



A Product of the APPA Victim Issues Committee

## Ten Things Probation and Parole Agencies Can Do to Commemorate Domestic Violence Awareness Month in October 2014

1. Providing guidance on safety and personal protection strategies is among the most important services that probation and parole agencies can offer to survivors of domestic violence. You can coordinate with your local domestic violence and victim assistance programs (see Tip # 9) to ensure that every survivor who requests a safety plan is provided with help in developing one and, if needed, implementing it.
2. Understand that by the time a domestic violence survivor reaches your caseload, it is never likely that this is the *first time* s/he has been a victim of intimate partner violence.
3. It's very important to build trust and rapport with the survivors with whom you interact. They assume that you are their "offender's advocate," so it's critical to explain your role; the services and referrals you can provide; and that *the victim/survivor is also your client!*
4. Always consider your interactions with domestic violence survivors as an *opportunity*, and not simply an *obligation* mandated by state law or your agency's policies. Survivors need and deserve your assistance, and they often have critical information that can improve your case management of their perpetrators.
5. Your skills in the evidence-based practice of *motivational interviewing* also apply to your interactions with victims. If you combine these skills with strategies that make sure survivors know that what happened to them is *not* their fault; that you will work with them to feel safe and empowered, and respect their personal autonomy; and that you are glad they are speaking to you, your interactions will be very powerful and helpful to both of you.
6. Survivors should be notified of all key events related to their cases, including their rights as victims and events such as the alleged/convicted perpetrators arrest/re-arrest, any release or return to custody, requests made by a perpetrator to relocate to another state (under the Interstate Compact), and, often most important, when a protective order has been delivered to and received by the alleged/convicted perpetrator.
7. The voice of the victim and the power of his/her personal story are very important to promoting justice in domestic violence cases. Through your pre-sentencing, pre-adjudication and/or pre-parole investigation, ensure that the victim is allowed to include a personal victim

impact statement in the report. Also be aware of victims' rights to allocution at sentencing, adjudication and parole hearings and help them exercise their right to speak. (See page 3 for a sample national standard victim impact statement, which can be easily adapted to any jurisdiction.)

8. Remember that restitution is not a “*recommendation*,” it is a *core victim’s right* in every jurisdiction in America. If a defense attorney argues that the defendant has “no ability to pay,” it’s important to remind the court that most victims also do not have the “ability to pay” for the costs associated with the crime committed against them. You and court-based victim advocates can help victims document their monetary losses/expenses for the purposes of restitution and other legal/financial obligations (such as child support). (See pages 4-6 for guidelines that can be provided to survivors.)
9. Domestic violence and other victim advocates are important partners in your victim assistance efforts. You can identify your state’s domestic violence coalition via the interactive map provided by the U.S. Department of Justice (USDOJ), Office on Violence Against Women at <http://www.justice.gov/ovw/local-resources>; or by visiting the USDOJ Office for Victims of Crime Online Victim Services Directory – which is searchable by zip code or type of program – at <http://ovc.ncjrs.gov/findvictimservices/>.
10. Coordinate with your jurisdiction’s domestic violence and other victim advocates to observe Domestic Violence Awareness Month and the National Day of Unity on Monday, October 6 in your jurisdiction. For example:
  - Invite your local domestic violence advocates to a brown bag lunch with any staff who interact with survivors of intimate partner violence, and identify mutual areas of concern that can be addressed through ongoing partnerships.
  - Work with your local advocates to determine if there are any opportunities for probationers and parolees to perform community service projects that directly benefit victims of domestic violence, such as affixing purple awareness pins to cards to promote DVAM; delivering pin cards and bookmarks to public venues in your jurisdiction; or promoting DVAM messages through social media.
  - Set up a booth at the many DVAM events that are likely to be sponsored in your jurisdiction that features information about what you agency does for victims of domestic violence.

**For additional information and resources, please visit  
The National Network to End Domestic Violence:  
<http://nnedv.org/resources/stats/gethelp.html>**

**For additional information on notification as it pertains to the Interstate Compact, visit the Interstate  
Commission for Adult Supervision (ICAOS) website:  
<http://www.interstatecompact.org/>**

## Sample Victim Impact Statement<sup>1</sup>

1. Please describe the offense, and how it has affected you and your family.
2. What was the *emotional impact* of this crime on you and your family?
3. What was the physical impact of this crime on you and your family? (*NOTE: This question should be utilized only for personal/violent crimes*).
4. What was the *financial impact* of this crime on you and your family? (*NOTE: Provide information about documenting losses for restitution and other legal/financial obligations, such as child support*)
5. What, if any, was the *spiritual impact* of this crime on you and your family?
6. Do you have any concerns about your safety and security? If “yes”, please describe your concerns:
  - 6a: Would you like any protective measures taken by the (probation/parole/reentry authority) to promote your safety and security? If “yes,” please describe:
7. What (if anything) has changed in your life since *the time the crime occurred* and now?
8. What do you want to happen *now*?
9. Would you like an opportunity to participate in victim/offender programming (such as mediation/dialogue or victim impact panels) that can help hold the offender accountable for his/her actions? (*NOTE: Only utilize this question if such programs are in place, and ensure that the victim has written resources that fully describe such programs prior to including this question*)
10. If community service is recommended as part of the offender’s return to the community, do you have a favorite charity or non-profit organization you’d like to recommend as a placement? (Or “*would you like to make a recommendation for community service from our agency’s list of possible placements?*”)
11. Is there *any other information* you would like to share with the probation/parole/reentry authority regarding the offense; how it affected you and your family; and any concerns you have if/when the offender is released to community supervision?

