boards or good time credits. Offenders participate because they want to.

For additional information on this innovative program or if you would like copies of the "Helping Crime Victims" brochure or the "Impact of Crime on Victims Handbook," please call (916) 324-6737, or write to the CDC Victim Services Program at PO. Box 942883, Sacramento, CA 94283-0001.

Victim Services in Cook County, Illinois

By Linda Tanner, Victim Assistance Officer
Cook County Circuit Court, Illinois

On October 13, 1992, the Cook County Adult Probation Department assigned a probation officer in its Resource Unit to the position of victim assistance officer. Through this assignment, the department was making a statement that they recognize the plight of the crime victims. They understand victims' needs and rights to be included in the criminal justice system, to be heard at every level of the system, and to be informed about the status of probation cases.

The department acknowledged that the same considerations that have always been afforded to probationers should also be provided to victims. In short, the criminal justice system should treat crime victims with dignity, respect and humanity.

To date, crime victims and the larger community have responded favorably to the Victim's Program. The news media's response to the week-long dedication held during the National Crime Victim Rights Week (April 25 - May 1, 1993) was very positive. At that time, the *Southtown Economist* printed an interview with the victim assistance officer, titled "Crime Victims Have Ally."

Victim's Program Services

Several services are offered through the Victim's Program:

- * **Informational Services**-The victim assistance officer includes victims in the Adult Probation Department's case process. Notification letters to the victims regarding restitution are prepared through the department's management information system. Victims must request in writing to be notified further of any scheduled probation violation hearings, disposition hearings or revocation hearings.
- * **Referral Services**-Victims of crime often experience serious physical, financial and emotional difficulties following the criminal offense. Violent crime victims are especially vulnerable to adverse reactions. The family members of these victims may also be traumatized by the episode. The recovery of victims and their relatives is facilitated when they are given referral information to meet their special needs, such as mental health counseling; financial assistance; emergency shelter; emergency food, clothing and any other related services
- * **Supportive Services**-Supportive services are available to the victim and are provided only at the victim's request. Most of these supportive services are brokeraged to community service providers.

Major Responsibilities of the Victim Assistance Officer

The major responsibilities of the victim assistance officer are:

- * to facilitate relationships within the department and with other external agencies;
- * to work with the state's attorney's office to expedite victim impact statements;
- * to meet with victim advocates to learn about additional victims' services and issues;
- * to recruit volunteers from community groups for the Victim's Program; and
- * to act as a court advocate by informing the victim of their rights and privileges with the court system. Cases such as delinquent restitution and domestic violence generally receive special attention.

Highlights for the Department's Victim's Program

This past year has been both challenging and eventful. The highlights for the department's Victim's Program are:

- * The department observed the National Crime Victim Rights Week April 25 - May 1, 1993.
 - * The victim assistance officer became a member of the American Probation and Parole Association's Victims Issues Committee; attended the 1993 Winter Training Institute in Austin, Texas; and attended the 1993 Annual Training Institute in Philadelphia.
 - * Representatives of the department attended the Cook County State's Attorney's Fourth Annual Victim's Memorial Service.
 - * The victim assistance officer became a member of the State's Attorney's Policy and Legislation for the Hate-Crimes Prosecution Council, the Task Force on Lesbian and Gay Issues and Criminal Justice, and the Domestic Violence Task Force.
 - * The victim assistance officer is a member of the State's Attorney's Training and Education for the Hate-Crimes Prosecution Council, the Task Force on Lesbian and Gay Issues and Criminal Justice, and the Domestic Violence Task Force.
 - * The victim assistance officer attends monthly meetings with the Chicago Metropolitan Battered Women's Network.
- The victim assistance officer provides daily informational services to victims,
- * The victim assistance officer has attended the state's attorney's victim-witness seminars, networked with Palos Neuropsychiatric Institute, the Chicago Police Violent Crime Div-

ision, and Youth Service Project.

- Representatives of the department participated in a walk-a-thon with the Illinois Coalition Against Handgun Violence.
- The victim assistance officer has recruited volunteers for the Victim's Program.

Activities of the Victim Assistance Officer

Day-to-day activities of a victim assistance officer are neither typical nor routine. Activities may include consulting with probation officers regarding probation cases and victim issues; consulting with victims concerning probation violation hearings and/or disposition hearings; networking with external agencies, developing agency contacts for future referrals; and/or preparing for vic-

tim-related meetings. Each day always promises to be rewarding and challenging.

