



Association of Paroling Authorities International

Victims' Services Best Practices Guide
for Parole Board Chairpersons and Members

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Executive Summary

The responsibility to ensure that victims' rights are enforced requires all persons within the criminal justice system to work together throughout all processes – collaborating when possible, establishing agreements to share information and communications, completing referrals or 'warm handoffs' to associated agencies, and ensuring that the victim is aware of changes or events that impact case outcomes. The collective efforts of those involved within and external to the criminal justice system rely on the use of a systems-based approach, which balances the rights of the alleged or convicted defendant and the crime victim/survivor, respectively. In the course of the parole/ release processes, there are ten important paroling authority actions that may help victims and survivors understand and implement their rights, access supportive services, and promote awareness of the rights and needs of crime survivors:

- (1) Understand and communicate the importance of victim autonomy and empowerment as a basis for proactively engaging victims and survivors in parole processes.
- (2) Review guiding statements – including mission, vision, values and/or guiding principles – to ensure that crime victims' concerns and rights are included and addressed throughout.
- (3) Develop and adhere to policies that reflect the implementation of victims' core constitutional and statutory rights – including information, notification, reasonable protection, participation, restitution, and victim compensation – and the provision of high quality victim/survivor services.
- (4) Provide information about parole, release, and violation or revocation processes to crime victims, survivors and their families that is easy-to-understand and available in both electronic and paper-based formats, as well as in multiple languages.
- (5) Promote policies and practices that provide for victim accompaniment to parole proceedings by a victim advocate or other support persons.
- (6) Ensure that victims receive timely notification about parole/release/violation proceedings and relevant information about their role; and timely notification of decisions in their cases.
- (7) Provide opportunities for parole board members and the staff of paroling/releasing authorities to receive training about victims' rights and services that are evidence-based and trauma-informed, through a variety of training formats, to include in-person or virtual courses.
- (8) Develop partnerships with allied justice system and corrections agencies, and system- and community-based victim assistance organizations and agencies that can help identify gaps in victim services and help fill them.

- (9) Promote victim and public awareness of paroling/releasing authorities' commitment to the fair and sensitive treatment of crime victims and survivors.
- (10) Collaborate with victim assistance organizations to promote victim-related commemorative observances, including national and local observances.

Across all parole boards that hold membership in the Association of Paroling Authorities International (APAI), domestic and internationally, there are many best or emerging practices that address these ten core actions, including establishment of a staffing structure that includes victim services, parole board members, and liaisons in and outside of the Department of Corrections; statutes, policies or regulatory guidance in place, which provides overarching information on board operations; procedures on how notification of victims and/or their representatives is accomplished; guidance on how victims may participate in parole proceedings and post-conviction processes (e.g. supervised release or termination hearings); guidelines on the development of victim impact statements, and how they are utilized during parole or post-conviction matters; and, the importance of how information being publicly available, such as the most appropriate contacts, resources, referrals, and services in the locality is imperative in post-sentencing matters, and the protection of victims of crime.

Trauma Informed Practices

As trauma-informed care services is at the peak of implementation, best or emerging practices should also encompass information on how to apply such an approach in the course of victim interactions. Trauma-informed approaches for working with persons who are trauma survivors are imperative to positive parole or post-conviction outcomes (Schlman & Menschner, 2018).

Trauma-informed care strategies should include improved comprehension of the different types of trauma people are exposed to, the myriad ways that trauma manifests in different people; and building awareness of helpful factors that can assist in averting additional trauma during parole and release related processes [i.e. fostering safe environments for victims and staff, training personnel on trauma-informed care in organizations.]

Parole board members and auxiliary staff participation in self-care practices, identification of trauma triggers for themselves, and growing awareness and insight about trauma-informed strategies can build a more culturally-sensitive and aware staff in the course of parole or post-conviction processes. For example, the prevalence rate of persons impacted by trauma, directly or proximately, has increased in the United States. As a result, legislation in the United States that seeks to incorporate the use of trauma-informed care strategies and interventions has emerged. Accounted for in the proposed legislation is information for building training and awareness of persons that provide services to victims, who can also experience trauma reactions [i.e. secondary traumatic stress, vicarious trauma], over time (Bride, 2007; Sartor, 2016; Tosone et al., 2012). Trauma reactions can result in the development of responses that may influence job performance. Additionally, the ability and capability to remain unaffected from the nature of each interaction with offenders and/or victims; or, the strong potential for reliving or being enmeshed in the traumatic experiences of the crime(s) being reviewed during parole or

supervised release consideration(s), can result in parole members being effected, which may impact their decision-making in the long-term (Boccellari, 2015; Jennings, 2008; Sartor, 2016).

Victims' Rights Overview

The scope of Victims' Rights has evolved over the past several decades. For example, in the United States, efforts relating to the establishment of rights for crime victims has resulted in an overhaul of legislation at the local, state, and federal levels. International policy has also been established beginning with the United Nations Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power in 1985, and most recently including the Canadian Victims' Bill of Rights coming into force in 2015. Steadfast movement toward improving victim input and safety in re-entry efforts has resulted in the following being clearly outlined in a majority of parole board policies :

- Who and what defines a person or persons as a victim;
- What rights are legally afforded and available to a victim;
- What information, referrals, and resources are available for victims;
- The scope of engagement of victim(s) in the criminal justice system; and
- Best or emerging practices within the field that can improve victims' treatment within the parole process, and ensure that victims are afforded their rights.