\_\_\_\_\_ Please check here if you would like to continue to be notified about the status and outcome of your case and/or offender. (*This approach links the core victims’ rights of VIS and notification, and simplifies the process of enrolling in victim notification programs for victims*).

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<sup>1</sup> Anne Seymour. 2000 (*updated 2013*). “Sample Victim Impact Statement.” National Victim Assistance Academy. Washington, DC: Office for Victims of Crime, U.S. Department of Justice.

## Documenting Losses for Victim Restitution<sup>2</sup>

To ensure accurate and complete restitution orders, victims are required to document their losses in writing for the court or paroling authority. It is important to provide victims with guidelines about the types of documentation that are needed to depict their out-of-pocket and projected expenses for the future.

Some considerations for guidelines that should be provided *in writing* to victims include, but are not limited to:

- Employer statements (letters or affidavits) that document unpaid time off from work the victim took as a result of injuries from the crime, or involvement in justice processes.
- Documentation of any workers compensation claims submitted and/or claims payments received by the victim.
- Copies of bills for services directly related to victims' financial recovery from the crime.
- Any receipts for items or services.
- Documentation that estimates the value of stolen property.
- Photos of valuables that were stolen.
- Copies of any documentation often provided by local law enforcement agencies (i.e. records of serial numbers, photos, etc.) that is intended to aid victims in the recovery of stolen property.
- Any law enforcement records that indicate the status of stolen property (i.e. property recovered, recovered but damaged, etc.)
- Copies of victims' applications to and/or copies of checks received from the state victim compensation fund.
- Copies of insurance claims and related correspondence between the victim and his/her insurance company, as well as copies of checks the victim may have received to cover losses.

### **Immediate Losses**

During the pre-sentence investigation, victims should be asked to report information about their losses by completing or updating a financial worksheet, and provide documentation as described above.

The range of these losses can include the following:

#### ***Medical Care***

- Emergency transportation to the hospital.

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<sup>2</sup> Seymour, A. (1997) Adapted and updated from: "Victim Restitution" chapter of *Promising Practices and Strategies for Victim Services in Corrections*. National Center for Victims of Crime and Office for Victims of Crime, U.S. Department of Justice: Washington, D.C.

- Rape kit examinations that are not immediately paid by a third party.
- All expenses related to the hospital stay, including the room, laboratory tests, medications, x-rays, HIV testing in cases involving the exchange of bodily fluids, and medical supplies.
- Expenses for care provided by physicians -- both inpatient and outpatient – including medication and medical supplies.
- Fees for physical or occupational therapy.
- Replacement of eyeglasses, hearing aids, or other sensory aid items damaged, destroyed or stolen from the victim.
- Rental and related costs for equipment used for victims' physical restoration, i.e. wheelchairs, wheelchair ramps, special beds, crutches, etc.

### ***Mental Health Services***

- Fees for counseling or therapy for the victim and his/her family members.
- Any costs incurred as a result of the victim's participation in support or therapy groups.
- Expenses for medications that doctors may prescribe for victims to help ease their trauma following a crime.

### ***Funeral Expenses***

- Costs associated with burials, i.e. caskets, cemetery plots, cremation, memorial services, etc.
- Expenses for travel to plan and/or attend funerals.

### ***Time Off From Work***

- To repair damage following property crimes.
- To attend or participate in court or parole proceedings.
- To attend doctors' appointments for injuries or mental health needs directly resulting from the crime.

### ***Other Expenses***

- Crime scene cleanup.
- Costs of replacing locks, changing security devices, etc.
- Expenses related to child or elder care when victims have to testify in court.
- Relocation expenses.
- Fees incurred in changing banking or credit card accounts.

## **Projected Expenses**

Victimization often results in injuries or losses that are long-term in nature. While it is not possible to accurately document such projected expenses, it is possible to document expert opinions as to future financial obligations the victim might incur as a direct result of the crime.

Victims should be advised to seek documentation (a letter or affidavit) from professionals who are providing them with medical or mental health services that offers an estimate of the victims' future treatment needs, as well as related expenses. Such costs can include:

- Long-term medical treatment.
- Physical or occupational rehabilitation or therapy.
- Mental health counseling or therapy.
- Time that must be taken off from work to receive any of the above services.

The justice professional responsible for assessing victims' restitution needs should provide this documentation to the court or paroling authority.