Struggles Encountered as a Victim Assistance Officer

The most difficult and challenging struggle encountered as a victim assistance officer is becoming involved with the surviving families of homicide victims. Emotional feelings run deep with these types of cases and, in some instances, it is difficult holding back personal feelings. Victims' families often lose confidence in the criminal justice system and feel helpless or abandoned.

Department's Vision for the Victim's Program

The department's vision for the Victim's Program is to expand into a

specialized unit, staffed with specially trained officers and department volunteers. This unit will work closely with the judiciary and state's attorney's office to ensure that the victims of probation offenders will be given general information about the sentence of probation and about the status of the offender's case as it progresses through the probation period; receive their restitution on a regular schedule or be informed about the lateness or cessation of payments; and be afforded an opportunity to participate in violation of probation or termination hearings.

For more information, contact Linda Tanner, Victim Assistance Officer, Cook County Adult Probation Department, 2650 S. California, Lower Level, Chicago, IL 60608, (312) 890-7376.

South Carolina Volunteers in Probation and Parole Assist Crime Victims

**By Brett M. Macgargle, M.P.A., State Director of Victim Services
South Carolina Department of Probation, Parole and Pardon Services**

Historically, volunteers have been a mainstay in probation and parole's efforts. In fact, a private citizen named John Augustus of Boston is credited with originating the modern concept of community supervision. In 1841, Augustus began supervising offenders released to his custody through the courts. Not only did Augustus volunteer his time, energy and creativity in supervision, but his 18 years of work were considered highly successful—successful enough to inspire the Massachusetts Legislature in 1878 to establish the first paid probation officer position for the city of Boston.

The area of probation and parole is considered the largest and fastest growing form of corrections existing today. Unfortunately, due to shortages of time and money and the ever-increasing offender population, premium services by staff are being over-

whelmed. One of the biggest complaints of probation and parole officials is that citizens and many public and private organizations (including the media) do not understand what community supervision entails. This lack of knowledge and understanding fosters a reduction of support and hurts the image of probation and parole and its resources. Not only are community supervision programs having to do more with less, but experts agree the lack of community involvement makes the objectives of supervision very difficult to accomplish.

The problems of crime can never be solved from the bulwark of the criminal justice system. We need the community, and each citizen must become educated about and involved in community supervision. In response to this, probation and parole agencies are aggressively seeking to involve the community, and to offer citi-

zens a sense of ownership and participation in programs so vital in their community. Volunteer programs assist in this lofty goal.

Understanding these problems, the South Carolina Department of Probation, Parole and Pardon Services (SCDPPPS) created an innovative and comprehensive Volunteer Services Program (VSP) in 1989. The VSP seeks to educate and involve the public by providing a variety of opportunities for potential volunteers, including:

Job Developer: Volunteers help offenders find employment and learn job search skills. Volunteers also make referrals to employment assistance agencies and develop a job bank for offenders. Employment helps to ensure the offender will have the resources to pay court-ordered restitution to victims and any fees and fines

which have been imposed.

Community Sponsor: Volunteers are matched with offenders, to develop a relationship of guidance, support and motivation, and to stress offender accountability. Volunteers provide a positive role model for offenders while assisting offenders with obtaining rehabilitative services in the community.

Court Assistant: Volunteers assist and augment the tasks of the department within the county courthouse. They process offenders, investigate and collect documents and monitor court activities.

Probation and Parole Agent Team Assistance: Volunteers provide clerical assistance; assist in records management provide support services to agents in report writing; assist agents who are making routine contacts with offenders; and assist in many other general office duties.

Victim Service Specialist: Volunteers assist the agency's Office for Victim Services by contacting victims after sentencing to provide them with information about community supervision, special sanctions the offender must comply with, restitution monitoring, referrals for victims to community rehabilitative resources, and processing of victim impact statements and mail; by assisting agents in identifying victims for the pre-sentence and pre-parole investigation; by providing court and parole board orientation to victims who desire to attend violation hearings; by monitoring the court for supervision cases, training staff and delivering presentations to various organizations; and by completing research and evaluation of victim service program efforts.

AU volunteers are formally trained and oriented about their responsibilities and the service options listed above. The services they provide can benefit not only the offender! but the department, the criminal justice system, the public and those who are actually the victims of crime.