In the scope of the criminal justice system, to include parole and release consideration proceedings, victims most commonly have the following rights:

- (1) The right to be reasonably protected from the accused, before, during, and after all criminal justice proceedings have concluded. Applicable to this right is that of services relating to protecting the victim through security measures, referral and approval of protective services, and/or change of identity.
- (2) The right to not be limited in scope and participation in public court proceedings, unless it is determined that testimony by the victim would be materially altered if the victim heard other testimony obtained in the course of any criminal justice proceeding.
- (3) The right to be reasonably heard at any public proceedings. This shall include proceedings that occur in the prosecuting district court involving release, plea, sentencing, or any associated parole proceeding or release consideration matter.
- (4) The reasonable right to confer with the prosecutor, counsel, attorney that is representing the interest of the Government in the case.
- (5) The right to full and timely restitution as provided in law, legislation or other statutes.
- (6) The right to proceedings free from unreasonable delay.
- (7) The right to be treated with fairness.

- (8) The right to be treated with respect for the victim's dignity and privacy.
- (9) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, regarding the crime, or of any release or escape of the accused.

While there may be variations in the narrative of the rights available, as written, most states in the United States, territories, Tribes, and international localities with established statutes have similar foundational elements written into their respective legislation(s).

Victim Definition

An individual may be classified as a victim based on suffering harm, direct or proximate, in relationship to the commission of a crime. Various definitions of "victim" exist, but general themes include the following:

- A victim is any "...person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime. . . ." (42 United States Code (U.S.C.) § 10607(e)(2)(A)).
- A victim is any "...individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offence" (Corrections and Conditional Release Act (Canada). Persons that are impacted individually or as a group such as an institution (42 U.S.C. § 10607(e)(2)).
- Designation of representatives for the victim in instances in which a victim is under 18 years of age, incompetent, incapacitated, or deceased. Representation may encompass a spouse, legal guardian, parent, child, sibling, another family member, or another person designated by the court. (42 U.S.C. § 10607(e)(2)(B); Corrections and Conditional Release Act.
- Further definition for incapacitated victims which may include those who are unable to self-represent, due to death associated with the criminal offense; cognitive impairment, physical limitations, restraints, or the individual is incapacitated to the extent that they are unable to actively engage in the criminal justice processes. Exercising or asserting victims' rights on behalf of an individual may also manifest itself in the form of a conjugal relationship, or one that is akin to. This may be where the direct victim was cohabitating for at least one year with a partner, whom they then elect to serve as their representative, share a child in common with, or has elected an individual [most commonly in writing] to serve as their representative.

Persons identified as a crime victim associated with a criminal offense retain such rights through the duration of criminal justice processes. Absent conviction, subsequent action is taken which reverses or overturns a conviction, crime victims' rights commonly cease. In some American states and in Canada, the right to receive notification in consecutive cases remains available to all victims identified, should they elect to receive notification and/or actively participate. The right to notification only ceases if the case is closed, community supervision terminates [including

death of the offender], or the victim requests to stop receiving notifications. An emerging practice in some states is that of continuous notification for victims, even after the term of parole has ended—if there is a consecutive case. In those instances, there may be continued victim concerns about their personal safety and security, which often supports the need to continue notification.

Across all policies, there are means for a victim(s) or designated representative to remedy any violation of rights afforded under applicable statutes or legislation. Complaint processes that address when there is a report of infringement or denial of any of the rights afforded to crime victims are contained in respective policies, and should be reviewed by parole boards for awareness. Procedures relating to filing a complaint include information on the course of action to be taken by the victim; who is the appropriate contact; and, how to remedy any violations or concerns identified. The next section will cover how victims or representatives commonly receive notifications.

Victim Notification in Post-Conviction or Parole Proceedings

A survey completed by the American Probation and Parole Association [APPA] (2000) identified and prioritizes “crime victims’ rights, needs, and concerns with offender reentry.” Results revealed that the majority of victims’ want and need:

- (1) Information about whom to contact if the victim has concerns (75%);
- (2) Notification of offender location (75%);
- (3) Notification of offender status (65%); and,
- (4) Protective or “no contact” orders (64%) [APPA, 2000].

The manner in how notification occurs differs from one location to the next. There is presently no one collective system that houses victim information or enforces a standardized means to provide notification. Criminal justice system procedures, protocols, and outcomes vary, exponentially. Commonly, victim notification is triggered by a victim or victim representative *voluntarily* electing to register or “opt-in”, to receive future information [notification] on the offender’s status. At any time within the criminal justice process, victims may withdraw or “opt-out” from receiving notifications. The opt-in policy allows for victims to have control of their choices, while also respecting their privacy.

Notification registration forms, messaging, or applications should include the most pertinent information, to ensure that notification is accomplished. Best articles of information to include are:

1. Inmate identifying information [i.e. registration or inmate number, inmate’s full name];
2. Victim or representative’s name and contact information [i.e. telephone number(s), mailing address, or e-mail address];
3. Relationship of the notification recipient to the victim (including the notation of “self”, if the victim is the individual registered);
4. Information about the types of notification that the requestor is eligible to receive;
5. Information about other rights relevant to notification [i.e. the right to submit an impact statement at parole or other release hearings];

6. Information about the confidentiality of the victim's request to be notified.
7. Information about how the requestor can "opt out" of the notification program, if he or she so desires.
8. Contact information for further information or assistance from the correctional agency or facility where the offender is currently incarcerated.
9. Notification to the requestor about his or her responsibility to keep the correctional agency, victim services office, or parole board representative informed of any change of address or contact information (AG Guidelines, 2012; Seymour, 2001).

Exercising Victims' Rights

Victims can choose to exercise their rights at any time during the criminal justice system process, as long as the applicable criteria that establish their rights as an associated victim are met. Alternatively, a victim may elect to not participate at all, until a certain point in the criminal justice process. As long as their eligibility to victims' rights have not ceased, a victim may exercise their rights at a later phase of the criminal justice process. The importance of a victim choosing if and when to participate cannot be underscored. While their rights may be afforded at the onset of the establishment of fact(s) that enough supporting evidence exists to establish the basis for criminal charges, leading to investigation, prosecution, conviction, sentencing, and parole or supervised release thereafter; the trauma impact of the crime may delay or disrupt participation.