At the same time the SCDPPPS started the VSP the agency applied for and received a federal grant through the U.S. Department of Justice, Office for Victims of

crime, to create a program designed to provide direct services to victims of crime while the offender is under community supervision. This program, entitled Victim Services in Community Corrections (VSICC), employs seasoned probation and parole officers who are promoted to serve as victim service coordinators. These coordinators actually carry a "caseload of victims" with structured duties similar to probation and parole officers. Their goal is to provide information, education, protection and support services to crime victims as part of the community corrections process. To reach this goal, five main objectives have been delineated:

1. notification of conviction and the conditions of community supervision, along with any special intermediate sanctions that are imposed;
2. timely monitoring of restitution payments;
3. collection and distribution of victim impact statements to supervising officers and other correctional agencies' victim service programs;
4. community-resource referrals to victims who are in need of counseling, financial aid, shelter, creditor intervention; and
5. victim notification of hearings for violation and early termination, and the dispositions of those hearings.

Like probation and parole officers, victim service coordinators are in need of volunteers to assist in providing direct services to victims. Since the VSICC program was created in 1989, volunteers have worked closely to assist the victim services staff in all areas of services. In fact, many volunteers have actually been victims who, because of the crime, have taken a keen interest in how probation and parole hold the offender accountable during all facets of supervision. The agency's Office for Victim Services employs a director of victim services, a victim services liaison, and four regional victim service coordinators. On a monthly basis, the office receives approximately 300 letters, 700 phone calls, 250 victim impact statements and numerous

requests for information and community rehabilitative resources.

Michael J. Cavanaugh, Director of the SCDPPPS, stresses, "With this volume of receiving, processing and responding to victims and service providers, my Office for Victim Services staff would have a difficult time providing services effectively without the dedicated assistance of volunteers."

The SCDPPPS victim service coordinator, Jackie Flynt, emphasizes, "We find that victims who recover make some of the best volunteers because they can relate well with other victims, offering personal empathy. Plus, they usually know the criminal justice system inside and out."

Volunteers in victim services have completed over 10,000 hours of service since the beginning of the program. The work done by volunteers in victim services serves not only the victim, but the supervising officer as well. As the SCDPPPS volunteer service coordinator, Lisa Williams, cites, "We wanted volunteers to have a variety of options for service. Both offenders and victims are deserving of services, and the volunteers have been extremely helpful with both groups, decreasing the caseload work of supervising officers and victim service coordinators."

Volunteers in victim services also play a vital role in the mandatory training of probation and parole officers regarding the effects of victimization. Cavanaugh mentions, "Officers who receive victim service training respond to a victim's requests for assistance dramatically differently than officers who have not been trained. Trained officers understand that their job does and should require them to assist those who have been hurt by the offender and that providing services to victims helps hold the offender accountable for his or her actions."

As a victim service provider, the SCDPPPS has realized many benefits through its team of dedicated volunteers.

For more information, contact Brett M. Macgargle, Statewide Director of Victim Services, SCDPPPS, PO. Box 50666, Columbia, SC 29250, (803) 734-9367.

Victim Services Expanding in Texas' Justice System

By Debbie Bartles, Victim Liaison/Ombudsman
Texas Department of Criminal Justice, Community Justice Assistance Division

Last year, the Texas Department of Criminal Justice (TDCJ), building on existing victim services within its pardons and paroles division, created the TDCJ Victim Services Office in order to expand and standardize services to victims during each stage of post-sentencing in Texas' justice system.

Raven Kazen, who originated victim services within the TDCJ Pardons and Paroles Division in 1989, is the director of the expanded victim services office. Ms. Kazen explained, "Victims have worked hard in recent years to have their voice heard. One of the results of their efforts is the Crime Victims' Bill of Rights which was enacted into law in 1985 and became an amendment to the Texas Constitution in 1989. But just having a Bill of Rights isn't enough. Victims have to be made aware of those rights and how to exercise them. TDCJ is committed to ensuring victims are afforded their rights."

The TDCJ Victim Services Office is working closely with victim's advocacy groups around the state and victim services departments within other state agencies such as the offices of the governor, the attorney general, and the Texas Youth Commission to develop programs and provide training on victims' issues throughout Texas. Additionally, a victim advisory council has been formed to work with the TDCJ Victim Services Office in laying the groundwork for some of the proposed new programs and services and in revising existing ones.

A victim notification system is already operational in the TDCJ Pardons and Paroles Division (TDCJ-PPD). Notification letters are sent to victims to apprise them of when "their

offender" becomes eligible for parole, when parole considerations and hearings are scheduled, results of hearings, and other pertinent decisions and actions regarding the offender's supervision. TDCJ-PPD also operates a toll free phone number which victims can call for information or just to talk to someone about how they are feeling.

A standardized victim notification system is expected to be implemented in early 1994 within the community supervision (adult probation) system. This system will be coordinated by the TDCJ-Community Justice Assistance Division (CJAD) and operated by the local departments. This will keep victims who want to be informed updated on the offender's status from beginning to end of the post-sentencing part of the justice system. Some Community Supervision and Corrections Departments (CSCDs-formerly known as adult probation departments) are already providing victim services, including notification. Prosecutors' offices in several jurisdictions are involved in offering victim services beyond the required victim impact statement, as well.

Departments in both large and small jurisdictions are showing strong support for victim services. Burnet County CSCD, with a jurisdictional population of 52,910 (five counties), and which supervised 270 felony and 365 misdemeanor adult offenders on community supervision in fiscal year 1992, has a full-time staff person who works with victims. Jay Tedder is the department's victim liaison. Tedder helps victims of assaultive crimes fill out a victim impact statement, helps the victims understand how the crim-

inal justice system works, coordinates disbursement of restitution to the victims and conducts victim-offender mediation. According to Jack Redford, the department director, Tedder has conducted five mediations since the victim services program was initiated September 1, 1992, four of which were considered successful. Also instrumental in the success of the victim services program operated by the Burnet County department are the strong support of 33rd District Judge Clayton Evans and the community which has gotten behind the department's efforts.

At the other end of the spectrum, Bexar County, with a population of 1,186,690 and which supervised 7,841 felony and 10,713 misdemeanor adult offenders in fiscal year 1991, is in the starting stages of implementing a victim notification system. As in Burnet County, the Bexar County CSCD director, Caesar Garcia, is designating a staff person to handle victim services on a full-time basis. Mr. Garcia plans to notify all victims when the offender in their case is placed on community supervision, regardless of what type of crime committed. He is assigning one officer for felonies and one for misdemeanors. Because of the large Hispanic population in the jurisdiction, all services will be offered bilingually. Garcia also plans to use telephone contacts as well as written contacts to ensure the victims understand the letters they receive from the department.

Other goals of the TDCJ Victim Services Office outlined by Kazen include development and implementation of: a comprehensive information/education program which focuses on victim

rights and concerns; a statewide professional victim liaison network; a handbook for victim liaisons, advocates, and other corrections professionals, which addresses most asked questions by victims; and informational and resource materials for victims, advocacy groups, and corrections professionals. Plans also involve adding a victim sensitivity component to the Windham School's life skills curriculum (Windham is the school system within the state prison) and in all Institutional Division (ID-prison) group therapy programs. Victim-offender mediation and a variety of training courses on victim issues, including victimization of corrections staff, are long-range goals.

A coordinated effort between TDCJ, Texas Youth Commission, Victim's Outreach, Parents of Murdered Children, People Against Violent Crime, and For the Love of Christi, has resulted in a grant award from the National Victims Center to provide training to corrections professionals in Texas in May 1994. A special training track will also be presented by the American Probation and Parole Association concurrent with NVC's training tracks, through a U.S. Department of Justice grant.

The TDCJ Victim Services Office, in addition to *Raven Kazen's* leadership, includes Dan *Guerra*, assistant director of victim services; Rebecca Watts, PPD victim liaison; Debbie Bartles, CJAD victim liaison; and Debbie Liles, ID victim liaison. David Doerfler is the section's victim-offender mediation coordinator. Contact Kazen, Guerra, Watts, or Doerfler at TDCJ Victim Services, 8610 Shoal Creek Boulevard, Austin, TX 78758; Bartles can be reached at TDCJ-CJAD, 209 West 14th Street, Suite 400, Austin, TX 78701; and Liles' address is TDCJ-ID, P.O. Box 99, Huntsville, TX 77342.

National Conference

U.S. Department of Justice - Office of Justice Programs

partnerships Against Violence: What Works

August 15-17, 1994 • Grand Hyatt Hotel, Washington, DC

The agencies under the Office of Justice Programs, U.S. Department of Justice, have designed this comprehensive conference to help state and local governments, criminal justice agencies, community members and others develop plans and programs to control the spread of violence in America. The focus of the conference will be on developing partnerships that work together against violence. The National Conference offers a unique opportunity for experts on violence to convene and discuss programs that work. Some of the features of the conference include:

- Presentations from the National Academy of Sciences' Panel on the Understanding and Control of Violent Behavior.
- Discussions with representatives of agencies that have implemented successful violence control programs.
- Presentations by a variety of federal agencies on current and new programs that offer promise for violence prevention and control.
- Over 40 panels on gangs, school violence, youth and guns, domestic violence, community policing, drug treatment, boot camps and other topics.
- Training workshops where experts will be available for custom-tailored technical assistance.