For instance, a victim that has participated in all matters through sentencing, and annotates that they do not desire to participate in the initial parole hearing, may freely elect to do so at a later date, if the offender is not paroled. If there are subsequent hearings, or the offender is released to supervision, the victim may later contact the appropriate Victims Services office or Ombudsman, and elect to be notified and/or participate in future action(s). The effects of trauma impact due to being a crime victim can onset immediately, have a delayed response, or not present until years later.

There may also be instances in parole proceedings or post-conviction matters where the victim does not wish to be notified; or participation in justice processes is no longer a priority for them in the course of their daily lives. At the beginning of the criminal justice process, the victim or representative may have elected to receive notification. However, as time elapses, the victim may not keep their information up-to-date. This may be a coping mechanism, serving as a means to progressively disconnect from the criminal justice processes, over time; or it may result from a lack of outreach from criminal justice agencies to help them keep their information and wishes updated.

Common forms of notification to registrants or requestors in their desired primary language include mailed letter correspondence, electronic delivery of status updates or changes via telephonic or electronic mail communications, or via automation services. In the age of technology, text messaging has begun to be implemented in many states.

Milestones that trigger notifications should be timely, and reasonable to when the action or event is occurring. Timeliness is not definitively outlined in legislative language. There are variations

that exist. However, as a best practice, it is recommended that notification be completed within 60-days of the parole proceeding or in cases of other predictable events (e.g. release) (Seymour, 2001). Sixty-days in advance allows for the victim or a representative to consider and weigh how they desire to participate, if at all; prepare for the proceeding, and establish key coping mechanisms or skills that will assist them in dealing with the unavoidable re-traumatization that comes from having to face being defined as a crime victim, after much time has passed, and reliving the events.

As a parole board member, it is important that a review of notification be encompassed in the consideration for parole or subsequent release. Specifically, was the victim or their representative notified; if not, then determining if additional action needs to be taken; reviewing the manner of how the victim elects to participate, where more than one option is available; and, considering the impact of such participation with respect to how it should be weighed in addition to the other elements for consideration. These factors are important as there may be events out of the control of the victim or the Board, which caused a delay in notification, and receipt of a response—which, impacts the nature of the victim being able to participate or exercise their rights. When this occurs, or concerns arise in a case where victim information is known, parole board members should consult with the responsible party or department that completes notifications, to ensure that the events that occurred are conveyed appropriately in the parole consideration process. Thus, if notification was completed and no responses were received, then the process may not be delayed. On the other hand, if notifications were not completed, all best efforts should be made to complete them before the hearing.

Notification not only serves to enhance awareness of the hearing process; it also provides education to victims or their representatives about the scope and breadth of services available. Available services may include accessibility to follow-on services such as, community-based victim assistance, victim compensation, safety planning, mental health counseling, and other supportive services. Continued enrollment in notification services helps ensure that victims remain aware of their rights on an ongoing basis [as it can change from one sector of the process to another], and have information readily accessible, which can empower their decision-making capabilities relating to asserting their rights in the future.

In addition, benefits of victim notification include victims:

- Being informed of the offender's status or location
- Efforts associated with steps taken in the course of release planning
- Establishing safety and security precautions
- Obtaining referrals to help mitigate the impact of an offender's eventual release
- Having the opportunity to provide updated victim impact statements to the parole board

Victims' autonomy and their right to be treated with fairness, dignity, and respect are taken into account throughout notification processes—empowering victims to make informed choices about the level of their participation after receiving notification. Providing victims with information, resources, and specific professionals to contact who can help them address complex issues [i.e. safety, mental health services, and compensation] is also beneficial, as they are rebuilding and being self-sufficient, and their own advocate.

Notification forms, publications, and outreach materials should be available in multiple languages, comply with applicable disability regulations or legislation, and account for victims understanding what is available for them regarding program participation expectations and benefits. Plain and simple language is best. Availability of literature and materials in multiple languages specific to a jurisdiction is a best practice across almost all parole boards. The presence of a language barrier limiting victim engagements, awareness of their rights, and ensuring timely notice is reduced when literature is published in paper and online based on the population served. In the event that printed literature is not available for a specific language, use of translator services can ensure that there is no lapse in awareness. A majority of American parole boards make available Language Line, or electronic or in-person translator services to ensure that victims can obtain information about their rights and available services.

In cases where victims have auditory or visual challenges, utilization of resources such as TDD or TTY telephone lines, and victim education information via audiotape or videotape, empowers these victims to fully exercise their rights. In the event of a global crime that includes multiple victims, or, if there is an inability to locate all victims, notice of parole proceedings in local, community, or national media should be attempted, as a best practice.

Press releases, media publications, newsletters, social media promotions, public service announcements, and editorials that incorporate information about victims' rights; mass advertisement of national commemorative days, weeks and months and events, and initiatives; and participating in national campaign efforts are important activities to meet the organizational goals of parole boards. Currently, a vast number of post-conviction, correction agencies and/or parole boards have a direct contact or toll-free number available for victims to obtain information, register for notification, or to address concerns or ask questions.

Wraparound Services for Crime Victims

Navigating resources, materials, literature, and sources of support for victims of crime can be difficult and cumbersome, leaving victims feeling vulnerable, confused, and frustrated. Safety for their families and themselves is often at the top of their concerns. Victim wraparound services are a best practice for victims whose cases include the presence of specific high-risk markers, special considerations, or pertinent needs that directly impact victim safety [i.e. domestic violence, stalking, and sexual assault]. Services should be collaborative—considering all aspects of victim care, parties or agencies that can provide assistance for the victim throughout post-conviction and release processes.

For example, if a victim is experiencing re-traumatization during parole-related proceedings, wraparound services can include a victim advocate working with the victim for immediate crisis intervention, and subsequent safety planning. Also, the advocate may help the victim review historical and current offender behaviors that impact victim safety, the current status of the offender, and forward information to the parole board that it may need to consider in the process or during release planning. Collaborative wraparound services require ongoing interaction and a partnership approach to case management of justice professionals, service providers, and agencies with an interest in the victim and/or offender. Ongoing identification of victims' needs and concerns and connectivity to services are the long-term goals.

Victim Participation in Post-Conviction Proceedings

The manner and scope of how victims are afforded the right to participate in post-conviction processes differ. Across a majority of parole boards, the opportunity to submit a victim impact statement for consideration *before* the hearing is a common best practice. All available facts at the time of the hearing serves to reduce the need for post-hearing relief relating to issues relating to impartiality, fairness, and injustice. Victim input may be provided via written correspondence, audio or video recording, telephonically or via video teleconference, or in-person appearance before the board.

Victim Dialogue Days/In-Person Appearances

Victims may appear before the board, at a regional or local office, to offer oral (in-person) communications prior to a parole hearing. Face-to-face appearances at the board, during the hearing, or at a regional office affords the victim or representative the opportunity to expound on the nature of the crime's impact on their physical, mental, psychological, emotional and social health. Information presented often speaks to the longstanding impact faced for the individual victim, their family or social grouping, and who they have since become due to their victimization, post-crime. In-person appearances before the parole board affords victims the ability to convey to board members the effects of concerns relating to fear, safety, and trauma effects.

Victim Input/Impact Statements

Model Victim Impact Statement

The model was developed in 1999 following a series of focus groups involving juvenile court judges, juvenile justice professionals, and victims of juvenile offenders. It was developed within a restorative justice framework that is victim-centered, and that focused on offender accountability. It has been revisited and revised based upon input from community corrections, court, and victim assistance professionals, and is easily adaptable to any jurisdiction's laws or agency policies.

1. *Describing the Offense and Its Impact:* The concept of "describing the offense" has been promoted by numerous community corrections officials, who believe the victim's version of the offense is critical to compare to that which the alleged or convicted/ adjudicated offender has described. In some cases, offenders may minimize or deny their level of participation in a crime, or the facts of the case as determined by the investigation and prosecution. In order to hold offenders fully accountable, the victim's description of the offense is essential.

By asking victims in the first question to describe not only the offense, but "how it affected you and your family," a wide range of responses can be elicited. This open-ended question addresses the problem described by one victim, who said: "In completing my impact statement, I felt like I was being asked to pound square pegs into round holes." By not limiting the victim's response up-front, the agency soliciting the VIS is likely to obtain the victim's unadulterated perspective, and a description of the impact that is most salient to the victim.

2. *Emotional Impact*: The first “specific” question on the VIS asks about the emotional impact on the victim before eliciting information about the physical or financial impact. Some victims find it insulting that the court or paroling authority would primarily focus on the financial, as opposed to the emotional impact of the crime. Victims should be afforded ample space to express how the crime has personally affected them from an emotional or psychological standpoint. Family members or friends of homicide victims should be given ample space to describe the deceased’s personal characteristics and how the loss of the person killed has affected their lives.

3. *Physical Impact*: For personal crimes, the victim impact statement should seek information regarding the physical injuries the victim may have suffered as a result of the crime. Victims should have space and opportunity to describe the type and degree of injury, how long the injury lasted or is expected to last, the amount of pain and/ or modifications to lifestyle experienced as a result, and any medical treatment required thus far and anticipated for the future.

4. *Financial Impact*: When seeking financial impact from victims, the VIS should seek detailed information about the cost of the crime. Victims should be given the opportunity to list all past, current, and expected future costs associated with the crime or offense. Victims also should be asked to provide information about any portion of the costs that have been covered by insurance, crime victim compensation, and any other source. The victim impact statement should clearly and readily allow for a calculation of restitution to the victim. For VIS at parole, an additional question should ask whether restitution was ordered at the time of sentencing and, if so, the status of that order.

5. *Safety and Security Concerns*: Since victimology research indicates that victims do not always express their fears related to the crime or alleged/ convicted/ adjudicated offender, it is important to ask, “Do you have any concerns about your safety or security?” through the VIS process. When victims are given the opportunity to express such concerns, the court or paroling authority can consider specific measures — such as “no-contact” orders — that can offer an increased measure of security to victims and their loved ones. If an offender is being considered for release from incarceration, victims should also be asked about things that can be done to make them feel safer, in the event that she/ he is released.

6. *“What Do You Want to Happen Now?”*: It is important to clarify that this question is not designed to “tell the justice authority what to do,” but rather to receive important input into what the victim thinks would be fair and appropriate. This is considered a “parameter” question for victims, i.e. if a victim wants the offender paroled to another country, the victim advocate or justice official can explain the range of possibilities of community placement and supervision, based upon state law.

7. *Victim/Offender Programming*: In many jurisdictions, criminal and juvenile justice agencies (often in partnership with community-based programs) offer opportunities for victims to meet with offenders in a facilitated, structured meeting or dialogue. For some victims, mediation/ dialogue programs provide an occasion to ask questions about what prompted the offender’s decision to commit the offense, and to choose the victim as a target. Mediation/ dialogue programs have proven to be successful in increasing victim satisfaction with the justice process;

developing conditions of sentencing or adjudication that hold offenders accountable; and increasing the likelihood that restitution orders will be paid. The VIS question relevant to victim/offender programming should only be asked *if the victim has been provided with comprehensive information* — in writing and verbally — about the specifics of victim/offender programming, and what it can do to enhance the victim’s reconstruction of his or her life in the aftermath of crime.