For further information, contact: **John Thomas, Conference Coordinator, National Institute of Justice, (202) 514-6206.**

Tarrant County's Victim Services Program

By Charles McCollum, Victim Services Officer

Tarrant County Community Supervision and Corrections Department, Fort Worth, Texas

Since 1982, the Tarrant County Community Supervision and Corrections Department (CSCD), headquartered in Fort Worth, Texas, has maintained a Victim Services Program. Prior to 1993, the program primarily utilized volunteers and was designed to provide only the most basic of services. These services included notifying victims when a probationer had been ordered by a district court to make restitution, and handling inquiries when restitution was not made.

There is no substitute for personal contact between a victim and someone who cares.

In January of 1993, an experienced, full-time community supervision officer took over the program. This officer's responsibilities are to provide consistency to services already offered to victims, and to expand the Victim Services Program to include other areas of needed assistance identified by the department.

High on the priority list for development is Victim Offender Mediation (VOM). Nationally, VOM is mostly used either in the juvenile justice system or in the prison system. There is, however, growing recognition that VOM can also be beneficial if used either in the adult plea bargain process or in adult probation. Through the cooperation of a Tarrant County district court and Dispute Resolution Services of Tarrant

County, CSCD will be responsible for screening, planning, referring parties, and follow-up for mediation. Dispute Resolution Services will conduct victim/offender mediation for a minimal charge. Initial results indicate that victims are very hesitant to participate in this process. CSCD is now working to identify the best means by which to communicate effectively with victims so that more will feel comfortable with the mediation process. We are convinced that a "hard sell" of victim/offender mediation is inappropriate, and that many victims need considerable time before the VOM concept can be embraced.

Through the cooperative efforts of Tarrant County Mothers Against Drunk Drivers (MADD) and CSCD, Victim Impact Panels are convened every month. At the panels, offenders who have been recently probated for driving while intoxicated hear the panelists' personal stories of family loss from drunk driving. The panel also includes a DWI offender. Probationers are ordered to attend the panel as a condition of their probation. CSCD is currently making plans with the Fort Worth office of the National Victims Center to cooperate on holding property crime Victim Impact Panels at the CSCD's Community Corrections Facility (boot camp).

Also, in cooperation with the National Victims Center Fort Worth office, the CSCD Victim Services Program has provided training in victim empathy and victims' rights and issues for over half of the department staff, including support staff as well as professional employees. This training has now become mandatory, and the balance of the staff, as well as all new employees,

will attend the program this year.

For those victims who realize a need for psychological or social service assistance, the Victim Services Program offers referral to an appropriate program. All referrals are to non-profit organizations that are funded either by governments or the United Way. Most of these referrals require that an agency charge on a sliding scale basis.

Through senior management involvement, the CSCD supports and is actively participating on the APPA Victim Issues Committee and the Texas Corrections Association Victim Issues Committee.

The Tarrant County CSCD is committed to recognition of and services to crime victims, whom we view as a vital constituent group. Our experience suggests that there is no substitute for personal contact between a victim and someone who cares. As a profession, probation has a long way to go in incorporating a comprehensive approach for services to victims. And, to date, policymakers have not as a rule provided funding for such initiatives (none of the above programs are currently funded).

AU our efforts in offering services to victims are of recent origin, reflecting a growing awareness of the responsibility that all segments of the justice system have to victims of crime. It is our hope that innovative victim services programs in probation will receive increased support by policymakers to enable us to have some impact in reducing the hurt and loss caused to victims by crime.

For more information, contact Charles McCollum, Victim Services Officer, Tarrant County CSCD, 200 West Belknap, Ft. Worth, TX 76196-0255, (817) 884-1468.

Harris County's Victim Offender Restitution Program

**By Melissa Venner, Branch Director, Special Services and Stephanie Pecora, VORP Probation Officer
Harris County Community Supervision and Corrections Department, Houston, TX**

The Harris County Criminal Courts have always placed a very high priority on the collection of victim restitution and have ordered restitution payments as a condition of probation/community supervision in all cases where applicable. The Harris County Community Supervision and Corrections Department (CSCD) has a long history of successfully collecting and disbursing victim restitution. During the fiscal year which ended on August 31, 1993, over \$4.5 million was disbursed to victims. In the majority of these cases, the victim had little, if any, interaction with the offender during the criminal proceedings; the victim generally had only minimal contact with the district attorney's office and with the probation officer as monetary restitution was determined.