8. *Recommendations for Community Service*: Most sentences and adjudications that result in community supervision of offenders include a requirement for community service. Many jurisdictions now provide victims with the opportunity to:

- (1) Review the jurisdiction’s list of potential community service placements, and select a placement from pre-approved sites.
- (2) Request direct service from the offender to the victim (this approach is utilized primarily in lower level and nonviolent offenses, particularly when the offender is a juvenile). Liability issues must be addressed prior to allowing for direct service to victims. In Pennsylvania, for example, the commonwealth provides for a statewide insurance policy that covers community service placements of all juvenile offenders.
- (3) Recommend community service that will improve the victim’s neighborhood or community, i.e., cleaning up the neighborhood park or removing graffiti from freeway overpasses near the victim’s home.
- (4) Recommend service that benefits a victim service organization, i.e., distributing posters for victim related commemorative weeks around the community, cutting red ribbons for the local MADD chapter, or joining a victim organization’s speakers’ bureau to give presentations to the community about the impact of crime.

9. *“Anything Else?”*: The VIS should end its series of questions by asking the victim, “Is there anything else you would like to tell the court/ paroling authority?” The victim can include any final thoughts or address any issues that were not covered in their answers to the previous questions.

10. *Notification of Offender’s Post-Conviction/Adjudication Status*: In jurisdictions that allow the victim to be notified of the offender’s post-conviction/ adjudication status, the victim impact statement should ask the victim to what extent he or she wishes to be notified of these developments (i.e., parole consideration, probation or parole revocation, correctional placement, or early release in to the community through work release programs or furloughs). The statement should not assume that all victims will want to be involved or notified (Seymour, 2001).

Questions for Consideration by Parole Board Members to Victims

During a victim input meeting or a hearing, parole board members may seek to gain further clarity on information provided by victims or their representatives. As a best practice, some of the questions that parole board member(s) may consider, include, but are not limited to:

1. What considerations would you like the parole board to factor into today’s hearing relating to the process?

2. Are there post-release considerations that we should consider if, the offender is released?
3. If you are comfortable discussing them at this time, are there any concerns that you may have about presenting information to the board?
 - a. If so, what are your concerns?
4. What long-term effects or trauma effects have you incurred since the crime, which you are comfortable with openly sharing during the hearing, today?
5. In the event that you were afforded the opportunity to receive an apology, would you like to receive one? Under what circumstances would you like to receive the apology [i.e. Victim-Offender dialogue]?
6. What considerations would you like the parole board to make relating to safety or precautions?

What will make you feel safe, should the offender be paroled?

Restitution, Special Assessments, Fines, and Costs

As a best practice, parole board members should enforce any and all mandatorily ordered restitution, special assessments, fines, and related costs as a condition of an offender's release. All personnel in the criminal justice system, especially in the course of post-conviction actions, are charged with ensuring enforcement of all portions of the sentencing and commitment order issued by the sentencing judge and/or district. The ordering of the full payment of restitution, as a best practice, should be a condition of parole release to the community.

Reasonable Protections for Victims: Safety, Security, and Seeking Protective Orders

It is important that measures of victim protection be offered to crime survivors and enforced throughout parole proceedings. This includes keeping notification and participation *confidential* from the offender and his/her counsel, when the victim is not electing to participate actively in parole hearing(s). Any correspondence or information received from victims or their representatives - including written, auditory or visual - requested to not be shared openly in the parole proceedings should also be kept confidential.

Options for victim participation in parole proceedings, as noted above, can also contribute to victim protection. If a victim does not want to face his or her offender, parole boards should provide alternative measures for obtaining victim input. When safety concerns are identified by a victim, parole board member, victim services professional, or other post-conviction staff—should take precautionary measures. *Perceived fear*, due to the trauma of victimization or lack of understanding about parole processes; or, *actual fears* based upon real threats or other forms of intimidation they have been subjected to by the offender or his/her associates (i.e. family members) should be treated with the utmost sensitivity. Information about victim's fears and

safety concerns should be appropriately documented, and can be helpful to parole board members in both decision-making and setting conditions of supervision for paroled offenders.

Furthermore, the imposition of a condition of supervision, such as a “stay away” or no contact order aids victim protection efforts. This condition, in some localities can be supporting evidence to assist a victim when seeking a protective order from the court. Victim assistance services through the parole board, or referral to a local community-based agency that works to assist crime victims with navigating the procedure for obtaining an order (to include protection against intra-familial/family violence) before or after an offender’s release is important when there is a perceived or known threat.

Sample Conditions of Supervision Relevant To Crime Victims¹

- (1) Release of information relevant to conditions of supervision and/or violations of such conditions to the victim, upon request from the victim.
- (2) Obey all laws.
- (3) Participate in any offense-specific treatment program deemed appropriate by the supervising agency (i.e., substance abuse treatment, sex offender treatment, etc.).
- (4) Participate in victim/offender programming that reinforces offender accountability, such as victim awareness education.
- (5) Restrictions on movement and location (specifically those that involve prohibiting contact with specific individuals, potentially vulnerable children, elderly persons, or other vulnerable populations).
- (6) Make full restitution to the victim(s).
- (7) Pay fines and fees that support victim assistance programs, including victim compensation.
- (8) Do not use alcohol and/or other drugs.
- (9) Submit to random alcohol and drug testing.
- (10) Submit to polygraphs.
- (11) Global positioning device or electronic monitoring.
- (12) Stay away from the victim, associated family members, or other persons identified either directly or indirectly (i.e. via third-party communication).
- (13) Abide by all court restrictions and directives.
- (14) Supervised child visitation and/or public drop-off/pick-up point.
- (15) Cooperation with child/adult protective services.
- (16) Release of information to third parties, as appropriate.

Restorative Justice Programs

Restorative Justice (RJ) is a victim-centered framework for the criminal justice system that involves victims and community more broadly in the system. It helps give victims a voice, focuses on offender accountability, and promotes healing for everyone affected by crime.

Instead of focusing only on the offender, restorative justice encompasses a more holistic approach to include all of those affected by crime. Restorative justice focuses on offender responsibility and accountability instead of punishment and control relating to crime. The victim

is a central participant in restorative practices. Where criminal justice focuses on preventing, controlling, and punishing, restorative justice is more about a process that attempts to repair harm and make amends to victims and communities. Bringing victims and the community into the justice process not only helps facilitate the healing process, but can help empower victims too.

Victim-Offender Dialogue/ Mediation

Victim Offender Dialogue (VOD) programs provide victims/survivors who initiate the process with the opportunity to meet with their offenders face-to-face in a safe and secure environment to discuss how the crime has affected them and their loved ones, and to ask questions only the offender can answer. Where permitted, this is a facilitated process coordinated via collaborative efforts with the Department of Corrections institution where the offender is in custody, and the appropriate Victim Assistance or Services office. Consideration for a Victim-Offender dialogue session takes into account strict security protocols and screenings for the victim and the advocate to enter the location/facility, limited exposure of the victim to re-traumatization, and informed consent on part of both parties to engage in the collaborative process. With thorough preparation via a trained facilitator, this program can be very effective for both the victim and the offender.

Offender Apology or Accountability Letter Banks

A best practice applicable in several states is voluntary accountability or apology letter bank(s). Banks are established as a place where offenders may voluntarily submit correspondence reflecting their acceptance of fault, responsibility, and/or pain caused to the victim(s) by their actions. The letters are reviewed for appropriateness before being “deposited” and are then available for the victim to read, if desired. As a best practice, the letters serve as a means for victims who choose to receive the apology/accountability letter to consider the inmate’s acknowledgement of accountability; and provides the inmate with an opportunity to accept responsibility for his/her actions.

Considering Victim Services in Organizational Strategic Planning

A victim assistance or services section, unit, department, office or contact in post-conviction agencies serves to ensure that victims’ rights are accorded, and that victims are heard. Organizational strategic plans and implementation documents should mandate the availability of an agency contact or program to provide support and system advocacy for victims, assist victims with safety planning, provide information about and referrals to victim services, and address any other issues afforded by victims’ rights. Best practices in the course of organizational strategic plans include considerations of victim services including, but not limited to:

- (1) Bring together community-based, federal, Tribal, state, and local agencies that have an interest in supporting and protecting crime victims;
- (2) Seek free technical assistance from national resources, such as the Office for Victims of Crime in the U.S., and others that can improve program structure, building, planning, and assessment. (see www.ovcttac.org)

- (3) Complete a geographical assessment associated with the area for purposes of identifying common factors for victim services. This may include identifying expectations, service needs, attitudes and concerns of victims, agencies that the post-conviction entity can refer to, and any other criminal justice agencies or information that can be substantive to building a robust program.
- (4) Upon reviewing the assessment outcomes, complete a report that identifies the priorities for victim services and how they meet the defined organizational mission, goals, objectives, and desired milestones over the life of the strategic plan.
- (5) Outline an estimate of funding or budgetary considerations that should be taken into account in the organization's strategic plan. This includes budgetary or financial considerations for direct services for victims (i.e. travel reimbursement for appearances before parole boards, childcare for victims that are presenting before the parole board, where children are not authorized) and continuous needs of victim services professionals (i.e. certification and re-certification in the U.S.'s National Advocate Credentialing Program).
- (6) Define achievable, measurable, time-related, and specific goals that measure the performance of the established victim services program, in order to identify areas of strengths, growth potential, and areas of improvement.
- (7) Include methods for seeking input on the provision of services – from victims and other stakeholders (i.e., periodic customer service surveys; focus groups; feedback options on the agency website, etc.).

Appendix A: National Toll-Free Information and Referral Resources

22 American National Toll-free Information and Referral Resources for Crime Victim/Survivor Assistance

| AGENCY | TOLL-FREE NUMBER AND TTY | HOURS OF OPERATION | WEBSITE URL |
|---|---|--|--|
| American Domestic Violence Crisis Line (for American citizens victimized abroad) | 866-USWOMEN 866-879-6636 | 24/7/365 | www.866uswomen.org |
| Childhelp USA National Child Abuse Hotline | 800-4-A-CHILD 800-422-4453 | 24/7/365 | www.childhelp.org |
| Department of Defense SAFE Helpline | 877-995-5247 | 24/7/365 | www.safehelpline.org |
| Disaster Distress Helpline/ HHS | 800-985-5990 | 24/7/365 | www.samhsa.gov/find-help/disaster-distress-helpline |
| Identity Theft Hotline, Federal Trade Commission | 877-ID-THEFT 877-438-4338 | 24/7/365 | www.identitytheft.gov |
| International Terrorism Victim Expense Reimbursement Program (ITVERP) Resource Center | 800-363-0441 | 8:30 am to 5 pm EST | https://www.ovc.gov/itverp/ |
| Mothers Against Drunk Driving | 877-MADD-HELP 877-623-3435 | 24/7/365 | www.madd.org |
| National Center for Missing and Exploited Children | 800-843-5678 | 24/7/365 | www.missingkids.com |
| National Center for Victims of Crime, VictimConnect | 855-4VICTIM 855-484-2846 | Monday – Friday 9 am to 7 pm EST | www.victimsofcrime.org |
| NCVC National Crime Victim Bar Association (civil justice referrals) | 844-LAW-HELP 844-529-4357 | | www.victimsofcrime.org |
| National Children’s Alliance | 800-239-9950 | Monday – Friday 9:00 am – 5:00 pm EST | www.nationalchildrensalliance.org |
| National Dating Abuse Helpline | 866-331-9474 TTY 866-331-8453 | 24/7/365 | www.loveisrespect.org |
| National Domestic Violence Hotline | 800-799-7233 TTY Hotline 800-787-3224 | 24/7/365 | http://www.thehotline.org/ |