The Victim Offender Restitution Program (VORP) began in May 1992 as a cooperative effort between the Harris County CSCD and South Texas College of Law. Court-stipulated felony and misdemeanor cases are eligible to participate in the mediation proceedings. Cases stipulated to participate can range from individuals who, due to their financial situation, are unable to meet restitution payments, to those who, because of their age, are unable to make payments for the full term of the original agreement. A probation officer assigned to VORP interviews each defendant and complainant in the case and schedules a hearing date that is agreeable to both parties. Victim participation is always voluntary. A senior law student, supervised by South Texas College of Law professors! performs the actual mediation hearing at a neutral site.

After the parties reach an agreement, it is forwarded to the court for approval, at which time the conditions of community supervision/probation are amended or modified to include the agreement.

Though the mediation process in civil cases has become fairly common in recent years, mediation in criminal cases has been

very rare. The Harris County Community Supervision and Corrections Department is one of the first, if not the first department of its kind in the state of Texas, to offer mediation hearings as a means to determine restitution in criminal cases. Monetary remuneration, though the most popular form of restitution, is only one method of defendant "pay-backs" to the victim. VORP is designed to provide the victim with appropriate restitution, and also to personalize the crime for the offender. The mediators assist the parties in developing innovative solutions. Community service work, donations to charities and letters of apology to the victim are some of the innovative alternatives to traditional restitution that are considered. Through mediation, victims generally have their first opportunity to confront the offender in a safe and controlled setting with the assistance of a trained, neutral professional. They are able to talk to the offender about the crime and its effect on them and their families. Mediation hearings also allow for the discussion of accountability, and help the offender understand the trauma caused by his/her crime.

Mediation in criminal cases offers something to victims of crime that has rarely before been offered by the criminal justice system—the opportunity to play a meaningful role in the sentencing process by taking an active part in the outcome of the case. In this way, victims can often begin to put the incident behind them.

While the outcomes of mediations can vary greatly, the results should be beneficial to both parties. For example, an individual on probation for DWI that involved a fatality was ordered to attend Alcoholics Anonymous meetings, observe an emergency room head trauma ward every Friday evening and donate money to a head trauma charity dedicated to the victim. Occasionally, when the victim is introduced to the offender and becomes

aware of the offender's needs and problems, the victim does not desire monetary restitution. Instead, it may be requested that the offender be court-ordered to participate in programs to address the offender's individual needs such as continued education, training programs and counseling. The goal is for the offender to become a productive member of society.

Among the cases settled by VORP mediation in the past year, those which involve violence are some of the most difficult. One scenario involved a victim who was severely beaten by the offender and consequently suffered numerous facial fractures which required extensive reconstructive surgery. The sentencing court ordered VORP intervention. The victim agreed to mediation and an agreement was reached for a satisfactory financial settlement to pay the medical bills.

Since VORP was established, over 200 offenders have been referred for mediation hearings by the Harris County Criminal Courts. A large percentage have successfully completed the mediation process, and monetary as well as other methods of restitution were determined.

The most common reason for mediation not to proceed is the victim's reluctance to participate. As more familiarity is gained working with mediations and more information is gained about the types of cases that are successful, some of this reluctance may be ameliorated. The VORP probation officer will then be able to better educate the victim about the advantages of mediation and encourage participation, since the mediation process appears to be a win-win situation for all parties concerned.

For more information, contact Melissa Venner, Branch Director, Harris County Community Supervision and Corrections Department, 49 San Jacinto St., Room 212, Houston, TX 77002, (713) 755-2565.

Resource Organizations for Victim Issues

The following is a sample of organizations which are dedicated to serving victims at the national level. Phone numbers and addresses are also provided.

American Probation and Parole Association

APPA Training and Technical Assistance Initiative. In October 1990, the American Probation and Parole Association (APPA), in cooperation with The Council of State Governments, was awarded a grant from the Office for Victims of Crime (OVC) to provide training and technical assistance on issues specific to crime victims who are involved in the community corrections process. The primary goal of the *Offender Supervision and Victim Restitution Project* has been, and continues to be, to improve the response of probation and parole agencies to the needs of crime victims. To this end, this project seeks to provide training to probation and parole professionals so that agencies can facilitate the crime victim's transition from services provided through prosecutors' offices to assistance from probation and parole agencies.

The two main components of a victim service program emphasized by this project are victim notification and restitution collection. These are both tangible ways in which probation and parole agencies can keep victims knowledgeable about their cases while offenders are under community supervision. This project encourages probation and parole agencies to realize their importance in victims' lives and the manner in which their response affects victims' and the community's opinion of community corrections.

During Phase I, a training curriculum was developed with the assistance of the project's advisory committee and several key consultants. The total curriculum package includes: A *Guide To*

Enhancing Victim Services Within Probation and Parole, *Trainer Guide* and a *Program Development Workbook*. Each document was designed to enable probation and parole professionals to implement or enhance services to crime victims. The project's pilot training program was held in Chicago in August 1991. Representatives from eight states and 14 different agencies participated in the training.