Appendix A: National Toll-Free Information and Referral Resources

| | | | |
|---|--|---|--|
| National Human Trafficking Resource Center | 888-373-7888 | 24/7/365 | www.traffickingresourcecenter.org |
| National Organization for Victim Assistance | 800-879-6682 | Monday – Friday 9:00 am – 5:00 pm EST | www.trynova.org |
| National Organization of Parents Of Murdered Children, Inc. | 888-818-POMC | Monday – Friday 9:00 am – 5:00 pm EST | www.pomc.com |
| National Runaway Safeline | 800-RUNAWAY 800-786-2929 | 24/7/365 | www.1800runaway.org |
| Rape, Abuse & Incest National Network | 800-656-HOPE 800-656-4673 | 24/7/365 | www.rainn.org |
| State Elder Abuse Hotlines | | | http://www.nccafv.org/state_elder_abuse_hotlines.htm |
| StrongHearts Native Helpline (domestic violence & dating violence support) | 844-7NATIVE 844-762-8483 | Monday – Friday 10:00 am – 6:30 pm EST | www.strongheartshelpline.org |
| Substance Abuse & Mental Health Services Administration/HHS | Treatment Referral Routing Service: 800-662-4357 Suicide Prevention Lifeline 800-273-8255 Veterans Crisis Line 800-273-8255 | 24/7/365 | www.suicidepreventionlifeline.org www.veteranscrisisline.net |
| The Trevor Project (crisis intervention/suicide prevention for LGBTQ youth) | Trevor Lifeline 866-488-7386 | 24/7/365 | http://www.thetrevorproject.org/ |

Appendix B: Key Terms and Glossary

Victim Assistance Services Key Terms and Glossary

There are a number of services – provided by both community- and system-based victim assistance and allied professionals – that can provide victims with information, options, and support to cope with the effects of being victimized:

Advocacy or intervention with employers

A service provided to victims who, because of their need for medical or mental health treatment, personal safety, help in addressing sustenance issues, or participation as a witness in criminal justice proceedings, may require intervention with their employers (over the telephone, in writing, or in person) to take time off from work without being penalized or possibly losing their jobs.

Crisis intervention

Services provided in-person, over the telephone, or via the Internet that help victims cope with the immediate mental health effects of victimization, assess their most essential needs, and provide services such as counseling, mental health support, and help to address sustenance issues.

Development or enhancement of the victim’s social support system

A service to help victims identify people who can provide them with immediate-, short-, and long-term support, which may include family members, friends, neighbors, co-workers, faith community members, victim assistance professionals, or others.

Emergency financial assistance

Funds that are available in some communities to provide emergency cash awards to victims who are in dire financial straits or who need help to address basic survival concerns (such as health, housing, clothing, food, and transportation).

Home safety checks

A service that is usually offered by law enforcement agencies or bonded volunteers to improve the security of a victim’s home, either by making recommendations or actually providing physical improvements and reinforcements (such as new locks, security systems, lighting, and landscape design).

Information regarding what to do in case of emergency

Providing victims with vital information about “911” emergency services (or similar emergency services internationally), crisis hotlines, and other resources that can provide crisis responses to their immediate needs.

Appendix B: Key Terms and Glossary

Legal advocacy and services

Programs that are available on a pro-bono or fee basis that help victims understand and access their legal rights under the law.

Mental health counseling

Services that include crisis intervention; a mental health needs assessment; individual counseling; family counseling; counseling for alcohol or other drug addictions; and provision of prescription medication to address the mental health needs of victims and their families.

Needs assessment

Services to identify the victim's most essential needs and attempt to meet them.

Physical health and medical issues

Services provided to victims that address their immediate-, short-, and long-term physical health needs, and may include transportation to medical facilities; emergency room care; rape kit examinations; HIV testing in cases involving the exchange of bodily fluids; physician care and medical treatment; provision of medication, medical supplies, or assistive devices (such as wheelchairs, crutches, hearing aids, or eyeglasses); and/or physical or occupational rehabilitation or therapy.

Referrals for social services

Providing victims with information about additional services that are not victim-specific, such as housing, food banks, transportation, employment, and family support; as well as services that are available in adjunct government systems, such as Child Protective Services, Adult Protective Services, disability services, education systems, etc.

Safety planning

An advocacy and support service to help victims identify concerns and issues related to their personal security and the safety of their family; protective measures that can enhance their personal safety; and contingency plans to cope with emergency situations.

Victim support groups

Programs that provide peer support through victims reaching out to other victims, regularly scheduled victim support group meetings, and advocacy throughout criminal or juvenile justice processes.

Appendix C: Victim Assistance Programs Overview

U. S. Victim Assistance Programs

There are over 10,000 victim assistance programs in the United States today. These include:

- *Community-based victim assistance programs* that serve a variety of crime victims, including victims who report crimes and go through the justice system, as well as those who do not. Examples include:
 - Rape crisis centers and sexual assault awareness programs.
 - Programs and shelters for battered women and their children, and/or for human trafficking survivors
 - Homicide support groups (such as Parents Of Murdered Children chapters).
 - Drunk driving victim assistance programs (such as Mothers Against Drunk Driving [MADD] or Remove Intoxicated Drivers [RID] chapters).
 - Children’s Advocacy Centers that provide multidisciplinary services to victims of child abuse and neglect.
 - Legal clinics that provide advice and, in some cases, representation to victims.
 - Court-appointed Special Advocate (CASA) programs that advocate for abused and neglected children.
 - Elder protection programs (that assist victims of elder abuse and neglect).
 - Multi-faith-based victim assistance programs that are increasing in both number and scope of services, which help victims of different faiths cope with the spiritual impact of crime and provide other support and assistance.
- *System-based victim assistance programs* that operate within the context of the criminal or juvenile justice system; or state agencies that oversee victim assistance programs, help victims understand and exercise their rights, and offer referrals to other victim assistance services. Examples include:
 - Victim assistance programs in law enforcement, prosecutors’ offices, courts, probation, parole, institutional corrections, and Attorneys General offices.
 - State victim compensation programs (please see “Victims’ Right to Victim Compensation” for more information).
 - State VOCA assistance administrators, who oversee victim assistance funding authorized by the Victims of Crime Act of 1984 (VOCA) through fines, fees, and forfeitures collected from convicted federal offenders by the Crime Victims Fund,

Appendix C: Victim Assistance Programs Overview

which is administered by the Office for Victims of Crime within the Office of Justice Programs, U.S. Department of Justice.

- *State coalitions and associations* that advocate for local victim-specific programs and issues. Examples include:
 - General victim assistance coalitions (that involve all types of crime victims and those who serve them).
 - Sexual assault coalitions.
 - Domestic violence coalitions.
 - State offices of Mothers Against Drunk Driving.
 - State associations of victim/witness professionals.
 - State offices of Adult Protective Services.
 - State offices of Child Protective Services.
- *National associations and coalitions* that address a wide range of crime victim assistance issues, many of which sponsor national toll-free information and referral telephone lines, as well as comprehensive Web sites for victim assistance, information, and referrals (a roster of national toll-free numbers is included in *Appendix A*).
- *Federal agencies* whose primary or collateral role is assisting crime victims (such as the Office for Victims of Crime and Office on Violence Against Women within the U.S. Department of Justice and allied federal agencies at the Departments of Health and Human Services, Transportation, and State, etc.) (please see *Appendix A* for Web site addresses).

Integrating Trauma-Informed Care in the Post-Conviction Victim Services

Trauma-informed care is the organizational structure or treatment framework that includes understanding, recognizing, and responding to the effects of trauma (Substance Abuse and Mental Health Services Administration [SAMSHA], 2014). Organizations that seek to implement a trauma-informed care approach do so from a strengths-based perspective. In post-conviction victim services this may best be accomplished through providing personnel with education on trauma-informed care, applying an empowerment model during the interactions of parole board personnel and victims, establishing organizational policies and practices that speak openly about trauma (including understanding secondary trauma), obtaining feedback from personnel, and providing resources for victims and professionals.

Working with vulnerable persons, such as crime victims, can have a lasting impact on professionals and victims, alike. At the most basic level, it is important that a trauma-informed care lens be applied in the course of post-conviction services to ensure that there is awareness of the effects that crime has on the victim, and professionals that serve in post-conviction. According to the American Center for Disease Control and Prevention (CDC) persons that were exposed to child abuse or neglect, or other household dysfunction, are more susceptible to adult victimization, becoming an offender of intimate partner or sexual violence in adulthood, and/or exposed to higher health risks relating to their childhood experiences (Dube et al., 2002; Ports et al., 2016; Whitfield et al. 2003).

Commonly cited as ACEs, Adverse Childhood Experiences, are the experiences that an individual or respondent is exposed in the areas of abuse or household challenges during their first 18 years of life. ACEs include emotional, physical and sexual abuse; and, household challenges relating to exposure to intimate partner violence, substance dependence by someone in the home, mental illness diagnos(es) for someone residing at the residence, parental separation or divorce, or a household member being incarcerated at any time during early childhood through adolescence (CDC, 2018). The more ACEs present, the higher the exposure is for a child to be susceptible to victimization or potential to victimize others, and/or increased health condition risks.

Organizations may seek to review organizational factors that account for:

- Offering competitive wages, benefits, and performance incentives that take into account education, training, and levels of responsibility in providing trauma-informed or trauma-specific services.
- Creating a safe working environment that includes both the physical location set up in a manner that accounts for staff and Board member safety, and setting policies and procedures to prevent harassment, stalking, and/or violence in the workplace. In addition, practices and policies should seek to promote respectful interactions amongst staff at all levels of the organization.
- Establishing organizational policy that normalizes trauma, including secondary trauma as an accepted part of working in post-conviction settings, and views the fact that personnel and Board members may experience a problem over time due to the systemic factors associated with working in the criminal justice system.

- Instituting reasonable, manageable caseloads that mix cases where there are trauma-related concerns identified or unidentified.
- Seek staff and Board member input into policies that directly affect their work experience.
- Providing vacation, health insurance (which includes coverage for psychotherapy/personal counseling), and other benefits that promote the well-being of the staff.
- Implementing regular, consistent supervision or meetings with personnel and Board members to discuss
- Providing ongoing training in trauma-informed services offered by the organization.
- Provide mandatory ongoing training and services to staff and Board members related to vicarious trauma

Aside from organizational considerations, trauma-informed entities account for the widespread impact of trauma and understand the varying roads that recovery may take. In the course of developing or implementing trauma-informed strategies, emphasis is placed in recognizing trauma symptoms at all levels, responding in an integrated manner that includes the individual(s) affected, and being cautious as to ensure to not re-traumatize an individual, where preventable. SAMHSA's *Concept of Trauma and Guidance for a Trauma-Informed Approach* is the most-comprehensive guide presently available, which provides a non-clinical procedural outline of considerations when organizations are working towards building in trauma-informed care strategies into its structural design. Noteworthy, the six principles and 10 implementation domains of trauma-informed approaches in practice provide a strong framework for considerations, and will assist with developing the next steps in practice.

The six principles are:

- (1) Safety;
- (2) Trustworthiness and transparency;
- (3) Peer support;
- (4) Collaboration and mutuality;
- (5) Empowerment, voice and choice; and
- (6) Cultural, historical, and gender issues.

The 10 implementation domains for review are:

- (1) Governance and Leadership
- (2) Policy
- (3) Physical Environment
- (4) Engagement and Involvement
- (5) Cross Sector Collaboration
- (6) Screening, Assessment, Treatment Services
- (7) Training and Workforce Development
- (8) Progress Monitoring and Quality Assurance
- (9) Financing
- (10) Evaluation

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