During Phase II of the *Offender Supervision and Victim Restitution Project*, the focus of the project shifted from curriculum development to the delivery of training and technical assistance to the field. Four training seminars were held between February and May 1992. The seminars took place in Massachusetts, Nebraska, New York and Washington, DC. Additionally, a 2-day intensive training workshop based on the project's curriculum was conducted at the APPA Winter Training Institute in New Orleans in January 1992. Over 250 individuals from across the country were afforded the training and technical assistance opportunities provided by this project during Phase II.

Currently, the project is in its third phase and the emphasis remains that of encouraging the implementation and enhancement of services to crime victims within probation and parole agencies. Three training seminars were conducted in Indiana, Ohio and Texas between March and June 1994. Technical assistance is being provided to approximately five sites in order to further the requesting agencies' ability to develop agency-specific programs which provide services to crime victims. Also, APPA has been working toward holding a special training seminar for federal probation and parole agencies.

This special issue of Perspectives is yet another result of this project's dedication to providing information and education to probation and parole professionals on how they can incorporate victim services within their agencies.

For additional information, please contact Tracy Godwin, Victim Services Specialist, APPA, c/o The Council of State Governments, P.O. Box 11910, Lexington, KY 40578-1910, (606) 244-8215.

APPA's Victim Issues Committee. As a result of the interest generated by the *Offender Supervision and Victim Restitution Project*, the American Probation and Parole Association created the Victim Issues Committee in 1991.

The committee is comprised of professionals in community corrections and victim services who are committed and resolved to promoting services and programs that meet the needs and interests of crime victims.

The committee was assigned three charges by the APPA Executive Committee:

- * to identify a broad range of victim service issues so that probation and parole professionals become more victim sensitive;
- * to ensure that relevant victim service topics are included in APPA training institutes; and
- * to develop a working paper on the need for increased victim services within probation and parole agencies.

Michael J. Cavanaugh, director of the South Carolina Department of Probation, Parole and Pardon Services, has



Michael J. Cavanaugh

served as chair of the Victim Issues Committee since its inception. In establishing the committee, Cavanaugh was diligent in searching for persons who had distinguished themselves as victim service providers. Under his direction, the committee has made significant strides in its efforts to improve victims' rights and services in probation and parole agencies, and to seek opportunities to build strong alliances with victims and victim service providers.

One of the many accomplishments is the creation of a comprehensive handbook which profiles general and specific recommendations to design and implement victim services in community corrections. Committee members also developed an expansive working paper which assisted in the formulation of APPA's commitment and official position regarding victim services. The draft of the APPA Position Statement on Victims is featured in this special issue of Perspectives.

In addition, the committee has endeavored to ensure that APPA training institutes have workshops and intensive sessions which stress the importance of victim services. Topics which have been featured at past institutes have included: domestic violence, staff victimization, direct victim service provisions, victim impact panels and victim/offender mediation.

The committee has held victim issues public hearings, at the APPA training institutes in St. Louis and Philadelphia. The hearings allowed victims, their service providers and community correction officials to testify to the committee in efforts to garner recommendations and strategies to improve victim services in the probation and parole profession. Another public hearing has been scheduled for September 12, 1994 at the APPA Annual Training Institute in Phoenix, Arizona.

The next meeting of the Victim Issues Committee will be held in Phoenix, Arizona, on September 10, 1994, prior to the APPA Annual Training Institute.

For additional information, please contact Michael J. Cavanaugh, Director, South Carolina Department of Probation, Parole and Pardon Services, P.O. Box 50666, Columbia, SC 29250, (803) 734-9278; fax (803) 734-9440.

Office for victims of Crime

Little attention was focused on the needs of victims of crime until the early 1970s. The victims' rights movement emerged as a grassroots effort to assist victims of rape and, eventually victims of spouse abuse as well. At the same time, the Department of Justice's Law Enforcement Assistance Administration (LEAA) supported the development of a small number of victim-witness programs, predicated on the realization that if victims and witnesses were informed and received basic services, they would be more likely to cooperate with the criminal justice system.

In early 1982, national attention began to focus on the imbalance in the criminal justice system. The concern was that criminals were automatically accorded rights, while the rights of victims went unrecognized.

One of the recommendations made by the President's Task Force on Victims

of Crime in its final report in 1982 was for federal financial incentives, "reasonably matched by local revenues, to assist in the operation of federal, state, local and private nonprofit victim/witness assistance agencies that make comprehensive assistance available to all victims of crime."

In 1984, the Victims of Crime Act (VOCA) was enacted. VOCA established the Office for Victims of Crime (OVC) within the Department of Justice, to provide federal leadership on victims issues and to administer the Crime Victims Fund (Fund). Each year, the fund receives millions of dollars in criminal justice fines, forfeited bail bonds, penalty fees and special penalty assessments. OVC is charged with the responsibility for distributing those funds to eligible states, in support of programs that assist and compensate crime victims.

OVC plays a pivotal leadership role in the victims movement. OVC supplements, reinforces and encourages an expansion of state compensation programs throughout the country. VOCA funding is used by the Office for Victims of Crime to reach out to isolated, often neglected populations of victims, such as sexually exploited children and victims residing on remote Indian reservations. OVC also awards grants to sponsor high quality training and technical assistance on cutting-edge substantive issues of interest to victim advocates as well as to criminal justice personnel who regularly interact with victims. These efforts are funded through OVC's formula and discretionary grant programs.

OVC's leadership role at the federal level also encompasses activities designed to draw public attention to the needs of crime victims and to promote victim rights through legislation and public policy. In short, the Office for Victims of Crime plays a multi-dimensional role at the federal level as an advocate for crime victims.

For additional information, please contact the Office for Victims of Crime, 633 Indiana Avenue N.W., Washington, DC 20531, (202) 514-6444.

National Victim Center

The National Victim Center (NVC) was founded in 1985 in honor of Sunny von Bulow. NVC is dedicated to reducing the consequences of crime on victims and society by promoting victims' rights and victim assistance, and to enhancing the dignity and value of human life by eliminating America's acceptance of violence.

The National Victim Center is a non-profit organization and relies on both the public and private sectors for support. The Center receives grants from the U.S. Department of Justice for some of its training and technical assistance programs. The National Victim Center has offices in Arlington, Virginia; Fort Worth, Texas; and New York, New York.

During its nine years of operation, NVC has developed a variety of integrated programs to serve the needs of victims of sexual assault, child abuse and neglect, family violence, elder abuse, drunk driving and hate violence. It also serves the needs of family members of homicide victims and other violent crime victims. The Center's many programs include:

- training and technical assistance to strengthen the abilities of victim advocates and criminal justice officials to assist and support crime victims;
- a library with the nation's most comprehensive collection of resources addressing crime and victimization issues;

- the Carrington Victims Litigation Project (CVLP) which offers a centralized source of legal information to the victims' services field;
- a legislative database containing comprehensive annotations of state and federal victims' rights statutes and a public policy program supporting efforts to protect victims' rights through strong laws;
- Infolink - a toll-free source of information and referrals on victims' issues and services (1-800-FYI-CALL/1-800-394-2255);
- a public awareness program aimed at providing resources and information to citizens, experts and nationwide news media; and
- a membership program for individuals and organizations with benefits including a yearly Strategies for Action Kit and quarterly Networks newsletters. Annual membership dues are \$18 for individuals and \$25 for organizations.

For additional information, please contact the National Victim Center, 2111 Wilson Boulevard, Suite 300, Arlington, VA 22201, (703) 276-2880.

National Organization for Victim Assistance

The National Organization for Victim Assistance (NOVA) is a non-profit, public interest, membership organization that is supported by volunteer efforts and individual contributions. It was founded in 1975; its membership includes victims of crime, representatives of the criminal justice system, health and mental health professionals, victim

advocates, as well as the lay public. NOVA is dedicated to four purposes:

- National advocacy: serving as the voice for victims in state legislatures and the U.S. Congress.
- Direct services for victims of crime and crisis: providing 24-hour crisis counseling and follow-up assistance to victims of all types, from all states, wherever local programs are unavailable.
- Professional development: helping to establish new programs, expand existing services and offer training and educational services to victim assistance and allied professionals.
- Membership communication and support providing through the NOVA Newsletter, the annual conference and other means, up-to-date information on new ideas, programs and knowledge in the field of victim assistance, and fellowship of the "NOVA family."

Each year NOVA helps over 10,000 victims of crime through its direct services. In the past, NOVA has been a major leader in passing the Victim/Witness Protection Act of 1982, the Victims of Crime Act of 1984 and bills of rights for victims in 38 states.

NOVA's 1994 North American Victim Assistance Conference is dedicated to victim assistance for today and violence prevention for tomorrow. The conference will be held September 11-16, 1994 in San Francisco, California.

For additional information, please contact NOVA, 1757 Park Road N.W., Washington, DC 20010, (202) 232-6682.